

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No 2. 8/8/2007

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

E.P/M.A No. 117/2007

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SECTION OFFICER (Judl.)

Khalil
70.10.19

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

1. Original Application No. 288/07

2. M.P.s Petition No. /

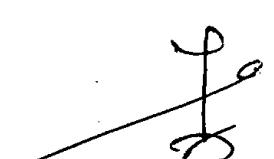
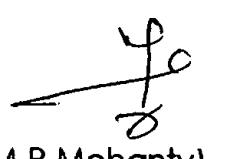
3. Contempt Petition No. /

4. Review Application No. /

Applicant(s).....Gobin Chetni.....vs Union of India & Ors

Advocate for the Applicants.. M.P.Sarma, B.M.Chetni.....
S.Khamikar, N.Hengarika.....

Advocate for the Respondant(s):.....CASL.....

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/C. F. for Rs. 50/- deposited vide A.P.O./B.G. No. <u>66F 838225, 66F 838226</u> <u>W 64F 308352</u> Dated.... <u>13.11.07</u>	<u>19.11.2007</u>	On the prayer of Mr.M.P.Sarma, learned counsel for the Applicant, call this matter along with the M.P.No.117/2007 on <u>20.11.2007.</u>
<u>Regd</u>		<u>Khushiram</u> Member (A)  (M.R.Mohanty) Vice-Chairman
<u>Notices & P.M's for /bb/ issue Writs are received with envelops. (by) served.</u>	<u>20.11.2007</u>	Heard learned counsel for the parties. Judgment delivered in open Court, kept in separate sheets.
<u>10/11/07</u>		The Original Application No.288/2007 is disposed of in terms of the order.
<u>Received free copies of the order dt. 20/11/07 Bishnu Prasad Chetni Dduwari Dt. 22/11/07</u>		<u>Khushiram</u> Member (A)  (M.R.Mohanty) Vice-Chairman

23/11/07

Copy of the writs
alongwith the application
are sent to the office
for issuing the date to
the respondent 1 to 7
and a copy of the
writs also sent to
of the plaintiff to
the applicant by post.

18/11/07

Judgment issued
wide of NO. 1545
to 1549 on 26/11/07

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No.288 of 2007

DATE OF DECISION: 20.11.2007

Sri Gobind Chetri Applicant/s
Mr.M.P.Sarma Advocate for the
..... Applicant/s.

- Versus -

U.O.I. & Ors Respondent/s
..... Advocate for the
Respondents

CORAM

THE HON'BLE MR. MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR KHUSHIRAM, 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 their Lordships wish to see the fair copy of the Judgment? Yes/No

Judgment delivered by

Vice-Chairman/Member (A)

b

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 288 of 2007

Date of Order: This, the 20th Day of November, 2007

THE HON'BLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE SHRI KHUSHIRAM, ADMINISTRATIVE MEMBER

Sri Gobind Chetri
Son of Late Ram Bahadur Chetry
R/o Gautam Basti
Khatkati, Karbi Anglong
Assam.

..... Applicant.

By Advocates Mr. Madhab Prasad Sarma, Ms. Bishnu Maya Chetri,
M.N.Hazarik & M.S.Khanikar

- Versus -

1. The Union of India
Represented by the Secretary
to the Ministry of Postal
Government of India
New Delhi.
2. Superintendent of Post Office
Nagaon Division
Nagaon-782 001.
3. Asst. Superintendent of Post Office
Diphu Sub Division
Diphu, Karbi-Anglong
Assam.

..... Respondents

By Ms. Usha Das, Addl. Standing counsel for the Union of India.

ORDER (ORAL)

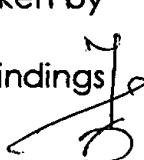
M.R.MOHANTY, V.C.:

Heard Ms. Bishnu Maya Chetri, learned counsel for the
Applicant and Ms. Usha Das, learned Addl. Standing counsel for the Union

(Signature)

of India; on whom a copy of this Original Application has already been served. Also perused the materials placed on record.

2. The Applicant, while on suspension from the post of GDSBPM of Gautambasti Branch Office, faced a departmental proceeding. Charge sheet dated 30.09.2005 was served on him and, ultimately, the matter was placed before an enquiry officer and, finally, the enquiry report was drawn on 06.02.2006. A copy of the said report was given to the Applicant on 15.12.2006. He submitted a reply, thereto alleging denial of reasonable opportunity by the I.A. and he prayed for a de novo enquiry. Final orders removing the Applicant was passed on 31.03.2006. It appears (from Annexure-10) on 05.04.2006 and, again, on 29.05.2006 the Applicant submitted representations to the Superintendent of Post Offices of Nagaon Division seeking a de novo enquiry. In essence, the Applicant has alleged that the enquiry was conducted in a most perfunctory manner where no evidences were taken to substantiate/to bring home the charges leveled against him and that only by recording some of his statements the enquiry report was drawn. Making such allegations, the Applicant has filed the present Original Application under Section 19 of the Administrative Tribunals Act, 1985.

3. It is seen from the final punishment order dated 31.03.2006 that on receipt of the enquiry report, the Applicant submitted a representation wherein he categorically alleged denial of reasonable opportunity in course of the enquiry; for which he prayed for a de novo enquiry. In the final order under Annexure-9 dated 31.03.2006 (which runs over four full pages) there are no discussion about the said plea taken by the Applicant. It has only been discussed (in the observations and findings) 

of the Disciplinary Authority) that the Applicant did not claim anything to defend himself in the enquiry, but it has not been discussed by the Disciplinary Authority as to whether any material was placed before the enquiry authority, to bring home the charges leveled against the Applicant. In fact excepting the so-called admission of the Applicant in the matter, there were no other consideration given by the Disciplinary Authority.

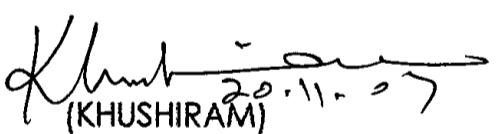
4. It is seen that the Applicant did not prefer any Appeal challenging the aforesaid punishment order (under Annexure-9) dated 31.03.2006; by which he has been removed from service. It is stated by the learned counsel for the Applicant that due to ignorance, the Applicant failed to prefer any Appeal and for the said reason (of ignorance), the Applicant repeatedly approached the Disciplinary Authority (under Annexure-10) on 05.04.2006 and, again, on 29.05.2006 seeking a de novo enquiry. That itself shows that the Applicant was really aggrieved in the manner in which the enquiry was conducted. But technically, he failed to submit any Appeal in the manner required under the Rules to the Appellate Authority. Such technicality should not stand on the way of the Applicant to get his grievances redressed from the appropriate Appellate Authority. It was for the Disciplinary Authority either to transmit the representations to the Appellate Authority or sent back them to the Applicant with instructions to present the Appeal to the authority who has been nominated as Appellate Authority. That has not been done in this case.

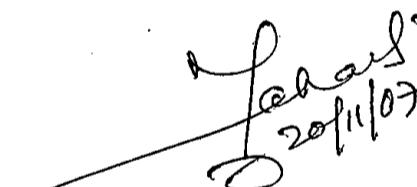
5. In the aforesaid premises, without entering into the merits of the matter, this Original Application is hereby disposed of by granting



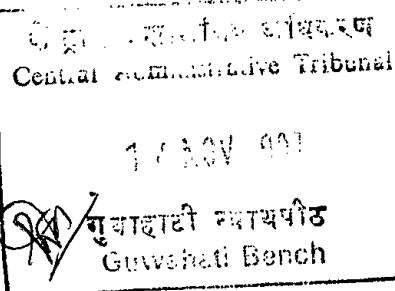
liberty to the Applicant to prefer an appeal to the competent authority by end of December, 2007 and if any such appeal is preferred, within the time frame now given, then, the authorities/Appellate Authority/Respondents should do well in considering the grievances of the Applicant; notwithstanding the delay in preferring the Appeal. The Appellate Authority should give personal hearing to the Applicant, if he will express such desire in the appeal to be filed by the end of December, 2007.

6. With the aforesaid observations and directions, this Original Application stands disposed of.
7. Send copies of this order to the Respondents, along with the copies of this Original Application. Free copies of this order be sent to the Applicant in the address given in the Original Application and be supplied to Ms. Bishnu Maya Chetri, learned counsel for the Applicant and to Ms. Usha Das, learned Addl. Standing counsel for the Union of India.


