

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

Shahid
01/11/2007

FORM No. 4

(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 16/05

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicants:- Dinesh Sharma

Respondents H. C. I. 9018

Advocates for the Applicant R. L. Yadav, Smt. Kalpana Yadav
Miss U. Das

Advocates of the Respondents CGSE A. K. Choudhury

Notes of the Registry Date Order of the Tribunal

25.01.2005

Heard Ms. U. Das, learned counsel for the applicant.

The application is admitted, call for the records.

Issue notice to the parties, returnable within four weeks.

List on 25.02.2005 for orders.

K. V. Prahladan
Member (A)

mb

25.02.2005

Present & The Hon'ble Mr. K.V. Prahladan, Member (A).

Heard Ms. U. Das, learned counsel for the applicant.

Six weeks time is given to the respondents to file written statement.

List on 12.4.2005 for order.

K. V. Prahladan
Member (A)

mb

The application is in form.
is filed/C. F. for Rs. 10/-
deposited vide PC No. 200110445
Dated 4.1.05

He N. S. S. S.
20.1.05
Dy. Registrar

Steps taken with
envelops on 2/2/05

He N. S. S. S.
20.1.05

Copy not yet served on
respondents

He N. S. S. S.
20.1.05

Notice & order
sent to D/section
for issuing to
resp. Nos. 1 to 5,
by regd. A/D post.
8/2/05.

12.4.2005

The learned counsel for the applicant is absent. Mr.A.K.Choudhury, Addl. C.G.S.C. seeks time to file written statement. Post the matter on 13.5.05.

K.P. Choudhury
Member

V. K. Singh
Vice-Chairman

24-2-05

S/N-awarded

Notice duly

Served on

Resp. No-1

lm

13.5.2005

Counsel for the applicant is constantly absent. As a last time it is adjourned. Post on 31.5.2005.

K.P. Choudhury
Member

V. K. Singh
Vice-Chairman

11-4-05

Notice-duly served

R-no. 1

2nd No-w/s has been

mb

31.5.05

Mr A.K.Choudhuri, learned Addl.C.G.S.C submits that written statement has already been filed.

Post on 22.6.05 for filing rejoinder.

K.P. Choudhury
Member

V. K. Singh
Vice-Chairman

6.5.05

W/s filed by the Respondent Nos. 1, 2, 3 & 4.

pg

22.6.2005

Mr.A.K.Choudhuri, learned Addl.C.G.S.C submits that written statement had already been filed. Mrs.K.Jadav, learned counsel for the applicant submits that applicants want to file rejoinder. post on 18.7.2005.

K.P. Choudhury
Member

V. K. Singh
Vice-Chairman

12-5-05

W/s for second time

30-5-05

① W/s filed by R.no.1-4

bb

② W/s from R. no. 5

18.7.05.

Mrs. K.Yadav learned counsel for the applicant submits that the written statement has already been filed. Mr.A.K.Choudhury, Addl.C.G.S.C wants to adjournment to look into the matter.

Post the matter on 19.8.05.

K.P. Choudhury
Member

V. K. Singh
Vice-Chairman

21.6.05

15/7/05






① W/s filed by R.no.1-4

lm

② no W/s from R-5

③ no rejoinder in W/s filed by R-1-4.

4
O.A. 16/2005

Office Note	Date	Tribunal's Order
	31.07.2006	Present : Hon'ble Sri K.V.Sachidanandan Vice-Chairman. Hon'ble Sri Gautam Ray, Administrative Member. Post on 02.08.2006.  Member (A) Vice-Chairman
mb	7.8.2006	post the matter on 8.8.2006.  Member (A) Vice-Chairman
bb	8.8.2006	Counsel for the applicant is absent. post before the next Division Bench.  Member (A) Vice-Chairman
bb	14.3.07.	Post the matter on 16.3.07.  Member Vice-Chairman
lm	16.3.2007	Heard Mrs.K.Yadav, learned coun- sel for the Applicant and Mr.G.Baishya learned Sr.C.G.S.C. for the Respon- dents. Hearing concluded. Judgment is reserved.  Member Vice-Chairman
bb		

2

04.16/05

Office Note	Date	Tribunal's Order
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19.7.05

Affidavit in reply on behalf of the petitioner has been submitted.

[Signature]

19.8.2005

Mr.s K. Yadav, learned counsel for the applicant submits that this case is ready for hearing. Hence, post before the next available Division Bench.

[Signature]

Vice-Chairman

mb

7.10.2005

The case is ready for hearing.

Ms.U.Das on behalf of learned counsel for the applicant seeks for adjournment. Mr.A.K.Chaudhuri, learned Addl. C.G.S.C. for the respondents has no objection. Post on 24.11.2005.

20/6.10.05

[Signature]
Member

[Signature]

Vice-Chairman

bb

24.11.2005

Case is ready for hearing.

Post before the next Division Bench.

20/4.3.06

[Signature]

Vice-Chairman

mb

09.03.06

The counsel for the Respondents prays for short adjournment for his personal difficulty.

Post the matter before the next available Division Bench.

28.7.06

- ① W/S filed by R.1-4.
- ② no W/S from R.5.
- ③ Rejoinder filed.

[Signature]
Vice-Chairman

[Signature]
Vice-Chairman


lm

OA 16/2005

3.5.2007

Judgment pronounced in open court, 3
kept in separate sheets. The O.A. is
dismissed of in terms of the order.

No costs.


Vice-Chairman

/bb/

15.5.07

Copy of the order
has been sent to
the D/Sec for info,
to be sent to the applicant.



CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No.16 of 2005

DATE OF DECISION:03.05.2007

Sri Dinesh Sharma

.....Applicant/s

Mrs. K.Yadav

..... Advocate for the
Applicant/s.

- Versus -

U.O.I. & Ors

.....Respondent/s

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

.....Advocate for the
Respondents

CORAM

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

THE HON'BLE MR. TARSEM LAL, ADMINISTRATIVE MEMBER

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

Vice-Chairman/Member (A)

3/5/07

B

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 16 of 2005

Date of Order: This, the ~~3rd~~ day of May, 2007.

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

THE HON'BLE MR. TARSEM LAL, ADMINISTRATIVE MEMBER.

Sri Dinesh Sharma
Son of Sri Gulab Sharma
Sub-Post Master, Tenga Market
Dist: West Kameng
Arunachal Pradesh.

. . . . Applicant.

By Advocates Mr.R.L.Yadav & Mrs.K.Yadav.

- Versus -

1. Union of India
Represented by the Secretary
Department of Posts, Govt. of India
New Delhi.
2. The Director of Postal Services
DAK BHAWAN, New Delhi.
3. The Director of Postal Service
North East Circle, Shillong
Meghalaya.
4. The Director of Postal Service
Arunachal Pradesh Division
Itanagar.
5. Sri G.K.Hazarika
Deputy Superintendent of Police
Itanagar - 791 111.

. . . . Respondents.


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

h


ORDER

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

The Applicant was initially appointed as Postman in the year 1992 and was posted at Seppa, Arunachal Pradesh. He was promoted as Postal Assistant and posted at Along in 1977. In the year 1998 he was posted as Sub-Postmaster at Mechuka, a place situated in the most interior part of Arunachal Pradesh and there is no motorable road to reach Mechuka and one has to be air lifted for reaching Mechuka. Moreover, the place, being situated in the high altitude, is very cold. The Post Office where the Applicant is working is made up of bamboo and wood, there is no locker facility to keep the cash, money, documents, certificate etc. in safe custody and the same are kept in a small iron boxes. Further, there is no fire brigade facility at Mechuka to control fire etc. On 11.04.1999 at about 12 pm (night) while the Applicant was in deep asleep, fire broke out near the post office which spread all over the houses adjacent to the post office and all the said houses gutted into fire including the Post Office. However, two constables could take out only some papers/ documents/certificates etc. from the Post Office. 11 houses gutted on fire in the incident. The Applicant lodged FIR in the Police Station. On 12.04.1999 the Govt. officials from the office of ADC




came to the spot to assess the loss sustained and for preparing a list of victims. As asked, the Applicant prepared a list of loss sustained. A list of victims was also prepared by the Govt. officials. The police also prepared a list of victims along with loss incurred by the people and loss incurred to the Post Office was estimated to be at Rs.70,900/- by police also (Annexure-D). The Director of Postal Service, Itanagar sent Sri G.C.Hazarika, Dy. Superintendent of Post Office, Itanagar to enquire into the matter who came to Mechuka on 20.04.1999 and stayed there upto 07.05.1999. Mr. Hazarika after enquiry made an inventory of cash, valuables, records left on burning of post office. The Mechuka Post Office was shifted to another building and while the Applicant was discharging his duties as Sub Postmaster there he received letter dated 25.10.1999 (Annexure-E) by the Respondent No.4 directing him to deposit an amount of Rs.19,303.45 and credit the amount at Mechuka Sub-Post Office as unclassified receipt (UCR). The Applicant sent a reply on 24.1.2000 (Annexure-F) stating that the cash of Rs.17,713.05 had been found ashes in the iron chest and the same was seen by said Mr. Hazarika. The said amount was kept in office for payment of KVP/SB/RD holders etc. On 10.4.1999 when the Applicant went to keep the amount inside the strong room, the strong room keeper was not there in the police station and as the



next day being Sunday, the said amount was kept in post office itself. Thereafter at midnight of next day the fire took place.

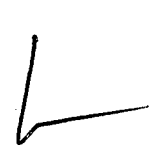
On 11.08.2000 a Memorandum of charges (Annexure-G) was issued to the Applicant under Rule 16 of the CCS (CCA) Rule 1965. The Applicant submitted representation on 22.09.2000 (Annexure-H). However, subsequently, the said charge was dropped for further necessary proceedings in the case. A fresh Memorandum of charges dated 01.03.2001 (Annexure-J) under Rule 14 of the CCS (CCA) Rules was initiated against the Applicant. The Applicant submitted his representation (Annexure-K) narrating all the facts and gave explanation against the charges. Thereafter inquiry was initiated and the Applicant was examined by the Enquiry Officer. In the evidence the Applicant clearly stated that he went to the Police Station to keep the amount in Strong Room and waited there for two hours but the Store Keeper of Strong Room was absent, and therefore, he came back. But said statement was not considered by the Enquiry Authority. Enquiry Report was submitted on 17.07.2003 holding the charge levelled against the Applicant as proved. Applicant submitted representation against the finding of the Enquiry Officer. But the Disciplinary Authority vide order dated 05.12.2003 (Annexure-O) imposed a penalty of reduction of pay by




two stages from Rs.4600/- to Rs.4400/- for three years without cumulative effect and increment during the period of punishment was imposed upon the Applicant. Being aggrieved against the aforesaid order Applicant filed an appeal before the Appellate Authority. The appeal was heard, but vide appellate order dated 07.06.2004 (Annexure-Q) his appeal was rejected upholding the order of the Disciplinary Authority. Being highly prejudiced by the orders of the Disciplinary & Appellate Authorities Applicant has filed this O.A. seeking the following main reliefs:-

- a) That the order passed by Director, Postal Services, Arunachal Pradesh Division, Itanagar, dated 5.12.03 communicated vide memo no.F-2/fire accident/Mechuka may be set aside and quashed.
- b) And the appellate order dated 7/6/04 communicated by memo no.Staff/109-11/2003 passed Chief Post Master General, NE Circle, Shillong, may also be set aside and quashed by holding that the enquiry report is not legal and fair.
- c) That the applicant may be exonerated from the penalty imposed i.e., reduction of pay by two stage from 4600 to 4400 for three years without cumulative effect and from barring the increment earned during the period of punishment."

2. The Respondents have filed their reply statement contending that on 11.04.1999 fire incident occurred at Mechuka where eleven houses including the




post office were gutted in the fire and postal cash amounting to Rs.19,303.45 was burnt into ashes. The Applicant kept excess cash in the post office in an iron chest along with other three iron chests. The rescue team managed to pull out the other iron chests containing other articles but the iron chest containing cash was reported to have burnt in the fire. In the enquiry proceedings it was established that the Applicant intentionally misappropriated the cash, as it was unbelievable when three iron chests could be pulled out how one chest containing the cash could be left out for burning in the fire. Though there was no locker facility available, provision was made for keeping cash and other valuables in the local Police Station. As per Annexure-D the total loss was assessed as Rs.70,900/-. The Deputy Superintendent of Post Office, Itanagar inquired the matter and total cash of Rs.19,303.45 was found short. The Applicant failed to perform his primary duty in not keeping the Govt. cash and valuables in safe custody i.e., in the police station where there was an iron chest provided for safe custody of the same. Memorandum of Charges was issued to the Applicant and enquiry was conducted with due process of law. The Applicant was granted reasonable opportunity to examine the documents etc. but his defence assistant flouted and Applicant himself defended his case, and therefore, there was no procedural irregularities and



the punishment imposed by the Disciplinary Authority and order of the Appellate Authority cannot be faulted.

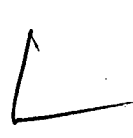
3. The Applicant had also filed rejoinder reiterating the contentions made in the O.A. He further submitted that the Enquiry Officer wrongly held that the mis-appropriation has been established. In fact, when the fire broke out the Applicant could not save the entire iron chest and other articles from the office which was clearly stated before the enquiry officer.

4. We have heard Mrs.K.Yadav, learned counsel for the Applicant and Mr.G.Baishya, learned Sr. C.G.S.C. for the Respondents. Learned counsel for the Applicant submitted that the incident was beyond control of the Applicant. When the Applicant went to the police station to keep the Govt. cash and valuables in their safe custody, the concerned police person was not there on the previous day, and he could not keep the same in safe custody. Therefore, there was no willful default on the part of the Applicant in not keeping the Govt. cash in the police custody. Learned counsel for the Respondents, on the other hand, persuasively argued that it was the duty of the Applicant to keep all the valuables and cash of the Government in the iron chest provided in the police station. Admittedly, the Applicant had kept the money and other valuables in the




post office much against the provision made by the authority. He was negligent and careless in his duties, and only a lesser punishment proportionate to his gravity of offence has been awarded to him.

5. Learned counsel appearing for the parties have taken our attention to the various pleadings, materials and evidence placed on record. We have also given due consideration to them. It is an admitted case that incident of fire occurred on 11.04.1999 at Mechuka wherein 11 houses including the post office were gutted in fire. Though there was no locker facility available in the post office, provision was made by the authority to keep all valuables and Govt. cash in the local police station. The Additional Deputy Commissioner, Mechuka also made an assessment of the loss sustained by personal and official loss. As per the report of the Deputy Superintendent of Post Offices (Annexure-F of the reply statement) there was a total cash short of Rs.19,303.45. The contention of the Respondents is that instead of keeping the Govt. cash and valuables in the iron chest provided in the local police station, the Applicant kept the same in the post office itself. In the enquiry, conducted, it reveals that when fire broke out in the premises on 11.04.1999 out of the four iron chests kept inside the locked wooden parcel box, the three iron chests were pulled out safely by breaking



the lock of the parcel box and the one iron chest containing postal cash of Rs.17,713.05 was left out for burning in the fire. It was reported before the enquiry that the aforesaid iron chest containing the postal cash had been found in the midst of the ashes next morning. The iron chest containing postal cash was too locked but the Applicant stated that the lock made of iron was also burnt into ashes. But the enquiry report showed that all the above were pulled out before the fire caught the post office. Postal stamp worth of Rs.1590.40 was also kept inside the drawer of the office table, which was reported to have burnt partly. But during the enquiry it was found that the table was not at all burnt. The Applicant could not give any satisfactory reasons for keeping the excess cash and stamps in office instead of keeping the same safely in the local police station. Applicant did not bother to take care of the iron chest containing cash but stated to have burnt in fire though he was not at all injured. The Applicant failed in his duties to save the cash whereas other items were saved. A total loss of Rs.19,303.45 was incurred to the post office, therefore, the Applicant was asked to credit the aforesaid amount at Mechuka post office vide Memo dated 25.10.1999.



6. On the above facts the Applicant was charge sheeted. For better elucidation the Articles of Charges are reproduced herein below:-

Article-I

On 11-04-99, a fire accident took place at Mechuka SO involving loss of cash and stamps amounting to Rs.19,303.45. During that incident Shri Dinesh Sharma was the SPM Mechuka SO. Some important articles such as 4 nos. of iron chest, one containing cash and stamps etc, some office records, some parcels, one box containing type of date and year, all were kept inside a wooden parcel box at Mechuka SO. During the fire accident the SPM managed to take out and save all articles except the iron chest containing cash Rs.17713.05. The iron chest containing cash, being the most valuable property would have been shifted to safe place at the very first attempt made by the SPM, but the same was not done. Currency notes amounting to Rs. 17713.05 was reported to have been burnt inside the chest. The facilities of keeping cash at the Police station is available at Mechuka. Therefore, the SPM should have kept the cash amounting to Rs.17713.05 at Police Station, but he did not do so.

The SPM stated that the stamps amounting to Rs.1590.40 was burnt as those were kept in the drawer of the office table which had been burnt. But it is found that the table was pulled out from the PO with all its belongings much before the fire caught PO building.

The report regarding burning of cash and stamps amounting to Rs.19303.45 is incorrect. The SPM misappropriated the Govt. cash on the occasion of fire accident or he made no attempt to save the Govt. cash and stamps though he had ample opportunity to do so.

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Thus Shri Dinesh Sharma, the SPM Mechuka acted in a very irresponsible manner and failed to show devotion to duty. Thus said Shri Dinesh Sharma contravened the provisions of Rule 3(1)(ii) of CCS (conduct) rule 1964.

Article-II

The said Shri Dinesh Sharma during that period was not maintaining SO account correctly and was in the habit of crediting sale proceed of stamps and stationery's not daily but only twice or thrice in a month.

The SPM made pre-mature payment of 4 nos. of KVPs on 26-03-99 amounting to Rs.36480/-. But he did not show the amount at the SO account till 10-04-99. he took the signature of the payee without date and kept the paid certificates at Police station, Mechuka with cash. He prepared a fresh SO account of 10-04-99 on 22-04-99 showing this amount on the payment side.

Thus Shri Dinesh Sharma, the SPM, Mechuka acted in a very irresponsible manner and failed to show devotion to duty. Thus said Shri D. Sharma contravened the provision of rule 3(1)(ii) of CCS (conduct) rule 1964."

The Applicant submitted his representation on 22.09.2000 (Annexure-H of the O.A.), denying the articles of charges. At paragraph 3(a) of his representation he stated as under:-

"In the fire-accident on 11/4/99, when the Post Office building of Mechuka S.O. was thoroughly caught by fire, amidst a lot of confusion the iron chest containing the cash of Rs.17,713.00 could not be traced out inspite of efforts of some people alongwith me. Moreover, I was too injured and nervous at that moment. Unfortunately the iron chest containing burnt cash of approximately more than

Rs.1700/- (Rupees Seventeen thousand was found among the ashes of the post office house on 12/4/99 in the meantime."

The charges were initially drawn under Rule 16 of the CCS (CCA) Rules, 1965 which was later on withdrawn vide order dated 10.11.2000 without prejudice to any further necessary action which might be taken in the matter. Therefore, there is no illegality in initiating proceeding under Rule 14 of CCS (CCA) Rules, 1965. The procedures, prescribed under the Rules, were followed - defence representative was also appointed but he withdrawn himself from the proceeding and the Applicant himself defended his case. The Applicant was given opportunity to nominate his defence counsel but he did not opt to do so, and he himself cross-examined the witnesses.


7. On perusal of the charges and evidence on record the questions, now, for this Tribunal, to be adjudicated are:-

- (i) Whether the Applicant was justified in keeping the Govt. cash in the post office much against the practice and instructions for keep the same in police custody?
- (ii) Whether the Applicant was given reasonable opportunity to defend the case?

7.(i). In dealing with the first question, we observe that though there was no embezzlement of money by the Applicant in the situation, the Enquiry Authority and


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the Disciplinary Authority as well as the Appellate Authority in their respective findings held the Applicant responsible for not keeping the Govt. cash in the police custody in absence of the locker facility at the post office. It is of no dispute that the post office was built up by bamboo materials. All the houses in the locality were made of bamboo only. Therefore, the arrangement was made for keeping the Govt. cash in police station. According to the Respondents, though the Applicant had pleaded that he had waited in the police station for keeping the Govt. cash on the previous day and in the absence of concerned key keeper of the strong room he could not do so, he could not establish his plea during hearing. Further, in the written statement filed by the HC of the Police Station before the enquiry there is no clear mention about the visit of the Applicant in the Police Station and the key holder was absent/away on the said dates, as claimed by the Applicant. Therefore, the said plea was not accepted by the Respondents. The arrangement for keeping the Govt. cash was made to avoid any such eventualities, admittedly, which was not done by the Applicant. Though there is no willful default on the part of the Applicant, he appears to be negligent in discharging his duties, and therefore, the findings of the Enquiry Authority, Disciplinary Authority and Appellate Authority cannot be faulted.



7.(ii) Regarding grant of reasonable opportunity to the Applicant, we find that in the enquiry proceeding initially he was well represented by a defence representative and thereafter by himself. The Applicant was allowed to examine the documents listed in the charge sheet. During subsequent hearing held on 19.01.2002 the Applicant was given opportunity to nominate his defence assistant but the Applicant chose to defend his case by himself. The Applicant was given ample opportunity to examine the witness. Therefore, it cannot be held that the Applicant was not provided with reasonable opportunity to defend his case.

8. The bone of contention of the Applicant is that since there was fire broke out, all the articles gutted in the fire and he was perplexed what to do and he could not save the money of the Govt. It may so happen. But at the same time the action on the part of the Applicant in keeping the Govt. money in the post office instead of police station is also not free from negligence. The arrangement for keeping the Govt. cash in the police station was made particularly for avoiding such a situation and in view of the lack of infrastructure facilities and to meet the demands of the people, but the Applicant did not do so. Had he done so, the Govt. cash could not have been subjected to fire. Therefore, the findings of the Disciplinary



Authority that the Applicant was negligent is based on materials and evidence.

9. Learned counsel for the Applicant, in support of his contention, has relied on the following decisions:-

- (a) Rajab Uddin Ahmed vs. Numaligarh Refinery Ltd. & Ors, reported in 2005(1) GLT 376 - wherein the Hon'ble Gauhati High Court held that misappropriation requires a very high degree of proof even in a disciplinary proceeding.
- (b) Babulal Das vs. State of Assam & Others, reported in 2004 (2) GLT 259 wherein Hon'ble Gauhati High Court held - Whether the Disciplinary Authority acted with a pre-determined mind and denied the opportunity to the petitioner to have his say in respect of the enquiry report so as to persuade the Disciplinary Authority to take a different view from the one taken by the Enquiry Officer, resulted in miscarriage of justice.
- (c) Home Gowda Educational Trust & Another vs. State of Karnataka & Others, reported in 2006 (1) SCC 430 wherein the Apex Court held that Tribunal may interfere with quantum of punishment.


Learned counsel for the Respondents also relied on the following decisions:-

- (a) Tara Chand Vyas vs. Chairman & Disciplinary Authority & Others, reported in (1997) 4 SCC 565.
- (b) High Court of Judicature at Bombay through its Registrar vs. Udaysingh S/O Ganpatrao Naik Nimbalkar & Others, reported in (1997) 5 SCC 129.
- (c) High Court of Judicature at Bombay through its Registrar vs. Shashikant S.

Patil & Another, reported in (2000) 1 SCC 416.

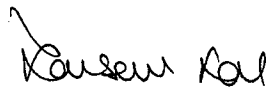
We are in respectful agreement with the dictums laid down in the aforesaid decisions of the various Courts. But in the first and second cited decisions by the learned counsel for the Applicant are not squarely applicable in this case since the facts of the cited cases are different from the case in hand. The finding was based on negligence and callousness on the part of the Applicant in not keeping the Govt. cash in the police custody as per official instruction. The third decision also do not help the Applicant since the punishment imposed on the Applicant i.e. reduction of pay by two stages for three years without cumulative effect is not excessive to the gravity of offence committed by the Applicant. Therefore, interference of this Court with the quantum of punishment is also not called for in this case.

Counsel for the Respondents relied on the cited cases and canvassed for the position that Court can interfere with the decision of the Disciplinary Authority despite some deficiencies in evidence. However, we are of view that the punishment awarded will suffice the gravity of the offence since all materials have been taken into consideration.




10. Taking confidence of the aforesaid decisions and in view of the facts and circumstances of the case, we are of the considered view that the Applicant has failed to make out a case, and therefore, the O.A. is devoid of any merit and is liable to be dismissed. Accordingly, the O.A. is dismissed.

In the circumstances, there shall be no order as to costs.



(TARSEM LAL)
ADMINISTRATIVE MEMBER


(K.V.SACHIDANANDAN)
VICE CHAIRMAN 3/5/22

/BB/

APPLICATION UNDER SECTION 19 OF ADMINISTRATIVE
TRIBUNAL ACT 1985

TITLE OF THE CASE

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Date of Filing

Signature of

Registrar

Alsha Das
Signature of the applicant *Advocate*

P6
Dinesh Sharma

**In the Central Administrative Tribunal
Guwahati Bench, Guwahati**

Application No. 16/2004

Sri Dinesh Sharma
Son of Sri Gulab Sharma,
Sub-Post Master, Tenga Market
Arunachal Pradesh, Dist-West Kameng

..... **Petitioner**

-Vs-

- 1) Union of India
Represented by the Secretary, Department of
Post, Govt. of India, New Delhi.
- 2) Director General of Post Office,
DAK BHAWAN, New Delhi
- 3) The Chief Post Master General
North East Circle, Shillong, Meghalaya.
- 4) Director of Postal Service
Arunachal Pradesh Division, Itanagar
- 5) Sri G.K. Hazarika,
Deputy Superintendent of Post Office
Itanagar-791 111

..... **Respondents**

DETAILS OF APPLICATIONS

i) **Particulars of the order :**

Order dated 07.06.04 passed by the Chief Post Master General, N.E. Circle, Shillong communicated by letter dated 24.09.04, arising out of order dated 05.12.03 passed by Director Postal Services, Arunachal Pradesh Division, Itanagar.

ii) **Jurisdiction of this Tribunal :**

The applicant declares that the subject matter which the applicant wants to redressal is within the jurisdiction of this Tribunal and the same relates to an employee of Postal Department having its post office at Itanagar, Arunachal Pradesh.

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Dipak Sharma

iii) Limitation :

The applicant further declares that the application is within the limitation period prescribed in the section 21 of the Administrative Tribunal Act, 1985, as the impugned order dated 07.06.04 has been communicated on 24.09.04 to the petitioner.

iv) Facts of the case :

- 1) That the applicant is a Citizen of India and resident of Tenga Market, Arunachal Pradesh, Dist-West Kameng.
- 2) That the applicant after completion of his matriculation examination appeared for the test and interview for the post of Postman and after duly selected, he was appointed as post man in the year 1992, and was posted at Seppa, Arunachal Pradesh.
- 3) That while servicing as postman the petitioner appeared in departmental examination and he was selected for promotion as Postal Assistant and was posted at Along in 1997. From Along, the petitioner was posted at Mechuka in the year 1998 as Sub-Post Master.
- 4) That the petitioner joined at Mechuka as sub-post master and he was performing his duty sincerely and honestly at the aforesaid place. It is to be noted that Mechuka is situated in the most interior part of Arunachal Pradesh and even there is no motorable road to reach Mechuka and one has to be air lifted for reaching Mechuka. Moreover, it is situated in the high attitude and as such it is very cold there. The post office at Mechuka where the applicant is working as Sub-Post Master is made up of bamboo and wood and even there is no locker for safe custody of cash, money, documents, certificate etc and same are kept in a small iron boxes. There is even no fire brigade facility at Mechuka to control the fire etc.
- 5) That in the night of 11.04.99 at about 12 pm (night) when the applicant was in deep sleep, fire broke out near the post office which spread ^{all} over ~~to~~ all the houses adjacent to the post office and all the said houses gutted into fire including the post office which was made up of bamboo. However, two constables could take out only some papers/ documents/ certificates etc from the post office. Due to the aforesaid sudden fire, 11 houses of the said locality gutted on fire.

