

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

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A/T.A No. 289/2007

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SECTION OFFICER (Judl.)

Shabita  
20.10.17

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

1. Original Application No. 289/07

2. Miss Petition No. /

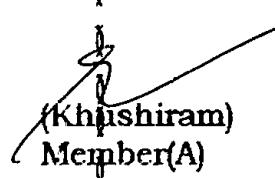
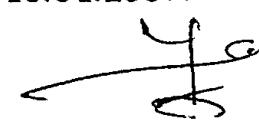
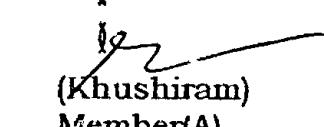
3. Contempt Petition No. /

4. Review Application No. /

Applicant(s)....Gambhir Singh.....vs Union of India & Ors

Advocate for the Applicants....B.C. Pathak, H.K. Gogoi.....

Advocate for the Respondant(s):Addl. C.A. M.D. Das.....

Notes of the Registry	Date	Order of the Tribunal
61 E837628, 24, 64 E396363 12-11-07	20.11.07	I Heard Mr. B.C. Pathak, learned counsel appearing for the Applicant and Mrs. Manjula Das, learned Addl. Standing Counsel appearing for the Union of India.
2. 1. 2008		I issue Notice to the Respondents requiring them to file reply within six weeks.
2. 1. 2008		Call this matter on 10.01.2008.
2. 1. 2008		 (Khushiram) Member(A)
2. 1. 2008		 (M.R. Mohanty) Vice-Chairman
2. 1. 2008	10. 01.2008	I No Written Statement has been filed in this case as yet.
2. 1. 2008		Call this matter on 8 <sup>th</sup> February, 2008 awaiting written statement from the Respondents.
2. 1. 2008		 (Khushiram) Member(A)
2. 1. 2008		 (M.R. Mohanty) Vice-Chairman

Notice & order sent to  
D/Section for issuing  
to resp. nos. 1, 2 & 3, by  
regd. A 1D post.  
(29/11/07) D/N6-1629 to 1632

Dt = 29/11/07.

O.A. 289 of 07

9.1.08

Service report awaited.

08.02.2008

On

No written statement has been filed in this case as yet by the Respondents.

① Service report awaited.

② W/S not filed 08.02.2008

2/2  
7.2.08

No written statement has been filed in this case as yet by the Respondents.

Call this matter on 12.3.2008 awaiting written statement from the Respondents.

W/S not filed

2/2  
11.3.08

  
(Khushiram)  
Member(A)

  
(M.R. Mohanty)  
Vice-Chairman

lm

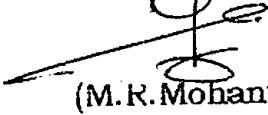
W/S not filed.

12.03.2008

No written statement has been filed as yet in this case by the Respondents.

Call this matter on 21st April, 2008.

2/2  
17.4.08

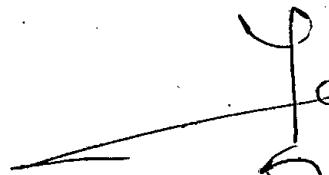
  
(M.R. Mohanty)  
Vice-Chairman

lm

21.04.2008 None appears for the Applicant nor the Applicant is present. Despite several adjournments no written statement has yet been filed by the Respondents in this case. Even to-day the learned Sr. Standing Counsel/Addl. Standing Counsel seeks adjournments for four weeks to file written statement while permitting the Respondents to file their counter/written statement by 16.05.2008; liberty is hereby granted to the Respondents to examine the grievances of the Applicant and pendency of this O.A. shall not stand on the way of the Respondents to revoke the suspension order and to give reinstatement.

Call this matter on 16.05.2008.

Send copies of this order to the Applicant/Respondents in the address given in the O.A.



(M.R. Mohanty)  
Vice-Chairman

W/S not filed.

Lm

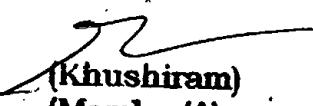
Page Break

~~22/4/08~~ 15.5.08 16.05.2008 None appears for the Applicant nor the Applicant is present. Mr. B.C. Pathak, learned counsel appearing for the Applicant has filed a sick note and has indicated therein that his matters may be adjourned from 15.05.2008 to 22.05.2008 or to a date thereafter.

It appears from the instructions given by the Respondents (to Mrs. M. Das, learned Addl. Standing Counsel for the Respondents) that the Applicant has already been reinstated by an order dated 11.01.2008.