 (KHUSHIRAM)
 ADMINISTRATIVE MEMBER


 (MANORANJAN MOHANTY)
 VICE CHAIRMAN

/BB/



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI
BENCH

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O.A. No. 288 /07

SRI GODIND CHETRI

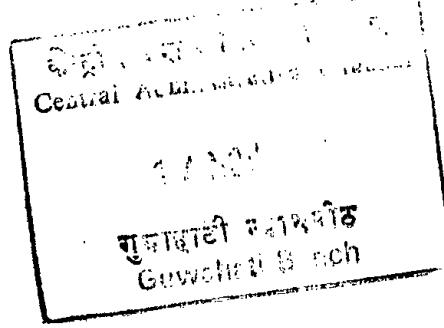
- Vs -

UNION OF INDIA AND OTHERS ..

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FILED BY -

B. M. Chetri
ADVOCATE



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH

O.A. No. 288 /07

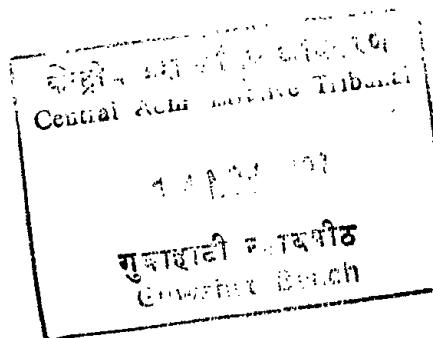
SRI GODIND CHETRY

- Vs -

UNION OF INDIA AND OTHERS ..

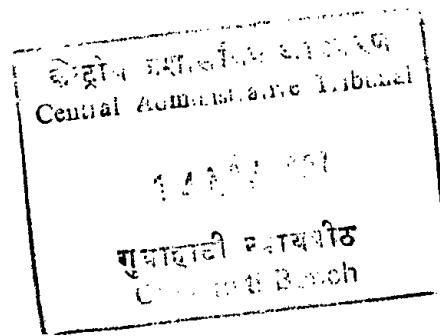
- S Y N O P S I S -

The appellant being qualified was appointed as Branch Post Master on 12/08/99 at the Branch Post Office, Khatkhati within the premises of the C.R.P.F. Campus and was discharging his duties to the satisfaction of his Superior authorities. On the night of 12/11/03 the lock was broken and an amount Rs.1,73,387 was stolen away from the office which is existing inside the premises of the C.R.P.F. Campus and on the next day when the appellant went to his office came to know the fact and he lodged an FIR on 13/11/03 before the Officer-in-charge of the Khatkathi Out Post about the accident and the Police Registered a case as Bokajan P.S. Case No.131/03 U/s 457/380 IPC dt.14/11/03 and the Police investigate the case. During investigation the Police did not forward any material against the appellant and the appellant was not sent to custody. The ASPOS Diphu Sub Division enquired the incident and vide his order dt.19/11/03 placed the appellant under suspension w.e.f. 19/11/03. The Superintendent of the Post Office, Nagaon Division vide Memo No.H2-663 dt. 25/11/03 ratified and passed order. Thereafter the appellant was Charge sheeted and a disciplinary proceeding was initiated against the appellant one



Sri D.K. Saikia, Asst. Superintendent of Post Office, Nagaon Division was appointed as an enquiry officer. The appellant was intimate that the preliminary hearing was deferred to 21/12/05 and accordingly the appellant appeared before the enquiry officer at Inspection Room Diphu and the enquiry officer threatened the appellant that he would be put in jail if he would not admit his guilt and will be allowed to join his duties if he admit his guilt. The appellant on the assurance join by the enquiry officer and the presiding officer admitted his guilt. Thereafter the enquiry officer submitted his enquiry report before the disciplinary authority giving his findings that the charge leveled against the appellant is proved and on the basis of the enquiry report the Superintendent of Post Office, Nagaon Division vide memo No.F-7-04(C) 2002-2003 dt. 31/03/06 passed an order of removal of the appellant from his service. Thereafter the appellant filed representation on 05/04/06 before the respondent No.2 to re-enquire the matter by appointing another enquiry officer and to re-consider his case the appellant again filed a reminder on before the Respondent No.2 but no steps was taken.

Filed by
B. M. Chettri
Advocate



IN THE "CENTRAL" ADMINISTRATIVE TRIBUNAL, GUWAHATI
BENCH

O.A. No. 288 /07

SRI GOBIND CHETRA

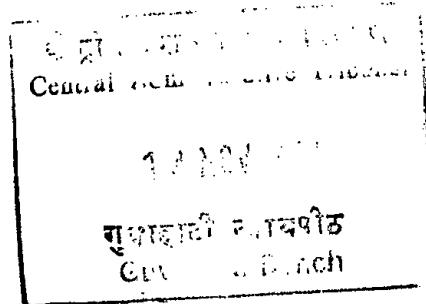
- Vs -

UNION OF INDIA AND OTHERS ..

LIST OF DATES

SL. NO. DATE

1. 12/08/99 : Appointed as Branch Post Master at the Branch Post Office Khatkhat
2. 12/11/03 : The lock of the office was broken and an amount of Rs.1,73,387/2 was stolen from the office.
3. 13/11/03 : FIR was lodge before the officer-in-charge of Khatkhati Out Post.
4. 14/11/03 : The Police Registered a case as Bokajan P.S. Case No.131/03 u/s 457/380 IPC
5. 19/11/03 : The appellant was placed under Suspension.
6. 25/11/03 : The respondent No.2 ratified the order issued by Respondent No.3 and passed an order.
7. 11/11/05 : One Sri D.K. Saikia, Assistant Superintendent of Post Office, Nagaon Divison was appointed as enquiry officer.
8. 22/11/05 : The appellant was informed that the enquiry was fixed



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for preliminary hearing.

9. 21/11/05 : Matter was fixed for preliminary hearing and the appellant appeared before the enquiry officer at inspection Room, Diphu.
10. 06/02/06 : Enquiry report was submitted by the enquiry officer.
11. 31/03/06 : The Respondent No.2 passed an order of removal of the appellant from service.
12. 05/04/06 : The appellant filed a representation before the Respondent No.2 to re-enquiry the matter by appointing another enquiry officer.
13. 29/05/06 : The appellant filed a reminder to the representation dt. 05/04/06 filed by him.

02/03/06
Representation

Filed by
B. P. Chettri
Advocate

Guwahati Bench

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI
BENCH, KAMRUP, GUWAHATI

(An application under Section 19 of the
Administrative Tribunal Act., 1985)

O.A.- No. 288 /07

Sri Gobind Chetry

S/o Late Ram Bahadur Chetry

R/o Gautam Bosti

Khatkati, Karbi-Anglong, Assam.

..... *Applicant*

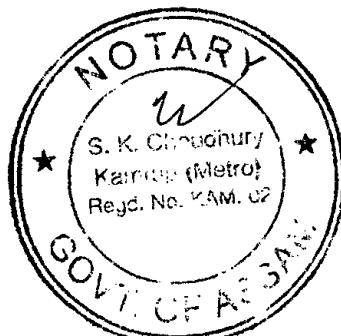
- Versus -

1) Union of India Represented by the
Secretary to the Ministry of Postal,
Government of India, New Delhi.

2) Superintendent of Post Office,
Nagaon-Division,
Nagaon-782001

3) Asst. Superintendent of Post Office
Diphu Sub Division,
Diphu, Karbi-Anlong,
Assam

..... *Respondents*



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Filed by
Gobind Chetry
through miss B.M. Chettri
Advocate

1. particulars of the order against which the application is made:-

1) The order issued under memo No. F.7-04 (c)/2002-03 dated 31/03/06 passed by the Superintendent of Post Office, Nagaon-Division Office, Nagaon.

2) Jurisdiction of the Tribunal:-

The applicant declares that the subject matter of the order against which he seeks redressal is within the jurisdiction of this tribunal.

3) Limitation:-

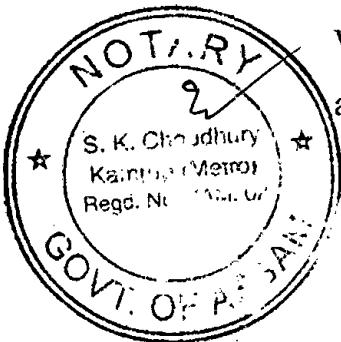
The applicant further declares that he has filed this application alongwith one application under section 5 of limitation ACTS R/W section 21 of Central Administrative Act for condonation of delay separately.