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- 6) That thereafter, the applicant filed an FIR in the police station and also sent a WT message dated 12.04.99 to the Director of Post Office, Itanagar.

A copy of W.T. message is annexed herewith as Annexure-A.

- 7) That thereafter on 12.04.99, Govt. officials i.e. from the office of A.D.C. came to the spot for assessment of loss sustained and to prepare a list of victims. The applicant was asked to prepare a list of loss sustained and accordingly the petitioner prepared a list. A list of victims was also prepared by Govt. officials for providing relief to them.

A copy of the said list is annexed herewith as Annexure-B & C.

- 8) That the police also prepared a list of victims along with the loss sustained by the people and in the said list the loss sustained by the post office at Mechuka was shown as Rs 70,900.00 by the police also.

A copy of said list is annexed herewith as Annexure- D.

- 9) That thereafter, the Director of Postal Service, Itanagar sent Sri G.C. Hazarika, Deputy Superintendent of Post Office, Itanagar, to enquire into the matter, who came to Mechuka on 20.04.99 and stayed there upto 07.05.99. Mr Hazarika after enquiry made an inventory of cash, valuables, records left on burning of the post office and in the withdrawal payment at page 7 of the said list has shown Rs 42,283.00 as matured amount. (which was to be paid to the claimant).

- 10) That during his stay at Mechuka, the Deputy Superintendent of Post Office asked the applicant to shift the post office in the building of Horticulture and to start work there. Accordingly from 22.04.99 the applicant resumed his works as sub-post master in the said building.

- 11) That after the aforesaid incident of fire the post office at Mechuka was shifted to another building and the applicant has been performing his duty as sub-post master. Suddenly the applicant received letter dated 25.10.99 and 26.06.00 issued by the Director of the Postal Service, Arunachal Pradesh, Itanagar. By the said letter, the applicant was directed to deposit an amount of Rs 19,303.45 and to credit the amount at Mechuka Sub-Post Office as UCR (unclassified receipt).

A copy of the said letter dated 25.10.99 is annexed herewith as Annexure-E.

- 12) That the applicant on receipt of the said letter, sent reply stating that cash Rs 17,713.05 has been found ashes in the iron chest which is seen by Mr Hazarika. The said amount was kept in office for payment of KVP/SB/RD holders etc. the

Shreshth Sharma

said amount could not be kept in police custody and as on 10.04.99 when applicant were to keep the said amount inside the strong room, the strong room keeper was not there in the police station and next day it was Sunday and so the aforesaid amount was kept in the post office and thereafter on 11.04.99, at midnight fire took place. Therefore, the applicant requested the Director to consider his case.

A copy of said reply dated 24.01.00 is annexed herewith as Annexure-F.

- 13) That thereafter the respondent no.2 after about 8 months issued a memorandum of charges being no.E2 /fire accident/ Mechuka dated 11.08.00 by preparing a false ^{allegation} against the applicant under Rule 16 of the CCS (CCA) Rule 1965 on the allegation of misconduct or misbehaviour and asked the applicant to submit his representation within 10 days. Accordingly the applicant filed his representation on 22.09.00 and stated the entire facts relating to the fire incident and also gave explanation regarding the charges leveled against him.

A copy of memorandum dated 11.08.00 and representation dated 22.09.00 are annexed herewith as Annexure - G & H

- 14) That the respondent after filing of the representation by the applicant instead of proceeding with the matter issued letter dated 16.11.00 by which the charge sheet under Rule 16 of CCS Rules 1965 against the applicant was dropped for further proceeding in the case.

A copy of said letter dated 16.11.00 is annexed herewith as Annexure-I.

- 15) That the applicant on receipt of the said letter was under impression that his case had been dropped. But suddenly he received another memorandum of charges dated 01.03.01 and the department initiated proceeding under Rule 14 of the CCS (Classification Control and Appeal) Rules 1965 on the allegation of misconduct or misbehaviour. The applicant again filed his representation on 04.04.01 and reiterated the facts regarding the fire incident.

A copy of said memorandum dated 01.03.01 and the representation dated 04.04.01 are annexed herewith as Annexure-J & K.

- 16) That thereafter the hearing started in the office of the Director of Postal Service, Arunachal Pradesh, Itanagar. During hearing, the Deputy Superintendent of Post Office by letter dated 20.03.02 asked the applicant to submit his representation within 7 days in his defence. The presiding Officer also filed a brief. The applicant accordingly submitted his representation on 02.04.02. In

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Denish Sharmah

the said representation the applicant narrated and gave explanation against the charges leveled against him the entire incident.

A copy of letter dated 20.03.02, copy of written brief and representation dated 02.04.02 are annexed herewith as Annexure-L.

- 17) That thereafter the applicant was examined and the Inquiry Officer Sri G.C. Hazarika also adduced evidence. The Inquiry Officer in his evidence said that SPM failed in his duties to save the cash whereas, other items were saved. The applicant in his evidence stated in details that he could save three iron boxes cash regarding depositing of money and stamp papers etc the applicant clearly stated that he went to deposit the same on 10.04.99 with his office staff, Tania Masing (G.D.S. Parker). But the store keeper was not there so they waited for two hours and came back. But this statement of the applicant has not been considered nor the Inquiry Authority examined the said GDS Parker who accompanied the complainant on 10.04.99 and thereafter the Inquiry Authority his enquiry report dated 17.07.03 with finding that the charge framed against the applicant stands proved.

A copy of report dated 17.07.03 is annexed herewith as Annexure-M.

- 18) That the applicant filed representation on 30.09.03 against the said enquiry report.

A copy of said representation dated 30.09.03 is annexed herewith as Annexure-N.

- 19) That thereafter the Director Postal Service, Arunachal Pradesh Division, Itanagar-791111 on 05.12.03 imposing punishment of reduction of pay by two stage from 4600 to 4400 for 3 years without cumulative effect and increment during the period of punishment.

A copy of said order dated 05.12.03 is annexed herewith as Annexure-O.

- 20) That being aggrieved by the aforesaid order the applicant filed an appeal on 22.12.04 before the Chief Post Master General, North-East Circle, Shillong.

A copy of said appeal is annexed herewith as Annexure-P.

- 21) That the said appeal was heard by the Chief Post Master General and by judgment and order dated 07.06.04, the appeal was rejected and the orders dated 15.12.03 of punishment of penalty remain unaltered.

A copy of said order dated 07.06.04 is annexed herewith as Annexure-Q.

- 22) That both the Inquiry Officer and the appellate authority have failed to consider the representation submitted by the applicant from time to time and as such the

applicant being highly prejudiced by both the aforesaid orders has filed this application before the Hon'ble Tribunal for justice.

- 23) That it is respectfully submitted that the appellate authority without going through the entire records of the case including enquiry report, evidence etc and disposed of the appeal of the applicant in a very mechanical manner without applying his mind and wrongly rejected the appeal of the applicant and upheld the order dated 15.12.03, passed by the Directed of Postal Service, Arunachal Pradesh, Itanagar as such the impugned order of the appellate authority is not at all sustainable and liable to be set aside.
- 24) That it is respectfully submitted that the appellate authority without going throughout the entire facts and circumstances of the facts and without examining the enquiry reports and its legality and validity wrongly upheld the order of the disciplinary authority and as such the impugned order of the appellate authority is bad in law and liable to be set aside.
- 25) That it is respectfully submitted that the appellate authority failed to consider that the enquiry was not conducted fairly and so the punishment is based on unfair enquiry and so it is not at all sustainable and liable to be set aside.
- 26) That it is respectfully submitted that the enquiry has not been conducted fairly but the disciplinary authority wrongly found that the enquiry was fair. So the finding of the disciplinary authority is totally perverse and as such the same is liable to be set aside.
- 27) That it is respectfully submitted that during the examination of witnesses all the witnesses were examined after examining the charged officials and cross examined by presenting officials which is totally against the statutory procedure due to which the charged officials were prejudiced. On this count also the finding of the disciplinary authority that the enquiry were fair was not at all tenable.
- 28) That the eye witnesses named by charged officials were not allowed to be examined and so the enquiry cannot be said to be legal and fair and thereby the charged officials has not been given full opportunity to defend his case and so there is clear violation of principle of natural justice and fair play.
- 29) That the entire proceeding were done without giving the copies of documents relied on by the prosecution and so the charged officials have been deprived of the full opportunity to defend his case and as such the entire enquiry are

contrary to the provisions of law and as such the impugned orders are bad in law and liable to be set aside.

- 30) That all the statement made by the eye witnesses and people participated in the process were submitted to the enquiry officers but the same were not considered by the enquiry officers and as such the entire enquiry was not legal and fair and as such the penalty imposed on such unfair enquiry is not sustainable in law and liable to be set aside.
- 31) That the fact of absence of key keeper in the Police Station was also stated by the Post Office staff themselves and borne out by the statements produced by the charged officials in the enquiry but the enquiry authority did not at all considered those statements nor they were examined so the enquiry was not fair and penalty imposed on such enquiry is not only illegal but unsustainable in law.
- 32) That the findings of the disciplinary authority based on the preliminary enquiry officers who was biased and so we stated that there was no problem in keeping the cash for overnight custody at the police station which is totally contradictory to the real facts given by the charged officials. Further, the aforesaid statements was not corroborated by any of the witnesses and as such the order is nothing but based on presumption.
- 33) That the disciplinary authority failed to consider that the brass metal melts earlier than the iron metal and for the said reason the brass part of the lock was not present on the box and iron hook was remained intact in the close box. In this regard the disciplinary authority gave his finding only on presumption without any practical experience and as such findings ^{was} based on no evidence.
- 34) That the disciplinary authority failed to consider that the only fire coins might be available in the box and without opening the box and without ascertaining the location and position of the coins the disciplinary authority gave his findings on presumption only. So the findings are totally based on no evidence.
- 35) That the findings that the charged officials took away the cash money and misappropriated it by taking advantages of the fire accidents is not only untenable but based on presumptions and so such findings is not at all tenable.
- 36) That the disciplinary authority has given the findings that it is not ^{search} such whether there was a loss or misappropriation and on such doubts penalty cannot be imposed and that too when the fire broke out in the midnight and so there is no

question of any planning of the charged officials ^{and} so the findings of the disciplinary authority is based on no evidence and so the findings are perverse.

- 37) That the allegations that Sri D. Sharma did not show devotion to duty and acted in a very irresponsible manner, which is unbecoming of a Govt. servant and has violated the provisions of Rule 3(1)(i)(ii) & (iii) of CCS (conduct) Rule 1964 are not correct and they are false allegations and based on no evidence and so they are liable to be set aside.
- 38) That the applicant has not been given personal hearing which he prayed ^{for} before passing the final order but the same was not given and so it is clear violation of principle of natural justice.
- 39) That the copy of the enquiry report was not furnished to the petitioner including the documents and as such the entire proceedings i.e. enquiry, conduct of enquiry, finding of the disciplinary authority based on the enquiry report are not legal and is not sustainable in law and liable to be quashed.
- 40) That there is a clear violation of Rule 14 of CCS (CCA) Rules 1965, as the enquiry was not held in fair manner and all reasonable opportunities was not given to Mr D. Sharma and as such the entire process are bad in law and penalty imposed on the basis of aforesaid is not at all tenable and liable to be set aside.
- 41) That the enquiry officers prepared the enquiry without considering the documentary evidence as well as the evidence and wrongly held that the charged framed against Sri D. Sharma stands proved is not at all tenable and liable to be set aside.
- 42) That the penalty imposed for the alleged offence is not proportional which will cause great hardship to the applicant.
- 43) That the finding of the enquiry authority as well as disciplinary authority are based on presumption and totally contrary to the realities and as such findings are bad in law and liable to be set aside.
- 44) That the findings of the appellate authority that D. Sharma is not avail of under clause of last working day, prior to the fire accident and he did not make any attempt to safeguard the cash and the valuables when the fire was discovered and there is strong circumstantial evidence to suggest that Sri D Sharma has mis-appropriated cash amount of Rs 17,713.05 kept in the cash iron chest, taking advantage of the fire accidents are totally false and baseless and liable to be set aside.

45) That the appellate authority without any evidence has wrongly held that there is strong circumstantial evidence to suggest that Shri D Sharma Ex-SPM/PA had misappropriated Rs 1590.40, posting stamp and stationeries taking advantage of the fire accidents and as such the same is untenable and as such the same is untenable and liable to be set aside.

46) That the finding of the appellate authority that the officials has shown lack of integrity and devotion to duty which is un-contravention of Rule 3(1) (ii) of CCS (conduct) Rules 1964 and charges stands proved are not correct and the same is without considering the evidence and records and the unfair enquiry report and as such the impugned order is bad in law and liable to be set aside.

47) That the petition is made bonafide and for ends of justice.

vi) **Details of the remedies exhausted**

That there is provision of appeal and the applicant has availed of the appeal and the order passed by the appellate authority has been annexed herewith.

(vii) **Matters not previously filed or pending with any other court:-**

The applicant further declares that he has 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 authority or any other bench of the tribunal nor any petition is pending.

viii) **Relief sought:-**

In view of the facts and circumstances mentioned above, the applicant pray the following relief:-

- a) That the order passed by Director, Postal Services, Arunachal Pradesh Division, Itanagar, dated 5/12/03 communicated vide memo no.F-2/fire accident/ Mechuka may be set aside and quashed
- b) And the appellate order dated 7/6/04 communicated by memo no. Staff/109-11/2003 passed Chief Post Master General, NE Circle, Shilong, may also be set aside and quashed by holding that the enquiry report is not legal and fair.
- c) That the applicant may be exonerated from the penalty imposed
i.e., reduction of pay by two stage from 4600 to 4400 for three years without cumulative effect and from barring the increment earned during the period of punishment
- d) Any other relief/reliefs to which the applicant is entitled to under law and equity.

ix) **Interim Order:-**

Pending final decision of this application the impugned order dated 5/12/03 communicated vide memo no.F-2/fire accident/Mechuka passed by the Director, Postal Service, Arunachal Pradesh Division, Itanagar and order dated 7/6/04 communicated vide memo no. Staff/109-11/2003 passed by Chief Post Master General, NE Circle, Shillong may be stayed.

x) **Particulars of Bank Drafts/Postal Order in respect of application fee:-**

Postal order of Rs.50/- enclosed herewith. IPO No. 20-62 110 455

xi) **List of Enclosures:-**

Date - 4/1/05

Annexure A to (Page 11 to 66)

VERIFICATION

I, Shri Dinesh Sharma, this applicant, S/O, Gulab Sharma aged about 35 years resident of Tenga Market, Arunachal Pradesh, Dist: West Kameng, do hereby declare that the statements made in para 2, 3, iv (24 to 47) true to my knowledge, those made in para are matter of records which I believe to be true and rest are my humble submission and I sign this verification on 11th December-2004, at Guwahati.

Dinesh Sharma
SIGNATURE OF THE APPLICANT

Date- 11/12/04
Place- Guwahati

W.T. MESSAGE

D
12/4

T

O

TO ::: DIRECTOR OF POST OFFICE ITANAGAR

FM ::: SPM MECHUKHA

NO. MK/FIR-1/98-99 DTD 12/4 (.) REG FIR ACCIDENT
ON 11 TH APRIL '99 AT ^{2230 HRS} 11.50 PM SUDDENLY FIRE
BROKE OUT IN THE CLOSE NEIGHBOURING HOUSE OF THE POST
OFFICE WITHIN FEW MINITS MY RESIDANCE AND POST OFFICE
CAME INTO THE FLAME INTO THE FIRE (.) I WAS IN SOUND
SLEEP PERSON KNOCKED OUR DOOR AND AWAKENED ANY HOW
I COULD SAVE OUR LIFE AND SOME OFFICIAL DOCUMENTS THE
BEST THINGS THAT IS CASH INCLUDING STAMP MORE THAN
FORTY THOUSAND ~~AND~~ GUTTED/BURNED IN FIRE
N.T.T. -----

SUB POST MASTER
WEST SIANG DISTRICT
MECHUKHA.

COPY TO:

The Addl. Deputy Commissioner, West Siang District
Mechukha, for information and necessary action
please.

Sub Post Master
West Siang District
: Mechukha:

Done on 12/4/99
at 0930 hrs.
12/4

Attended
has
Advocate

-12-
J.D. DIRECTOR OF POST OFFICE
ITANAGAR.

F.M. S.P.M MECHUKA

NO.MKA/ER-1/98-99 DTD 12-4-99

REGARDING LOSS OF TREASURY KEY.
ON 11TH APRIL 99 AT 2350 HRS. SUDDENLY
FIRE BROKE OUT IN THE CLOSE NEIGHBOUR-
ING HOUSE OF THE POST OFFICE WITHIN
FEW MINITS MY POST OFFICE AND RESIDENT
COME INTO THE FLAME INTO THE FIRE.
AND OFFICE TREASURY ~~LOCK~~ KEY WAS IN
THE RESIDENCE. THE OFFICE CUM RESIDENCE
WAS COMPLETELY BURNT INTO THE FIRE
AND I COULD NOT SAVE MY TREASURY KEY

SUB POST MASTER
MECHUKA

COPY TO:-

THE ADDL DEPUTY COMMISSIONER

MECHUKA FOR INFORMATION

(2) THE O.C POLICE STATION MECHUKA
FOR NECESSARY ACTION PLEASE.

*Donor 12/4/99
1/c R MKA
Received
12.4.99.*

12/4/99

SUB POSTMASTER
MECHUKA

*Attested
was
Advocate*

*13/4/99
at 1500 h*

The Deputy Commissioner
West Singh District A Cong.

no. MKA/FR-1/ 98-99 Dtd meeluka. lre 12/4/99

Sub. Loss of official and personal
articles in the fire accident
on 11/4/99 at 11.50 pm.

Sir,

Following official articles burnt/in
GuTee into the fire

1. Cash Rs 37000/-
2. Parcel 6 NOS
3. Postage 4000/-
4. Sum official documents
5. Table - 4 NOS
6. Wooden Box Big Size
7. Iron Box 2 NOS
8. Bokori - 2 NOS
9. Letter Box 4 NOS
10. Chair - 4 NOS
11. Shopping Case.
12. Chair cushion - 4 NOS
13. Weight and stone from 5 grams to 5 kg
14. Balance capacity of 10 kg
15. C/Bag 60 nos

Personal articles:

1. Quilt big size
2. mattress - big size.
3. television. Ovula 20"
4. Philips Radio
5. V.P. 3 NOS
6. Box 2 NOS
7. Hukins Rodley - 2 NOS
8. Goma La - 2 NOS

Attested
near
Advocate

9. Plate 8 nos - 14 -

10. Stope for preparation of food.

11. Shoe 2 nos

12. Shirt 6 nos

13. Pant 6 nos

14. Jacket 2 nos

15. Romji 3 nos

16. Hand Watch 1 nos

17. wall clock, 1 nos

18. Cotte 3 nos

19. chair 3 nos

20. Table 2 nos

21. Kitchen item guided/burnt in
the fire

Yours faithfully
[Signature]
12/4/99
Dhresh Sharma
SP on meeluko.
AP

Attested
was
Advocate

178603.05 28065.00 Particulars of Cash and stamps particular of cash & stamps found
 160890.00 26474.60 as per closing balance of 10.4.99 in physical counting: - Cash = 160050.00
 Short = 1590.40

Short in cash balance	17713.05	1590.40	Net loss in burning	19303.45	U.C.P.	513	19	20	21	Cash = 178603.05	P/Stamp = 28065.00	Rev. Stp = 2640.00	Total = 207308.05	Physical Count = 188004.60	Net loss in burning	19303.45	513	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054	1055	1056	1057	1058	1059	1060	1061	1062	1063	1064	1065	1066	1067	1068	1069	1070	1071	1072	1073	1074	1075	1076	1077	1078	1079	1080	1081	1082	1083	1084	1085	1086	1087	1088	1089	1090	1091	1092	1093	1094	1095	1096	1097	1098	1099	1100	1101	1102	1103	1104	1105	1106	1107	1108	1109	1110	1111	1112	1113	1114	1115	1116	1117	1118	1119	1120	1121	1122	1123	1124	1125	1126	1127	1128	1129	1130	1131	1132	1133	1134	1135	1136	1137	1138	1139	1140	1141	1142	1143	1144	1145	1146	1147	1148	1149	1150	1151	1152	1153	1154	1155	1156	1157	1158	1159	1160	1161	1162	1163	1164	1165	1166	1167	1168	1169	1170	1171	1172	1173	1174	1175	1176	1177	1178	1179	1180	1181	1182	1183	1184	1185	1186	1187	1188	1189	1190	1191	1192	1193	1194	1195	1196	1197	1198	1199	1200	1201	1202	1203	1204	1205	1206	1207	1208	1209	1210	1211	1212	1213	1214	1215	1216	1217	1218	1219	1220	1221	1222	1223	1224	1225	1226	1227	1228	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Meckeska P.O. House was burnt on 11.4.99

22.4.99 = UCP = Rs 19303.45 being the amount burnt in the fire accident in which Meckeska P.O. House was burnt on 11.4.99 at 1200 hrs
 Cash burnt = 17713.05

Serial No.	Name	Post	Salary	Gratuity	PF	Medical	Other	Total	Remarks
4.99	274 250	OS	5000	250	1810	1000	102	13500	
4.99	294 297	OS	—	—	1000	102	—	—	
4.99	3042 99	OS	—	—	—	700	—	—	
4.99	3040 99	OS	—	—	—	—	—	—	
4.99	3040 99	OS	—	—	5000	2040	—	—	
4.99	294 817	OS	—	—	1000	1500	—	—	
4.99	286 817	OS	—	—	—	600	—	—	
4.99	283 877	OS	—	—	3805	108	—	—	
4.99	287 785	OS	—	—	4500	300	—	—	
11.4.99	(Sunday)								Meckeska P.O. House was burnt on 11.4.99 at 2353 Hrs at night
12.4.99									Not functioning
13.4.99									Not functioning
14.4.99									Holiday
15.4.99									Not functioning
16.4.99									Not functioning
17.4.99									Not functioning
18.4.99									Not functioning
19.4.99									Not functioning
20.4.99									Not functioning
21.4.99									Not functioning
22.4.99									Not functioning
24.99	207 308	OS	—	—	—	—	—	—	
1/11/99	188 105	GO	—	—	—	—	—	—	
1/11/99	159 659	GO	—	—	—	—	—	—	
6/11/99	158 559	GO	—	—	—	—	—	—	
14.99	155 254	GO	1332	67	1040	1406	1247	—	
14.99	155 254	GO	3300	175	—	500	—	—	
14.99	121 98	GO	1000	50	2600	328	—	—	

Attended
 Advocate

Annex C

STATEMENT SHOWING LOSS OF INDIVIDUAL PROPERTY DUE TO FIRE ACCIDENT ON 11.4.99 AT 2355 HRS, 16.1.99, 8.12.98
AND RECOMMENDATION OF THE DISTRICT LEVEL RELIEF COMMITTEE FOR PAYMENT OF RELIEF TO THE
FIRE VICTIMS OF WEST SIANG DISTRICT, MEOCHUKHA SUB-DIVISION.

SL NO	Name of Circle	Village/ Circle	Date of fire accident	ASSESSMENT OF C.L.R.C.		TOTAL	INTERIM RELIEF IF PAID BY DC	AMOUNT OF RECOMMENDATION BY DISTRICT LEVEL RELIEF COMMITTEE FOR PAYMENT OF RELIEF.
				ON ACCOUNT OF HOUSE DAMAGE	ON ACCOUNT OF PROPERTY DAMAGE			
1	2	3	4	5	6	7	8	9
1.	Sri Dinesh Sharma	Mechukha	11.4.99	25,250.00	25,250.00	25,250.00	1000.00	5050.00
2.	" Lera Yomi	-do-	-do-	74,146.00	74,146.00	74,146.00	1000.00	14,829.00
3.	Smt Yamin Puying	-do-	-do-	43,500.00	43,500.00	43,500.00	1000.00	8,700.00
4.	Sri Takia Nibey	-do-	-do-	1,86,900.00	1,86,900.00	1,86,900.00	1000.00	37,380.00
5.	Sri Tadi Yomo	-do-	-do-	33,750.00	33,750.00	33,750.00	1000.00	6,750.00
6.	Sri N. Puying	-do-	-do-	31,500.00	6,300.00	31,500.00	1000.00	6,300.00
7.	Sri Lipo Hiba	-do-	-do-	46,345.00	46,345.00	46,345.00	1000.00	9,269.00
8.	Sri Lingjung Mosing	-do-	-do-	29,300.00	29,300.00	29,300.00	1000.00	5,900.00
9.	Sri Tata Jipo	-do-	-do-	16,495.00	16,495.00	16,495.00	1000.00	3,299.00
10.	Sri Bimal Ghosh	-do-	-do-	15,470.00	15,470.00	15,470.00	1000.00	3,094.00
11.	Sri A.K. Pandey	-do-	-do-	45,325.00	45,325.00	45,325.00	1000.00	9,065.00
12.	Sri Taba Hoyo	Mechukha Hoyo Tato Circle	8/12/98 (8.12.98)	40,000.00	4,61,025.00	1,01,03,025.00	—	20,205.00
13.	Sri Tuklin Singlong	-do-	16.1.99	60,000.00	54,270.00	1,14,270.00	—	22,854.00
14.	Smt Yachia Rakshap	Tato	-do-	60,000.00	42,040.00	1,02,040.00	—	20,408.00
						Total		1,73,405.00

(Rupees one lakh seventy three thousand one hundred three) only

Certified that the individual fire accident case of Mechukha sub-division, West Siang District, have been thoroughly scrutinised and amount shown against colm No. 9 is recommended for sanction as relief, payable to the victims.

Contd Page 2

Attended
H.S. on
Advocate

Page 2

(T. S. S.)
Member

(Dr. L. Tappa) MO,
Member

(G. Libang) Principal,
Member

(N. Padu) AE,
Member

(T. T. Hai) IO
Member

(T. Eto) OC, (APP)
Member

(J. Philley) Bazar Secy.
Member

(A. Sakrang) PI
Member

Cheng Chuk La
ECZPA

(A. Siran)
Addl. Deputy Commissioner,
West Siang District,
ECHUACHA

Attended
near
Advocate

ATO CIRCLE: HOUSES DESTROYED ON 8/12/98 and 16/1/99:-

- 19 -

Annexure-D 49

Sl. No.	Name of fire victim	Date of fire accident	Value of property destroyed.
1	Sm. Tabu Heyo. vill: Heyo	8-12-98	Rs. 101025/-
2	Sm. Tukling Singlong B.B. camp Monigong Road.	16-1-99	Rs. 114270/-
3	Smty. Yacha Rakap vill: Tato	16-1-99	Rs. 62,040/-

MECHUKHA, CIRCLE: HOUSES DESTROYED ON 11/4/99 NIGHT:

Sl. No.	Name of fire victim	Date of fire accident	Value of property destroyed.
1	Sm. Lera Yormi Mechukha town	11-4-99	Rs. 74,146/-
2	Smty. Yamen Puying Mechukha	11-4-99	Rs. 44,500/-
3	Sm. Tabia Mibay Mechukha	11-4-99	Rs. 1,86,900/-
4	Sm. Tadi Yormi Mechukha	11-4-99	Rs. 33,750/-
5	Sm. Notum Puying Mechukha	11-4-99	Rs. 31,500/-
6	Sm. Lipo Hiba Mechukha	11-4-99	Rs. 46,345/-
7	Sm. Lindung Moring Mechukha	11-4-99	Rs. 29,500/-
8	Sm. Tati Jipo Mechukha	11-4-99	Rs. 16,495/-
9	Sm. Bimol Gosh Mechukha	11-4-99	Rs. 15,470/-
10	Sm. A.K. Pandey Mechukha	11-4-99	Rs. 45,325/-
11	Sm. Dinesh sharma S.P.M.	11-4-99	Rs. 25,250/-
12	Govt. Properties of post office Mechukha	11-4-99	Rs. 70,900/-

ATO CIRCLE: HOUSES DESTROYED ON 11/4/99 NIGHT:

Sl. No.	Name of fire victim
1	Sm. Tabu Heyo.
2	Sm. Tukling Singlong B.B. camp Monigong Road.
3	Smty. Yacha Rakap

Date of fire accident
8-12-98

11-4-99.