Call this matter on 29<sup>th</sup> May, 2008

Lm



(Khushiram)  
(Member(A))



(M.R. Mohanty)  
Vice-Chairman

29.05.2008

None for the Applicant. Mrs.M.Das, learned Addl. Standing Counsel appearing for the Respondents seeks two weeks time to file written statement.

W/S not billet.

13.6.08

Shri Khushiram Das  
for M. Das Addl  
Counsel  
16/7/08

lm

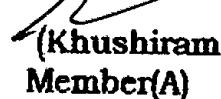
Call this matter on 16.6.2008 awaiting written statement from the Respondents.



(Khushiram)  
Member(A)

16.06.2008

For the reasons recorded separately,  
the O.A. stands disposed of.

  
(Khushiram)  
Member(A)

lm

  
(M.R. Mohanty)  
Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI  
O.A. 289 of 2007

Date of order: the 16<sup>th</sup> June, 2008

Shri I. Gambhir Singh

Applicant

By Advocate: Mr. B.C. Pathak

Versus

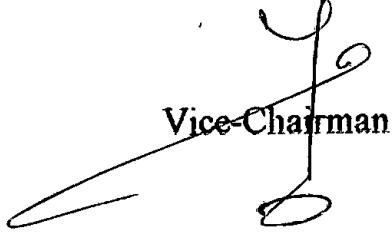
The Union of India & others

Respondents

By Advocates Mrs. M. Das, Additional C.G.S.C

CORAM: The Hon'ble Shri Manoranjan Mohanty, Vice-Chairman  
The Hon'ble Shri Khushiram, Member [A]

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

  
Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI  
O.A. No.289 of 2007

Guwahati, this the 16<sup>th</sup> day of June, 2008

Hon'ble Shri Manoranjan Mohanty, Vice-Chairman  
Hon'ble Shri Khushiram, Member [Administrative]

Shri I. Gambhir Singh,  
S/o [Late] Shri I. Thoibi Singh,  
Resident of Sagolband Ingudum Leirak,  
PO & PS: Imphal West, Imphal-795 001  
Employed as:  
Postal Assistant, [under suspension],  
Lamphelpat Sub Post Office,  
Manipur State

Applicant

By Advocate Mr. B.C. Pathak

Versus

1. Union of India, represented by the Secretary,  
Ministry of Communications,  
New Delhi-110 001
2. The Postmaster General,  
North East Region,  
Shillong-793 001
3. The Director of Postal Services,  
Manipur, Imphal-795 001
4. Shri A. Kesava Rao,  
Deputy Supdt of Post Offices,  
O/o the Director of Postal Services,  
Manipur, Imphal-795 001.

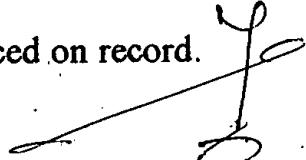
Respondents

By Advocate Mrs. M. Das, Additional C.G.S.C.

O R D E R  
[ORAL]

Manoranjan Mohanty, Vice-Chairman:

Heard Mr. B.C. Pathak, learned Counsel appearing for the Applicant and Mrs. M. Das, learned Additional Standing Counsel appearing for the Respondent Department and perused the materials placed on record.

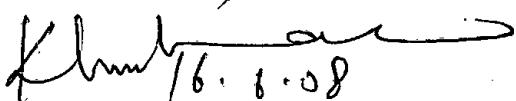


2. The Applicant was placed under suspension. Raising grievance of non-review of the said order [of suspension] within the stipulated time, the Applicant approached this Tribunal with the present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985.

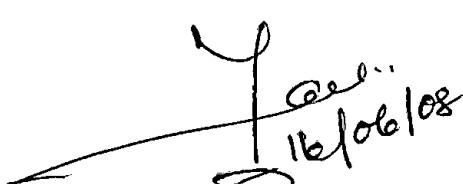
3. Although notices were issued, the Respondents have not yet filed any written statement in this case.

4. It has been pointed out by the Counsel appearing for both parties that by an order dated 11.01.2008, the suspension order has been revoked/the Applicant has been reinstated. In the said premises, since the Applicant has already been reinstated on revocation of the Suspension Order, there remains nothing to keep this matter/case pending; which is accordingly disposed of.

5. While parting with this case, liberty is hereby granted to the Applicant to represent to the Respondents for redressal of any of remaining grievances; which shall certainly receive consideration of the Respondents and relief, as due and admissible under the Rules, may be granted as expeditiously as possible.