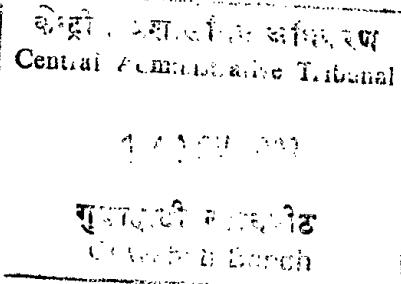
4) Facts of the case :-

1) That the applicant is a citizen of India and is a permanent resident of Gautam Bosti, Khatkati, and is entitled to the rights and privileges guaranteed under the constitution of India.

2) That the applicant being qualified was appointed as Branch Post Master on 12/08/99 vide letter No.112-663 dt. 12/08/99 and he was appointed at the Branch Post Office, Khatkati within the premises of the C.R.P.F. campus. The applicant was discharging his duties to the satisfaction of his superior authorities.

A copy of the appointment letter dt. 12/08/99 is Annexed and mark as Annexure-I.





3) That the applicant states that on the night of 12/11/03; breaking the lock an amount of Rs.1,73,387/- was stolen away from the office which is existing inside the premises of the CRPF Campus and on the next day when the appellant went to office knew the fact and immediately he lodged an FIR on 13/11/03 before the officer-in-charge of the Khatkati Out Post about the accident and the police registered a case as Bokajan P.S. Case No.131/03 u/s 457/380 IPC dt. 14/11/03 and investigate the case. During investigation the police did not forward any material against the appellant and he was not sent for custody.

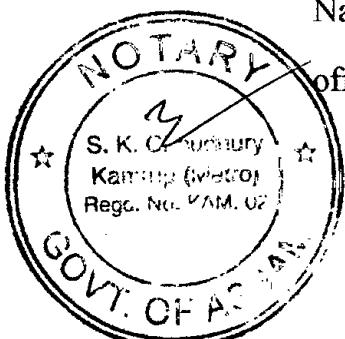
Copy of the FIR dt. 13/11/03 lodge by the applicant annexed is annexed and marked as Annexure-2

4) That the ASPOS, Diphu Sub Division enquired the accident and issued an order vide his Memo No.AI/GDSBPM/ Gautam Bosti B.O./2003-2004 dt. 19/11/03 placing the appellant under suspension w.e.f 19/11/03.

Copy of Order dt. 19/11/03 is annexed and marked as Annexure-3

5) That the Superintendent of the post office, Nagaon Division, Nagaon vide Memo No.H2-663 dt. 25/11/03 ratified and post office order issued by the APSOS, Diphu, Sub-Division.

A copy of order dt. 25/11/03 is annexed and marked as Annexure-4



11/11/05

ଗୁଜରାଟି ପାର୍ଲିମେଣ୍ଟ
Gujarat Parliament

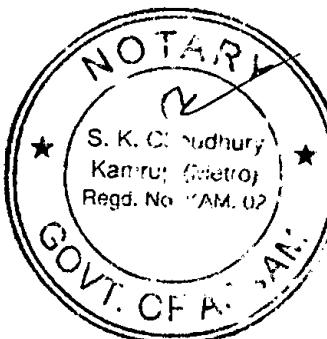
6) That, thereafter the delinquent/appellant was charge sheeted and a disciplinary proceeding was initiated against the appellant with the charges and vide Order dt. 11/11/05 one D.K. Saikia Assistant Superintendent of Post Office Nagaon Division was appointed as enquiry officer to enquire the proceeding.

Copy of the Order dt. 11/11/05 is annexed and marked as Annexure-5.

7) That, vide letter dt. 22/11/05 the appellant was informed that the enquiry was fixed for preliminary hearing on 09/12/05 but suddenly a letter was served upon the delinquent informing that the date of preliminary hearing was suspended till 15/12/05. Be it mentioned that the order did not bear any date or No. Again the delinquent received a letter without date by post whereby he was intimated that the preliminary hearing was deferred to 21/12/05.

Copies of the letter dt. 22/11/05 and 15/12/05 are annexed and marked as Annexure-6 & 7

8) That on 21/12/05 the delinquent appeared before the enquiry officer at Inspection Room, Diphu and the enquiry officer then respect without starting thorough enquiry they threatened the appellant that they would put him in jail if he would not admit his guilt. The appellant then ask the copy of the document which superintendent inspection but the same was not supplied to him then insisting his admission the delinquent then told the enquiry officer that he is not at all responsible for the incident and he never neglected his duty nor misbehave with any authority. The enquiry and the



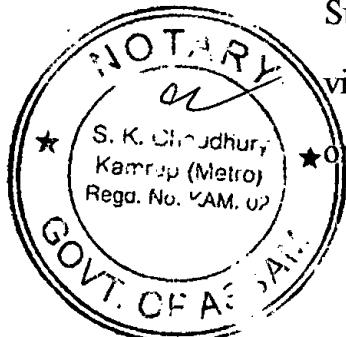
investigating officer then told him that if he admits his guilt he would be released from his liabilities and would be allowed to join his service. The delinquent on the assurance given by the enquiry officer **and the presiding officer admitted his guilt.**

- 9) That the enquiry evidence of the prosecution but the delinquent was not given chance to cross examine the witness of the prosecution nor gave him any chance to give evidence to defend his case and to prove that he is not negligent in his duty nor misbehave with any of his superior. Be it mentioned here that the enquiry officer did not inform the delinquent that he would be removed in the event of his admission of guilt rather informed that he would be release from all his liabilities and would be allowed to join his duty.
- 10) That thereafter the enquiry officer submitted his enquiry report before the disciplinary authority giving his findings that the charge leveled against the delinquent/appellant is proved.

A copy of the enquiry report is annexed and marked as Annexure-8.

- 11) That thereafter on the basis of enquiry report the Superintendent of Post Officer, Nagaon Division, Nagaon vide Memo No. F.7-04(C) 2002-03 dt 31/03/06 passed an order of removal of the appellant from his service.

A copy of Order dt. 31/03/06 is annexed and marked as Annexure-9.



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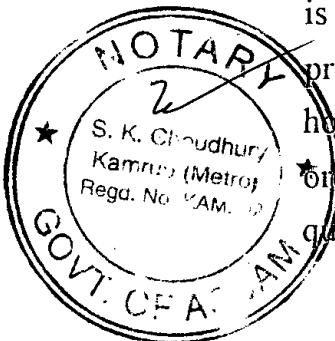
गुरुहारी रायपीठ
Guruharesh Rayapeth

12) That thereafter the appellant filed representation on 05/04/06 before the superintendent to re-enquire the matter by another enquiry officer and to consider his case. The appellant further states that he also filed an application on 29/05/06 as reminder to re-enquire the matter.

*Copies of the two representation
dtd. 05/04/06 and 29/05/06 are annexed
and marked as Annexure-10.*

5 Grounds for relief with legal provisions:-

- 1) For that the learned enquiry officer failed to apply his judicial mind and came to a wrong finding.
- 2) For that the enquiry officer during enquiry of the proceeding has not furnish the documents to the delinquent/appellant and for that the appellant could not make his defence properly.
- 3) For that the enquiry officer while deciding the proceeding did not take into mind that the delinquent has filed show-cause reply denying the allegation made against him.
- 4) For that the learned enquiry officer while making enquiry failed to appreciate the fact that the office from which the property was stolen is within the premises of the CRPF complex and appellant/delinquent with due care put the cash amount in the almirah provided by the authorities and locked the almirah and door of the office and left for his home which is existing outside the CRPF premises and as such is no probability of making entry of any person inside the office home in the office and as such the enquiry is bad wish and the order of removal is not sustainable in law and is liable to be quashed and set aside.



11 NOV 1997

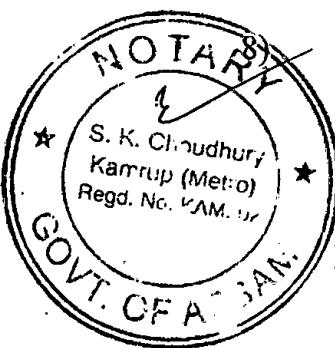
गुदाहारी न्यायालय
Gauhati Bench

[7]

5) For that the enquiry officer while making enquiry failed to keep in mind that no charge sheet in the criminal case has been filed by the police till date in as much as no evidence is collected against the appellant. The enquiry officer merely on admission which was obtained by force came to a conclusion that the delinquent is guilty the enquiry officer however the disciplinary authority before passing any order ought to have enquired judicially as to whether the delinquent is negligent/misconduct the his duty or not and as such the enquiry made is wrong and the removal order is liable to be quashed and set aside.