(Toyom Ete) Sd/-
Police Station
Mechukha B.A.R.

Attended
Advocate

" GOVT. OF ARUNACHAL PRADESH "
OFFICE OF THE ADDL. DEPUTY COMMISSIONER, WEST SIANG DISTRICT,
MECHUKHA

NO.MK/DEV-3/98-99/

Dated Mechukha, the 14th April/99.

To,

The Director Relief, Rehabilitation & Settlement,
Govt. of Arunachal Pradesh,
ITANAGAR

Sub:-

SUBMISSION OF DETAILED ASSESSMENT REPORT ON LOST
ITEMS/GRANTING OF RELIEF ETC.

Sir,

In some devastating fire accident which took place at Tato and Mechukha town on 8/12/98, 16/1/99 and 11/4/99 some 14 (fourteen) families have lost their houses and also have incurred heavy losses in the form of various personal belongings. Also they have suffered measurably (unexpectedly). Of this 14 (fourteen) families 11 (eleven) families were occupying govt. quarter (all gutted) and remaining three families were occupying their private buildings (Tato town). A locally formed assessment board has already assessed various items lost by respective families have already submitted their reports to the ADC, Mechukha. The OC, PS Mechukha under whose jurisdiction the victims falls has also started his preliminary enquiry into the accident. As per assess reports properties worth Rs. 8,96,416/- (Rupees Eight lakhs ninety six thousand four hundred sixteen) only have been lost.

Now I am submitting the following assessment reports including Police Reports and others to you for favour of your further necessary action at the earliest.

1. Assessment Report of lost items in duplicate.
2. Police Report of OC, PS Mechukha.
3. Minutes of the DLRC/SDLRC meeting held at Mechukha on 12/4/99.

Their cases has also been duly recommended by the Sub-Divisional Level Relief Committee Members on 12/4/99.

Encl:- As stated above.

Yours faithfully,

(B. Siram)

Adl. Deputy Commissioner,
West Siang District,
MECHUKHA

MEMO NO.MK/DEV-3/98-99

Dated Mechukha, the 14th April/99.

Copy to:-

1. The Deputy Commissioner, West Siang District,

OFFICE OF THE ADDL. DEPUTY COMMISSIONER,
MECHUKHA

NO.MK/DEV-3/98-99/

Dated:

Attested
Advocate

Sri D. Sharma
S. P. M.

Mechuka S.O.

dt at Itanagar the 25¹⁰/₉₉

NO F-2/Fire accident/Mechuka

Sub: Regarding
burning of Mechuka
S.O. on the night
of 11.4.99.

A threadbare, enquiry into above
- cited fire accident reveals that
most of the postal articles / Iron chests
containing valuables / Cash / Stamp and
stationery / Records / Forms / Pass books
(Blank) / MC receipt books etc were
saved much before the fire caught
the post office building. The report
regarding burning of iron chest
containing cash & stamp amounting
to Rs 19303.45 is doubtful and
seem to be intentional.

In this circumstances, you
are directed to ~~recover~~ ^{deposit} the amount
of Rs 19303.45 and credit the
amount at Mechuka S.O. as per
immediate by under intimation to this
end.

Director of Postal Service,
Karnataka Pradesh,
Itanagar-791 111

Attended
in
Advocate

- 2 -

Annexure F

The Director of Postal Services,
Arunachal Pradesh
Itanagar.

Sub:- Fire accident of Post Office and enquiry thereof.
Ref:- Your L/No F-2/Fire accident/Mechukha dtd 25/10/99.

Sir,

While referring to your letter no cited above on the subject I would like to appeal before you that the fact for favour of your kind consideration and sympathetic action please.

1. That Sir, the following official articles like cash, stamp and official records/register etc. has been guited on the fire alongwith Iron chest with cash Rs. 17,713.05 including my own articles are uncountable.

2. After guited this building police and magistrate has been searched and enquired the losses of post office which already been submitted to you through Sri Hazarika, D. Supdt of postal service and he has already been enquired the matters and he will ansured me to send this enquiry report within this month but till upto date I have not yet received from him, during the enquiry period he has desired somethings from my side and threatening me so I was on nerves mood so I could not taken any decision.

3. That Sir, The cash Rs. 17,713.05 has been found ashes on the Iron chest which seen by Mr. Hazarika and this money I have kept on office for payment to the KVP/SB/RD holders etc which earlier requested by this holder, So this amount I was not kept on police coustody and next day strong room was closed on office holidays.

That Sir, this fact stated above, I am to further request you kindly to consider my case as I am not in possition to deposit the said amounts on postoffice and it is not my guilty. If you sir not to believe with me kindly direct one investigation team for investigate the factual possition.

Yours early action in this regard and consideration is highly requested and ever remembered Sir

Thanking you

Yours faithfully,

(D. SHARMA) SPM

Sub-Post Office, Mechukha
Dist. West Siang

Dated Mechukha the 24/1/2000
O.O.NO. MKA/BURNING/99

Encl:-

1. Police Verification report.
2. ADC/Magistrate report
3. IFR report of police.
4. Copy of personal losses.

Attested
was
Advocate

DEPARTMENT OF POSTS: INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES: ARUNACHAL PRADESH
ITANAGAR - 791 111

No. F2/F10 accident / Mechuka Dated at Itanagar the 11-8-2000

MEMORANDUM

Shri Dinesh Sharma.....(Designation)
.....Sub Post Master.....(office in which
working).....Mechuka SO..... is hereby informed

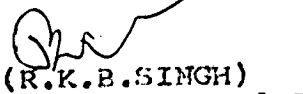
that it is proposed to take action against him under Rule 16 of
CCS (CCA) Rules 1965. A statement of the imputations of
misconduct or misbehaviour on which action is proposed to be
taken as mentioned above is enclosed.

2. Shri Dinesh Sharma..... is hereby given
an opportunity to make such representation as he may wish to
make against the proposal.

3. If Shri Dinesh Sharma..... fails to submit
his representation within 10 days of the receipt of this
Memorandum, it will be presumed that he has no representation to
make and orders will be liable to be passed against Shri
.....Dinesh Sharma.....

4. The receipt of this Memorandum should be acknowledged
by Shri Dinesh Sharma.....

Regd


(R.K.B. SINGH)
Director of Postal Services
Arunachal Pradesh Divn
Itanagar - 791 111

Copy to:- Shri Dinesh Sharma
SPM
Mechuka SO

Director of Postal Services
Arunachal Pradesh Divn
Itanagar - 791 111

Attended
by
Advocate

Statement of imputation of misconduct or misbehaviour.

Article - I

On 11-04-99, a fire accident took place at Mechuka SO. involving loss of cash and stamps amounting to Rs. 19,303.45 During that incident Shri Dinesh Sharma was the SPM Mechuka SO. Some important articles such as 4 nos. of iron chest, one containing cash and stamps etc, some office records, some parcels, one box containing type of date and year, all were kept inside a wooden parcel box at Mechuka SO. During the fire accident the SPM managed to take out and save all articles except the iron chest containing cash Rs. 17713.05 The iron chest containing cash, being the most valuable property would have been shifted to safe place at the very first attempt made by the SPM, but the same was not done. Currency notes amounting to Rs. 17713.05 was reported to have been burnt inside the chest. The facilities of keeping cash at the Police station is available at Mechuka. Therefore the SPM should have kept the cash amounting to Rs. 17713.05 at Police Station, but he did not do so.

The SPM stated that the stamps amounting to Rs. 1590.40 was burnt as those were kept in the drawer of the office table which had been burnt. But it is found that the table was pulled out from the PO with all its belongings much before the fire caught PO building.

The report regarding burning of cash and stamps amounting to Rs. 19303.45 is incorrect. The SPM misappropriated the Govt cash on the occasion of fire accident or he made no attempt to save the Govt cash and stamps though he had ample opportunity to do so.

Thus Shri Dinesh Sharma, the SPM Mechuka acted in a very irresponsible manner and failed to show devotion to duty. Thus said Shri Dinesh Sharma contravened the provision of Rule 3(1)(ii) of CCS (conduct) rule 1964.

Article - II


The said Shri Dinesh Sharma during that period was not maintaining SO account correctly and was in the habit of crediting sale proceed of stamps and stationery's not daily but only twice or thrice in a month.

The SPM made pre-mature payment of 4 nos. of KVPs on 26-03-99 amounting to Rs. 36480/-. But he did not show the amount at the SO account till 10-04-99. he took the signature of the payee without date and kept the paid

*Attested
by
Advocate*

certificates at Police station, Mechuka along with cash. He prepared a fresh SO account of 10-04-99 on 22-04-99 showing this amount on the payment side.

Thus Shri Dinesh Sharma, the SPM, Mechuka acted in a very irresponsible manner and failed to show devotion to duty. Thus said Shri D. Sharma contravened the provision of rule 3(1)(ii) of CCS (conduct) rule 1964.


Director Postal Services,
Arunachal Pradesh Division,
Itanagar-791111.

Attested
was
Advocate

To

Annexure : H

The Director of Postal Services,
Arunachal Pradesh Division,
ITANAGAR: 791111.

Dated Mechukha, the 22nd Sept'2000.

Representative

SUB: "REPRESENTATION AGAINST PROPOSAL VIDE LETTER NO.F.2/
FIRE ACCIDENT/MECHUKHA DATED AT ITANAGAR, THE 11TH AUG, 2000."

Honorable Sir,

Respectfully, I, Dinesh Sharma, SPM submit the following statements to represent my case for favour of your sympathetic consideration please.

1. That Sir, I rejoined in my duties in S.O., Mechukha on 20th Sept/2000 after availing leave from 08th Aug. to 20th Sept/2000 and I received your Memorandum No.F.2/Fire-Accident/Mechukha Dtd. Itanagar, the 11th Aug/2000 on 21st September/2000 only after coming from home.
2. That Sir, as per the Memorandum I have been directed to submit my representation within 10 days of receipt of the Memo and my representation may kindly be accepted even after a delayed period owing to poor communication to Mechukha.
3. That Sir, a statement of imputations of misconduct and misbehaviour has been made against me which charges is disagreeable to me as baseless and I have the following representation against each of the charges.
 - (a) In the fire-accident on 11/4/99, when the Post Office building of Mechukha S.O. was thoroughly caught by fire, amidst a lot of confusion the iron chest containing the cash of Rs.17,713.00 could not be traced out in spite of efforts of some people along with me. Moreover I was too injured and nervous at that moment. Unfortunately the iron chest containing burnt cash of approximately more than Rs.1700/- (Rupees Seventeen thousand) was found among the ashes of the post office house on 12/4/99 in the morning.
 - (b) That Sir, although there are the facilities of keeping cash at the Police station at Mechukha but the day before the date of fire accident i.e. 10th April/99 it was Saturday and the police station was closed for such possible formal handing and taking over of cash. Consequently I was obliged to keep the cash of Rs.17,713.00 in the iron chest of S.O., Mechukha.
 - (c) That Sir, regarding the stamps of Rs.1590.40 which was lost during the course of Fire-accident, most of the stamps of major value were kept in the wooden box and some stamps of a total till amount were taken out and kept in the drawer of the table for daily use. Sir, the wooden box and table were frantically taken out of the P.O. building the roof of which was engulfed in fire and as I had reported in my report of the fire accident earlier as a crowd of people rushed in the P.O. building the station was out of control and later on the wooden box and table drawer were found broken. Therefore, it is feared that the stamps perhaps mysteriously lost, perhaps being taken away by some miscreants.
 - (d) That Sir, the charge of misappropriation of Govt. Cash or taking no attempt to save the Govt. Cash is wrong and unfounded. Sir, the burnt down iron chest was opened on the next day.

Arunachal Pradesh Division

Contd..on p/no. 02.

*Attended
by
Advocate*

morning in the presence of O.C, SIB) E.O, Industries), Shri Satruchan Soner PWD Mechukha and some other public leaders. They all saw the ashes of the burnt cash. It was also seen by the Deputy Commissioner, West Siang District, Along and ADC Mechukha and O.C, PS Mechukha. When they investigated about the fire accident on 13/4/99.

Sir, I struggled hard to save the cash and documents with all my efforts. Some dignitaries and responsible people of Mechukha stand witness to my struggles and helplessness during the unfortunate fire accident. A letter dtd. 24th. January '2000 to this effect was given from their side to your esteemed Office which already states my precarious position and struggle helplessness. Thus charging that I made no attempt to save the Govt. Cash and Stamps is incorrect and I am highly pained to be charges so by my higher authority inspite of my sincere effores in injured condition.

e) That Sir, I have been serving in the department since Feb '92 with utmost sincerity and devotion and there has not been a single charge of faillure and leack of devotion to duty against me earlier. Further Sir, for the first time I discharged the duties of SP at Sub-Post Office, Mechukha using all my exprences in the same line as the previous SPs. Sir, this unfortunate loss of Govt. cash/stamps in the uncontrollable fire should not make the Directorate have charge wrong assessment of save.

f) That Sir, as per the allegation in ARTICLE-11 that it's wrong to say that I was not maintaining sale proceed of stamps and stationery daily and correctly but only twice or thrice in a month. In fact the sale proceed was maintained daily and correctly. I shall be obliged if the department investigate about this matter further in a fair manner.

Secondly, I do agree that I have made premature payment of KVP of Rs. 36080 (36480.00) but its absolutely wrong to say that I didnot show the amount in the SO daily account till 10.4.99. In fact, the KVP payment was made on 10.4.99 and it was duly entred/ maintained in SO account book on 10.4.99. The entry was also noted by the investigating Officer Shri G.C. Hazarika Dy.SP, Itanagar. The fact may kindly be ascertained from the SO account.ledger.

Sir, the above stated facts speak well about my innocent and I strongly feel that I am not at all responsible for the accident.

Hence, I request your honour to review and reconsider my sympathetically with all humatarian condractions in vew of containts and difficulties I was in during the fair accident and decide on my case favourably for which I shall be ever obliged to you.

Thanking you Sir.

Enclo:-

01. Statement Copy.... 1 nos.
02. Eye evadence of Public & staff ... 2 nos.
03. Police Eye evadence 2 No.
04. Report Copy of ADC, Mechukha ... 1 No.
05. Copy of Police report 1 No.

Yours faithfully,

DIPTSH BHATHIA) SPM,
SUB-POST OFFICE, MECHUKHA.

Attended
by
Advocate

Annexure 'i'

F-2/Fire accident/Meehaka

dt at Gurgaon-the 10th 11/2000

A Charge sheet under Rule 16 of CCS (Classification, Control and Appeal) Rules 1965 was issued to Shri Dinesh Sharma -the SPM, Meehaka vide this office memo of even no dt 11-8-2000

The charge which was brought against Shri Dinesh Sharma is dropped for further necessary proceedings in the case.

This is without prejudice to any further necessary action which may be taken

in the matter.

sdl -

Director of Postal Services
Anandkhal Pradesh
Hanagar-791111

Cable to Shri Dinesh Sharma
SPM

Meehaka SO

G. J.
Director of Postal Services
Anandkhal Pradesh
Hanagar-791111

Attended
by
Advocate

Annexure "D"

6. The receipt of the Memorandum may be acknowledged.

Director of Postal Services
Manager-791111

To Shri. Nirmal Sharma
SPM

Mechanika S.O.

Attended
as
Advocate

Annex - I

Statement of articles of charge framed against Shri D. Sharma, the SPM, Mechuka SO under Itanagar HO.

On 11-04-99, a fire accident took place at Mechuka SO involving loss of cash Rs. 17,713.05 and stamp amounting to Rs. 1590.40. Though the facilities of keeping excess cash at Police station was available at Mechuka SO, the SPM Shri Dinesh Sharma kept huge amount of cash at the Post office and taking the advantage of the incident of fire accident at PO misappropriated the total amount of Rs. 17,713.05. Thus said Shri D. Sharma did not show devotion to duty and acted in a very irresponsible manner which is unbecoming of a govt servant and has violated the provision of Rule 3(1)(i)(ii)&(iii) of CCS (Conduct) Rules 1964.

Annex - II

Statement of imputation of misconduct or misbehaviours i/r/o Shri D. Sharma, SPM, Mechuka SO.

In Mechuka SO, some important articles including four iron chests were kept in a wooden parcel box. Among those four iron chests, one iron chest was containing Postal Cash amounting to Rs. 17,713.05. During the fire accident the SPM was successful to save all other articles except the iron chest containing cash. The chest containing cash being the most valuable property should have been shifted to safe place at the very first rescue attempt made by the SPM Shri Sharma. But all other articles including other three iron chest were reported to have been saved except the chest containing cash. That was reported to have been found in the midst of the ashes in open condition next morning. It was surprising how the locked box had been opened. As per the version of the SPM the lock which was made of iron had been burnt into ashes as no trace of lock in the body of the iron chest was found.

Regarding burning of stamp amounting to Rs. 1590.40 it was reported by the SPM that the stamp were kept in the drawer of the office table and had burnt along with the table which was burnt partly. But during inquiry it is found that the table was not at all burnt but was pulled out with all its belonging much before the fire caught the PO building.

Thus said Shri Dinesh Sharma did not show devotion to duty and acted in a very irresponsible manner which is unbecoming of a govt servant and has violated the provision of Rule 3(1)(i)(ii)&(iii) of CCS (Conduct) Rule 1964.

Attended
by
Advocate

Annex - III


Statement of documents by which the articles of charge framed against Shri D.Sharma the SPM, Mechuka SO are proposed to be sustained.

1) The Inquiry report of the Dy SPOs, Arunachal Pradesh Division, Itanagar, vide no. A-1/SP/Mechuka/Burning/99. dt 27-08-99.

Annex - IV

List of Witness by whom the articles of charge framed against Shri D.Sharma, the SPM, Mechuka SO are proposed to be sustained.


1) Shri G.C.Hazarika, Dy. SPO, Arunachal Pradesh Division, Itanagar.


Director Postal Services,
Arunachal Pradesh Div,
Itanagar-791111.

To

Shri D. Sharma
SPM

Mechuka S.O.


Director of Postal Services
Arunachal Pradesh Division
Itanagar-791111

Attended
by
Advocate

91
14/07
32 - Annexure 'K'
The Director of Postal Service,
Arunachal Pradesh Division,
ITANAGAR-791111.

Sub:- SUBMISSION OF STATEMENT WITH REFERENCE TO THE
NO. P2/FIRE ACCIDENT/MECHUKHA DATED ITANAGAR
THE 1-3-2001.

Sir,

With due respect I would like to draw your kind
attention towards the following few facts for favour of your
information and please.

That sir, I went to keep the cash in Strong Room
on 10-4-99 at Police Station at 3.45 PM with my staff Sri
Tania Hosing but strong room was closed as the key keeper of
the strong room was on duty elsewhere. Therefore I was compelled to
keep the cash inside the chest of the post office.

That sir, because of injury and nervasness I was
not in position to save any material whatever material was
saved that was by the rescue team of Police personnel at mid-
night during strong fire accident.

That sir, next day the chest in which cash was
kept found in washes BRASS Lock as well as cash kept inside the
chest converted into ashes which was already verified by the
Local officers, public leaders as well as by the In-charge
Police Station, Mechukha only iron filter of the lock was found.

That sir, regarding stamps which was kept inside
the drawer of the table I have not given any statement that it
was burnt. I found that table in broken stage and stamp was
missing.

Therefore any type of doubt about cash and stamps
is baseless I strongly deny about the false charge.

This is for your kind information and necessary
action please.

Yours faithfully

Dated Mchha the: 4-4-2001

(Dinesh Sharma)
S.P.M. Mechukha
(A.P.)

Attested
was
Advocate

- 33 -

Annexure - H L

Department of Posts :: India
Office of the Director Postal Services :: Arunachal Pradesh Division
ITANAGAR-791111

No. DYSP/R-14/DS

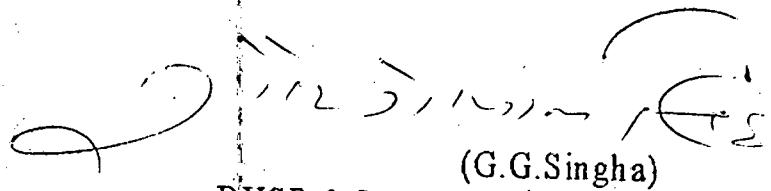
Date:: 20-03-02

To

Shri Dinesh Sarma
SPM
DIRANG
790101

Sub: Inquiry Under Rule 14.

One copy of the brief received from the Presenting Officer is enclosed. You may prepare and submit your representation within seven (7) days of the receipt of this letter failing which it will be presumed that you have nothing to represent in your defence in the matter.



(G.G. Singha)

DYSP & Inquiring Authority

Copy to:

The DPS Itanagar with reference to case mark F-2/FA/Mechuka.

Attested
by
Advocate

Department of Posts: India
Office of the Sub-Divisional Inspector of Posts: Arunachal
West Sub-Division: Itanagar- 791 111.

.....

No. P-3/Disc/Dinesh Sharma dated at Itanagar the 19-03-02

To,

Shri. G.G. Singha
Inquiring Authority

and

Dy. Supdt of Posts,
O/O the DPS/Itanagar.

Sub:- Submission of Written Brief being the Presenting Officer in the Departmental inquiry under the Rule-14 of the CCS (CCA) Rules, 1965 against Shri. Dinesh Sharma, the then SPM, Mechuka SO.

Ref:- Minutes of the Hearing in the instant case on 18-03-2002.

Sir,

I Shri. M.A. Malai, SDI (W), Itanagar has been appointed as Presenting Officer to present the case from the prosecution side vide DPS/Itanagar letter No. F-2/Fire accident/Mechuka dated 17-05-2001. Shri. D. Sharma, the then SPM, Mechuka SO was served the memorandum of charge with charge sheet copy vide DPS/Itanagar Memo No. F-2/Fire accident/Mechuka dated 1-3-01.

2. The Preliminary hearing into the case was held on 10-09-2001. The charged official viz., Shri. D. Sharma fully denied the only one charge in Article-I of the charge sheet.

3. The next hearing into the case was held on 09-01-02. Subsequent hearing in this case was held on 08-02-02 and 18-03-02 and the hearing is concluded on 18-03-2002. The minutes/proceedings on the aforesaid date's hearing are self explanatory.

4. The CO utterly failed to keep the cash and other valuables in the Iron Chest provided at Mechuka P/S for overnight custody on 10-04-99 (Saturday) after closure of the day's account; The following day i.e., 11-04-99 was Sunday.

5. During the fire incident the neighbouring people saved their belongings from their houses before the fire and the SPM i.e. the CO, knowing fully whereabout the cash & other valuables failed to recover the cash, etc from the PO ~~room~~ before the fire entered into the PO building. Had he followed the Departmental procedure for keeping the cash & other valuables in the P/S, there would not be any loss to the Govt.

Attested
Advocate

6. It is crystal clear that the CO misappropriated the Govt cash amounting to Rs.19303-45 in the eve of fire incident on 11-04-99. The CO is fully responsible for the Govt. loss

7. The charge in Article-I has been proved with all documentary evidences listed in Annexure-III of the charge-sheet and also the day's proceedings. Thus, the charge in Article-I stands proved beyond doubt.

With regards,

Yours faithfully,

(M.A. Malai)

Presenting Officer

and

SDI (W), Itanagar-791 111.

Attested
by
Advocate

Annexure

The DYSP & Inquiring authority,
The Office of the Director of Postal Services,
Itanagar-791111.

Sub:- Representation regarding fire accident of Machuka S.O.

Ref:- DYSP/R-14/DS Dated 20/03/2002.

Sir,

Respectfully, I Dinesh Sharma SPM Submit the following statements to represent my case for favour of your kind sympathetic consideration please.

That sir, As per your letter No. DYSP/R-14/DS Dtd. 20/03/2002, I have been directed to submit of my representation within 7 days of the receipt of the letter so I am submitting my representation.

That sir, After closing the post office account, I went to keep the cash and other valuables in strong room as 10/4/99 at Police Station at 345 PM with my staff Shri Tania Hosing ED packer but strong room was closed as the key keeper of strong room was on duty else where, so, I was compelled to keep the cash inside the chest of the post office.

In this regard, I informed earlier and after the fire accident the A.D.C. Mechuka, O.C. Mechuka and Director of Postal services, Itanagar. A copy of photo state of complaint against the key keeper P.S. Mechuka are enclosed with representation in support of the above charges, I am submitting a photo state copy of the statement of Shri Tania Hosing who went with me at Police Station.

A headconstable A.B. Gohain gave evidence in writing his copy of evidence is enclosed in photostate with representation again.

That sir, In your letter it is said that during the fire accident the neighbouring people saved their belonging from their houses before the fire and S.P.M. is the C.O. knowing fully where about the cash and other valuable failed to recover the cash etc. from the Post Office before the fire entered into the Post Office building. Had he followed the departmental procedure for keeping the cash & other valuable in the P.S. there would not be any loss to Govt.

That Sir, In your letter it is said that neighbouring saved their belongings before fire accident, But 11 families who were victimised by fire accident got compensation of loss by District level relief committee to fire accident on 11/4/99.

Contd..P/2.

Attended
was
Advocate

the departmental procedure for keeping the cash and other valuables in the P/S, there would not be any loss to the Govt.

If they saved their belongings. How did they get compensation of fire accident. In this regard, I am enclosing a photo state of copy of statement showing loss of individual property due to fire accident on 11/4/99 and amount shown against column No. 9 is recommended for sanction as relief payable to the victims.

I am an employee of central Govt. serving in the postal department of Arunachal Pradesh Division. So I submitted a list of my personal¹⁹⁸⁸ in fire in fire accident to the DPS, Itanagar, was estimated by the board members under the chairmanship of ADC, Mechuka. But I have not got any compensation of my personal loss of property by our Deptt. due to fire accident of 11/04/99.

That sir, the fire caught at near about mid night on 11/4/99 and I was in sound sleep. Having heard the noise of fire, I became nervous and any how I saved my life to become injured. In nervous injured condition, I shouted to save the postal property and cash. The rescue team broke the office door and saved the articles of post office which could be saved but fire did not allow to bring not the cash box and other valuable things, So the cash box and valuable things burnt.

In this regard, I request you to study to Police verification report as I stated in my statements. A copy of photo state of Police verification report is enclosed with my representation. The all staffs and public of Mechuka Sub-Division, who gathered at the time of fire accident signed in support of my statement to free from the charge lodged by postal department. A photo state copy of evidence of the staffs and public are inclosed with my representation.

At last sir, I followed the procedure for keeping the cash and other valuables in the P/S Mechuka. So charge of misappropriation of Govt cash amounting to Rs. 19303-45 in the eve of fire incident on 11/4/99 is baseless so I strongly deny from the above said charges in this regard I am enclosing written evidence with my representation and I again request you your kind honour to get free from the charges of misappropriation of Govt. property so that I may do my duty peacefully.

Your early action is highly solicited.

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Reviewed the departmental procedure for keeping the cash and other valuables in the P/S, there would not be any loss to the Govt.

Enclosures:-

1. ~~See~~ A copy statement of Shri Tania Hosing ED Paker of Mechuka S.O.
2. A copy of complain against key keeper of strong room of P.S. Mechuka.
3. A copy of individual loss statement.
4. A copy of Police verification report.
5. Eye evidence of public & staff of Mechuka Sub-Division.
6. A copy of My letter dated 18/02/2002.



Yours faithfully

(DINESH SHARMA)
Sub-Postmaster
Dibrang, A.P.

...

Copy to:
The Officer in Charge, Dibrang, A.P.

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... and departmental procedure for keeping the cash
other valuables in the P/S, there would not be any loss
to the Govt.

Annexure - M

Office of the Inquiry Authority :: Postal Divisional Office ::
ITANAGAR-791111

No. IO/R-14/IR/DS

Date:: 17 July 03.