[Khushiram]  
Member[A]



16/06/08

[Manoranjan Mohanty]  
Vice-Chairman

QAD 19 NOV 2007

गुवाहाटी न्यायपीठ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI-BENCH: AT GUWAHATI

O.A. No. 289 /2007

Sri I. Gambhir Singh .....Applicant

-versus-

Union of India & others .....Respondents

Synopsis of the Case

Date	Particulars
	The applicant is a <u>Lower Selection Grade Postal Assistant (Sub Post Master)</u> at CRPF Camp Langjing Sub Post Office under the Manipur Postal Division with 25 years of unblemished service career.
May, 2006	One investor applied in prescribed form for transfer of his 'Kishan Vikas Patras(KVP) from Bansdih Road Post Office, Uttar Pradesh to the CRPF Camp Langjing Sub Post Office, Manipur.
	The applicant processed the matter and after verifying the genuineness of the certificates she finally allowed to transfer of the KVPs and encashment of the said KVPs in accordance with the Rule 37 of the "Post Office Savings Bank Manual Volume-II". It was not in the knowledge of the applicant that the <u>KVPs, which were transferred to CRPF Camp Langjing Sub Post Office were fraudulently issued by the 'office of purchase', i.e., the Bansdih Road Post Office.</u>
20.2.2007	The respondents alleged that the applicant transferred

10 MAY 2007

गुरुवारी = शनिवार

10 MAY 2007

	<p>the KVPs in violation of the circular dated 20.1.05 &amp; 4.4.05 issued by the Divisional Office, Imphal. In view of the aforesaid findings the respondents issued order dated 20.2.2007 thereby placed the applicant under suspension with immediate effect. The respondent No.4 failed to circulate the letter dated 20.1.05 and 4.4.05 properly and in time hence the applicant was <u>not aware about the new Rules of transfer of the saving certificates.</u> ?</p>
4.4.2007	<p>Applicant submitted representation with written statement to the respondents stating he is not at all a defaulter in this matter and prayed for revocation of the <u>impugned suspension order but the respondents did not pay any heed to the matter.</u></p>
11.6.2007 and 13.8.2007	<p>The respondents did not comply with the Rule 10(6), 10(7) of CCS(CC&amp;A) Rules, 1965. The applicant again submitted representation dated 13.8.2007 and 11.6.2007 thereby praying for <u>immediate revocation of the order dated 20.2.2007 and for re-instatement in service as per provisions of the Rule 10(6) and 10(7) as amended.</u> These provisions of amended Rules are mandatory. Therefore a suspension order not reviewed as per new Rules becomes inoperative, hence the impugned order of suspension dated 20.2.2007 (5.3.2007) is liable to be set aside and quashed and the period of suspension from 20.2.2007 onwards is also liable to be treated as deemed to be in service with all consequential benefits. Accordingly the applicant be <u>re-instated and he should be allowed to join his service.</u> But no action has been initiated by the respondents in this regard so far. Being aggrieved by the inaction on the part of the respondents the applicant prefers this Application before this Hon'ble Tribunal for the grant of above relief and as indicated in para 8 of the Application.</p>

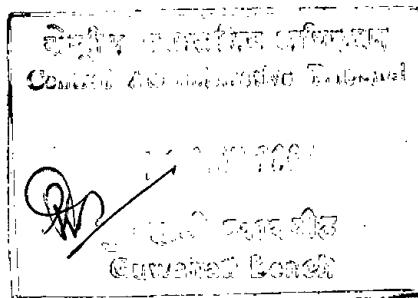
Filed by:  
H. K. Gogoi  
Advocate  
12. 11. 07

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विद्या

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## APPENDIX – A

### [FORM – I]

[See Rule 4]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

ORIGINAL APPLICATION No. 289 of 2007.

APPLICATION UNDER SECTION-19 OF THE A.T ACT 1985

Shri. I. Gambhir Singh

..... Applicant.

- Versus -

Union of India & Others.

..... Respondents.

### I N D E X

Sl No	Description of documents relied upon	ANNEXURE	Page number
	SYNOPSIS		
1	Application		01-15
2	Copy of suspension Memo No. F-5-2/2006-07 dated 20 <sup>th</sup> Feb 2007 / 05-03-2007	ANNEXURE-A/1	16
3	Extract of Rule-37 of Post Office Savings Bank Manual Volume-II	ANNEXURE-A/2	17-19
4	Copy of applicant's representation dated 04-04-2007	ANNEXURE-A/3	20-22
5	Copy of applicant's representation dated 13-08-2007	ANNEXURE-A/4	23-24
6	Copy of applicant's representation dated 11-06-2007 <i>With Charge Sheet dated 28/05/07</i>	ANNEXURE-A/5	25-33

Date : 4. 11. 07

Place: Guwahati.