6) For that the enquiry officer in his findings now where concluded that the delinquent is negligent of his duty and as such the order of removal upon such enquiry report is not tenable/sustainable in law and the same is liable to be quashed and set aside.

7) For that the appellant was not gain chance to assist himself by any person in the disciplinary proceeding and also not served the evidence of the prosecution/other relevant documents to him for preparing his defence.



For that the enquiry officer while enquiring the proceeding did not keep in mind that by keeping the cash amount in a locked room within the premises of CRPF campus discharged his responsibility to give proper custody of the lost property

and for any untowards incident after closing of the office, the appellant/delinquent is not negligent in his duty.

- 9) For that the enquiry officer did not join chance to the appellant/delinquent to give any evidence which could disprove his guilt. The enquiry officer having found that the incident took place at nigh within the premises of CRPF wherein the appellant/delinquent had no right to excess after office house. The incident took place at might which was beyond his control as such the enquiry is wrong and the removal of the delinquent is bad in law and is liable to be quashed and set aside.
- 10) For that in any view of the matter the enquiry is bad and the removable order is liable to be quashed and set aside.

6. **Details of the remedies exhausted:-**

The applicant filed the representation before the respondent No.2 for reconsideration of his case by making re-enquiry by another enquiry officer but till date the same is not considered and as such the applicant is approaching this Hon'ble Tribunal for relief.

Matter not previously filed or pending with other court:-

The applicant declares that he had not filed any application before any other court accept.



8 Prayer:-

In the premises aforesaid, it is prayed that your Honour may be pleased to admit the

17 NOV 2007

গুৱাহাটী প্রাথমিক
Branch

[9]

appeal, call for the records, issue rule calling upon the respondents to show cause as to why the enquiry report no enquiry /Rule 10/01/GDS/2005 dtd. 06/02/06 and the order of removal passed under Memo No.F.704(C)/2002-03 dt. 31/03/06 passed by the superintendent of post office, Nagaon Division, Nagaon shall not be set quashed and set aside and after perusal of records and hearing the parties be pleased to make the Rule absolute and or pass any other order/orders as your Honour may deem.

And for this act of kindness your applicant as in duty bound shall ever pray.

9. Particulars of Bank Draft/Postal Order in respect of the Application Fee:-

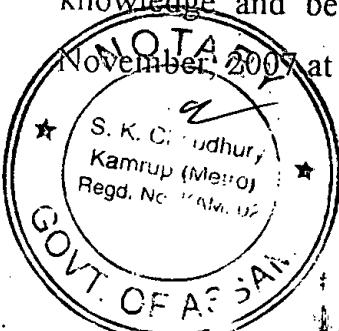
- i) I.P.O. No. 66F 838225, 66F 838226, 64E 308357.
- ii) Date of Issue: 13-11-2007, 23-08-2007
- iii) Issued by: GPO.

10. List of enclosure:

As stated in the Index.

V E R I F I C A T I O N

I Shri Gobind Chetry, son of Late Ram Bahadur Chetry, Resident of Gautam Basti, Khatkhati, Dist.-Karbi-Anglong, Assam do hereby verify that the statement made above in this appeal are true to the best of my knowledge and belief and I sign this verification on this 17th day of November, 2007 at Guwahati.



Gobind Chetry

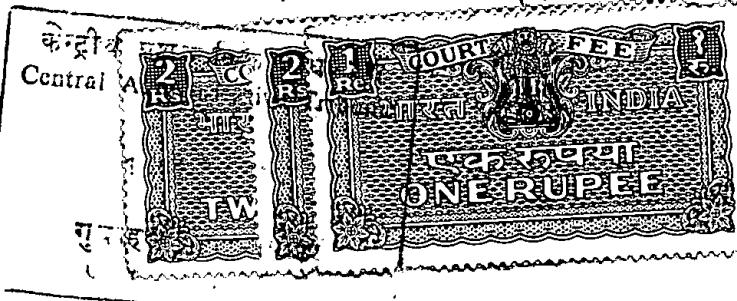
Signature

27

14.11.07

[10]

21-



A F F I D A V I T

I Sri Gosind Chetry, son of Late Ram Bahadur Chetry, aged about years, resident of Gautam Basti, Khatkati, Karbi-Anglong, Assam do hereby solemnly affirm and state as follows:-

1. That I am the applicant in the instant case and as such I am fully conversant with the facts and circumstances of the case.
2. That the contents of this affidavit and the statements made in paragraphs 1, 2, 3, 4(4)(2), (3)(4), (7), (8)(9)(11), 12, 5, 6, 7, 8 + 9 are true to my knowledge and those made in paragraphs 4(5), 4(6), 4(10) being the matters of records are true to my information as derived therefrom and rest are submission and prayers before this Hon'ble Tribunal Court which I also believe to be true.

And I sign this affidavit on this 14th day of November, 2007 at Guwahati.

Identified by :

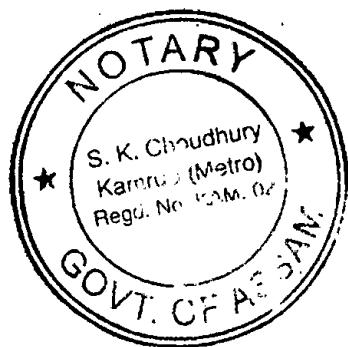
Mondal Prasad Sarma

ADVOCATE

Gobin Chetry

DEPONENT

Solemnly affirmed and declared before me by the deponent who is identified by M. P. Sarma ~~Miss B.M. Chhetri~~ Advocate, Guwahati on this 14th day of November, 2007 at Guwahati.



14.11.07

Sanjeeb Kumar Choudhury
NOTARY
KAMRUP (Metro) GUWAHATI

11- ANEXURE - 2

ANNEXURE - A

Ref:- 112-663 Dt:at Nagaon (Assam), 11/6/99
Whereas the post of Extra Departmental Branch Postmaster, Gautambasti EDPO (and of Post and Office of duty) has become vacant/has been newly created and it is not possible to make regular appointment to the said post immediately the Supdt of PB, Nagaon (appointing authority) has decided to make provisional appointment to the said post for a period for 180 days (period) from 11.06.99 (F/N) or till regular appointment is made, whichever period is shorter.

2. Shri Gobin Chetri, s/o Shri Ram Bahadur Chetri, will: Gautambasti, P.O:- Gautambasti, via:- Bokajam Dist: Karbi Anglong (Assam) (Name and address of the selected person) is offered the provisional appointment will be terminated when regular appointment is made and he/she shall have no claim for appointment to any post.

3. The Supdt of PB, Nagaon (appointing authority) reserve the right to terminate the provisional appointment at any time before the period mentioned in para 2 above without notice and without assigning any reason.

4. Shri Gobin Chetri will be governed by the Extra Departmental Agents (Conduct and Service) Rules, 1964, as amended from time to time and all other rules and orders applicable to Extra Departmental Agents.

5. In case the above conditions are acceptable to Shri Gobin Chetri (Name of the selected candidate) he/she should sign the duplicate copy of the memo and return the same to the undersigned immediately.

~~Q.C.C.~~ To Shri Gobin Chetri

~~SD~~ Appointing Authority

(A. K. BISCUAS)

प्राप्ति शास्त्री

EDAPM, Gautambasti via: Bokajam
Dist:- Karbi Anglong (Assam)

Superintendent of Post Office

प्राप्ति शास्त्री / Nagaon Division

प्राप्ति शास्त्री / Nagaon - 782001

2. The Postmaster, Nagaon/Diphu H.O. for information and necessary

action.