Report on the case of inquiry under Rule 14 of CCS (CCA) Rules, 1965
Against Shri Dinesh Sarma, Sub Postmaster Mechuka SO

I was appointed the Inquiry Authority in the case of inquiry under Rule 14 of CCS (CCA) Rules, 1965 against Shri Dinesh Sarma, Sub Postmaster, Mechuka SO by the Director Postal Services, Arunachal Pradesh Division, Itanagar vide memo. No. F-2/Fireaccident/Mechuka dated 17-05-01.

Shri M.A. Malai, SDI of Posts, Itanagar was appointed the Presenting Officer vide memo. No. F-2/Fireaccident/Mechuka dated 17-05-01.

2. The charge framed against Shri Dinesh Sarma, Sub Postmaster, Mechuka SO (hereinafter cited as the CO) is given below:

Article of Charge

On 11-04-99, a fire accident took place at Mechuka SO involving loss of cash Rs. 17, 713.05 and stamp amounting to Rs. 1590.40. Though the facilities of keeping excess cash at Police Station was available at Mechuka SO, the SPM Shri Dinesh Sarma kept huge amount of cash at the Post Office and taking the advantage of the incident of fire accident at PO misappropriated the total amount of Rs. 19,303.45. Thus said Shri D. Sarma did not show devotion to duty and acted in a very irresponsible manner which is unbecoming of a govt. servant and has violated the provision of Rule 3(1)(i)(ii)&(iii) of CCS(Conduct)Rules, 1964.

2.1 The statement of imputation of misconduct or misbehavior in respect of Shri D. Sarma SPM Mechuka SO is given below

In Mechuka SO, some important articles including four iron chest were kept in a wooden parcel box. Among those four iron chests, one iron chest was containing Postal Cash amounting to Rs. 17,713.05. During the fire accident the SPM was successful to save all other articles except the iron chest containing cash. The chest containing cash being the most valuable property should have been shifted to safe place at the very first rescue attempt made by the SPM Shri D. Sarma. But all other articles including

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other three iron chest were reported to have been saved except the chest containing cash. That was reported to have been found in the midst of the ashes in open condition next morning. It was surprising how the locked box had been opened. As per the version of the SPM the lock, which was made of iron, had been burnt into ashes as no trace of lock in the body of the iron chest was found.

Regarding furnish of stamp amounting to Rs. 1590.40 it was reported by the SPM that the stamp were kept in the drawer of the office table and had burnt along with the table which was burnt partly. But during inquiry it is found that the table was not at all burnt, but was pulled out with all its belonging much before the fire caught the PO building.

Thus said Shri Dinesh Sarma did not show devotion to duty and acted in a very irresponsible manner which is unbecoming of a govt. servant and has violated the provision of Rule 3(1)(i)(ii)&(iii) of CCS (Conduct) Rules, 1964.

3. The preliminary hearing in the case was held on 10-09-01. The article of charge was read out to the CO and explained to him word-by-word and line by line both in English and Hindi. On being enquired the CO stated that he fully understood the charges framed against him. Then the CO was given to state clearly whether he admitted the charge framed against him. The CO pleaded that he was not guilty and denied the charge fully.

4. The Presenting Officer (hereinafter cited as the PO) was asked to produce the documents listed in the charge sheet for examination by the CO. The CO examined the documents and the documents were taken as exhibits of the case.

5. After examination of the documents the CO was reminded of the earlier intimation to him giving him the opportunity to nominate his defence assistant to assist him in the case. The CO was allowed the opportunity of more time to nominate and intimate the particulars of his defence assistant if he desired to appoint one.

6. The next hearing was held on 09-01-02. At the outset the CO was once more given the opportunity to nominate his defence assistant. The CO declared that he does not desire to nominate defence assistant and that he will plead his own case himself.

6.1 The CO, on being asked, stated that he had examined the documents listed in Annexure III of the charge sheet.

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6.2 The PO was then given to present his case. On being questioned, the CO made his statement as follows. He worked as Sub Post Master Mechuka since October, 1998 and continued till June, 2001. The fire accident occurred in the midnight of 11-04-99. The fire started from the house adjacent to the Post Office. He lived in the two-room residential quarter adjacent/attached to the Post Office. He had a friend by the name Verma running a shop at about 200 feet away from the Post Office. The cash and valuables of the Post Office were arranged to be kept in the Iron Chest in the Police Station for overnight custody. He was worked on 10-04-99 and 11-04-99 was a Sunday. The EDPacker Shri Tania Mosing and the EDDA Ms. Yari Komi worked with him on 10-04-99. He stayed in the attached residential quarter in the nights of 10-04-99 and 11-04-99; he was not well. On 10-04-99 he went to the Police Station but the key keeper of the PS was absent and hence he came back without keeping the cash and valuable of the PO in the PS Iron Chest. He made repeat attempt on 11-04-99 but the key keeper was still absent. He enquired about the key keeper and could learn that the key keeper was away on duty and did not hand over the key of the strong room to anybody. He made an Error Report on 10-04-99 and on 11-04-99 (Sunday) after 1100 hours. He put his signature in the Strong Room Register of the PS daily at the time of taking away the cash and valuables and keeping back in the evening. He prepared and issued Ers on every occasion of failure and report made to the DPS Itanagar thrice during his tenure.

6.3 The next hearing was held on 08-02-02. The PO was given to examine the witness Shri G.C. Hazarika, former DYSP Itanagar. He (the witness Shri Hazarika) stated that he reached Mechuka on 20-04-99. During inquiry he found that the fire took place from the residence of Lara Yorni, three (3) houses away from the post office at about 2355 hours on 11-04-99. The PO was fully gutted in the fire accident. After thorough verification he found that there was a shortage of Rs. 19,303.45 in the total balance of the Post Office. An iron chest was placed in the Police Station for keeping cash and other valuables for overnight custody. He enquired the Sub Postmaster (the CO) why did he not keep the cash valuable of the PO in the PS custody. The SPM (the CO) replied that he did not keep but he did not cite any reason. He (the witness) cited the SPM's (the CO's) version that there were four iron chests in one parcel box. In one iron chest the cash was kept. His (the witness') inquiry revealed that during the fire accident when the post

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office was burning some people came to rescue the properties of the post office and they recovered the iron chests from the parcel box. The SPM (the CO) was present on the spot but he became nervous seeing the fire and the people recovered the chests. There was no injury caused to the SPM during the fire accident. His (the witness') inquiry revealed that the SPM (the CO) was solely responsible for the loss of govt. money because it was for the SPM to safe custody the cash in the Police Station. as per rules and procedures and also that during the fire accident while other people were helping in the recovery of post office properties, it was for the SPM to ensure that the cash and valuables are first saved/recovered in which the SPM totally failed. His (the witness') revealed that the policemen were always available and there is not problem in keeping/taking the post office cash.

6.3.1 The CO was given the opportunity to examine the witness. During examination of the witness by the CO, the witness stated that the first house was of Post Office, the second was of Shri Takia Nibey, the third was of Smt. Yemen Puying and the fourth was of Shri Lera Yorni. The CO pointed out to the witness that during the inquiry by the witness he (the CO) stated that the policeman holding the key of the strong room was not available on Saturday (10-04-99) at about 1545 hours. In reply the witness stated that so far as his (the witness') knowledge goes he (the CO) did not say the point that he has raised now. The CO pointed out to the witness that during inquiry at Mechuka he (the CO) presented all the evidences and he (the witness) said that there was no fault of his (the CO's) in the loss/burning of the cash and why he (the witness) is now holding him (the CO) responsible for the burning/loss of cash now. In reply the witness stated that he did his inquiry and whatever he found he had reported and did not say anything like that. The CO further questioned the witness that fire may break out anytime and he (the CO) did not make the accident - what was his offence it it. In reply the witness stated that fire broke out and many items of the post office including KVPs, NSCs etc. were recovered along with the iron chests. Clearly he (the CO) failed to save the cash where he (the CO) as the SPM was fully aware of the iron chest containing the cash. Finally, the CO questioned the witness that as the cash were burnt they were turned into ashes - whether he (the witness) did find the ashes. In reply the witness stated that the fire accident was on 11-04-99 and he (the witness) made the visit on 20-04-99 and he ashes that he (the witness) found did not show any sign of any money or coin burnt.

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6.3.2 The examination of the witness both by the PO and the CO being complete, the Inquiry Authority questioned the witness that as preliminary investigating officer did he consider the circumstances in which the SPM was put during the fire accident and what was his (the witness') opinion about the SPM (the CO) in his duties to save the cash and valuables of the post office. In reply the witness stated that he assessed the circumstances of the time by the available evidences and came to the conclusion that the SPM failed in his duties to save the cash whereas other items were saved and the other householders of the locality saved their properties.

7. The final hearing in the case was held on 18-03-02. The points raised in the last hearing were discussed and the CO was given the opportunity to refresh his memories. The Inquiry Authority put his questions and the Charged Official made his reply, which is reproduced below: -

Qn. 1. :: (By Inquiring Authority): During examination the witness G. C. Hazarika stated that he visited the Police Station. He enquired and found that there is no problem in making safe deposit of cash in the PS. What is your comments?

Ans: (By Charged Officer): At time the key keeper of Police Station goes out on duty and deposits could not be made. I brought this to the notice of the OC Police Station.

Qn. 2. :: (By IA): You retained excess cash beyond the authorized limit. You failed to deposit the excess cash in the PS. Also you failed to issue the mandatory Excess Cash Balance memo. What is your comments?

Ans: (By CO): / Yes.

Qn. 3. :: (By IA): There were 4 iron chests in the SO. The KVP, NSC etc. contained in the chests were recovered during the fire incident. But the currency notes and coins and stamps contained in the iron cash chests were not recovered. What is your comments?

Ans: (By CO): I became senseless and nervous due to which I could not recover the cash and valuables.

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Qn. 4. :: (By IA): The fire incidence occurred 4 houses away from the PO. The neighbouring householders could save their properties but you failed to save the all important cash and valuables of the Post Office. What is your comments?

Ans: (By CO): The fire was very near to Post Office and I was nervous and so I could not save the Post Office cash and valuables.

Qn. 5. :: (By IA): Keeping in view the iron metal and the considerable thickness of the Post Office Iron Chests, it does not seem possible that the currency notes and stamps had turned into ashes and also it does not seem possible that the coins in the iron chest melted and turned into ashes. What is your comments?

Ans: (By CO): The currency notes and stamps turned into ashes. About the coins I do not know. At that time the coins also turned into ashes.

Qn. 6. :: (By IA): The iron cash chest was secured with Brass Lock. What about the Brass Lock?

Ans: (By CO): The Brass Lock was not found with the Cash chest after the fire incident. Only the hook of the lock was found.

Qn. 7. :: (By IA): The KVP, NSC etc. were saved from the fire. It is said that you took the advantage of the fire incident and misappropriated the cash and valuables in the cash chest. What is your comments?

Ans: (By CO): I was senseless and nervous and I did not misappropriate the amount.

The hearing in the case concluded at this stage.

8. The PO was given the opportunity to prepare and submit his brief. In his written brief the PO stated that (a) the CO utterly failed to keep the cash and other valuables in the Iron Chest provided at Mechuka PS for overnight

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custody on 10-04-99 (Saturday) after closure of the day's account; the following day i.e. 11-04-99 was Sunday. The PO further pointed out that (b) the CO (the SPM) knowing fully whereabouts the cash and other valuables failed to recover the cash etc. from the PO before the fire entered into the PO building and had he followed the departmental procedure for keeping the cash and dother valuables in the PS, there would not be any loss to the Govt. (c) It is crystal clear that the CO misappropriated the govt. cash amounting to Rs. 19,303.45 in the eve of fire incident on 11-04-99 and the CO is fully responsible for the govt. loss. (d) The charge in Article-I has been proved with all documentary evidences listed in Annexure-III of the charge sheet.

9. A copy of the written brief of the PO was served to the CO for preparation and submission of his defence. In his written defence the CO stated that (a) after closing the post office account, he went to keep the cash and other valuables in strong room on 10-04-99 of Police Station at 345 PM but strong room was closed as the key keeper of strong room was on duty else where, so he was compelled to keep the cash inside the chest of the post office. (b) The CO further stated that 11 families who were victimized by fire accident got compensation of lose by District level relief committee to fire accident on 11-04-99. If they saved their belongings how did they get compensation of fire accident. (c) the fire caught at near about mid night on 11-04-99 and he was in suold sleep. Having heard the noise of fire, he became nervous and any how he saved his life to become injured. In nervous and injured condition, he shouted to save the postal property and cash. The rescue team broke the office door and saved the articles of post office which could be sav ed but fire did not allow to bring out the cash box and other valuable things burnt.

The PO also enclosed copy of the (a) written statement of Shri T. Mosing, (b) written statement of one HC A.B. Gohain of the PS regarding strong room key on 11-04-99 (c) statement of relief awarded by the district authorities (d) statement from the public of Mechuka.

Analysis and Observation::

In the charge sheet it was imputed that (a) though the facilities of keeping excess cash at Police Station was available at Mechuka SO, the SPM Sri Dinesh Sharma kept huge amount of cash at Post Office. The defence of the SPM Shri Sharma is that he went to the PS on 10-04-99 (Saturday) but the key holder of the Strong Room was absent and he came back without keeping the cash and valuable of the PO in the PS Iron Chest. Further, Shri

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Sharma stated that he made a repeat attempt on 11-04-99 (Sunday) at about 1100 hours but the key keeper was still absent.

This point was raised in the hearing on 08-02-02 during examination of the witness Shri G.C. Hazarika by the charged official Shri D. Sharma. Shri Sharma questioned that during inquiry it was pointed out that the Policeman holding the key of the strong room was not available on Saturday (10-04-99) at about 1545 hours. But in reply the witness stated that Shri Sharma did not raise the point that he has raised now. The charged official Shri Sharma could not establish his point during hearings.

The working day was Saturday (10-04-99) and the written statement of the HC of the PS (observed to be partially tampered with) is for 1750 hours of 11-04-99 (Sunday); there is no clear mention that the SPM Shri Sharma attended the PS on 10-04-99 and 11-04-99 and the key holder of the PS was absent/away on the days.

Evidently, the reply given to the charged official Shri Sharma by the witness Shri Hazarika that this point was not raised during on-the-spot inquiry at Mechuka prevails.

Further, it was imputed that (b) four iron chests were kept in a wooden box. Among those four iron chests, one iron chest was containing postal cash. The SPM Shri Sharma was successful to save all other articles except the iron chest containing cash and also no trace of the lock in the body of the iron chest was found when the iron chest was reportedly found in the midst of the ashes in open condition next morning.

This point was specifically questioned to the charged official Shri Sharma. His only reply in defence was that he became senseless and nervous due to which he could not recover the cash and valuables. On the point of the lock in the body of the iron cash chest Shri Sharma only stated that the brass lock was not found with the cash chest after the fire incident and only the hook of the lock was found; and that the currency notes and stamps turned into ashes; about the coins he did not know, at that time the coins also turned into ashes.

Evidently, Shri Sharma failed not only in his prime duties to save the cash and valuables but also advanced a flimsy defence that the cash even the coins turned into ashes totally ignoring the fact that even the molten lumps of the metal coins or the ashes of the burnt currency notes or even the brass lock/molten lump of the metal lock were not recovered.

Further, it was imputed that the SPM Shri Sharma reported that postage stamps were kept in the office table drawer and the stamps were burnt along

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with the table which was burnt partly; but later it was found that the table was not at all burnt. In defence during hearing Shri Sharma only stated that the stamps turned into ashes ignoring the fact that the table in which drawer the stamps were kept were not at all burnt and was pulled out much before the fire caught the PO building. The defence put forward by the charged official Shri Sharma holding the post of the SPM in charge of the post office is flimsy.

FINDINGS

Keeping in view the results of the examination of the witness and the document cited in the charge sheet as also the circumstantial analysis and observation made above, I come to the conclusion that the charge framed against Shri Dinesh Sharma, SPM Mechuka stands proved.

(G.G.Singha)
Inquiry Authority

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Annexure N'

To

The Director of Postal Services,
Arunachal Pradesh,
Itanagar.

Sub: Representation on the Inquiry Report

Ref: Your letter No.F2/Fire Accident/Mechuka
dtd. 18.9.03.

Respected Sir,

I am in receipt of the Inquiry Report and I beg to submit the following representation for your esteemed consideration and favourable decision please.

At the outset, it is respectfully submitted that the findings of the Inquiring Authority are unfortunately based on mere presumptions and totally contrary to the realities. Sir, before dealing with the contents of the Inquiry Report, I crave leave to submit a few lines about the real facts occurred on that fearful night.

The devastating fire accident had occurred at about midnight on 11.4.99 in which about 12 houses were totally destroyed including the Post Office building. I was sleeping in my quarters adjacent to the Post Office. I woke up hearing the hue and cry of the people and I rushed to the Post Office building. The fire which was caught to one of the line houses nearby the Post Office was fast spreading to the adjacent houses and the post office including my living rooms. I shouted for help and the people who had rushed to the spot broke open the door of P.O. and started pulling out things. Standing at the entrance I was helping them in clearing and taking out the things thrown by them. I shouted for opening the parcel box and table where parcels, valuables, money and documents were kept; they opened the same and started throwing boxes and files towards the entrance. One of the heavy object hit my face and I was bleeding from mouth as my upper lip was cut. People were throwing the things in a haphazard and hectic manner as by that time the post office roof had also caught fire. I was fully nervous and injured. Still I help them and was shouting for taking out the remaining things. From the roof burning materials had fallen down and fire started spreading fast. This obstructed the recovery, still a police constable and some people tried to save maximum articles. When we noticed that only 3 iron boxes had come out, the police constable and others tried to pull out one more box by a wooden piece but it went invain as the fire had entirely swallowed the building.

Sir, while trying to save the post office articles, I could not give attention to nor could I take out my personal belongings including my dress, valuables, T.V., etc. All my personal belongings were converted into ashes. Still we could manage to save most of the post office articles and valuables. Seeing all these, coupled with the injuries I fainted and somebody has given me water and taken to Army personnel for treatment. The people, police and the nearby Army unit had all helped in the recovery process.

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On the next day morning only, in presence of A.D.C., OC (SB) and police, we found out the missing box containing cash which was fully black in colour after being burnt. The brass lock was not found but the iron hook of the lock was found on the box in its right position. We opened it and found only some ashes in it. Everybody including the ADC and police personnel were convinced that the cash were converted into ashes. Inventory was prepared by the police and all the people and myself had given list of lost articles. The loss to the post office was Rs.17,715.05 (cash) and Rs.1,590.40 worth stamps apart from loss of other materials and furniture. My personal loss was about Rs.30,000.00. While all those who sustained loss had been compensated by the State Government, Rs.25,000/- recommended by the District Relief Committee for my loss was not given on the ground that I will be compensated by my Department which is not yet materialised.

The real facts being the above, I have been charge-sheeted by my Department on a demoralising and humiliating charge that I have misappropriated Rs.19,303.45 being the cash and stamps destroyed in the fire. This was presumably done on the basis of a report submitted by the then Deputy Supdt. of Post Office who had visited the site after a-bout 10 days of the incident. All the real facts were submitted before him but he opted to draft his own statement on my behalf instead of recording the statement given by me. Whatever had been written in my statement had been written by him and copied by me as instructed by him. Several times he had re-drafted the statements, asked me to copy the same. Some of which were torned-off while the final one was prepared by him and copied by me. In addition, some blank papers were also got signed by me and taken by him. Some draft statements in his own hand-writing are still with me. Same was the case of other witnesses examined by him. Several vital points which were submitted by us were omitted by him.

Because there was no communication facility, I was directed to spend all the expenses at Mechuka during the period of his stay and that of his return journey from Mechuka. As all my personal belongings were destroyed by fire, I was living with only one pair of dress which was on my body on the date of the incident. The expenses were, therefore, met from the post office account on the assurance that the same will be returned which is also not done till date. My repeated requests for refund was turned down and I had even intimated this to your good office. On the contrary I was threatened that I will have to face severe consequences. Probably this was the reason for an adverse report against me.

Now coming to the Departmental Inquiry based on the said adverse report, it is respectfully submitted that the only witness examined in the Inquiry was none other than the said Preliminary Inquiring Officer who was obviously biased against me. I was not even given to examine any witness on my side. Not even any eye witness who participated in the rescue process nor any police personnel were examined during the inquiry. Ironically, in the inquiry I have been examined before the sole prosecution witness was examined by the Presenting Officer. It is submitted that such a course of examining the Charged Official at first and before examining any

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of the prosecution witness is contrary to the settled procedure laid for Departmental Inquiries. Only after the prosecution evidence is over, the Charged Official can be examined; otherwise the prosecution will be able to bring in evidence/version in order to defeat the defence and rebut the contention of the defence. This was the exact thing happened in my case. I was examined first and the sole prosecution witness was examined thereafter in such a manner that my version is outweighed by his version who was obviously biased. To cite an example, my specific case was that the cash available in the post office could not be kept in police station for overnight custody was due to the absence of the key-keeper in the police station. Several occasions this had happened and I was compelled to keep cash in the P.O. itself. This matter was told to the Preliminary Investigating Officer by myself and by the P.O. staff. But, in the statements drafted by him for our behalf, he had omitted that fact and in the enquiry he stated that I am saying this point for the first time in order to suit the prosecution intentions. In fact, the P.O. staff who had accompanied me to the police station on 10.4.99 for keeping the money in the P.S. had given in writing about the same. This statement when I produced in the Inquiry was dis-believed without even examining the said witness. Similarly, none of the persons who had witnessed the fire incident including the police personnel who participated in the recovery were not examined by the prosecution. Nor was I given any chance to examine them. It is also worthwhile to mention here that the maximum amount of cash that can be kept in the P.O. is Rs.15,000/- and the amount of cash available on the day of incident was little over the limit, which was compelled to be kept in the post office due to the key-keeper's absence. It seems, the whole inquiry was conducted with an intention to trap me and make me a scape goat for no fault on my part. I am at a fail to understand the reason behind it.

Sir, it is also worthwhile to point out that the public leaders and people who had witnessed the whole incident had sent a representation to your good office also narrating the entire fact and requesting the department to drop the proceedings against me. The police constable who had tried to retrieve the post office articles on the day of incident and for which awarded by the State Government had also sent a letter to your good office pointing out my innocence. When I have produced copies of those letters, the Inquiring Authority has dis-believed them without even examining them. He had come to the conclusion that the charges are proved on the mere presumption that the brass lock was not found on the box and that the box was opened. According to him, the box was in an open condition which is against the real facts. Actually, the box was in a closed condition with the hook of the brass lock in the right position on the box itself. Only the police had opened it and found ashes in the box. Everyone was convinced also. According to the Inquiring Authority, there was no molten materials of the coins or the brass lock was available. This is arrived at without even examining the box or examining any of the eye witnesses or the police who had open the box. Thus, a totally unsustainable conclusion bereft of any basis was arrived at in the inquiry. No legally admissible evidence was adduced nor any laid down procedure was followed in the inquiry.

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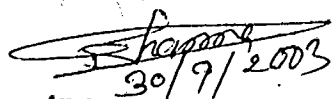
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Respected Sir, no person can foresee a fire accident and keep cash with an intention to misappropriate. In fact, there was more than One Lakh Sixty Thousand rupees available in the police station chest belonging to the post office. Had there been any intention on my part to misappropriate the cash, I could have exaggerated the amount destroyed in the fire. Similarly, I could have shown only an amount below the permissible limit to avoid the question of keeping excess money in post office. Actually, the incident had not only destroyed the post office cash but destroyed my personal belongings and valuables having more worth which I could not save or recover while I was trying to retrieve the postal valuables and other things. Now, for the dedicated service rendered by me even in an injured condition is being used for demoralising and humiliating me. Sir, right from 1999 I am being humiliated and being subjected to the ordeal of D.E. proceedings. Never in my career I had a blemish or bad mark. I think I am being made a scape-goat. If for this incident I am punished, I feel that it would be a solitary instance in punishing a Govt. Servant for trying to recover most of the valuables of the Government and the general public at the cost of his life and properties.

I hope and trust that I will get justice atleast from your esteemedself, for which act of your kindness I shall ever be obliged.

Yours faithfully,


30/9/2003
(Dinesh Sharma)
Sub-Post Master,
Dirang S.O.

Dirang,
30.9.2003.

...

Attested
Hans
Advocate

DEPARTMENT OF POSTS: INDIA
Office of the Director Postal Services: Arunachal Pradesh Division
ITANAGAR-791111

Memo No. F-2/Fire accident/Mechuka

Date: 05-12-03

Shri Dinesh Sharma, the then SPM Mechuka SO, Arunachal Pradesh Postal Division was proceeded against under Rule 14 of CCS (CCA) Rules, 1965 vide this office memo of even no. dtd. 01-03-01. The statement of the imputation of the misconduct or misbehaviour in the support of the charge framed against Shri D. Sharma runs as under.

In Mechuka SO, some important articles including four iron chests were kept in a wooden parcel box. Among those four iron chests, one iron chest was containing Postal Cash amounting to Rs. 17,713.05. During the fire accident the SPM was successful to save all other articles except the iron chest containing cash. The chest containing cash being the most valuable property should have been shifted to safe place at the very first rescue attempt made by the SPM Shri Sharma. But all other articles including other three-iron chest were reported to have been saved except the chest containing cash. That was reported to have been found in the midst of the ashes in open condition next morning. It was surprising how the locked box had been opened. As per the version of the SPM the lock, which was made of iron had been burnt into ashes as no trace of lock in the body of the iron chest found.

Regarding burning of stamp amounting to Rs. 1590.40 it was reported by the SPM that the stamp were kept in the drawer of the office table and had been burnt along with the table which was burnt partly. But during inquiry it is found that the table was not at all burnt but was pulled out with all it's belonging much before the fire caught the PO building.

Thus said Shri Dinesh Sharma did not show devotion to duty and acted in a very irresponsible manner, which is unbecoming of a govt servant and has violated the provision of Rule 3 (1) (i) (ii) & (iii) of CCS (Conduct) Rule 1964.

2. Shri D. Sharma was given the opportunity to submit a written statement of his defence and also to state whether he desires to be heard in person. Shri Sharma submitted his defence statement against the charges vide his letter dtd 04-04-2001. It was proposed to hold an inquiry into the charges and shri G.G. Singha, DYSP Itanagar was appointed as Inquiry authority vide this

Attested
N. D. S.
Advocate

office memo of even no dtd. 17-05-01. Shri M.A. Malai SDI of Posts, West Sub Division Itanagar was appointed as the presenting officer vide memo of even no dtd. 17-05-01 to present the case on behalf of the department.

3. The Inquiry Authority held hearing on 10-09-01, 09-01-02, 08-02-02 and concluded on 18-03-02. The Inquiry report was submitted by the IO vide his no IO/R-14/IR/DS dtd 17-07-03. I have gone through the Inquiry Report thoroughly. The inquiry has been held in a fair manner and all the reasonable opportunities provided under Rule 14 of CCS (CCA) Rules 1965 have been given to Shri Sharma. The charge was read out to Shri D. Sharma and explained to him. He was given the opportunity to nominate his defence assistant to assist him in the case; but he did not desire to nominate any defence assistant and he pleaded his own case himself. He was given ample opportunity to examine the documents listed in Annex III; also given ample opportunity to examine the witness listed in Annex IV of the charge sheet. At the concluded stage of the inquiry, the Inquiry Authority served the charged official Shri D. Sharma with a copy of the brief submitted by the Presenting Officer for preparation and submission of his written representation in counter defence. The Inquiry Authority has taken into account the counter defence representation received from Shri D. Sharma while preparing the inquiry report.

4. The Inquiry Authority based his Inquiry on the documentary evidents and the evidence by the witness; and made his report based on the findings of the examination of the evidences as also the out come of the hearings/proceedings in the inquiry. On conclusion of the inquiry, the Inquiry Authority reported that keeping in view the results of the examination of the witness and the documents cited in the charge sheet and also the circumstantial analysis and observations, he came to the conclusion that the charge framed against Shri D. Sharma, the SPM Mechuka stands proved.

5. A copy of the Inquiry Report was forwarded to Shri Dinesh Sharma vide this office letter of even no. dtd 13-09-03 for submission of his defence representation, if any, before final order is issued by the disciplinary authority. Shri Dinesh Sharma submitted his representation vide his letter no nil dtd 30-09-03 which was received at this office on 09-10-03.