3. The ASPOs Diphu Sub Dn/SDIPOs, Nagaon East/Nagaon West/Majai/Morigaon Sub Dn.

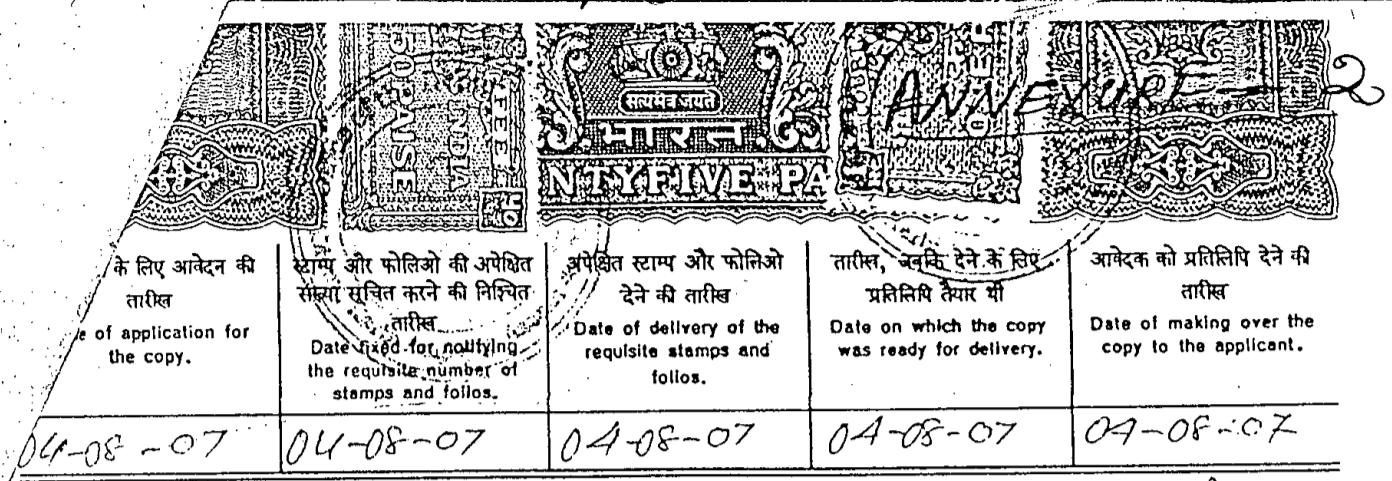
4. Spare.

Gobin Chetri
Supdt. of Post Offices
Nagaon Dn. Nagaon-782001

Superintendent of Post Office
प्राप्ति शास्त्री / Nagaon Division
प्राप्ति शास्त्री / Nagaon - 782001

Certified to be true copy.

Kumar



certified copy of F.I.R. in connection with Berajai Ps. C/10.
J.31/2003. v/s. 457/380 I.P.C. G.R - A/3/2003.

200
Khatkotia Police out Post.
Karbi Anglong. dted. 13th November '03.

Sub - F-I.R.

Sri.

Copied by
Renujawan
Tokla

✓ Certified to be true
copy.

1994/8/9
Frogs from
Dudu Creek, Taiping.
L. G. Biju

Wiederholung
Schrift und Schreib-
geräte

Recd. vide WhatsApp of G.DS no. 302 dt. 13.11.03 at 5 P.M.
and forwarded to the C/o Barrister Ps. for registering a case under
People Protection of Law. I have already taken up investigation of
the case. sal- Meizuddin Ahmed S.I.

1/c relativistic OP
add. 13/11/03.

Recd. & regd. Roseau Ps. c/o 131/02 vls-457138 c/c add. 14.11.03
Sal-sati illab. s.!

Certified to be true copy.

J. Rowkan.

13

ANNEXURE - 3

Depicting Post office,
C/o the Assl. Director of Post office, Diphu Sub-District, Diphu.
No. A1/ Gobin Chetry /GDSBPM/ Gurdumbari, Diphu /UIC3-004/
Dated : Diphu, Diphu, Meghalaya
Nov/2003.

Sir: Gobin Chetry, GDSBPM, Gurdumbari
P.O. in account with Diphu S.D. is hereby put off
from his service with immediate effect to particular
of S.I.C (Service and Employment) Rules, 2001, 2003 action
against him is being contemplated.

Sd/-
Asst. Super. of Post Office
Diphu Sub-District
D.P.O. 782401

Copy to -

- (1) Sir Gobin Chetry, GDSBPM, Gurdumbari for information.
- (2) The Super. of P.O., Nagaon Dist., Assam for furnish of information and necessary action.
- (3) The Postmaster, Diphu P.O. for information.
- (4) C/o

Parmanand
17/11/03

Asst. Super. of Post Office
Diphu Sub-District
D.P.O. 782401

certified to be true copy

14

Annexure - B

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE SUPDT. OF POST OFFICES, NAGAON BN. NAGAON-782001

Memo No. H2-663 dated at Nagaon (Assam), the 25.11.03

The put off order issued by the ASPOS, Diphu Sub Dn. vide his memo no. A1/GDSBPM/Gautambasti BO/2003-2004 dated 19.11.03 placing Sri Gabin Chetry under put off duty w.e.f. 19.11.2003 is hereby ratified.

(Signature)
Supdt. of Post Offices
Nagaon BN. NAGAON-782001

Copy to :-

1. Sri Gabin Chetry S/O Ram Bahadur Chetry, Vill- Gautambasti P.O. Gautambasti Dist. Karbi Anglong for information.
2. The Postmaster, Diphu H.O. for information and necessary action.
3. The ASPOS, Diphu Sub Dn, Diphu for information.

(Signature)
Supdt. of Post Offices
Nagaon BN. NAGAON-782001

Certified to be true copy.

Thankyou

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE SUPDT OF POST OFFICES, NAGAON DN NAGAON-782001

Memo No F7-04(c)/2002-03 Dated at Nagaon the 11.11.05.

Whereas an Inquiry under Rule 10 of DOP, GDS (conduct and Employment) Rules-2001 is being held against Shri Gobin Chetry, GDSBPM, Gautambasti EDBO in a/c with Bokajan SO (under put off duty).

And whereas the undersigned considers that an Inquiry Authority should be appointed to enquire into the charges framed against Shri Gobin Chetry.

Now, therefore, the undersigned in exercise of the powers conferred by the said rule hereby appoints Shri D K Saikia, Asstt Supdt of Post Offices (Dn), o/o the Supdt of Post Offices, Nagaon Dn, Nagaon on the Inquiry Authority to inquire into the charges framed against above said Shri Gobin Chetry.

S.C.
(B R Halder)
Supdt of Post Offices,
Nagaon Dn Nagaon-782001

Copy to :-

1. Shri D K Saikia, ASPOS (Dn), o/o the Supdt of POs, Nagaon Dn, Nagaon (Assam). A copy of charge sheet, copy of Memorandum, copy of defence statement submitted by the charged official and signed A/D card are enclosed.
2. Shri Gobin Chetry, GDSBPM, Gautambasti BO in a/c with Bokajan SO (under put off duty).
3. CC.
- 4-5. Spares.

Mr
Supdt of Post Offices,
Nagaon Dn Nagaon-782001.

Certified to be true copy

J. Rankar

DEPARTMENT OF POSTS:INDIA

REGD AIR

1.0. A
From: सहायी अधीकारक डाकघर
Asstt. Supdt. of Post Offices (Divn) To:
नगाँव मंडल/Nagaon Division
नगाँव/Nagaon-782001

Shri Goblin Chetry
GDS BPM (under put off duty)
Gautambasti B.O.
Vla-Bokajan S.O.

No. INQUIRY/RULE 10/01/GDS/2005 dated at Nagaon the 22-11-05

Sub: Departmental inquiry under Rule-10 of the Dept. of Posts, GDS (Conduct and employment) Rules, 2001 against Shri Goblin Chetry GDS BPM Gautambasti B.O. (Now under put off duty).

Sir,

The Supdt. of Post Offices, Nagaon vide his memo No. F7-04 (C) / 2002-03 dated 11-11-05 a copy of which was endorsed to you also, has appointed me as the INQUIRY AUTHORITY to enquire into the charges framed against you under his memo no. F7-04 (C) /2002-03 dated 30-09-2005.

I shall hold the preliminary hearing into the case on 09-12-2005 (Friday) in the Inspection Room of Diphu Head Post Office at 1100 hours.

You are, therefore, requested to attend the preliminary hearing in the case on 09-12-2005 in the Inspection Room of Diphu Head Post Office at 1100 hours, failing which the proceedings shall be held ex-parte.

Yours faithfully

Saikia

(D. K. Saikia)

Inquiry Officer

सहायी अधीकारक डाकघर

Asstt. Supdt. of Post Offices (Divn)

नगाँव मंडल/Nagaon Division

नगाँव/Nagaon-782001

Copy to:

- 1: Sri Babul Dora, Inspector of Posts, Nagaon West Sub-Division, Nagaon; the presenting Officer. He is requested to attend the preliminary hearing along with all the listed documents on 09-12-05 in the Inspection Room at Diphu Head Post Office at 1100 hrs.
- 2: The Supdt. of Post Offices, Nagaon Division, Nagaon. He is requested to direct the presenting officer to attend the preliminary hearing on the above appointed date, time and place.
- 3: The Postmaster Diphu HPO for information and necessary action.

Saikia

(D. K. Saikia)

Inquiry Officer

सहायी अधीकारक डाकघर

Asstt. Supdt. of Post Offices (Divn)

नगाँव मंडल/Nagaon Division

नगाँव/Nagaon-782001

Certified to be true copy

Shrikant

DEPARTMENT OF POSTS INDIA

DEPARTMENT OF POSTS: INDIA, Office

GDS BPM (Under put off duty)

REGD. A/D

Gautam Basti BO Via- Bokajan SO

From:- Inquiry Officer

सहायीकारक डाकघर

Asstt. Supdt. of Post Offices (Divn)

नगाँव मण्डल/Nagaon Division

नगाँव/Nagaon-782001

To

Sri Gobin Chetry Post. GDS (Conduct and

GDS BPM (Under put off duty)

Gautam basti BO Via- Bokajan SO

No:- Inquiry/Rule 10/01/GDS/2005 Dated at Nagaon the 05.12.05

Sub:- Departmental inquiry under rule 10 of the Dept of Post, GDS (Conduct and employment) rules, 2001, against Sri Gobin Chetry GDS BPM Gautambasti BO (Now under put off duty). Hearing in to the above case has been deferred to 22.12.05 due to some

unavoidable circumstances.

Ref:- My letter no Inquiry/Rule 10/01/GDS/2005 Dated at Nagaon the 22.11.05

Sir, The hearing shall be held ex-prate.

Please refer to my letter of even no dated 22.11.05, and it is to intimate you that the date of preliminary hearing in to the above case has been deferred to 15.12.05 due to some un avoidable circumstances.

You are therefore, requested to attend the preliminary hearing in the case on 15.12.05 in the Inspection room of Diphu Head Post Office at 11:00 hours, failing which the proceeding shall be held ex-prate.

Copy to:- 1. Sri Babul Bora, Inspector of Posts, Nagaon West Sub-Dn, Nagaon the presenting officer. He is request to attend the preliminary hearing along with all the listed documents on 15.12.05 in the inspection room at Diphu HPO at 11:00hrs.

2. The Supdt of Post Offices, Nagaon Division Nagaon. He is requested to direct the presenting officer to attend the preliminary hearing on the above-appointed date, time and place.

3. The Postmaster Diphu HPO for information and necessary action.

Sd/-
(D.K.Saikia)
INQUIRY OFFICER

Certified to be true copy

Ramboz

- 18 -

(63)

ANNEXURE - 7

REGD/AD.

DEPARTMENT OF POSTS:INDIA

From:- Inquiry Officer
सहायीकारक डाकघर
Asstt. Supdt. of Post Offices (Divn)
नगौन मण्डल/Nagaon Division
नगौन/Nagaon-782001

To,
Sri Gobin Chetry
GDS BPM (under put off duty)
Gautam Basti BO Via-Bokajan SO

No. Inquiry/Rule10/01/GDS/2005 dated at Nagaon the 15.12.2005

Sub: Departmental inquiry under rule 10 of the Dept of Posts, GDS (Conduct and employment) rules, 2001 against Sri Gobin Chetry GDS BPM, Gautam Basti BO (Now under put off duty)

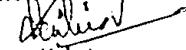
Ref: My letter no. Inquiry/Rule10/01/GDS/2001 dated at Nagaon the 05.12.05

Sir,

Please refer to my letter no dtd. 05.12.05, and it is to intimate you that the date of preliminary hearing in to the above case has been deferred to 21.12.05 due to some unavoidable circumstances.

You are there fore, requested to attend the preliminary hearing in the case on 21.12.05 in the Inspection Room of Diphu Head Post Office at 11.00 hours, failing which the proceeding shall be held ex-parte.

Yours faithfully



(D.K.Saikia)

INQUIRY OFFICER

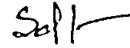
सहायीकारक डाकघर

Asstt. Supdt. of Post Offices (Divn)

नगौन मण्डल/Nagaon Division

नगौन/Nagaon-782001

Copy to: 1. Sri Babul Bora, Inspector of Posts, Nagaon West Sub Division, Nagaon the presenting officer. He is requested to attend the preliminary hearing along with all the listed documents on 21.12.05 in the Inspection Room at Diphu HPO at 11.00 hrs.
2. The Supdt. of post Offices, Nagaon Division, Nagaon. He is requested to direct the presenting officer to attend the preliminary hearing on the above appointed date, time and place.
3. The postmaster Diphu HPO for information and necessary action.



(D.K.Saikia)

INQUIRY OFFICER

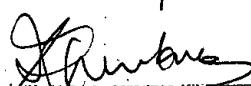
सहायीकारक डाकघर

Asstt. Supdt. of Post Offices (Divn)

नगौन मण्डल/Nagaon Division

नगौन/Nagaon-782001

Certified to be true copy



ORDER SHEET NO.1
DATED / 21-12-2005

In Connection with Deptl. inquiry under Rule-10 of the
Dept of Posts, Gramin Dak Sevak (Conduct & Employment)
Rules, 2001 against Shri Gobin Chetry (GDS B.P.M.
Gautambasti E.D.P.O (Now under Put off duty) in a/c with
Bokajan S.O.

The Preliminary Hearing into the above case was held
at Inspection Room of Diphlu Head Post Office at 1100 hrs
on today the 21-12-2005.

The following were present and participated in the
Preliminary Hearing:

1. Sri Babul Bora, INSPECTOR OF POSTS, Nagaon West
Sub-Division, Nagaon; the Presenting Officer.
2. Sri Gobin Chetry, GDS B.P.M. Gautambasti P.O.
(under Put off duty); the charged GDS official.

The charged official stated that he has already
received the copy of proposed charge sheet issued by the
Supdt. of Posts, Nagaon Division, Nagaon under memo
no: F7-04(C)/2002-403 Dated 30-09-2005.

The charged official stated that he could understand
the Articles of Charges and statement of imputation of
misconduct or misbehaviour in support of the Articles
of charges framed against him clearly.

The charged official Sri Gobin Chetry admitted
all the charges framed against him *Entoto* and
Pladed himself guilty.

The hearing is adjourned.

Advised
21/12/05
INQUIRY OFFICER
सह: अधीक्षक डाकघर
Asstt. Supdt. of Post Offices (Divn)
नगाँव मडल/Nagaon Division
नगाँव/Nagaon-782001

Certified to be true copy

Surbhi

Contd -

Proceedings on Deptl. inquiry under Rule-10 of the Dept. of Posts, Gramin Dak Sevak (Conduct & Employment) Rule, 2001 against Shri Robin Chetry, GDS 13Pm, Gantambasti EDPO in a/c with Dakajm S.O. (Now under put off duty), held on 21-12-05 in the Inspection Room of Dafflu Head Post Office at 1100 hours.

Authority : Suptt. of Posts, Nagpur Division, Nagpur Memo no. F.7-04 (c)/2002-03 dated Nagpur on the 11-11-05.

The Preliminary hearing into the above case is held to-day the 21-12-05 in the Inspection Room of Dafflu HPO at 1100 hrs. and following were present and participated in the Preliminary hearing.

1. Sri Babul Dora, INSPECTOR OF POSTS, Nagpur West Sub-Div. the Presenting Officer.
2. Sri Robin Chetry, GDS 13Pm Gantambasti P.O. (under put off duty); the Charged GDS official.

Sri Robin Chetry the Charged official on being asked stated that he has already received the copy of Charge Sheet issued by the Suptt. of Posts, Nagpur Div. Nagpur under Memo. no. F.7-04 (c)/2002-03 dated 20-09-2005 along with the statement of articles of charge in Annexure - I and the statement of imputation of misconduct or misbehaviour in support of the articles of charge framed against him in Annexure - II and list of documents in Annexure - II and list of witnesses in Annexure - IV.

The Presenting Officer was asked by me (I.O.) to recite the statement of articles of charge and statement of imputation of misconduct or misbehaviour in support of the articles of charge framed against Sri Robin Chetry and to explain those to the Charged official in detail. Accordingly the Presenting Officer read out the same and explained them to the Charged official.