*Attested
near
Advocate*

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6. FINDINGS BY THE DISC. AUTHORITY.

I have further examined the documents listed in Annex-III of the charge sheet carefully and minutely as also the proceedings of examination of the witness listed in Annex-IV of the charge sheet.

6.1. In para 2 of his representation Shr Sharma stated that the findings of the Inquiry Authority are based on mere presumption and totally contrary to the realities.

6.1 a) I have gone through the Inquiry Report w.r.t the proceedings of the hearings and I find that the conclusion drawn in the Inquiry Report is based on revelation during the hearings and there is no element of mere presumption as alleged by the charged official.

6.2. In para 3 the charged official stated that the fire accident occurred at about mid night and 12 houses were totally destroyed including the Post Office building. He was sleeping in his quarter adjacent to the Post Office and woke up hearing the hue and cry of the people. He shouted for opening the parcel box and table where parcel, valuables, money and documents were kept.

6.2 (a) During the proceedings of the hearings on 18-03-02 the Inquiry Authority put the question that the fire incident occurred 4 houses away from the Post Office. The neighbouring householders could save their properties but the SPM (CO) failed to save the all important cash and valuables of the Post Office. The charged official only commented that the fire was very near to the PO and he was nervous and so he could not save Post Office Cash and valuables. Evidently he only shouted but he failed in his duties to ensure to save the cash and valuables of the Post Office.

6.3 In para 4 the charged official stated that while trying to save the Post Office articles, he lost his personal belongings. He fainted and some body gave him water.

6.3 (a) This statement does not constitute any point of defence against the specific point of charge that he did not show devotion to duty and acted in a very irresponsible manner taking advantage of fire accident misappropriated the govt cash.

6.4 In para 5 the charged official stated that on the next day morning the police found out the missing box containing cash. The brass lock was not

Attested
N. D. S.
Advocate

found only the iron hook of the lock was found on the box wherein some ashes were found.

6.4(a) During proceedings of the hearing the Inquiry Authority put the question that keeping in view the iron metal and the considerable thickness of the Post Office iron chest, it does not seem possible that the lock turned into ashes and also it does not seem possible that the coins in the iron chest melted and turned into ashes. In reply the charged official commented only that the currency notes and stamps turned into ashes. About the coins he does not know. At that time the coins also turned into ashes. Evidently, the SPM intentionally avoided to admit the fact that the coins can only turn into molten mass and not ashes. This amply shows that the statement of the charged official that the police recovered the ashes of the cash and stamp is not true.

6.5 In para 6 the charged official stated that the written statement made by him in presence of the then Dy Supdt of Post Office, who had visited the site, was drafted by the DYSP and he (the charged official) only copied the same. Several vital points submitted by him (the CO) were omitted by the DYSP.

6.5. (a) The SPM is educated and trained enough to make and write out his own statement. The plea of having only copied the draft of the DYSP can at best be a feeble attempt on his part to ignore the specific points in the report submitted by the DYSP after his visit. This flimsy ground cannot be a defence against the charge of his failure in his prime duties to save the govt cash and valuables being incharge of the office.

6.6 In para 7 the charged official raised certain allegation of bearing the expenditure during the stay of the visiting DYSP at Mechuka.

6.6 (a) During any of the hearing including examination of the DYSP as witness, the charged official did not raised this point which is very much personal having no bearing with the case.

6.7 In para 8 the charged official stated that the only witness examined in the inquiry was non other than the Preliminary Inquiry Officer who was obviously biased against him and that he was not given to examine any witness on his side. The charged official also stated that the cash available in

*Admitted
as
Advocate*

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the post office could not be kept at Police Station due to absence of the key keeper of the Police Station due to which on several occasion he was compelled to keep the cash at PO itself.

6.7(a) In the charge sheet only one witness was cited. During the hearing on 08-02-02, the presenting officer was given the statutory opportunity to examine the witness in presence of the charged official. After the PO completed his part of presenting the listed witness before the Inquiry Authority the charged official was given statutory opportunity to examine the witness; thereby the Inquiry Authority observed the usual formalities of the Inquiry. On conclusion of examination of the witness by the PO and the cross examination by the charged official, the Inquiry officer examined the witness. In the next phase of the inquiry, during the hearing on 18-03-02 the charged official mentioned about his defence witnesses. Both the witnesses were constables of the Mechuka Police Station. The Inquiry Authority found that they had done their duties as Police men and it has no bearing on the loss/misappropriation of the Postal cash by the SPM (charged official) as made out in the charge sheet. And hence, the examination of the police people were not found required in the case by the Inquiry Officer. During the hearing on 09-01-02, the charged official was given to examine the documents listed in the Annex-III of the charge sheet and the PO was given to present his case thereafter during which reference of the document containing the report on the incident was interacted upon by the PO with the CO towards analyzing the points mentioned in the document of the report which does not constitute examination of the charged official at that stage.

In fact the charged official was solely examined by the Inquiry Officer on 18-03-02, only, after which the hearing in the case was closed. The point of keeping cash in the Post Office was dwelt upon during examination of the witness on 08-02-02. The witness, who conducted the investigation in the site, was questioned whether police people were present on all days in the police station and whether any trouble was faced in keeping the Post Office cash. In reply the witness stated that the police men were always available and there was no problem in keeping/taking the Post Office cash. The Charged Official was given the opportunity to examine the witness on this particular point. The charged official cited the specific instance of Saturday the 10th April '99 on which day the police men holding the key of the strong room was not available at about 15-45 hrs. In reply to the question of the charged official the witness stated that the charged official did not say this point during investigation at Mechuka. In fact the charged official was given the ample opportunity to examine the witness, against whom he has made unfounded allegation but he could not deduce any proof or indication

*Attested
Naras
Advocate*

towards his point of absence of police men at the police station at the time of keeping the cash. The flimsy ground of defence stated by the charged official does not constitute any concrete point of defence against the specific charge in the charge sheet.

6.8. In para 9 the charged official stated that there were a number of eye witnesses like public leaders and the police officials also stating that he produce copies of letters from the said eye witnesses but the inquiry authority disbelieved the letter without examining them. The charged official also stated that the ashes were recovered by the police from the iron box but the inquiry authority concluded the case saying that there were no molten materials of the coins or the brass Lock.

6.8(a) During inquiry on 18-03-02 the question of examining the witnesses belonging to public and police came up. The inquiry authority found that they had done their duties in the incident which had no bearing on the case of loss/misappropriation of the postal cash as framed in the charged sheet. Regarding brass lock and the coins, at no point of inquiry the charged official stated clearly that the molten mass of the brass lock and the coins were recovered by him or by the police or by the public people. Absence of the possible concrete evidence of burning the cash with the lock of the box amply indicated that the cash were not actually burnt but taken away with mala fide intention.

6.9. In para 10, the charged official stated that a fire accident can not be foreseen; also stating that there were more than one lakh sixty thousand rupees available at the police station and he could have misappropriated that amount also had he had any intention like that. He also stated that he had been humiliated and subject ordeal of departmental inquiry proceedings.

6.9(a) The statement of the charged official is nothing but an expression of his personal feelings and does not constitute any concrete defence against the charges framed against him. On the other hand the local people of Mechuka had managed to pull out all furniture of the PO building including SPMs Quarter Vig almihrahs, Mailbox tables etc. before fire reached the PO building. This was even confirmed by most residents of Mechuka during subsequent visits by SP and DPS.

Considering the gravity of his lapses and gross negligence, due to which the govt sustained a huge loss, I pass the following order.

Attested
Advocate

Order

I Mrs. M. Iawphniaw, Director Postal Services, Arunachal Pradesh Division, Itanagar having gone through the charges framed against Shri Dinesh Sharma as also the representation made by him ^{and} in accordance with the power conferred on me vide Rule 12 (2) (a) of CCS (CCA) Rules 1965 hereby award Shri Dinesh Sharma, then SPM Mechuka, now working as SPM Dirang SO the punishment of reduction of pay by two stage from 4600 to 4400 for 3 years without cumulative effect. No increment will be earned during the period of punishment.

sd/-

(M. Iawphniaw)

Director Postal Services
Arunachal Pradesh Division
ITANAGAR-791111

Regd
AW

Copy to :-

- ✓ 1. Shri Dinesh Sharma, SPM Dirang SO for information.
2. The Postmaster, Itanagar HO for information and n/a.
3. The Chief PMG (Inv) N.E. Circle Shillong w.r.t CO's case mark Inv/X/Fire-Mechuka/AP/99-2000 for information.
4. The DA (P) Kolkata w.r.t DA(P)'s case mark Mechuka SO/FC-4394(C)/99-00/PA (M) III/681 for information.
5. P/F of Shri D. Sharma (Staff)
6. C/R file of Shri D. Sharma (Staff)

M. Iawphniaw
(M. Iawphniaw)

Director Postal Services
Arunachal Pradesh Division
ITANAGAR-791111

Attested
by
Advocate

Answer 'P'

To

The Chief Post Master General,
North-East Circle,
Shillong,
Meghalaya.

Sub: Appeal against the Order of Disciplinary
Authority vide Order No.F-2/Fire Accident/
Mechuka dated 5.12.03.

Respected Sir,

Most respectfully and with humble prayer, I beg to
submit the following appeal for your esteemed consideration
and favourable decision, please :

1. That a disciplinary proceeding was initiated against me
under Memo No.F2/Fire Accident/Mechuka dated 1.3.2001 by the
Director of Postal Services, Itanagar.
2. That the said proceedings were drawn up on account of
the loss sustained to the Post Office during the fire accident
occured on 11.4.99 at Mechuka in which about 12 houses inclu-
ding the Post Office were burnt down.
3. That unfortunately, to my dismay and agony, I am being
made a scape-goat for the unforeseen fire accident despite
all my efforts and endeavour to save most of the valuable
items of the Post Office even discarding the personal loss
and injury sustained to me.
4. That, before going to the details of the enquiry report
and the finding of the disciplinary authority, I crave leave
to submit a few facts relating to the incident.
- 4(a). As submitted earlier, the fire accident occured on
11.4.99 has destroyed 12 houses in which all the inhabitants
have sustained heavy loss and damages. I was sleeping in the
adjoining room of the Post Office which was allotted for my
accommodation. I woke up on the hearing of the hue and cry of
people about the fire and rushed to the Post Office. On my
shouting for help, the people who had rushed to the spot had
broke-open the door of the Post Office and started pulling
out things. Standing at the entrance I was helping them in
clearing the articles thrown by them. I shouted for opening
the parcel box and table where valuables were kept and they

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Advocate

had broken the box and table drawer and pulled out materials and thrown it towards the entrance. In the process, I also got injured by the hit of a heavy object on my face by which my upper lip was cut. Still, in a bleeding condition, I helped in clearing the things and by the time the whole building was captured by fire. When we noticed that only 3 iron boxes were come out out of the 4 boxes kept in the parcel box, the police constable and others tried to pull out the box by a wooden piece but went invain as the fire had entirely swallowed the building. It is worthwhile to mention here that while attending the rescue process of the Post Office, I could not give any care or attention to save my personal belongings including T.V., dresses, personal cash, other valuables, etc. Due to the injury and nervousness, I got fainted and the people gave me water and taken me to the nearby Army unit for treatment. On the next day, in presence of Additional Deputy Commissioner, OC(SB) and Police found out the missing box of cash which was fully burnt into black colour. The box was in a closed condition with only the iron hook of the brass lock remained in its right position. On opening, only some ashes could be found in it. Everybody including the Additional Deputy Commissioner was convinced that the cash was converted into ashes.

4(b). The total loss sustained was estimated and an amount of Rs.17,715.05 and stamps worth Rs.1,590.40 were destroyed. It is worthy to point out that the stamps worth Rs.26,476.60 could be saved from the fire.

4(c). I personally sustained a loss of about Rs.25,000.00. Only the personal wearing on my body alone was saved. The people has sustained heavy loss. A true copy of the assessment made by the Board constituted by the Addl. Deputy Commissioner, Mechuka, is produced herewith as Annexure 'A'. My personal loss was estimated at Rs.25,250/- and I got an interim relief of only Rs.1,000/- while the others were substantially compensated by the State Government later on. I was told that I will be compensated by my Department which is not yet materialised.

5. That the real facts being above, I have been charge sheeted in the guise that I have misappropriated the Govt. cash. The enquiry was conducted totally in a prejudiced and predecided manner in which I was not given copies of the preliminary

Attested
W.S. as
Advocate

enquiry report submitted by the Deputy Supdt. of Post Offices nor the statement of witnesses. I was given only an opportunity to peruse the same.

6. That, further in the enquiry I was cross-examined by the Presenting Officer before any prosecution witness was examined which is in gross dis-regard and contravention of the written statutory rules on disciplinary proceedings and CCS (CCA) Rules. The Presenting Officer has then examined the sole prosecution witness namely the Deputy Supdt. of Post Offices who was obviously biased against me in such a manner that all my defence will be jeopardized. It is well settled in service jurisprudence that such a course of examining the charged official before the prosecution evidence is commenced would be contrary to a fair enquiry and would jeopardize the defence of the charged official.

7. That the defence witnesses cited by me who were none other than the eye witnesses to the incident were not examined by the enquiry officer on the totally untenable contention that they were only discharging their duties and not relevant witnesses to the charge levelled against me. The sole prosecution witness namely the Deputy Supdt. of Post Offices (who was the preliminary enquiry officer) examined in the enquiry was biased against me for extraneous reasons. He has visited the spot only on the tenth day after the incident and he made the statements of the witnesses including myself in his own handwriting and directed me to copy the same which I had to oblige due to his superior position. Several copies of such statements in his own handwriting are with me. Several aspects stated by us were omitted by him. Further, he compelled me to spend all his expenditures at Mechuka including his expenditure towards food, accommodation and return journey on the assurance that it will be returned. All my requests to refund the same were not acceded. Instead he had threatened me that I will have to face severe consequences. Two copies of the statements written in the handwriting of the said officer is produced as Annexure 'B' & 'C' for your kind perusal. Further, I have requested the Director of Postal Services at Itanagar to get the reimbursement of the money spent towards his expenditure. Copies of the letters addressed to the Deputy Supdt. of Post Offices and the copy of the letter addressed to the Director of Postal Services in this connection as well as the copy of the receipt given by the In-charge of I.B. is produced herewith as Annexure 'D', 'E', 'F' and 'G'.

Attended
by
Advocate

8. That, it is respectfully submitted that probably the above aspects were the reason for an adverse report by the Preliminary enquiry officer as well as for giving a distorted story by him in the enquiry with the ultimate intention to make me a scape-goat.

9. Now, by the Order of the Disciplinary Authority appealed against, I was imposed a severe and major punishment of reduction in pay by two stages for 3 (three) years with a further punishment of non-earning of increments for that period. It is respectfully submitted that for the sincerity and devotion shown by me despite sustaining of personal loss and injury to save the governmental articles to the maximum extent, I am being punished in this manner.

10. Now coming to the various findings of the Disciplinary Authority, I respectfully submit the following grounds against the reasoning contained therein -

10(a). The Disciplinary Authority has found that the enquiry was fair. It is humbly submitted that for the sole reason that the charged official was examined and cross-examined by the presenting officer ahead of any other witnesses is totally a procedure against the statutory law and against all principles of natural justice and fair play. Further, the eye witnesses cited by me were not examined on untenable grounds. The entire proceedings were done without giving me copies of the documents relied upon nor was I given ample opportunity to adduce my evidence. All the statements made by the eye witnesses and people participated in the rescue process were submitted to the enquiry officer but the same were discarded without any reason whatsoever. Similarly, the fact of absence of the Key Keeper in the police station was also stated by the post office staff themselves and borne out by the statements produced by me in the enquiry. The enquiring authority had not given any importance to those documents without citing any reason and without even examining them. True copies of all such statements are produced herewith as Annexure 'H', 'I' & 'J'.

10(b). The finding of the Disciplinary Authority based on the Preliminary Enquiry Officer's biased statement that there was no problem in keeping the cash for overnight custody at the Police Station is against real facts. Neither he had enquired at the Police Station nor he had examined any witnesses to that effect nor such a statement is supported by any legally admissible evidence. Further, his statements were recorded

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in the enquiry after my statement is recorded and in such a manner that my statements will be refuted to suit the prosecution version.

10(c). The reasoning of the Disciplinary Authority to the effect that the absence of molten mass of the lock or coins to draw an adverse finding against me is also against legally admissible evidence. It is worthy to point out that brass metal melts earlier than iron metal and perhaps that may be the reason why the brass part of the lock was absent on the box and its iron hook was remained intact on the closed box. Regarding the coin, it is to be pointed out that from the cash balance of Rs.17,715.05, perhaps only 5 paise coin might alone be available in the box. The exact number of coin was not ascertainable. Further, nobody including the police who had opened the box had thoroughly verified the box or surroundings for any molten material. In this connection, it is also to be pointed out that neither in the enquiry nor in the disciplinary proceedings the box was produced or verified. Thus, the enquiry authority as well as the disciplinary authority has apparently arrived at a conclusion and adverse inferences against me without recourse to any legally permissible manner. They have based their findings on mere imaginations and presumptions.

10(d). The yet another finding of the Disciplinary Authority that all the people could save the property except me is also contrary to facts. The report of the Board contained at Annexure 'A' would clearly prove that several people had sustained huge loss and damages and they were compensated by the State Government. But in my case, the enquiry as well as the punishment is adding insult to my injury.

10(e). The finding that I have taken away the cash and misappropriated it taking advantage of the fire accident is also highly untenable and against valid evidence. The Disciplinary Authority itself has mentioned about this in words namely "loss/misappropriation" which shows that it is not sure whether it is a loss or misappropriation. As your good self is aware, the fire accident was occurred in the midnight and there is not an iota of evidence or circumstance to say that I have planned it. I only tried to save the governmental articles to the maximum extent even at the cost of my life and properties. Had there been an intention to take advantage,

Attended
14/05/05
Advocate

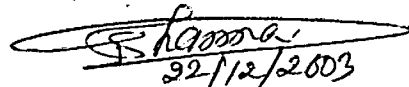
I could have exaggerated the loss especially when huge amount of cash was available in the custody of the Post Office. Further, stamps worth Rs.26,474.60, which is equivalent to cash, was also saved and reflected in the assessment statement.

Thus Sir, I have been victimised and severely punished for no fault of mine without taking into consideration the circumstances under which I have worked and saved the governmental properties to the maximum extent. I feel that such a course would not only demoralise me but also several government employees serving in difficult conditions like that of Mechuka and open to such risks.

I further request your esteemed self to give earnest consideration to the various points referred to above and also request to grant an opportunity of personal hearing before taking any decision if against me.

Respected Sir, I am now approaching your benevolent self with fervent hope that justice will be rendered to me by your august self and exonerate me from all the blame for which act of kindness I shall ever be obliged.

Yours faithfully,


22/12/2003

Dinesh Sharma,
Sub-Post Master,
Dirang S O,
West Kameng Dt., AP.

Date:

- Encl: 1. Annexure A to J.
2. Copy of Order dtd. 5.12.03.

Copy to: The Director of postal services Assam
Pradesh division Itanagar for information
please

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Attested
by
Advocate

-65- OA/Staff
Order
Annexure ①

90

**DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL, N.E. CIRCLE
SHILLONG-793 001.**

Memo No. Staff/109-11/2003,

Dated at Shillong, the 07.06.2004.

ORDER

Subject :- Appeal dated nil against the order of reduction of pay by two stages from Rs.4600/- to Rs.4400/- for 3 years without cumulative effect – case of Sri Dinesh Sharma, the then SPM, Mechuka and now working as SPM, Dirang S.O.

1. The Director of Postal Services, Arunachal Pradesh Division, Itanagar vide her Memo No.F-2/Fire accident/Mechuka dated 5.12.2003 issued order for reduction of pay by two stages from Rs.4600/- to Rs.4400/- for 3 years without cumulative effect and no increment will be earned during the period of punishment to Shri Dinesh Sharma, the then SPM, Mechuka, now working as SPM, Dirang S.O. Shri Dinesh Sharma made an appeal dated nil to the Chief PMG, NE Circle, Shillong.

2. I have reviewed the appeal as well as other relevant records of the case. On 11.4.99 evening, there was a fire at Mechuka S.O. The charged official was the SPM, Mechuka Sub-Post Office and residing in adjacent SPM's residential quarters. At the close of office on 11.4.99, there were 4 (four) iron chests, containing (i) Cash and Stamps, (ii) Office records, (iii) Some parcels, (iv) A box of type iron of date & year. During the fire accident, the SPM reportedly succeeded in saving three (03) iron chests, except the iron chest containing cash of value Rs.17,713.05. Shri Dinesh Sharma, SPM/PA has stated that the locked box, containing cash/valuables, was burnt in the fire. However, the fire ashes did not contain any trace of the lock to the iron chest, nor smoldering ash ruins of the cash iron chest. Further, there were also facilities for keeping cash/valuables, at local Mechuka Police Station, which Shri Dinesh Sharma, Ex-SPM, Mechuka, did not avail of on the close of last working day, prior to the fire accident. Shri Dinesh Sharma did not make any attempt to safeguard cash/valuables nor did he exercise any attempt to retrieve the iron chest containing cash/valuables, when the fire was discovered. Again, there is strong circumstantial evidence to suggest that Shri Dinesh Sharma had misappropriated cash of amount Rs.17,713.05, kept in the cash iron chest, taking advantage of the fire accident.

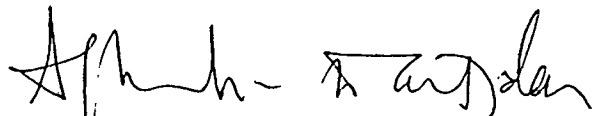
3. Shri Dinesh Sharma has stated that postage stamps and stationery worth Rs.1590.40 was burnt in the fire, as they were kept inside one office table drawer. But it has been noticed that the said office table was pulled out of the Post Office building, before the fire reached the Post Office building. There is strong circumstantial evidence to suggest that Shri Dinesh Sharma, Ex-SPM/PA had

Attended
near
Advocate

misappropriated Rs.1590.40 worth postage stamps and stationeries, taking advantage of the fire accident.

4. Shri Dinesh Sharma, Ex-SPM/PA, Mechuka S.O. has been personally responsible for loss of Government cash amounting to Rs.17,713.05, and Government postage stamps and stationery, amounting to Rs.1590.40. The official has shown lack of integrity and devotion to duty which is in contravention of Rule-3(1)(ii) of CCS (Conduct) Rules, 1964.

5. The charges stand proved. The charged official in his above appeal has not submitted any acceptable argument which finds merit. The appeal is rejected, and the orders dated 15.12.03 of Punishment of Penalty remain unaltered.



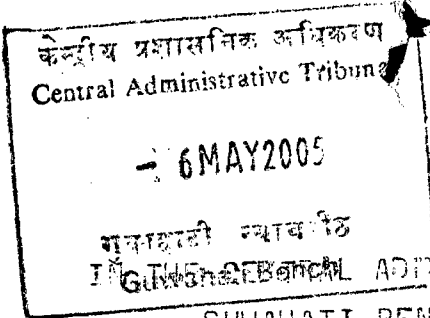
(A. GHOSH DASTIDAR)
Chief Postmaster General,
N.E. Circle, Shillong-793 001.

Shri Dinesh Sharma,
SPM, Dirang S.O.
West Kameng District,
Arunachal Pradesh.

Copy to:-

- 1-2) The Director Postal Services, Arunachal Pradesh Division, Itanagar.
- 3) Spare.

Attended
was
Advocate



92
Union of India & Ors
Respondents
Through
Group Representative
Chandran

In the matter of :
O.A. No.16 of 2005
Dinesh Sharma, ...Applicant
-Versus-
Union of India & Ors.
.....Respondents

WRITTEN STATEMENT FOR AND ON BEHALF
OF RESPONDENT NOS.1,2,3 & 4.

I, N.C. Halder, Supdt. of posts, Office
of the Director Postal Services, Arunachal Pradesh,
Itanagar-791111, do hereby solemnly affirm and say as
follows :-

1. That I am the Superintendent of Posts, Office of the
Director Postal Service, Arunachal Pradesh, Itanagar and as such
fully acquainted with the facts and circumstances of the case. I
have gone through a copy of the application and have understood
the contents thereof. Save and except whatever is specifically
admitted in this written statement the other contentions and
statement may be deemed to have been denied. I am authorised to
file the written statement on behalf of all the respondents.
2. That the respondents beg to place the brief history
of the case as follows :-
 - i) On 11-04-1999 a fire accident occurred at Pochuka where
11 houses including Post Office were gutted in the fire. Due to the
burning of Post Office it was reported that Postal Cash amounting
to Rs.19,303.45 was burnt into ashes. The Sub Postmaster Tri Dinesh
Sharma kept excess cash in the Post Office in an iron chest along
with other three iron chests. The rescue team managed to pulled
out the other three iron chests containing other articles and the
iron chest containing cash was reported to have burnt in the fire.
According to the inquiry conducted it reveals that the cash was
intentionally misappropriated by the official since it was unbeliev-
able when three iron chests could be pulled out how one chest
containing cash could be left out for burning in the fire.

ii) The involvement of the applicant in misappropriating the Postal Cash has been established and accordingly he was charge sheeted. Inquiry was held where the Inquiry Officer submitted report that the charges initiated against the applicant stands proved. Hence, he was awarded the punishment by the Disciplinary Authority. The applicant filed an appeal to the Appellate Authority, the Chief Postmaster General, NE Circle Shillong, the Appellate Authority rejected the appeal and upheld the decision of the Disciplinary Authority.

3. That the respondents have no comments to the statements made in paragraph IV(1), IV(2), IV(3) of the application.

4. That with regard to the statements made in paragraph IV(4) of the application, the respondents beg to state that Mechuka falls under the classification of cold place. At present it has got motorable link with the rest of the world. The only available wood is Pine tree as such all houses are made of Pinewood and Bamboo though at present some RCC building have come up after opening of motorable road. Though there was no locker facility available, provision was made for keeping cash and other valuables in the local Police Station.

5. That with regard to the statements made in paragraph IV(5) of the application, the respondents beg to state that the Police report shows that the fire broke out on 11-4-1999 and 11 houses gutted into the fire including the Post Office.

Copy of Police report enclosed as ANNEXURE-A.

6. That with regard to the statements made in paragraph IV(6) of the application, the respondents beg to state that matter was reported to the Division office vide W.T. Message MK/FIR-1/98-99, dtd. 12-4-99 and to the Police Station vide FIR no as noted above on 12-04-99.

Copy of WT message enclosed as ANNEXURE-B

Copy of FIR enclosed as ANNEXURE-C

7. That with regard to the statements made in paragraph IV(7) of the application, the respondents beg to state that the assessment of loss sustained was prepared by the Addl. Deputy Commissioner, Mechuka showing both personal and official loss and Re. 1,000.00 was duly paid to the victims as immediate relief.

Copy of assessment enclosed as ANNEXURE-D.

8. That with regard to the statements made in paragraph IV(8) of the application, the respondents beg to state that the assessment list shows total loss as Rs. 70,900.00 as enclosed in ANNEXURE-D above

9. That with regard to the statements made in paragraph IV(9) of the application, the respondents beg to state that the Deputy Superintendent of Post Offices, Office of the Director Postal Services Itanagar was directed to inquire the case. His report shows that there was total cash short of Rs.19,303.45 vide his WT message No.A-1/SP/Pechuka/99, dtd.24-9-99.

Copy of WT containing report is enclosed as ANNEXURE-F.

10. That with regard to the statements made in paragraph IV(10) of the application, the respondents beg to state that after complete burning of Post Office building the State Government provided one room to enable the Post Office to start functioning and as per the report the Post Office started functioning in the new room since 22-04-99.

11. That with regard to the statements made in paragraph IV(11) of the application, the respondents beg to state that after an inquiry conducted by then Dy. Superintendent of Post Offices, Itanagar it reveals that the applicant failed to keep the cash and other valuables in the Police Station where there was an Iron chest provided for safe custody of Govt. cash and valuables. It was his primary duty to keep the Cash and valuable in safe custody. Moreover, when the fire broke out there were four iron chests kept inside the wooden Parcel box in the office containing Postal cash of Rs.17713.05 and other articles like Saving Certificates etc. All other three iron chests were pulled out safely but one iron chest containing the above Postal cash was left out for burning in the fire and reported to have been found in the midst of the ashes next morning. The big parcel box containing four iron chests was locked, the lock was opened by breaking it and three iron chests could be pulled out and one left inside the wooden parcel box. One office table with drawer also pulled out. The applicant was present on the spot at that time. The Iron chest containing Postal Cash was too locked but the applicant stated that the lock made of iron was also burnt into ashes. But the inquiry report shows that all the above were pulled out before the fire caught the Post Office.

Postage stamps worth Rs.1590.40 was also kept inside the drawer of the office table and stated to have burnt partly. But during inquiry it was found that the table was not at all burnt. During inquiry the applicant did not cite any satisfactory reasons for keeping the excess cash and stamps in office instead of keeping safely in the Police Station. Moreover, he did not bother to take care of the iron chest containing cash but stated to have burnt in the fire though he was not at all injured. The

Investigating Officer, i.e. the Dy. Superintendent of Post Offices, Itanagar stated during the inquiry that the applicant failed in his duties to save the cash whereas other items were saved.

In view of the inquiry report of the inquiry officer, it was established that the applicant took advantage of the situation and misappropriated the amount of Rs.19303.45 (Cash -Rs.17713.05 and Postage Stamps = Rs.1590.40). Since, the misappropriation was done intentionally, the applicant was asked to credit the amount at Mechuka Post Office vide this office memo No.F-2/Fire accident/Mechuka, dtd.25-10-99.

Copy of the above memo is enclosed as ANNEXURE F(1)

12. That with regard to the statements made in paragraph IV(12) of the application, the respondents beg to state that the statement truly produced by the applicant is baseless as the fact of misappropriation had already been established vide the inquiry conducted by the Inquiry Officer. Therefore, Hon'ble Tribunal is prayed for rejecting his plea straight.

Copy of Inquiry Report in detail is enclosed as ANNEXURE-G.

13. That with regard to the statements made in paragraph IV(13) of the application, the respondents beg to state that as the case was misappropriation of Govt. Cash involving Rs.19303.45 it was necessary to initiate disciplinary proceedings and as CCS(CCA) Rules, 1965 became applicable on the applicant. Thus, a memo was issued vide F-2/Fire accident/Mechuka, dtd.11-8-2000 asking the applicant to submit it his representation within 10 days.

Accordingly, the applicant submitted his representation in which he stated the points with no base rather repeated the same old story of imagination, fabrication etc.

Copy of memo enclosed as ANNEXURE-H

Copy of representation enclosed as ANNEXURE-I.

14. That with regard to the statements made in paragraph IV(14) of the application, the respondents beg to state that the charge which was brought against the applicant was dropped for the time being for further necessary proceedings in the case. This was done without prejudice to any further necessary action which might be taken in the matter.

15. That with regard to the statements made in paragraph IV(15) of the application, the respondents beg to state that taking into account the gravity of fraud or misappropriation of Govt. Cash the

charge proposed to be initiated under Rule-14 of CCS(CCA) Rules-1964 initiated against the applicant. The memo with articles of charges framed against him was duly submitted with direction to submit representation within 10 days.

Copy of the above memo enclosed as ANNEXURE-J.

16. That with regard to the statements made in paragraph IV(16) of the application, the respondents beg to state that the applicant did not admit the charges in the preliminary hearing. The charged official was given ample opportunity to examine the documents listed in the charge sheet as to appoint his defence assistant if he desire. This fact is reflected in the inquiry report as annexed in above para-IV(12)-G.

17. That with regard to the statements made in paragraph IV(17) of the application, the respondents beg to state that the subsequent hearing held on 19-01-2002 where the applicant was given opportunity to nominate his defence assistant to which he desired to defend his case by himself. The Presenting Officer, then presented the case accordingly and the proceeding was conducted.

18. That the respondents have no comments to the statements made in paragraph IV(18) of the application.

19. That with regard to the statements made in paragraph IV(19) of the application, the respondents beg to state that after the inquiry conducted by the Inquiry Officer and submission of report the Disciplinary Authority imposed the said Punishment as the charges against the applicant stand proved.

Copy of the above memo enclosed as ANNEXURE-L.

20. That the respondents have no comments to the statements made in paragraph IV(20) of the application.

21. That with regard to the statements made in paragraph IV(21) of the application, the respondents beg to state that the appeal of the applicant was rejected by the Appellate Authority, the chief Postmaster General, NE Circle, Shillong.

22. That with regard to the statements made in paragraph IV(22) of the application, the respondents beg to state that the gravity of fraud committed by the official was not considerable and he did not submitted any sufficient reason for consideration. So, the Appellate Authority as well as the Disciplinary Authority did not find any merits for consideration.

23. That with regard to the statements made in paragraph IV(23) of the application, the respondents beg to state that the arguments submitted by the applicant are baseless as any Appellate Authority can not ignore the records of inquiry, evidences etc. The allegation that the appellate authority disposed the appeal in a very mechanical manner without applying his mind and wrongly rejected the appeal is a blame towards the decision of the Appellate Authority. His contention itself cannot be sustained.

24. That with regard to the statements made in paragraph IV(24) of the application, the respondents beg to state that the appellate authority and the Disciplinary Authority followed the prescribed rules and it is objectionable to term the impugned order of Appellate Authority as bad in Law.

25. That with regard to the statements made in paragraph IV(25) of the application, the respondents beg to state that the inquiry report itself speak for the fairness of the inquiry as such his allegation that the inquiry was not conducted fairly and so the punishment is based on unfair inquiry is not true.

26. That with regard to the statements made in paragraph IV(26) of the application, the respondents beg to state that the allegation made in this para is totally wrong. The inquiry conducted by inquiry officer is fair and justified. The Disciplinary Authority's act was within the preview of Law.

27. That with regard to the statements made in paragraph IV(27) of the application, the respondents beg to state that the inquiry report annexed in the above paras itself reveals that the applicant was given ample opportunity to examine the documents and cross examination. So, his allegation made in this para is not true.

28. That with regard to the statements made in paragraph IV(28) of the application, the respondents beg to state that there was no violation of principle of natural justice as the inquiry officer did not find any reason for presence of eyewitnesses. The fire broke out and the Post Office was gutted in the fire where three iron chests out of four could be pulled out safely and one iron chest containing cash was only left behind the fire for burning into ashes. When the rescue team found that four iron chests were kept inside the Parcel box they might have taken out all the boxes. The point of the applicant that even coins were burnt into ashes is unbelievable. Moreover, the applicant was present on the spot and all the boxes, tables and other articles were taken out well before the fire caught the Post Office.

(7)

29. That with regard to the statements made in paragraph IV(29) of the application, the respondents beg to state that the allegation that the charged official have been deprived if the full opportunity to defend his case is not true. He was given all reasonable opportunity to defend his case as it reveals in the inquiry report. Hence, the impugned orders cannot be set aside.

30. That with regard to the statements made in paragraph IV(30) of the application, the respondents beg to ~~xxxxx~~ reiterate the statements made in paragraph 28 of the written statement.

31. That with regard to the statements made in paragraph IV(31) of the application, the respondents beg to state that the main reason of argument is not that of absent of key keeper in the Police Station but that of failure of saving Postal Cash kept in an iron chest. Even the Inquiry Officer who visited Fenchuka for inquiry submits that the applicant did not raised the point during his inquiry at Fenchuka but he has pointed out only during hearing.

Ultimately, the applicant was found responsible for failure in saving the cash. Therefore, the allegation that the inquiry was not fair is not true. On the basis of inquiry report penalty imposed on the applicant which is legal and sustainable.

32. That with regard to the statements made in paragraph IV(32) of the application, the respondents beg to state that the applicant is trying to create confusion to the Hon'ble Tribunal as well as the respondents by citing the baseless statements which is liable to be rejected.

33. That with regard to the statements made in paragraph IV(33) of the application, the respondents beg to state that again the applicant is trying to create confusion with the statement which has no practical applicability.

34. That with regard to the statements made in paragraph IV(34) of the application, the respondents beg to state that the applicant himself replied during interrogation in the hearing that the coins turned into ashes. His allegation that the Disciplinary Authority gave his finding on presumption is not true.

35. That with regard to the statements made in paragraph IV(35) of the application, the respondents beg to state that the act of the applicant during the fire accident as established by the inquiry is enough to justify his involvement in misappropriation Govt. money.

36. That with regard to the statements made in paragraph IV(36) of the application, the respondents beg to state that the penalty have been imposed to the applicant on his involvement in misappropriation of Govt. money and he has been trying to produced an imaginary and false statement.

37. That with regard to the statements made in paragraph IV(37) of the application, the respondents beg to state that the statement made in this para is not true. A thorough inquiry was conducted with personal hearing and it has been established that there was a clear violation of provisions of Rule-3(I)(i), (ii) & (iii) of CCS (Conduct) Rule-1964 for which penalty have been imposed.

38. That with regard to the statements made in paragraph IV(38) of the application, the respondents beg to state that there was no violation of principles of natural justice as the final order was passed after submission of inquiry report by the inquiry officer in which the charges were stand proved.

39. That with regard to the statements made in paragraph IV(39) of the application, the respondents beg to state that the copy of inquiry report was duly forwarded to the applicant under registered post. Hence, his allegation is not true.

Copy of letter forwarding inquiry report is enclosed as ANNEXURE-M.

40. That with regard to the statements made in paragraph IV(40) of the application, the respondents beg to state that the allegation of applicant is not true as an inquiry was conducted in fair manner giving all reasonable opportunity to defend his case. So, Rule-14 of CCS(CCA) Rule, 1965 was never violated. The impugned order of the Disciplinary Authority cannot be set aside on mere ground of allegation of the applicant.

41. That with regard to the statements made in paragraph IV(41) of the application, the respondents beg to reiterate the statements made in paragraph 40 of the written statement.

42. That with regard to the statements made in paragraph IV(42) of the application, the respondents beg to state that the applicant is responsible for the cause of great hardship owing to the commission of fraud which invited disciplinary action.

43. That with regard to the statements made in paragraph IV(43) of the application, the respondents beg to reiterate the statements made in para 40 of the written statement.

44. That with regard to the statements made in paragraph IV(44) of the application, the respondents beg to state that misappropriation of Govt. money by the applicant has been established vide the inquiry conducted by the inquiry officer and as such there is no reason to submit the baseless arguments.

45. That with regard to the statements made in paragraph IV(45) of the application, the respondents beg to state that the arguments made in this para is objectionable as he is criticizing the decision of the Appellate Authority. His arguments is liable to be quashed.

46. That with regard to the statements made in paragraph IV(46) of the application, the respondents beg to state that the detail inquiry report annexed in the above paras speak itself as such in view of the report his argument is liable to be rejected.

AND hence, the Hon'ble Tribunal is highly prayed for rejecting the petition and the impugned order of the Disciplinary Authority may be kept stand.

AND for the act of kindness of the Hon'ble Tribunal the undersigned (respondent) shall every pray.

47. That the applicant is not entitled to any relief sought for in the application and the same is liable to be dismissed with costs.

VERIFICATION

I, N.C. Halder, presently working as Supdt. of Posts, Office of the Director Postal Service, Arunachal Pradesh, Itanagar being duly authorised and competent to sign this verification do hereby solemnly affirm and state that the statements made in paragraphs 1 + 46 of the application are true to my knowledge and belief, these made in paragraphs 2 - 45 being matter of record are true to my information derived there from and those made in the rest are humble submission before the Hon'ble Tribunal. I have not suppressed any material facts.

AND I sign this verification on this the 26th day of April 2005 at Itanagar

DEPONENT

N.C. Halder
N.C. HALDER

Superintendent of Post Office
Arunachal Pradesh Division
Itanagar-791 111

ANNEXURE - A =

The Additional Deputy Commissioner
 Meichukha
 District West Long Arunachal Pradesh.

Sub- Report regarding fire accident at Meichukha and
 Talo Circle.

Ref: my Signal no M/Kha/PS-3/10 of dated 2/4/99

① Sir

I am to report that on 8th December 1998
 the residential building and grainary hut of shi
 Tabu Hego of village Hego Talo Circle gutted down
 by fire accident on that accident personal property
 shown in the Annexure I destroyed.

② (a) A goan On 16th January 1999 the shop of shi
 Tunking Singlong B.B. Camp Marigong road
 Talo burnt down.

(b) On the same date the shop of smty yarha
 Ransap of Talo village was also burnt down
 in which the personal belonging and shop article
 were destroyed.

③ On 11th April 1999 night including the Post Office
 of Meichukha 11 (eleven) residential buildings
 were destroyed in a fire accident.

④ In the Annexure enclosed herewith the names
 of the fire victims date of fire accident and
 properties destroyed approximate value have been shown
 in Submitted for information and further
 necessary action please.

yours faithfully—

W
 14.4.99.

(T. ETE) SI

Copy - to the Supdt of Police
 along for kind info

Attested
 Dy. Supdt. of Police
 Arunachal Pradesh
 Manager 10/11/11

Attested
 Addl. C. O. S. O.

Enclosed
 as stated

11
W.T. MESSAGE ANNEXURE B

13
D
12/4

T

0

TO : DIRECTOR OF POST OFFICE ITANAGAR

FM : SPM MECHUKHA

NO. MK/FIR-1/98-99 DTD 12/4 (.) REG FIR ACCIDENT

ON 11 TH APRIL '99 AT 11.50 PM SUDDENLY FIRE

BROKE OUT IN THE CLOSE NEIGHBOURING HOUSE OF THE POST

OFFICE WITHIN FEW MINITS MY RESIDANCE AND POST OFFICE

CAME INTO THE FLAME INTO THE FIRE (.) I WAS IN SOUND

SLEEP PERSON KNOCKED OUR DOOR AND AWAKEN ME ANY HOW

I COULD SAVE OUR LIFE AND SOME OFFICIAL DOCUMENTS THE

BEST THINGS THAT IS CASH EXCLUDING STAMP MORE THAT

FORTY THOUSAND ~~AND~~ GUTTED/BURNT IN FIRE

N.T.T.

12/4/99
SUB POST MASTER
WEST SIANG DISTRICT
MECHUKHA.

COPY TO:

The Addl. Deputy Commissioner, West Siang District
Mechukha, for information and necessary action
please.

12/4/99
Sub Post Master
West Siang District
: Mechukha:

Done
12/4
Sent on 12/4/99
at 0930 Pm.
12/4

Attested

AKC
Addl. C.G.S.O.

27/4/99
By Supt. of Police
No. 100
Arms
Division
Panagar-1111

12

103

ANNEXURE - C

GOVT. OF INDIA
OFFICE OF THE SUB POST OFFICE : WEST SIANG DISTRICT
MECHUKHA:

NO. MK/FR-1/98-99
Dated, Mechukha the 12th April '99

To

The O.C. Police Station,
West Siang District,
Mechukha.

Sub:- FIR for Fire Accident in my residence and
post office, Mechukha.

Sir,

I have the honour to inform you that on 11th
April '99 at about 11.50 P.M. in the night when I was
sleeping in my residence, at that time accident broke
cut in my neighbouring house. The fire was so severe
that it was out of control and burnt. Any how, houses
I saved my life with few records of the office. Most
of the articles burnt in the fire.

In this regard I am submitting the FIR for
necessary action please.

Yours faithfully,
12/4/99

(D.Sharma)
Sub Post Master,
West Siang District
Mechukha.

No. MK/FIR-1/98-99

Dated, Mechukha the 12th April '99

Copy to:-

The Addl. Deputy Commissioner, West Siang
District, Mechukha for information and necessary
action please.

Attested
AM Chaulh
Addl. C. G. S. O.

(D.Sharma)
Sub Post Master
West Siang District
Mechukha.

Recd on 12/4/99
at 0930 PM
12/4/99

Received
12/4/99

Office
Dy. Supt. of Police
Vision
12/4/99

ANNEXURE

reference

Gentry
By Supdt. [unclear] Offices
[unclear] Division
[unclear]

Attest:
Add. C. G. S. 6

Annexure D

Statement of properties lost by the various families as a result of devastating fire accident which took place on 12/4/99 at 21.55 hrs.

Technical / assessment board formed by the ADC Mechnika order No- MK/DEV-3/98-99 dated 12/4/99 assembled at Mechnika on 12/4/99 at 1000 hrs and conducted assessment of properties loss ed in the fire accident. In the presence of all the victims and GVs and assists families wise losses of properties as follows:-

No. Name of the victims with address	No of families members affected	Article/Properties lost	Local / prevailing value per unit/Pair	Total value
--------------------------------------	---------------------------------	-------------------------	--	-------------

1. Sri Dinesh Sharma, SPM 3 Members

Office cash 37,000/-

2 VP Parcel 6 Nos

Postal stamps

Table 4 nos @ 500/- each

Modden box big size one

Iron box two nos

Bukharis 3 nos @ 500/-

Letter box 4 nos @ 200/-

Chairs 4 Nos @ 300/-

Shooting case 1 Nos

Chair Cushion 4 Nos @ 100/-

Wet Stone 5 gr to 5 kgs

@ of 100/-

Balance capacity of 10 kgs

@ 5,000/-

Rs. 37,000/-

Rs. 4,500/-

Rs. 4,000/-

Rs. 2,000/-

Rs. 2,000/-

Rs. 5,000/-

Rs. 1,500/-

Rs. 800/-

Rs. 1,200/-

Rs. 2,000/-

Rs. 400/-

Rs. 500/-

Rs. 5,000/-

Rs. 70,900/-

Total Govt losses

Personal losses

Quilt 2 Nos @ 400/-

Materes tow no @ 200/-

T.V. Quid 20" @ 5000/-

Radio one @ 700/-

VIP 3 Nos @ 800/- each

N/Box two Nos @ 300/-

Hawkins P/Cooker two nos

@ 700/- each

Gamla two nos @ 250 /

Plate 5 Nos @ 30/-

Stove 1 No @ 700/-

Shoes two pairs @ 300/-

Shirts two nos @ 300/-

Jackets two nos @ 300/-

Pant @ 200/-

Gangli @ 50/- 3 Nos

Wrist Watch one @ 500/-

Wall Clock One @ 250/-

Coat 3 Nos @ 500/-

Chairs 3 Nos @ 500/-

Table two no @ 700/-

Camera Yashikai Nos @ 2,700/-

Rs. 800/-

Rs. 800/-

Rs. 5,000/-

Rs. 700/-

Rs. 2,400/-

Rs. 600/-

Rs. 1,400/-

Rs. 500/-

Rs. 1,400/-

Rs. 700/-

Rs. 600/-

Rs. 1,800/-

Rs. 600/-

Rs. 1,200/-

Rs. 150/-

Rs. 500/-

Rs. 250/-

Rs. 1,500/-

Rs. 1,500/-

Rs. 1,400/-

Rs. 2,700/-

Rs. 25,200/-

Total Rs. 25,200/-

Checked
by G. G. S. Ch

15 Annexure F

106

Annexure F

DT MESSAG

1400/24-11

S R/2702-244

To DMS/ (by 1038) RESD.

= H-1/ P/ mechuwa / 1990

Self described mechuwa or self instant
and Enquiry made at ...
mecuwa P.O. House with ...
Cash/ Stamps and ... 17/12/05
Stamp sheet Rs 1590.40 Total sheet B/193034
and Office functioning since 22/11/99
in a room of Office of Agriculture
Dept. and Self held up as mechuwa
and non-flying, ... Helicopter
test either from ...
since ... 23/1/99
and no alternative ...
to ... for
... to ...
to attend DPC ...
information on ...
following ...

Received
from C. B. B.
on 3/6/99
Am
3/6

Q

24/4/99

= by SPC/ ...
... at mechuwa

Dy. Superintendent
O/o the Director
Arunachal Pradesh
Manager-10111

Copy to H.D.C. mechuwa ...
kindly to provide ...
mehambari ...
Helicopter ...
... to ...
to attend DPC ...

Attested
Add. C. B. S. C.

Saf=
Dy. Superintendent
O/o the Director
Arunachal Pradesh
Manager-10111

Annexure F(1)

107

16 To

Annexure F(1)

Shri D. Shokana
S. P. M.

Machuka S.O.

NO F-2/Fire accident/Machuka

at Havanagar on 25/7/99

Sub: Regarding
burning of Machuka
S.O. on the night
of 11.6.99.

A threadbare, enquiry into above
- cited fire accident reveals that
most of the postal articles / Iron chests
containing valuables / Cash / Stamp and
Stationaries / Records / Forms / Pass books
(Blank) / MC receipt books etc were
saved merely before the fire caught.
The post office building, the report
regarding burning of Iron chest at
containing cash & stamp amounting
to Rs 19303.45 is doubtful but as it
seems to be intentional.

In this circumstances, you
are directed to report the amount
of Rs 19303.45 as a credit to the
account at Machuka S.O. for
immediate information for this
end.

Attested
M. Chakraborty
Addl. C. G. S. O.

Director of Postal Services
Confidential Production
Havanagar - 791 111

ANNEXURE - 17 -
Exhibit S.I ①

Annexure - G

108

To the Director of Postal Services,
Karnataka Pradesh Division
Bangalore - 560 001

NO R-1/SP/mechuka/Burning/99 Dated at
Bangalore Dt. 27.8.99

Sub:- Enquiry regarding burning
of mechuka Post Office house
on 11.4.99 at about 2355 Hrs.

Ref:- DO/Bangalore's NO F-2 (Fire accident)
mechuka dt 6.7.99.

As per your order I visited
mechuka SO, on 20.4.99 and conducted
enquiry regarding burning of
mechuka Post Office house at about
2355 Hrs on 11.4.99. The details enquiry
reports as revealed are furnished
below.

8. The Post Office house and
other 11 houses were the quarters
under the control of the Additional
Deputy Commissioner, mechuka Sub-Div
mechuka. All these houses were situa-
ted in a row. One house was allotted
to the Postal Department for Post Office
and SPM's quarters. The other eleven
house/quarters were allotted to some
Contd-2.

18

18

2

Officials of the Office of the ADC, Mechuqa and officials of other departments the offices of which are located at Mechuqa within the administrative control of the ADC, Mechuqa.

The following were the occupants of the house/quarters

1. Mechuqa P.O. House - SPM - Sri Dinesh Sharma
2. Sri Lakia Nibey PI O/O ADC, Mechuqa
3. Sri Yamen Puying Peon AD
4. Sri Lera Yormi D/P AD
5. Sri Tadi Yorme
6. Sri Natum Puying A/R AD
7. Sri Lipo Hibe Peon AD
8. Sri Tate Jipo. ALC AD
9. Sri A.K. Pandey LDC AD
10. Sri Bimal Gho Gosh
11. Sri Lingdung Mossing
12. Sri Boken Taja Std

18/9/01
30

18/9/01
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It has been revealed from enquiry that Sri Lera Yormi D/P slept keeping a candle in lighting position. While he was sleeping, fire from the lighting candle caught on house and the fire spreaded to other houses. While the fire was spreading to the

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houses left and right from the house in which fire caught first. People gathered there and tried to put out the fire. People also started pulling out of the articles/valuables/luggages from the houses. Sri Dinesh Sharma SPM, mechuka, who was sleeping was awoken by knocking at the doors of his residence/quarters by one Shri Kalu Mapa. The SPM saw that fire caught on houses immediately near post office house. He shouted for help to save the postal properties. Some people came to the post office. The postmaster could not find out the office key. They broke the door of the post office. They also broke the ^{lock} of the parcel box in side which there were four iron chest, some office records, parcels, the box of date and year type ^{and mail bags}. The office table with drawers was also pulled out. Some postal articles, records, SPM ledger which were in the wooden rack were also pulled out. The SPM was present at the time of pulling out the said parcel box, office table and other office records. All these were saved much before the fire caught on post office house. As per version of the SPM - S.D. Sharma

109.51 There were some Envelopes, post card, DLC and postage stamps in the drawers of the office table. The drawers was broken and SPM/stationery cash were pulled out. All the iron chests, records, postal articles ~~for~~ except B Wood's parcel box and office table, were

removed to a radio repairing shop
owned by one Sri J K Verma where
Sri D. Sharma S.M. mechuha was staying
since the burning of P.O. office house.
Though he was allotted accommodation for
staying by the P.D.C., mechuha.

During the enquiry I found that
some postal articles, four iron chests
some forms, books in good condition
were kept in the said shop. Registered
scale, parcel scale and some other
things in burnt condition were
also found kept there. Among the
four iron chests, two were found
in empty condition. The third one
found in such a condition as if
it was burnt. This iron chest was
without lock. The same was opened
and seen that there were some spot
and pieces of ashes. The S.M. stated
that this iron chest was under lock
and key and contained cash and
was kept in the wooden parcel box
along with other three iron chest,
parcels, mail bags, records, forms
books, box of year type and date
type etc which were saved in good
condition. But as per his saying only
this iron chest was burnt with cash.

As per his report submitted to DPS/Storage vide his l.t. messages dt 12/4 cash including stamps worth more than Forty thousand gutted/burnt in fire. And as per report submitted to D.C./Hq vide his NO MKA/FR-1/98-99 dt 12.4.99 amount of cash that burnt is Rs 37000/- and cash stamps for Rs 4000/- But as per his a/c dt 10.4.99 found cash lost is Rs 17713.05 and stamp is for Rs 1590.40 against cash and stamps as per closing balance of cash Rs 28065.00 and Rev. Stamps of Rs 640.00. The iron chest containing cash was also under lock and key. If the iron chest was burnt in the said fire accident and it perhaps could have been melted in the fire and if it has not been melted then the currency notes could have been burnt in heat and a heap of ashes would have been contained in the iron chest but that was not existed.

The fourth iron chest, which was also kept with other three iron chests as stated above in the wooden parcel box, was found under lock and key. SPM stated that the key of the iron chest was burnt in the fire. This iron chest was opened breaking the lock by the SPM in presence of

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Sri Janiya missing ED packer, Mechumaso, and Smt. Yari Komie Mechumaso, and the following were found inside it: -

D Order book containing IRs of 1994, 1990, 1989, 1988, 1987 and 1986.

Stock register of IPOs with IPOs.

- 3) Stock register of NSC with NSCs
- 4) Stock register of K.V.P. with KVP
- 5) One book containing Postage and Revenue Stamps.
- 6) Stock book of GVP without a GVP in stock.
- 7) Register of GVP (3 Nos)

The following NSC/KVP/GVP were found in stock books as per stock in physical counting.

<u>NSCs</u>		Total NO
500/-	=	12
5000/-	=	10
10000/-	=	7

Total = 29.

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KVPs

<u>deno</u>	<u>Total</u>
1000/=	= 17
5000/=	= 32
10000/=	= 7
	<u>Total = 126</u>

Indian Post Orders

<u>deno</u>	<u>Total no.</u>
1.00	= 17
2.00	= 18
5.00	= 99
7.00	= 10
10.00	= 86
50.00	= 7
	<u>237</u>

The following postage stamps and revenue stamps were found in the book.

10 P.	= Rs 40.00
50 P.	= " 325.00
1.00	= " 4900.00
3.00	= " 11400.00
5.00	= " 6750.00
10.00	= " 500.00
	<u>Total = Rs 23915.00</u>

Revenue stamps = Rs 640.00

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The following Post cards, envelopes, Registered envelop, Internal Letter cards were also in the parcel head along with four iron chest and other books forms/records etc which were saved.

- 1) Post Card = Rs 201.30
- 2) Envelope = Rs 1344.00
- 3) Regd. envelopes = " 150.00
- 4) Internal letter cards = 648.00
- 5) " = 148.50
- 6) Postcards = 67.80

2559.60

+ 23915.00

Total for = Rs. 26474.60

The following office records/ SB Pass books/ RD Pass books/ MO forms V.P. articles/ mail bags/ MO receipt books were also in the parcel box and these were also saved.