Thereafter, Sri Robin Chetry the Charged GDS official was asked by me (I.O.) as to whether he could understand the articles of charge, framed against him and the statement of imputation of misconduct or misbehaviour in support of the articles of charge now read out and explained to him by the Presenting Officer.

To this, the Charged official Sri Robin Chetry stated that he could understand the articles of charges and the statement of imputation of misconduct or misbehaviour in support of the articles of charge framed against him very clearly.

Thereafter the Charged official was asked by me (I.O.) as to whether he admit the case Articles of charge framed against him in a statement of Article of charge in Article - I and Article - II of Annexure - I and whether the case pleads himself guilty.

Certified to be true copy -



contd.

21-12-05
Presenting Officer

Asstt. Suptt. of Post Offices (Divn)
नगपूर दस्तावेज विभाग
21-12-05

The Charged official Sri Gobin Chetry straight way admitted all the charges framed against him in Article-1 and Article-11 of statement of articles of charge framed against him in Annexure-1 of the Charge Sheet, in toto and Sri Gobin Chetry pleaded himself guilty.

The hearing is adjourned.

Pa
21-12-05
Presenting
Officer.

Sri Gobin Chetry
21/12/05
- Charged official -

Subhise
21/12/05
INQUIRY OFFICER
सह: अधिकारी डाकघर
Asstt. Supdt. of Post Offices (Divn)
नगाँव मण्डल/Nagaon Division
नगाँव/Nagaon-782001

certified to be true copy -

Shantee

INQUIRY REPORT ON DEPTL INQUIRY UNDER RULE-10
OF THE DEPT. OF POSTS, GRAMIN DAK SEVAK (Conduct & Employment)
Rules, 2001, held against Shri Gobin Chetry, GDS B.Pm.
Gramtambasti P.O. (Now put off duty) in account with Bokajan.

S.O.

NO: Inquiry/Rule-10/01/GDS/2005 dated Nagaoon
the 06-02-06.

Vide the Supdt. of Post offices, Nagaoon Division, Nagaoon memo no. F 7-04 (C) /2002-03 dated 11-11-05 I was appointed as INQUIRING AUTHORITY, for inquiring into the charges framed against Shri Gobin Chetry GDS B.Pm. Gramtambasti P.O. in account with Bokajan S.O. under Supdt. of Posts Nagaoon memo no. F 7-04 (C) /2002-03 dated 30-09-2005.

2. The articles of charges framed against Shri Gobin Chetry read as under -

Article - I

That the said Shri Gobin Chetry while functioning as GDS B.Pm. Gramtambasti P.O. in a/c with Bokajan S.O. from 14-06-99 to 19-11-03 failed to make proper arrangements for safe custody of Govt. Cash on his own responsibility as required as per 'NOTE' below Rule-11 of Rules for Branch Offices which lead to loss of Govt. Cash amounting to Rs. 1,73,389/- (One lakh Seventy three thousand three hundred eighty nine) only, from the P.O. in the night of 12-11-03. For this above act the said Shri Gobin Chetry also failed to maintain absolute devotion to his duty as enjoined in the Rule-21 of the Dept. of Posts, Gramin Dak Sevak (Conduct & Employment) Rules 2001.

Article - II

That the said Shri Gobin Chetry while functioning as GDS B.Pm. Gramtambasti P.O. in a/c with Bokajan S.O. for the aforesaid period failed to remit excess cash of Gramtambasti P.O. on 12-11-03 as required under the provision of Rule 177(2) of Rules for Branch Offices resulting loss of Govt. money amounting to Rs. 1,73,389/- only from the cash balance of the P.O. in the night of 12-11-03 and thereby he failed to maintain absolute devotion to his duty as required in Rule 21 of the Department of Posts, Gramin Dak Sevak (Conduct & Employment) Rules 2001.

3. Statement of implication of misconduct or misbehaviour in support of the articles of charge framed against Shri Gobin Chetry, GDS B.Pm. Gramtambasti P.O. in a/c with Bokajan S.O. (under put off duty).

Article - I

That the said Shri Gobin Chetry while functioning as GDS B.Pm. Gramtambasti P.O. in a/c with Bokajan S.O. for the period from 14-06-99 to 19-11-03 did not make proper arrangement for safe custody of Govt. Cash.

certified to be
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Almuni

and valuables of the B.O. at his own responsibility as required as per 'Note' below Rule-11 of Rules for Branch Offices. Sri Chetry kept his office cash balance on 12-11-03 amounting to Rs. 2,41,423/- (two lakhs forty one thousand four hundred twenty three) only, in the drawer of his office table and also in the Steel Almirah though he had to make suitable arrangement for overnight custody of the cash or to remit to the Account office. As a result the miscreants took away a sum of Rs. 1,73,389/- only through the theft occurred in the night of 12-11-03 out of the cash balance dated 12-11-03 and thus the department had to suffer huge loss of money. Thus the said Sri Gobin Chetry violated the provision of Rule-11 of Rules for Branch Offices and also exhibited gross negligence to his duty violating the provision of Rule-21 of Department of Posts, Gramin Dak Sevak (Conduct & Employment) Rules-2001.

Article - II

That the said Sri Gobin Chetry while functioning as GDS BPO. Gantambatti B.O. in rk with Pakajin S.O. for the aforesaid Period failed to remit excess cash collected by him through Postal transactions to the Account office and retained in the office without proper arrangement for safe custody on 12-11-03. The authorized cash and stamps balances of the B.O. are as follows:-

Cash maximum	=	Rs. 300.00
Cash minimum	=	Rs. 100.00
P/Stamp	=	Rs. 400.00
R/Stamp	=	Rs. 150.00

Limit of Remittance Rs. 5000.00 (through L/C bag)

But Sri Gobin Chetry retained a sum of Rs. 2,41,423.00 only as Cash balance of the B.O. on 12-11-03 against liabilities of Rs. 6274/- only and did not remit the excess cash to the Account Office either through L/C bag or through any special messenger. As a result the miscreants had stolen away a sum of Rs. 1,73,389/- only, in the night of 12-11-03 and the department had to sustain loss of such a huge amount.

Thus the said Sri Gobin Chetry violated Rule-177(2) of Rules for Branch Offices by non remitting the excess cash to the Account Office and thereby he also exhibited gross negligence to his duty violating the provision of Rule-21 of D.O.P. GDS (Conduct and Employment) Rules-2001.

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Shankar.

4. THE INQUIRY.

The Preliminary hearing into the case was held on 21-12-05 in the Inspection Room of DIPHU Head Post Office.

Sri Babul Bora, INSPECTOR OF POSTS, Nagaon West Sub-Div. Nagaon appeared as 'Presenting Officer' of the Case on behalf of the Disciplinary Authority. The Charged GDS Sri Gobin Chetry also attended and participated in the inquiry on 21-12-05.

Sri Gobin Chetry the Charged GDS admitted to have received the Memo no. F 7-04(c)/2002-03 dated 30-09-05 from the Supdt. of Post Offices, Nagaon Division, Nagaon.

However, the contents of the said memo were read out and explained to the Charged GDS in Regional language by the Presenting Officer.

The Charged GDS Sri Gobin Chetry on being asked, stated that he could understand the each Article of Charges and the statement of imputation of misconduct or misbehaviour in support of the each Article of Charges framed against him; very clearly.

On being asked whether he admits the each Article of Charges framed against him in Article-I and Article-II of Annexure-I and whether he pleads himself guilty, Sri Gobin Chetry the Charged GDS straightway admitted all the charges framed against him in toto and pleaded himself guilty.

5.

FINDINGS.

I have heard the Charged GDS in presence of the Presenting Officer and also gone through the charge-sheet very carefully. As the Charged GDS Sri Gobin Chetry has admitted all the charges framed against him in toto and pleaded himself guilty, therefore I hold that the charges framed against Sri Gobin Chetry GDS P.Pm Gantebasti P.O. in account with Pokajan S.O. vide Supdt. of Posts, Nagaon Memo no. F 7-04(c)/2002-03 dated 30-9-05 stand Proved.

Sainia

(D.K. SAIKIA.)

INQUIRING AUTHORITY &

सह: अधीक्षक डाकघर

Asstt. Supdt. of Post Offices (Divn)

नगाँव महाल/Nagaon Division

नगाँव/Nagaon-782001

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Shrikant

DEPARTMENT OF POSTS
OFFICE OF THE SUPDT OF POST OFFICES NAGAON DN NAGAON-782001

Memo. No.F7-04(C)/2002-03.