- 1) MSY Stock register with 10 NOS MSY Pass books.
- 2) MSY ledger with some forms
- 3) K.V.P. guard file and nomination register.
- 4) N.S.C. guardfile and nomination register.
- 5) Book of MO, receipts
- 6) SB Pass books = 32
- 7) RD Pass books = 50

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8. New-Delhi-49 VP NO 5145 dt 7.2.99 for Rs 148/=
9. " VP NO 7502 dt 13.3.99 for Rs 248/=
10. " VP NO 7476 dt 13.3.99 for Rs 199/=
11. " RP NO 254 dt 19.3.99
12. Bombay-400009 VP NO. 880 dt 16.3.99 for Rs 75/=
13. Que Seal
14. Oblong Seal
15. Date Seal
16. Round MO Seal
17. Que Seal
18. Name Seal
19. Date Seal

All the above stated NSC/KVP/2P OS/MO forms/MO. receipt-books/stamps/Rev-stps VP articles/Stamp-Seals etc. have been entered in the Inventory - I.

20. Regd. of wireless licence (entered in inventory no 2.

The following articles, books, records, forms etc were also pulled out from the office much before the fire spreaded to the post office house. These were kept in the in the rack at the office. All these have been entered in the inventory NO. I.

21. SB ledger book NO 4 Containing SB A/c from NOS 280701 to 280729
22. SB ledger book NO 3 Containing SB A/c from 280527 to 280700.

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23. SB. Specimen Signature book (Book NO.3)
24. SB. long book from 21.4.98 to 10.4.99.
25. Register of T.MOs and MoS received for the period from 27.9.97 to 10.4.99 (maintained only for ordinary MoS)
26. Register. abstract
27. pasiglat no. NO 3758 dt 24.2.99 for Rs 450/-
28. Book of SB list of documents from 21.99 to 10.4.99.
29. Book of receipts (SB-28 in manuscript)
30. RD specimen signature book.
31. W.T. message cum general letter despatch book.
32. Rough account book from 12.10.95 to 30.9.96
33. Regd. journal containing receipts from 3751 to 3995
34. Parcel abstracts (RP-8) from 15.3.99
35. No issue journal from 17.1.98 to 17.3.98
36. SO. Ofc. book (maintained in nominal roll cum attendance register (MS-12) from 1.1.98.
37. R. K. mission RL NO 288 dt 3.3.99
38. " " RL NO 742 dt 13.3.99
39. TOK-304001 RL NO 560 dt 12.3.99

Handwritten signature/initials
1.1.98
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40. Janak (PW) (Nepal) RL NO 29 dt 9.2.99
41. Sulaba RL NO 4613 dt 27.2.99
42. Sugauli RL NO 5283 dt 9.3.99
43. Nijuli RL NO 2215 dt 10.3.99
44. Hiltop RL NO 2368 dt 26.2.99
45. Janaga RL NO 82 dt 22.3.99
46. Janaga RL NO 53 dt 16.3.99
47. Pasighal RL NO 962 dt 11.3.99
27. Two (2) Telegrams
28. Nine (9) Ordinary letters.
29. W/P in r/o RD etc NO 41708.

Sri Dinesh Sharma SPM, mechuwa

stated that some stamps/post cards/envelopes/Inland letters were kept in the drawer of the office table and these were burnt. Sri Sharma, just before my details enquiry, stated that cash and stamps were burnt along with parcel box and office table with drawer. He stated that parcel box and office table with drawer were half burnt. But as stated above, the wooden parcel box and the office table were ~~not~~ pulled out from the office much before the fire caught on Post Office house and the belongings of the parcel box.

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and the drawers were taken in the possession of the SPM - Shri D. Sharma. The parcel box and the office table with drawers have not actually been burnt but they were partly broken and were lying on the compound of the PWD workshop till these were removed to the Post office on 24/4/99 as per my instructions. The functioning of the Post office was started on 24/4/99 in a room of the office of the Agriculture Department at Mechuka.

As per records of Sub-Post office account, it was found that the SPM, Mechuka, did not credit the sale proceed of stamps and stationery daily and the amount of sale proceed of stamps and stationery was kept with him without credit in to the Govt. account. Only a twice or three in a month the sale proceed of stamps and stationery was credited into the Govt. account. As per his ~~say~~ saying / report stamps up to the tune of Rs 4000/- were burnt. But as per account of 10.4.99 which was made a fresh on 22/4/99, loss of stamps was found only of Rs 1590.40 and this amount.

perhaps was cash and was with him unaccounted as because Shri Dinesh Sharma, SPM, Mechuka did not credit the sale proceed of stamps and stationery to the govt. account daily.

It has been revealed from above that cash and stamps were not actually ~~received~~ but it is an attempt and ~~made~~ by Shri Dinesh Sharma, SPM, Mechuka on the occasion of the burning accident that took place at about 2355 hrs on 11.4.99 at Mechuka, to misappropriate of govt. money.

At the very outset of the enquiry,

Shri D. Sharma SPM, Mechuka stated that shortage of cash was Rs 37000/-, shortage of stamps was Rs 4000/- and Rs 38000/- being the amount of payment of discharged K.V.Ps of 26.3.99 was not incorporated into account on 26.3.99 on which date he paid the amount to the holder of the said K.V.Ps. and the discharged K.V.Ps. were kept along with cash of Rs 160000/- (Rupees One lakh Sixty thousand) only at the police station, Mechuka on 26.3.99. The function of the Mechuka sub-

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Post office was restored on 22.4.99.

On the basis of cash in hand i.e Rs 160000.00 + 50.00 + Part of cash of Rs 840.00 and the amount of stamps and stationery that was found on physical counting in presence of him (the SPM), he made a fresh account of 10.4.99 on 22.4.99 showing the payment of the amount of discharged K.V.P. stated above without my knowledge. Though the SPM - Shri D. Sharma stated that Rs. 38000/- was paid to the holders of the K.V.Ps on pre-maturity on 26.3.99, the amount of payment of discharged K.V.Ps was found to have been accounted of Rs 36480/- instead of Rs 38000/-. He was asked that he should have not prepared the account a fresh for 10.4.99 as there was involvement of shortage of cash and stamps and the amount of Rs 36480/- being the amount of the discharged K.V.Ps should have been kept aside from the account of 10.4.99. He stated.

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He stated that as the account of 10.4.99 was not noted in the SO account book on 10.4.99 and with a view to making an actual assessment of loss of cash and stamps he prepared the account of 10.4.99 a fresh. He then requested me catching my legs and hands I not to bring this fact to the notice of the DPS/ Jamagar saying that if it ~~would~~ be brought to the notice of the DPS/ Jamagar, he would perhaps be placed under suspension. But he was told that the fact would be included in the enquiry report as it would ^{be} revealed from enquiry.

On checking of accounts, the following cash and stamps were found as per ^{fresh} account of 10.4.99:—

Cash =	177763.05
Part of Cash =	840.00
(being the amount of adv. for supply of hire wood)	178603.05
P/ Stamp =	28065.00
Rev/ Stp =	640.00
	<hr/> 207308.05

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actually found in
hand on physical
counting: -

$$\begin{array}{r}
 \text{Cash} = 160000.00 \\
 \text{"} = 50.00 \\
 \hline
 160050.00 \\
 \text{P/Stamp} = 26474.60 \\
 \text{Rev/STP} = 640.00 \\
 \hline
 187164.60 \\
 \text{part of cash} = 840.00 \\
 \hline
 188004.60
 \end{array}$$

$$\begin{array}{l}
 \text{Total Cash} \\
 \text{and stamps} \\
 \text{as per a/c}
 \end{array}
 = 207308.05$$

$$\begin{array}{l}
 \text{Total short} \\
 \text{of cash} = 177763.05 \\
 \hline
 = 160050.00
 \end{array}$$

$$\begin{array}{l}
 \text{Total cash} \\
 \text{and stamps} \\
 \text{actually found} \\
 \text{in hand}
 \end{array}
 = 188004.60$$

$$\begin{array}{l}
 \hline
 = 17713.05
 \end{array}$$

$$\begin{array}{l}
 \text{Total short of} = 19303.45 \\
 \text{Cash \& stamps}
 \end{array}$$

$$\begin{array}{l}
 \text{Total short} \\
 \text{of STPS} = 28065.00 \\
 - 26474.60
 \end{array}$$

$$\begin{array}{r}
 1590.40 \\
 + 17713.05 \\
 \hline
 19303.45 \quad \checkmark
 \end{array}$$

Dr. 10.9.01
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In respect of cash in hand it should be worth to mention here that Rs 160000.00 was ~~not~~ at the Police station, Meckera. While Stamp/Stationaries were entered in the inventory NO I. No cash was found along with stamps. But subsequently the SPM has shown a fifty Rupee note with mark of burning and stated to have been found among the stamps/Stationaries. It was presumed that the SPM tried to convince me that stamps/cash were

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burnt. Not a single note/coins or burnt note/coins was found along with stamps in the iron chest. No post cards/ inland letters/ envelopes were found in burning condition though the SPM stated some of them were kept in the drawer of the office table and those were burnt. But office table with drawer was not burnt - This with belonging was pulled out from the office while post office house was free from fire and thus no question of burning of stamps/ stationeries/ cash is arisen. Production of a fifty rupee note with mark of burning afterwards was an attempt and motive to convince me the burning of those articles. However this fifty rupees was also ~~see~~ treated as cash found in hand.

The total short of Rs 19303.45 P. was shown as unclassified payment (U.C.P.) in the SO. account on 22.4.99 at meechuk.

On asking that there was only a shortage of cash and stamps of Rs 19303.45 P. (Rupees nineteen thousand three hundred three and paise forty five) only, but why did he report it to be Rs 40000/- (Rupees forty thousand). Shri Dinesh Sharma SPM, meechuk stated that the amount to have been more was reported as per suggestions of his friends and he did not assess the loss of cash and stamps as per closing balance of SO. account as on 4.99 and that of as per in his

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Analyst
To P.O.

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hand after burning of the Post Office house.
He also stated that Rs 37000/= (Rupees thirty seven thousand) was reported as loss in burning against the amount paid to the holders on prematurity on 26.3.99 being the amount of Rs charged ~~in~~ ^{to} KVPs. ~~to~~ The amount was not credited into account at Mechuka PO on 26.3.99 and the KVPs duly signed by the holders without noting date below their signature was kept along with cash of Rs 1,60,000/= on 26.3.99 at Police Station, Mechuka. The following are the balances of cash and stamp ~~balance~~ as per

closing account of 10.4.99 of Mechuka SO
before burning
account. Cash = 215083.05
Stamp = 28065.00
Rev. Stp = 640.00
243788.05

On 22.4.99 he made a fresh ac of 10.4.99 showing payment of above said KVPs of Rs 36480/= and it is stated in page 14 & 15 above

Mechuka
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Rs 160000/= was kept at P.S., Mechuka on 26.3.99. Rs 36480/= was paid being the amount of discharges KVPs on 26.3.99 and this amount was not accounted on 26.3.99 and the KVPs were under the custody of the SO. This amount was not in existence along with actual cash in hand.

Rs 840/= Part of cash - being the amount of serv. to the contractor for supply of Fire Wood to Mechuka PO.
Rs 50/= was in hand of SO.

197370.00

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From this it has been revealed that Rs 17713.05 (215083.05 - 197370.00) was with him on 10.4.99. On the other hand stamps for Rs 1590.40 (i.e. closing balance of stamps as on 10.4.99 is Rs 28065.00 - Rs 26474.60 - found on physical counting) was found short. Thus Rs 19303.45 p. (Rs 17713.05 + Rs 1590.40) was to be in report of the SPM, Meckruka. But there was no over night cash either Rs 37000/- or Rs 38000/- or Rs 36480/- in the office on 10.4.99. Except Rs 17713.05 and the SPM reported that more than Rs 40000/- including ~~cash~~ stamps were burnt. He also intimated to the DC, Aleng who visited Meckruka on 13.4.99 vide his letter NOMKA/FR-1/98-99 dtd 12.4.99, that the following

Annexed
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Cash / stamps was burnt.

Cash = 37000.00
Stamps = 4000.00

It is revealed that SPM - Sri D. Sharmar reported to DPS / Damager as well as to the DC an amount as stated above, to have been burnt on 11.4.99 at 2355 hrs though there was no cash amounting to Rs 37000/- in the office over night on 10.4.99. As there was no cash of Rs 37000/- in existence in the office, how it could have been burnt? His report is totally

a false report. On the other hand he also reported that stamps amounting to Rs. 4000/- were burnt. He did not care for physical counting of cash/stamps and stationery at his end after submission of preliminary report to the DPS/Stanagar vide his W.T. message dt 12/4/99 (File NO MK/FIR-1/98-99). He stated that the key of the Iron chest containing stamps, 100 certificates, 200s and other books/records (details are noted in page-6, 7, etc above and in inventory NO-1) was burnt in fire, even though, he could have arranged for opening of the said iron chest in presence of the Staff Officer the Office/public leader/Police Officer for assessment of actual loss of cash/stamps for submission of the report to the DPS/Stanagar as further correct information. He did not do that intentionally because he was well aware of the fact that no cash/stamps and other postal articles kept in the wooden parcel box were burnt; and no cash i.e. Rs. 37000/- or Rs. 38000/- or Rs. 36480/- was in the office on 10.4.99 as Rs. 36480/- was already paid to the holders of the K.V.B. discharged on 26.3.99 which was not credited in so. a/c of Mechuka P.O. on 26/3/99.

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To G.O.
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It has been revealed that his motive for keeping the KVPs after payment of discharged value was to earn interest showing payment at the later date of the later months as the discharge KVPs were kept duly signed by the holders without noting ~~signature~~ date of payment below their signatures and the paid amount was not incorporated in so. ak at Mechukga on 26.3.99.

Secondly his motive for reporting to have been burnt of Rs 37000/- (actual amount of KVPs discharged on pre-maturity is Rs 36480.00) which was actually not in existence as cash in the office on 10.4.99, though it was in account, was to misappropriate the whole amount of the said KVPs if it would be proved to have been burnt. Thus it is sure that the cash kept in the iron chest was saved. His statement / report regarding burning of cash in the iron chest

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is not only false but also a plan to misappropriate govt money on the occasion of that burning accident took place at Mechuka at about 2355 hrs on 11.4.99. It is a total foulplay on the part of Shri Dinesh Sharma, SPM, Mechuka.

During enquiry, it has also been revealed that a sum of Rs 160000/- was kept at the police station, Mechuka on 26.3.99, and since then neither cash was kept at the Police Station nor he remitted the cash. He stated some liabilities were there. In that case he could easily have brought back the cash from the P.S. and could have cleared of the liabilities. On the other hand, the remaining cash in hand along with cash of Rs 160000/- could have been easily kept at the police station on 10.4.99. If this would be followed by the SPM, no question of loss/burning of cash would be arisen. So it may be stated it is much irregularity and offence on the part of the SPM for non-remittance and non-keeping of cash.

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at the Police Station. By this act, he shows gross negligence to his duty and unbecoming a Govt. servant.

Sri Dinesh Sharma SPM, Mechuka

was asked to submit his statement in writing in 24

- 1) Non-accounting of the amount of Rs 36480/- paid to Smt Sange Droma Nak Sang vill. Banje Panga PO, Mechuka being the amount of K.V.Ps discharged on 26.3.99 bearing Srl NO 5 1/2 KVP/31AA. 182382-83 (=2) Sino Rs 1000/- each and NO 5 1/2 KVP / BD 653799-800 (=2) Sino Rs 5000/- each on - Prematurity (value = 12000 + Int 7580.00 = Rs 19580/-) and paid to Phurba Tsering Sonu being the amount of K.V.Ps discharged bearing Srl NO 5 1/2 KVP/00BB 149376-77 (=2) Sino of Rs 5000.00 each (value = Rs 10000.00 + Int 6900/- = Rs 16900.00)

- 2) non-credit of Sale proceed of Postage stamps and Stationery and Govt. stamps daily and

- 3) non-keeping of cash at Police Station, Mechuka since 26.3.99 But Sri Dinesh Sharma SPM, Mechuka refused to submit his statements in writing on the above mentioned points.

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The srm also stated that the iron chest in which cash was kept, was lying among the ashes and that was seen by the S.D., P.S., mechuka and by the D.C., Along who visited mechuka on 13.4.99 in connection with the above said fire accident. He removed the iron chest as per instructions of the S.I., Police on 13/4/99 and kept under his custody as per his statement. But as per enquiry it has been revealed as stated above (page-3) that the iron chest containing cash along with other 3 (three) iron chests which were kept in the wooden parcel box, were pulled out along with other postal articles/records etc in presence of the srm and all these were under the possession of the srm and were removed and kept at the house of Sri J.K. Verma where Sri D. Sharma was staying after burning of the Post Office house. So it is revealed that the said iron chest was thrown into fire subsequently by the srm and this was done after thought.

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It has also been revealed that while the houses near the post office house in the right side were burning, the post office house could have been saved if the SPM with the help of the people gathered there would have attempted to put out the fire ~~by~~ throwing out sands, muds or spraying out water, but the SPM did not ~~make~~ make any attempt to put out the fire of the nearest houses and as a result the post office house along with other eleven houses was burnt, while the shop house situated in the left-north side from the post office house was saved as the owner with the help of the people gathered there prevented spreading out fire from the post office house by throwing ~~muds~~ spraying muds/water etc. It has also shown the great carelessness on the part of the SPM - Sri D. Sharma to save the Govt. properties as a Govt. servant. The D.C. along granted the reliefs and was paid through the ADC office, Deekura on 13.4.99, ~~the amount~~ to the following persons the amount noted against each.

1. Sri Takia Nileey P.I. =	Rs 1000.00
2. Smt. Yamen Puying Peem =	Rs 1000.00
3. Sri Lera Yarni D/P =	" 1000.00
4. Sri Natom Puying A/P =	" 1000.00
5. Sri Tadi Yorne S/M =	" 1000.00

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6. Sri Lipo Hilee Peen	R, 1000.00
7. " Late Zipo ALC	R, 1000.00
8. " Ling deung mossing	R, 1000.00
9. " Dinesh sharma sem	R, 1000.00
10. " Taja Yod deung	R, 1000.00
11. " A.K. Pamdey LDC	R, 1000.00
12. " Bimal Gosh	R, 1000.00
13. " Broken Taja STD	R, 1000.00
14. " Bojum Yooni STD	R, 1000.00
15. " Tao Cikha	R, 1000.00

The Postal Cash/Stamps/Records/Forms/Books which have been saved and which have been burnt are entered in the Inventory NO 1 & 2.

Analyst
To P.O.
10/9/99

The Sub-Postmaster - Sri Dinesh sharma has also stated in his written statement that he will make ~~the~~ good of the Govt. Cash and Stamps reported to have been burnt & if the Govt. do not sustain the loss.

As I was held up at Mechuka from 24.4.99, after completion of enquiry, to 7.5.99 due to non-flying of Air force from Mohanbari to Mechuka due to bad weather at Mechuka I visited Mechuka.

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So, 7.5.99 and asked Sri Dinesh Sharma to submit his written statement in 21/0 the items stated above in page No 23, which was refused by him earlier, but he again refused to give statement in writing. However, lastly, he agreed to but told me that he was feeling uneasy and he would submit his written statement on 8.5.99 at office. I attended the office at about 0945 hrs but he was not present at the office at that time. Then I proceeded to his residence and I found one Sri Chetri I/C, Telephone exchange, mechuwa, standing at the verandah. At about 1000 hrs, Sri D. Sharma I.P.M., came to his residence. I then ~~asked~~ asked him to handover the written statements but he again refused. Sri Chetri approached to me with angry and attacking mood and said to me "why you are insisting for the statements as he already refused. You should be careful other wise you have to face dire consequences. Be officer and do as officer for favour of the Staff" in presence of Smt Jyoti Komi EDDA, mechuwa so, Sri Tanuja Mossing EDDA mechuwa and Sri P.K. Barua, Veterinary Assistant, mechuwa ~~at the residence~~ who were with me. Sri Dinesh Sharma

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SPM, mechuka also threatened me and told me to go away immediately. I said that another 2/3 young boys were also standing there. I was afraid of and went away to the Air Field, mechuka with Smt. Yarikomri, Sri Tamiya missing and Sri P.K. Barua as there was a schedule for arriving Air Sorte from Mohambari to Mechuka as the weather conditions was favourable on that day (i.e. on 8/5/99 - Saturday). The Army Air Sorte from Mohambari arrived at Mechuka at about 1130 hrs. I saw Sri Dinesh Sharma SPM, mechuka with said Sri Chetri and other two boys came to the Air Field, mechuka at that time. They were looking at me with aggressive mood.

Amal
10/4/01
10

Sharma
10/9/01
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As that was an Army Air Sorte, no civil passengers were allowed for lift. On my request the pilot allowed me an air lift to Mohambari. Luckily I was able to leave Mechuka for Mohambari by that Army Air Sorte. If I could have not been able to leave Mechuka on 8/5/99, what would have been happened to me, that was only known to "Almighty God".

Though Sri Dinesh Sharma SPM.

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(29)

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Meekura also refused to submit his statement in writing regarding burning of the Post Office house with postal properties, later he submitted his statement in writing.

The following documents are enclosed:-

- (1) Inventory NO I and II. dt 20.4.99/27.4.99
- (2) ... in D. Sharma's room, Meekura dt 20.4.99
- (3) Details statement of properties lost by the victims of the fire accident.
- (4) List of victims who received relief.
- (5) Power supply
- (6) NO MKA/PA-1/98-99 dt 12.4.99
- (7) NO MK/PA-1/98-99 dt 12.4.99
- (8) W.T. message dt 12/4/99
- (9) List of K.V.Ps discharged

Analod
10.4.01
P.S.

The mail bags of 7/4/99 and 10/4/99 were also found.

The cash and stamp balances as per closing balance of 10.4.99 as stated in page 5 - and in the written statement of the sam are the balances as per b/c of 10.4.99 prepared on 22.4.99 after showing payment of Rs 36480.00 being the amount of K.V.Ps discharged on 26.3.99.

10/4/99

Contd-30.

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Conclusion

It has been revealed that most of the Postal articles / Iron chests containing valuables / cash / STPS and stationery / Records / Forms / Pass books (blends) / no. receipt books were saved much before the fire broke out to the post office house. The cash / STPS reported to have been burnt, were not actually burnt, but Shri D. Sharma SPM, mechuwa have tried to misappropriate the Govt. cash and stamps on the occasion of the burning accident. The total loss of cash and stamps amounting to Rs 19303 45 (Rupees nineteen thousand three hundred three & 45 paise) only is recoverable from Shri Dinesh Sharma SPM, mechuwa.

Enclom
104.01
P.O.

Encl. - As above.

Enclom

27.8.99

(G.C. Hazarika)

Dy. Supdt. of Post Offices
 C/o the Director of Postal Services
 Arunachal Pradesh Division
 Dispur-781001

Attended

AK Choudhary
 Dy. S.D.O.

10/9/99

ANNEXURE - X - 23

47
Annexure H

DEPARTMENT OF POSTAL SERVICES
OFFICE OF THE DIRECTOR OF POSTAL SERVICES, ARUNACHAL PRADESH
ITANAGAR - 791 111

No. F2/1 is added / Mahala dated at Itanagar the ...

MEMORANDUM

Shri Dinesh Sharma (Designation)

SUB. Post Master

Mahala SO

working) ... is hereby informed that it is proposed to take action against him under rule 16 of CCS (CCA) Rules 1965. A statement of the imputations of misconduct or misbehaviour on which action is proposed to be taken as mentioned above is enclosed.

2. Shri Dinesh Sharma is hereby given an opportunity to make such representation as he may wish to make against the proposal.

3. If Shri Dinesh Sharma fails to submit his representation within 10 days of the receipt of this Memorandum, it will be presumed that he has no representation to make and orders will be liable to be passed against Shri Dinesh Sharma.

4. The receipt of this Memorandum should be acknowledged by Shri Dinesh Sharma.

(R.K.R. SINGH)
Director of Postal Services
Arunachal Pradesh Division
Itanagar - 791 111

Regd -
copy to:- Shri Dinesh Sharma
S P M
Mahala SO

Attested

AA Chakraborty
Addl. C. G. S. O

Director of Postal Services
Arunachal Pradesh Division
Itanagar - 791 111

... misappropriation of Govt. Cash or
... no attempt to save the Govt. Cash is wrong and uncom-
... the Govt. Cash was secured on the next day

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Annexure I

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ANNEXURE

The Director of Postal Services,
Arunachal Pradesh Division,

ITANAGAR: 791111.

Dated Mechukha, the 22nd Sept'2000.

SUB: "REPRESENTATION AGAINST PROPOSAL VIDE LETTER NO.F.2/
FIRE ACCIDENT/MECHUKHA DATED AT ITANAGAR, THE 11TH AUG, 2000."

Honorable Sir,

Respectfully, I, Dinesh Sharma, SPM submit the following statements to represent my case for favour of your sympathetic consideration please.

1. That Sir, I rejoined in my duties in S.O., Mechukha on 20th Sept/2000 after availing leave from 08th Aug. to 20th Sept/2000 and I received your Memorandum No.F.2/Fire-Accident/Mechukha Dtd. Itanagar, the 11th Aug/2000 on 21st September/2000 only after coming from home.
2. That Sir, as per the Memorandum I have been directed to submit my representation within 10 days of receipt of the Memo and my representation may kindly be accepted even after a delayed period owing to poor communication to Mechukha.
3. That Sir, a statement of imputation of misconduct and misbehaviour has been made against me which charges is disagreeable to me as baseless and I have the following representation against each of the charges.
 - (a) In the fire-accident on 11/4/99, when the Post Office building of Mechukha S.O. was thoroughly caught by fire, amidst a lot of confusion, the iron chest containing the cash of Rs.17,713.00 could not be traced out in spite of efforts of some people along with me. Moreover I was too injured and nervous at that moment. Unfortunately the iron chest containing burnt cash of approximately more than Rs.1700/- (Rupees Seventeen thousand) was found among the ashes of the post office house on 12/4/99 in the morning.
 - (b) That Sir, although there is the facilities of keeping cash at the Police station at Mechukha but the day before the date of fire accident, i.e. 10th April/99 it was Saturday and the police station was closed for such possible formal handling and taking over of cash. Consequently I was obliged to keep the cash of Rs.17,713.00 in the iron chest of S.O., Mechukha.
 - (c) That Sir, regarding the stamps of Rs.1590.40 which was lost during the course of fire-accident, most of the stamps of major value were kept in the wooden box and some stamps of a total small amount were taken out and kept in the drawer of the table for daily use. Sir, the wooden box and table were frantically take out of the P.O. building the roof of which was engulfed in fire and as I had reported in my report of the fire accident earlier on a crowd of people rushed in the P.O. building the station was out of control and later on the wooden box and table drawer were found broken. Therefore, it is feared that the stamps perhaps mysteriously lost, perhaps being taken away by some miscreants.
 - (d) That Sir, the charge of misappropriation of Govt. Cash or taking no attempt to save the Govt. Cash is wrong and unfounded. Sir, the burnt down iron chest was opened on the next day

Contd. on p/no. 02.

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-24-

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in the presence of O.C. SIBO (E.O. Industries), Mr. Baluchan
and some other public leaders. They all saw the
of the burnt cash. It was also seen by the Deputy Commissioner,
Sikong District, along with Mr. A.D. Mechukha and O.C. P. Mechukha. They
investigated about the fire accident on 13/4/77.

Sir, I struggled hard to save the cash and documents with
all my efforts. Some dignitaries and responsible people of Mechukha
stand witness to my struggles and helplessness during the unfortunate
fire accident. A letter dtd. 24th. January 1977 to this effect was given for
from their aide to your esteemed Office which already states my precarious
position and struggle helplessness. Thus charging that I made no
attempt to save the Govt. Cash and Stamps is incorrect and I am highly
pained to be charged so by my higher authority in spite of my sincere
efforts in injured condition.

(e) That Sir, I have been working in the department since Feb 1972 with
utmost sincerity and devotion and there has not been a single charge
of failure and lack of devotion to duty against me earlier. Further
Sir, for the first time I discharged the duties of SIB at Sub-post
Office, Mechukha using all my experiences in the same line as the pre-
vious SIBs. Sir, this unfortunate loss of Govt. cash/stamps in the
uncontrollable fire should not make the Directorate have charge wrong
assessment of me.

(f) That Sir, as per the allegation in ARTICLE-11 that it's wrong to
say that I was not maintaining daily proceed of stamps and stationery
daily and correctly but only twice or thrice in a month. In fact the
daily proceed was maintained daily and correctly. I shall be obliged
if the department investigate about this matter further in a fair
manner.

Securely, I do agree that I have made premature
payment of KVP of Rs. 36000 (36480.00) but it's absolutely wrong to say
that I did not show the amount in the SO daily account till 10.4.77.
In fact, the KVP payment was made on 10.4.77 and it was duly entered/
maintained in SO account book on 10.4.77. The entry was also noted by
the investigating Officer Mr. C.C. Hazarika by SP, Itanagar. The fact
may kindly be ascertained from the SO account ledger.

Sir, the above stated facts are correct and I shall be
obliged if the department investigate about this matter further in a fair
manner.

Hence, I request your honor to review and reconsider
my sympathetically with all humanitarian considerations in view of constraints
and difficulties I was in during the fair accident and decide on my own
case favourably for which I shall be ever obliged to you.

Thanking you Sir,

Enclo:-

01. Statement Copy ... 1 nos.
02. Eye evidence of Public & Staff ... 3 nos.
03. Police eye evidence ... 2 nos.
04. Report Copy of A.D. Mechukha ... 1 no.
05. Copy of Police report ... 1 no.

Attested
[Signature]
S. G. G.

DEPUTY COMMISSIONER
SIKONG DISTRICT OFFICE, ITANAGAR.

DA ANNEXURE J
50
Office of the Inquiry Authority, Postal Divisional Office at
ITANAGAR-791111

No. IO/R-14/IR/DS

Date: 17 July 03

Report on the case of inquiry under Rule 14 of CCS (CCA) Rules, 1965
Against Shri Dinesh Sarma, Sub Postmaster Mechuka SO

1. I was appointed the Inquiry Authority in the case of inquiry under Rule 14 of CCS (CCA) Rules, 1965 against Shri Dinesh Sarma, Sub Postmaster, Mechuka SO by the Director Postal Services, Arunachal Pradesh Division, Itanagar vide memo. No. F-2/Fireaccident/Mechuka dated 17-05-01.

Shri M.A. Mahai, SDI of Posts, Itanagar was appointed as Presenting Officer vide memo. No. F-2/Fireaccident/Mechuka dated 17-05-01.

2. The charge framed against Shri Dinesh Sarma, Sub Postmaster, Mechuka SO (hereinafter cited as the CO) is given below:

Article of Charge

On 11-04-99, a fire accident took place at Mechuka SO involving loss of cash Rs. 17, 713.05 and stamp amounting to Rs. 1590.40. Though the facilities of keeping excess cash at Police Station were available at Mechuka SO, the SPM Shri Dinesh Sarma kept huge amount of cash at the Post Office and taking the advantage of the incident of fire accident at PO misappropriated the total amount of Rs. 19,303.45. Thus said Shri D. Sarma did not show devotion to duty and acted in a very irresponsible manner which is unbecoming of a govt. servant and has violated the provision of Rule 3(1)(i)(ii)&(iii) of CCS (Conduct) Rules, 1964.

2.1 The statement of imputation of misconduct or misbehavior in respect of Shri D. Sarma SPM Mechuka SO is given below

In Mechuka SO, some important articles including four iron chests were kept in a wooden parcel box. Among those four iron chests, one iron chest was containing Postal Cash amounting to Rs. 17,713.05. During the fire accident the SPM was successful to save all other articles except the iron chest containing cash. The chest containing cash being the most valuable property should have been shifted to safe place at the very first rescue attempt made by the SPM Shri D. Sarma. But all other articles including

Attested
Addl. C. G. S. O.

(contd.)

30-51 Annexure K

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Annex - I

Statement of articles of charge framed against Shri D. Sharma, the SPM, Meehuka SO under Itanagar HO.

On 11-04-99, a fire accident took place at Meehuka SO involving loss of cash Rs. 17,713.05 and stamp amounting to Rs. 1590.40. Though the facilities of keeping excess cash at Police station was available at Meehuka SO, the SPM Shri Dinesh Sharma kept huge amount of cash at the Post office and taking the advantage of the incident of fire accident at PO misappropriated the total amount of Rs. 17,713.05. Thus said Shri D. Sharma did not show devotion to duty and acted in a very irresponsible manner which is unbecoming of a govt servant and has violated the provision of Rule 3(F)(i)(ii)&(iii) of CCS (Conduct) Rules 1964.

Annex - II

Statement of imputation of misconduct or misbehaviours fr'o Shri D. Sharma, SPM, Meehuka SO.

In Meehuka SO, cash and stamps were kept in a wooden piece of box. Among the three iron chest, one iron chest was containing Postal Cash amounting to Rs. 17,713.05. During the fire accident the SPM was successful to save all other articles except the iron chest containing cash. The chest containing cash being the most valuable property should have been shifted to safe place at the very first rescue attempt made by the SPM Shri Sharma. But all other articles including other three iron chest were reported to have been saved except the chest containing cash. That was reported to have been found in the midst of the ashes in open condition next morning. It was surprising how the locked box had been opened. As per the version of the SPM the lock which was made of iron had been burnt into ashes as no trace of lock in the body of the iron chest was found.

Regarding burning of stamp amounting to Rs. 1590.40 it was reported by the SPM that the stamp were kept in the drawer of the office table and had burnt along with the table which was burnt partly. But during inquiry it is found that the table was not at all burnt but was pulled out with all its belonging much before the fire caught the PO building.

Thus said Shri Dinesh Sharma did not show devotion to duty and acted in a very irresponsible manner which is unbecoming of a govt servant and has violated the provision of Rule 3(F)(i)(ii)&(iii) of CCS (Conduct) Rule 1964.

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Annex - III

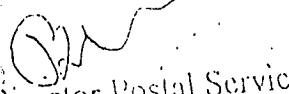
Statement of documents by which the articles of charge framed against Shri D. Sharma the SPM, Mechuka SO are proposed to be sustained.

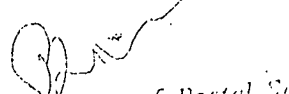
- 1) The Inquiry report of the Dy SPOs, Arunachal Pradesh Division, Itanagar, vido no: A-1/SP/Mechuka/Burning/99 dt 27-03-99.

Annex - IV

List of Witness by whom the articles of charge framed against Shri D. Sharma, the SPM, Mechuka SO are proposed to be sustained.

- 1) Shri G.C. Hazarika, Dy. SPO, Arunachal Pradesh Division, Itanagar.


Director Postal Services,
Arunachal Pradesh Div,
Itanagar-791111.


Director of Postal Services,
Arunachal Pradesh Div,
Itanagar-791111.

Regd
AID

To
Shri D. Sharma
SPM
Mechuka S.O.

Attested

A. G. C. S. O.

ANNEXURE - 1

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Annexure 2

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DEPARTMENT OF POSTS: INDIA
Office of the Director Postal Services: Arunachal Pradesh Division
ITANAGAR-791111

Memo No. F-2/Fire accident/Meehuka

Date: 05-12-03

Shri Dinesh Sharma, the then SPM Meehuka SO, Arunachal Pradesh Postal Division was proceeded against under Rule 14 of CCS (CCA) Rules, 1965 vide this office memo of even no. dtd. 01-03-01. The statement of the imputation of the misconduct or misbehaviour in the support of the charge framed against Shri D. Sharma runs as under.

In Meehuka SO, some important articles including four iron chests were kept in a wooden parcel box. Among those four iron chests, one iron chest was containing Postal Cash amounting to Rs. 17,713.05. During the fire accident the SPM was successful to save all other articles except the iron chest containing cash. The chest containing cash being the most valuable property should have been shifted to safe place at the very first rescue attempt made by the SPM Shri Sharma. But all other articles including other three iron chest were reported to have been saved except the chest containing cash. That was reported to have been found in the midst of the ashes in open condition next morning. It was surprising how the locked box had been opened. As per the version of the SPM the lock, which was made of iron had been burnt into ashes as no trace of lock in the body of the iron chest found.

Regarding burning of stamp amounting to Rs. 1590.40 it was reported by the SPM that the stamp were kept in the drawer of the office table and had been burnt along with the table which was burnt partly. But during inquiry it is found that the table was not at all burnt but was pulled out with all it's belonging much before the fire caught the PO building.

Thus said Shri Dinesh Sharma did not show devotion to duty and acted in a very irresponsible manner, which is unbecoming of a govt servant and has violated the provision of Rule 3 (1) (i) (ii) & (iii) of CCS (Conduct) Rule 1964.

2. Shri D. Sharma was given the opportunity to submit a written statement of his defence and also to state whether he desires to be heard in person. Shri Sharma submitted his defence statement against the charges vide his letter dtd 04-04-2001. It was proposed to hold an inquiry into the charges and Shri G.G. Singha, DYSP Itanagar was appointed as inquiry authority vide this

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office memo of even no dtd. 17-05-01. Shri M.A. Malai SDI of Posts, West Sub Division Itanagar was appointed as the presenting officer vide memo of even no dtd 17-05-01 to present the case on behalf of the department.

3. The Inquiry Authority held hearing on 10-09-01, 09-01-02, 08-02-02 and concluded on 18-03-02. The Inquiry report was submitted by the IO vide his no 10/R-14/R/D3 dtd 17-07-03. I have gone through the Inquiry Report thoroughly. The inquiry has been held in a fair manner and all the reasonable opportunities provided under Rule 14 of CCS (CCA) Rules 1965 have been given to Shri Sharma. The charge was read out to Shri D. Sharma and explained to him. He was given the opportunity to nominate his defence assistant to assist him in the case; but he did not desire to nominate any defence assistant and he pleaded his own case himself. He was given ample opportunity to examine the documents listed in Annex III; also given ample opportunity to examine the witness listed in Annex IV of the charge sheet. At the concluded stage of the inquiry, the Inquiry Authority served the charged official Shri D. Sharma with a copy of the brief submitted by the Presenting Officer for preparation and submission of his written representation in counter defence. The Inquiry Authority has taken into account the counter defence representation received from Shri D. Sharma while preparing the inquiry report.

4. The Inquiry Authority based his Inquiry on the documentary evidents and the evidence by the witness; and made his report based on the findings of the examination of the evidences as also the out come of the hearings/proceedings in the inquiry. On conclusion of the inquiry, the Inquiry Authority reported that keeping in view the results of the examination of the witness and the documents cited in the charge sheet and also the circumstantial analysis and observations, he came to the conclusion that the charge framed against Shri D. Sharma, the SPM-Mechuka stands proved.

5. A copy of the Inquiry Report was forwarded to Shri Dinesh Sharma vide this office letter of even no. dtd 13-09-03 for submission of his defence representation, if any, before final order is issued by the disciplinary authority. Shri Dinesh Sharma submitted his representation vide his letter no. 10/R-14/R/D3 dtd 30-09-03 which was received at this office on 09-10-03.

6. FINDINGS BY THE DISC. AUTHORITY.

1. I have further examined the documents listed in Annex-III of the charge sheet carefully and minutely as also the proceedings of examination of the witness listed in Annex-IV of the charge sheet.

6.1. In para 2 of his representation Shri Sharma stated that the findings of the Inquiry Authority are based on mere presumption and totally contrary to the realities.

6.1 a) I have gone through the Inquiry Report with the proceedings of the hearings and I find that the conclusion drawn in the Inquiry Report is based on revelation during the hearings and there is no element of mere presumption as alleged by the charged official.

6.2. In para 3 the charged official stated that the fire accident occurred at about mid night and 12 houses were totally destroyed including the Post Office building. He was sleeping in his quarter adjacent to the Post Office and woke up hearing the hue and cry of the people. He shouted for opening the parcel box and table where parcel, valuables, money and documents were kept.

6.2 (a) During the proceedings of the hearings on 18-03-02 the Inquiry Authority put the question that the fire incident occurred 4 houses away from the Post Office. The neighbouring householders could have their properties but the SPM (CO) failed to save the all important cash and valuables of the Post Office. The charged official only commented that the fire was very near to the PO and he was nervous and so he could not save Post Office Cash and valuables. Evidently he only shouted but he failed in his duties to ensure to save the cash and valuables of the Post Office.

6.3 In para 4 the charged official stated that while trying to save the Post Office articles, he lost his personal belongings. He fainted and some body gave him water.

6.3 (a) This statement does not constitute any point of defence against the specific point of charge that he did not show devotion to duty and acted in a very irresponsible manner taking advantage of fire accident misappropriated the govt cash.

6.4 In para 5 the charged official stated that on the next day morning the police found out the missing box containing cash. The brass lock was not

found only the iron hook of the lock was found on the box wherein some ashes were found.

6.4(a) During proceedings of the hearing the Inquiry Authority put the question that keeping in view the iron metal and the considerable thickness of the Post Office iron chest, it does not seem possible that the lock turned into ashes and also it does not seem possible that the coins in the iron chest melted and turned into ashes. In reply the charged official commented only that the currency notes and stamps turned into ashes. About the coins he does not know. At that time the coins also turned into ashes. Evidently, the SPM intentionally avoided to admit the fact that the coins can only turn into molten mass and not ashes. This amply shows that the statement of the charged official that the police recovered the ashes of the cash and stamp is not true.

6.5 In para 6 the charged official stated that the written statement made by him in presence of the then Dy Supdt of Post Office, who had visited the site, was drafted by the DYSP and he (the charged official) only copied the same. Several vital points submitted by him (the CO) were omitted by the DYSP.

6.5. (a) The SPM is educated and trained enough to make and write out his own statement. The plea of having only copied the draft of the DYSP can at best be a feeble attempt on his part to ignore the specific points in the report submitted by the DYSP after his visit. This flimsy ground cannot be a defence against the charge of his failure in his prime duties to save the govt cash and valuables being in charge of the office.

6.6 In para 7 the charged official raised certain allegation of bearing the expenditure during the stay of the visiting DYSP at Mechuka.

6.6 (a) During any of the hearing including examination of the DYSP as witness, the charged official did not raised this point which is very much personal having no bearing with the case.

6.7 In para 8 the charged official stated that the only witness examined in the inquiry was none other than the Preliminary Inquiry Officer who was obviously biased against him and that he was not given to examine any witness on his side. The charged official also stated that the cash available in

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the post office could not be kept at Police Station due to absence of the key keeper of the Police Station due to which on several occasion he was compelled to keep the cash at PO itself.

6.7 (a) In the charge sheet only one witness was cited. During the hearing on 08-02-02, the presenting officer was given the statutory opportunity to examine the witness in presence of the charged official. After the PO completed his part of presenting the listed witness before the Inquiry Authority the charged official was given statutory opportunity to examine the witness; thereby the Inquiry Authority observed the usual formalities of the Inquiry. On conclusion of examination of the witness by the PO and the cross examination by the charged official, the Inquiry officer examined the witness. In the next phase of the inquiry, during the hearing on 18-03-02 the charged official mentioned about his defence witnesses. Both the witnesses were constables of the Mechuka Police Station. The Inquiry Authority found that they had done their duties as Police men and it has no bearing on the loss/misappropriation of the Postal cash by the EPM (charged official) as made out in the charge sheet. And hence, the examination of the police people were not found required in the case by the Inquiry Officer. During the hearing on 09-01-02, the charged official was given to examine the documents listed in the Annex-III of the charge sheet and the PO was given to present his case thereafter during which reference of the document containing the report on the incident was interacted upon by the PO with the CO towards analyzing the points mentioned in the document of the report which does not constitute examination of the charged official at that stage.

In fact the charged official was solely examined by the Inquiry Officer on 18-03-02, only; after which the hearing in the case was closed. The point of keeping cash in the Post Office was dwelt upon during examination of the witness on 08-02-02. The witness, who conducted the investigation in the site, was questioned whether police people were present on all days in the police station and whether any trouble was faced in keeping the Post Office cash. In reply the witness stated that the police men were always available and there was no problem in keeping/taking the Post Office cash. The Charged Official was given the opportunity to examine the witness on this particular point. The charged official cited the specific instance of Saturday the 10th April'99 on which day the police men holding the key of the strong room was not available at about 15-45 hrs. In reply to the question of the charged official the witness stated that the charged official did not say this point during investigation at Mechuka. In fact the charged official was given the ample opportunity to examine the witness, against whom he has made unfounded allegation but he could not deduce any proof or indication

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towards his point of absence of police men at the police station at the time of keeping the cash. The flimsy ground of defence stated by the charged official does not constitute any concrete point of defence against the specific charge in the charge sheet.

6.8. In para 9 the charged official stated that there were a number of eye witnesses like public, leaders and the police officials also stating that he produce copies of letters from the said eye witnesses but the inquiry authority disbelieved the letter without examining them. The charged official also stated that the ashes were recovered by the police from the iron box but the inquiry authority concluded the case saying that there were no molten materials of the coins or the brass lock.

6.8(a) During inquiry on 18-03-02 the question of examining the witnesses belonging to public and police came up. The inquiry authority found that they had done their duties in the incident which had no bearing on the case of loss/misappropriation of the postal cash as framed in the charged sheet. Regarding brass lock and the coins, at no point of inquiry the charged official stated clearly that the molten mass of the brass lock and the coins were recovered by him or by the police or by the public people. Absence of the possible concrete evidence of burning the cash with the lock of the box amply indicated that the cash were not actually burnt but taken away with *mala fide* intention.

6.9. In para 10, the charged official stated that a fire accident can not be foreseen; also stating that there were more than one lakh sixty thousand rupees available at the police station and he could have misappropriated that amount also had he had any intention like that. He also stated that he had been humiliated and subject ordeal of departmental inquiry proceedings.

6.9(a) The statement of the charged official is nothing but an expression of his personal feelings and does not constitute any concrete defence against the charges framed against him. On the other hand the local people of Mechuka had managed to pull out all furniture of the PO building including SPMs Quarter Vig almihrahs, Mailbox tables etc. before to fire reached the PO building. This was even confirmed by most residents of Mechuka during subsequent visits by SP and DPS.

Considering the gravity of his lapses and gross negligence, due to which the govt sustained a huge loss, I pass the following order.

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Order

I Mrs. M. Jawphniaw, Director Postal Services, Arunachal Pradesh Division, Itanagar, having gone through the charges framed against Shri Dinesh Sharma as also the representation made by him in accordance with the power conferred on me vide Rule 12 (2) (a) of CCS (CCA) Rules 1965 hereby award Shri Dinesh Sharma, then SPM Mechuka, now working as SPM Dirang SO the punishment of reduction of pay by two stage from 4600 to 4400 for 3 years without cumulative effect. No increment will be earned during the period of punishment.

Sd/-

(M. Jawphniaw)
Director Postal Services
Arunachal Pradesh Division
ITANAGAR-791111

Regd.
AW

Copy to :-

1. Shri Dinesh Sharma, SPM Dirang SO for information.
2. The Postmaster, Itanagar HO for information and n/a.
3. The Chief PMG (Inv) N.E. Circle Shillong w.r.t CO's case mark Inv/X/Tire-Mechuka/AP/99-2000 for information.
4. The DA (P) Kolkata w.r.t DA(P)'s case mark Mechuka SO/TC-4394(C)/99-00/PA (M) III/681 for information.
5. P/T of Shri D. Sharma (Staff)
6. C/R file of Shri D. Sharma (Staff)

Attested
Addl. G. S. O.

(M. Jawphniaw)
Director Postal Services
Arunachal Pradesh Division
ITANAGAR-791111

ANNEXURE - M

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(5)

24/09/2015
A-10

To

Shri Dinesh Sharma
SPM.

Dir. Insp. SO

F-2/Fire accident / Meekhuka

Date 13/09/2015

Sub: - Report on the
case of inquiry under
Rule 44 of CCS (CCA) Rules
1965 against Shri
Dinesh Sharma, Sub
Post Master Meekhuka SO

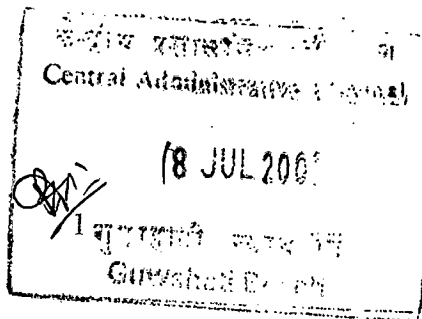
The inquiry report is forwarded
herewith for your final representation
if any. Please submit the report within
the ten days (10) from the date of receipt
of the letter.

encl (Inquiry report)

Yr. Dy.

Director of Postal Services
Aranchal Pradesh
Hannagar-701111

Handwritten signature



filed by
Kalsame yadav
Advocate
18/7/05
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In the Central Administrative Tribunal
Gauhati Bench, Guwahati

Application No. 16/ 2004

Sri Dinesh Sharma Petitioner

-Vs-

Union of India & ors Respondents

AFFIDAVIT IN-REPLY ON BEHALF OF THE PETITIONER

I, Shri Dinesh Sharma, son of Shri Gulab Sharma, aged about 35 years, resident of Arunachal Pradesh, District west Kameng do hereby solemnly declare and state as follows:-

- 1) That I am the petitioner in this case and a copy of written statement filed by the respondent No.1 to 4 was served upon my Advocate, which was handed over to me and I have gone through it and understood the contents made therein.
- 2) That the statements which are not specifically admitted and which are contrary to the records are deemed to be denied by the answering deponent.
- 3) That the statement made in para 2 (i) of the written statement hereinafter written as W.S. are not fully correct. It is not correct that the post master Sri Dinesh Sarma kept excess cash in the post office in an iron chest along with other three iron chests. It is totally false that the cash was intentionally mis-appropriated by the official as it was unbelievable when three iron chests could be pulled out, how one chest containing cash could be left out for burning in the fire. These are assumption of the enquiry officer but the fact remains that one chest was burn out and due to burning it was totally melted which was quite possible and question of any assumption does not arise at all. The real facts cannot be changed on the basis of assumption.
- 4) That the statement made in para 2(ii) are not correct and they are not admitted. It is not correct that the involvement of the applicant in mis-appropriating the postal cash has been established and accordingly he was charge sheeted. It is also not correct that the charges initiated against the applicant stands proved and

accordingly he was awarded punishment by the disciplinary authority. In fact, the enquiry could not be held properly and the report has been submitted only on assumption and so an appeal was filed before the Appellate Authority which was also could not be properly considered and the same was rejected wrongly.

- 5) That the statement made in para 3 & 4 of the W.S. are substantially correct as the same are based on the statement of the applicant.
- 6) That the statement made in para 5, 6, 7, 8, 9 & 10 are matter of records and this deponent does not admit any of the statements which are contrary to the records.
- 7) That regarding the statement made in para 1st of para 11 of W.S. this deponent begs to refer and re-iterate the statements made in para 11 (iv) of the application including the other statements which are based on real facts. The applicant as stated the real facts elaborately and also the circumstances at the time of fire broke out in the office. However, the report of the enquiry officer to the extent that all the iron chests were pulled out before the fire caught out are not correct and the said finding of the enquiry officer are not based on any evidence.

Regarding the 2nd sub-para of para 11 of W.S. it is stated that the enquiry officer gave his report only one presumption and not on real facts and on such presumption the report of the enquiry officer should not have been accepted and on the sole ground the enquiry report should have been brushed aside. In fact, when the fire was caught out the applicant could not save the entire iron chest and other articles from the office which was clearly stated before the enquiry officer.

Regarding the 3rd sub-para of para 11 of W.S. it is stated that the enquiry officer without taking proper evidence and without collecting the other evidence wrongly stated that the applicant took advantage of the situation and mis-appropriated an amount of Rs 19,303.45 i.e. cash amount of Rs 17,713.05 and postal stamp – Rs 1590.40. It is totally false allegations that the mis-appropriation was done intentionally and the applicant was wrongly asked to credit the amount at Mechuka Post Office.

- 8) That the statement made in para 12 are not correct and they are not admitted. The mis-appropriation by applicant has not been established and the enquiry officer wrongly held that the mis-appropriation has been established.

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- 9) That the statement made in para 13 of the W.S. are not correct in as much as the allegation was not proved and initiation of disciplinary proceeding was wrong and illegal. However, the applicant filed his representation by stating the real facts but the official concern did not at all consider the said real facts made by the applicant and on the basis of that charged was framed wrongly.
 - 10) That the statement made in para 14, 15, 16, 17, 18, 19, 20 & 21 are matter of records and the deponent does not admit any of the statement which are contrary to the records. However, it is totally denied that the charge was proved. In fact the charges leveled against the applicant could not be proved legally and on such charge framed on assumption, no punishment can be awarded in any manner.
 - 11) That regarding the statement made in para 22 of the W.S. it is stated that the charge was framed only on presumption and so the question of any fraud committed by any official does not arise at all. In fact the applicant has not committed any offence and enquiry officer without going through the actual fact submitted the enquiry report. The disciplinary authority as well as appellate authority only on enquiry report passed the impugned orders which was not at all sustainable in law and so the award as well as punishment are bad in law and liable to be quashed.
 - 12) That regarding the statement made in para 23 & 24 of the W.S. it is reiterated that the appellate authority also did not apply his mind and disposed of the appeal mechanically. It is further reiterated that the disciplinary authority also did not at all consider the facts and circumstances of the case and wrongly passed impugned order.
 - 13) That regarding the statement made in para 25, 26 & 27 this deponent begs to state that the enquiry in fact was not done properly. Regarding the same the applicant reiterate the statements made in paras 25, 26 & 27 of the original application.
 - 14) That regarding the statement made in para 28 of the W.S. the applicant has stated in the original application the entire facts and circumstances which was happened at the time of fire. But the enquiry officer, disciplinary authority as well as the

appellate authority failed to consider the state of mind of the applicant at the time of sudden fire and at that time what was done by the applicant is not a question of belief but it is a question of situation occurred at the time of fire. However, it is not correct that all the boxes, tables and other articles were taken away before the fire caught in the post office. So the findings are totally pervased and based on no evidence.

- 15) That regarding the statement made in para 29, 30 & 31 the applicant reiterates the statements made in 29, 30 & 31 of the original application. However the statement made in para 29, 30 & 31 are not correct and they are not admitted.
- 16) That the allegations made in para 32 & 33 are not correct and they are hereby denied. The statement made there in are absolutely baseless.
- 17) That regarding the statement made in para 34 it is stated that due to fire coins present in the box were melted but in the W.S. the opposite party tried to mislead the court on the basis of the finding of the disciplinary authority which was based only on presumption.
- 18) That the statement made in para 35 are not correct and they are not admitted. The allegation of involvement of mis-appropriation is without any basis and without any evidence and the same has been arrived at on presumption.
- 19) That the statement made in para 36 are not correct and they are not admitted. The penalty imposed are based on a biased and improper enquiry and so penalty imposed is unsustainable in law.
- 20) That the statement made in para 37 are not correct and they are not admitted. In fact no proper enquiry was conducted and so question of violation of rules of CCS (Conduct) Rules 1964 does not arise.
- 21) That the statement made in para 38 and 39 it is stated that copy of enquiry report and copy of documents were not furnished to the applicant and so there was a violation of principle of natural justice and the entire proceeding is visiated.

- 22) That the statement made in para 40, 41, 42 & 43 are not correct and they are not admitted. Regarding the same this deponent reiterates the same which has been submitted in para IV (40, 41, 42 & 43).
- 23) That the statement made in para 44 to 47 are not correct and they are not admitted. Regarding the same the applicant reiterates the submissions made in para IV (44, 45, 46).
- 24) That the statement and submission made in the W.S. are not based on actual facts and circumstances and the enquiry report which are based only on presumption and as such the entire enquiry report, charges and punishment awarded to the applicant is not sustainable in law and liable to be set aside and quashed.

The statement made in para 1 to 24 are true to my knowledge and I sign this affidavit on 18th day of July, 2005 at Guwahati.

Identified by

Amit Kabra

Advocate

Dinesh Sharma

Deponent

Signature of applicant is
attested by me.

Kyadaw
Advocate