Dated at Nagaon the 31-03-2006

1. Read the followings

1. This office memo No.F7-04(C)/2002-03 dtd.30-09-2005
2. Inquiry Report of the Inquiry Authority vide his No. Inquiry/Rule-10/01/GDS/2005 dt.06-02-2006
3. Written Representation dtd.02-03-2006 submitted by Shri Gobin Ch Chetry.

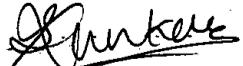
2. Sri Gobin Ch Chetry, GDSBPM Gautambasti BO in account with Bokajan SO was proceeded under Rule 10 of Dept. of Posts, Gram Dak Sevak (Conduct and Employment) Rules 2001 vide this office memo No.F7-04(C)/2002-03 dt.30-09-2005. The articles of charge and the statement of imputation of misconduct or misbehaviour in support of the articles of charge framed against the said Sri Gobin Ch Chetry, the list of documents by which and the list of witnesses by whom the articles of charge proposed to be sustained were annexed to the above said memo as Annexure I, II, III & IV.

3. The charges framed against Shri Gobin Ch Chetry in brief is as under:-

Article - I

That the said Sri Gobin Ch. Chetry while functioning as GDSBPM, Gautambasti BO in a/c with Bokajan SO from 14-06-99 to 19-11-03 failed to make proper arrangements for safe custody of Govt. cash on his own responsibility as required as per 'Note' below Rule-11 of Rules for Branch Offices which lead to loss of Govt cash amounting to Rs.173389/- (One lakh seventy three thousand three hundred eighty nine) only, from the BO in the night of 12-11-03. By his above act

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the said Shri Gobin Ch. Chetry also failed to maintain absolute devotion to his duty as enjoined in the Rule-21 of the Dept of Posts, Gramin Dak Sevak (Conduct & Employment) Rule-2001.

Article-II

That the said Sri Gobin Ch. Chetry while functioning as GDSBPM, Gautambasti EDBO in a/c with Bokajan SO for the aforesaid period failed to remit excess cash of Gautambasti BO on 12-11-03 as required under the provision of Rule 177(2) of Rules for Branch Offices resulting loss of Govt money amounting to Rs.173389/- only from the cash balance of the BO in the night of 12-11-03 and thereby he failed to maintain absolute devotion to his duty as required in Rule-21 of the Department of Posts Gramin Dak Sevak (Conduct & Employment)Rules 2001.

4.1. On receipt of the aforesaid memo Shri Gobin Ch Chetry prayed extention of time for submission of written statement of defence. Accordingly he was allowed 15 days extention of time for submission of written statement of defence vide this office letter of even no.dtd.31-10-2005. Shri Chetry submitted his written statement of defence dtd.7-11-2005 which was received at this office on same day where he denied the charges brought against him vide this office memo of even no. dtd.30-09-2005.

4.2. Shri D.K. Saikia, ASPOs (Dn), O/o the Supdt of Post Nagaon Dn Nagaon and Sri B. Bora, Inspector Posts Nagaon West Sub Dn. Nagaon were appointed as Inquiry Authority and Presenting Officer respectively vide this office memo of even no.dtd.11-11-2005 to inquire into the charges framed against Shri Gobin Ch Chetry.

5.1. The IA completed the inquiry and submitted his inquiry report vide his letter cited above.

5.2. In his Inquiry Report the Inquiry Authority stated that the charged officials has admitted the charges framed against him fully. On the basis of the admission of the charges by the charged official, he held that the charges brought against Shri Gobin Ch Chetry, GDSBPM, Gautambasti BO in a/c Bokajan SO vide the SPOsts, Nagaon memo cited above stood proved.

5.3. Shri Gobin Ch Chetry was given a copy of the report of Inquiry Authority vide this office letter of even no. dtd.15-2-2006 under registered post with direction to submit his representation if any against the Inquiry Report within 15 days and Shri Gobin Ch Chetry submitted his written representation dtd.02-03-2006 which was received by this office on same day alleging denial of reasonable opportunity by the IA and praying for denovo inquiry.

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Shankar

6. Observation & Findings

I have gone through the articles of charge, the report of the Inquiry Authority with the relevant records and documents of the case and the representation dtd.02-03-2006 submitted by the charged official very carefully. The charges framed against the charged officials stood proved by his admission of charges unconditionally and unequivocally during the preliminary hearing. The Disciplinary case relates to non making of proper arrangement for safe custody of Govt cash and valuable on his personal responsibility by the charged GDS official and non-remitting excess cash of the BO on 12-11-03, resulting loss of Rs.173389/- only to the Govt by way of alleged theft in the BO in the night of 12-11-03. The charged official had also admitted both the charges during the inquiry by the IA and pleaded himself guilty by signing the proceedings. Being custodian of Govt cash and valuables as GDSBPM of Gautambasti BO, it was his personal responsibility to make arrangement for safe custody and also to remit the surplus cash to the Account Office on the day of collection of cash. But Shri Gobin Ch Chetry did not perform his duty as envisaged in the rules and thereby he is found guilty for the loss of such a huge amount to the Govt. He also exhibited gross negligence to his duty as a GDSBPM for not arranging safety and security of Govt cash & valuables.

The plea put forward in his written representation dtd.02-03-2006, the charged official, that he was not given scope to defend the case and requested to hold the inquiry again can not be accepted at all as during preliminary hearing he admitted both the charges and pleaded himself guilty by admitting and signing the proceedings of inquiry clearly. Had he wanted anything to defend, it was incumbent on his part to request the IA on the day of preliminary hearing accordingly both verbally as well in writing. As Shri Chetry did not make it at the time of preliminary hearing, now after completion of inquiry and submission of inquiry report the hearing into the case can not be held *de novo* as all necessary formalities were followed.

I therefore do not find any justification to hold further inquiry into the case and also to allow such an irresponsible and unworthy person to continue in Govt Service as giving a further opportunity will be an indirect indulgence to repeat such misdeeds again and again. I therefore do not think it proper to show any leniency to decide the disciplinary case and passed the following orders:-

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Khurby

ORDER

I Shri B.R. Halder, Supdt of Post Offices, Nagaon Dn Nagaon and Disciplinary Authority in exercise of powers conferred upon me under Rule-9 of DOP, GDS (Conduct and Employment) Rules-2001 hereby award Shri Gobin Ch. Chetry, GDSBPM, Gautambasti BO in a c with Bokajan SO (under put off duty) the punishment of "Removal from service" with immediate effect.

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

Copy to:-

Recd (A)

1. Shri Gobin Ch Chetry, GDSBPM, Gautambasti BO in a c Bokajan SO (under put off duty)
2. The Postmaster Diphu HO
3. The DA(P) Kolkata (through the Postmaster, Diphu HO)
- 4-5. The Postmaster General (Vig/Staff), Dibrugarh Region, Dibrugarh-786001
6. The ASPOs, Diphu Sub Dn Diphu-782460.
7. The Estt Br. Divl Office Nagaon.
8. The PNT Register in Frauds Branch, Divl Office Nagaon
9. O/C
10. Spare.

B.R. Halder
Supdt of Post Offices
Nagaon Dn. Nagaon - 782001

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Parbat

To,

The Superintendent post office
Nagaon Division, Nagaon.

Date 5.4.06

Sub : Request for re enquiry by appointing
another officer.

Sir, with due respect I beg to state that-
the enquiry officer was not to my satisfaction
and I was not given any opportunity to prove
my defence I was threatened to put in jail
if I don't accept my guilty and told me if
I accept my guilty Then I will be considered
and allowed to join my duty so I had accepted
my guilty and in return I was removed from
my service instead of considering my case.

So, I therefore request your authority to
take necessary steps and consider my case.

And for this act of kindness I shall
ever pray

Date - 5.4.06

your faithfully,
Sri. Gobin Chetnⁱ

certified to be true copy.

Chukrey

-30-

Date - 29/5/06. W

For

The Superintendent

post office, Nagaon Division Nagaon.

10 series

Ref - Remainder to an application dt 5/4/06
requesting to re-appoint the enquiry officer
in this matter.

Sir,

With due respect I have the honour to inform
you that I have filed an application for
re-considering my case by appointing another
enquiry officer but till date nothing has
been done till date. This is my remainder to you.

So, I therefore request your authority
to take necessary steps and consider my
case.

And for this act of kindness I shall
ever pray.

You faithfully

SRI Gobin Chettri

Q

Certified to be true copy.

Handwritten