*Shri. I. Gambhir Singh*

Signature of the applicant

For use in Tribunal's office

Date of filing : .....

Or

Date of Receipt by post : .....

Registration No. : .....

Signature  
For Registrar

19 NOV 2007

गुवाहाटी बैच  
Guwahati Bench

1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORIGINAL APPLICATION No: 289 of 2007.

Shri I. Gambhir Singh, Aged 50-years  
S/o (Late) Shri I. Thoibi Singh,  
Resident of: Sagolband Ingudum Leirak,  
PO & PS : Imphal West, Imphal – 795 001.

Employed as:

Postal Assistant,[Under suspension]  
Lamphelpat Sub Post Office,  
Manipur State.

*I. Gambhir Singh* .... Applicant.

- Versus -

1. Union of India, represented by The Secretary, Ministry of Communications, New Delhi - 110001.
2. The Post Master General,  
North East Region,  
Shillong – 793 001.
3. The Director of Postal Services,  
Manipur, Imphal – 795 001.
4. Shri. A. Kesava Rao,  
Deputy Supdt of Post Offices,  
O/o the Director Postal Services,  
Manipur, Imphal – 795 001.

.... Respondents.

IN THE MATTER OF:

Unjustified and arbitrary 'suspension' of the  
applicant by the Respondent No.3 viz The Director  
of Postal Services, Manipur, Imphal;

देशीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

10 NOV 2007

गुरुहाटी न. गायगीठ  
1 Banch

2

- AND -

IN THE MATTER OF:

Irregular, illegal & arbitrary continuation of the suspension of the applicant, in violation of Rule-10(7) of Central Civil Services (Classification, Control & Appeal) Rules 1965 and Deptt. of Personnel & Training OM No. 11012/4/2003-Estt.(A) dated 7.01.2004.

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

The present application is made against the order of suspension issued by the Respondent No.3 namely The Director Postal Services, Manipur, Imphal vide Memo No.F-5-2/2006-07 Dated: 20<sup>th</sup> Feb 2007/05-03-2007.

*S. Gambhir Sgn*  
- A copy of the Suspension Memo No: No.F-5-2/2006-07 Dated: 20<sup>th</sup> Feb 2007/05-03-2007 is attached as ANNEXURE-A/1.

2. JURISDICTION OF THE TRIBUNAL:

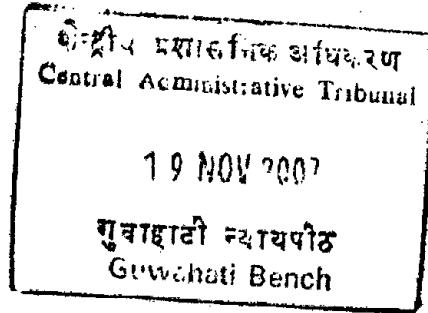
The applicant declares that the subject matter of the present application is within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION:

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

4. FACTS OF THE CASE:

4.1. That, the applicant is a Lower Selection Grade (TBOP) Postal Assistant [in short called as 'LSG (TBOP) P.A'] in the Department of Posts in Manipur Postal Division; and the applicant was working as Sub Post Master in 'CRPF Camp Langjing Sub Post Office' until she was arbitrarily placed under suspension by the Respondent



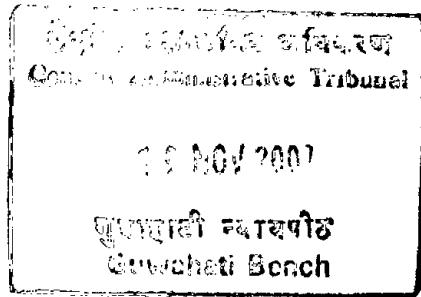
3

No.3 viz. The Director Postal Services, Manipur, Imphal vide Memo No.F-5-2/2006-07 Dated: 20<sup>th</sup> Feb 2007/ 05-03-2007.

4.2. That, the applicant, during his entire service career, spreading over 25-Years, has never come to the adverse notice of any authority/superior officer; and the applicant was discharging her duties with utmost devotion with strict compliance to the departmental rules and govt instructions.

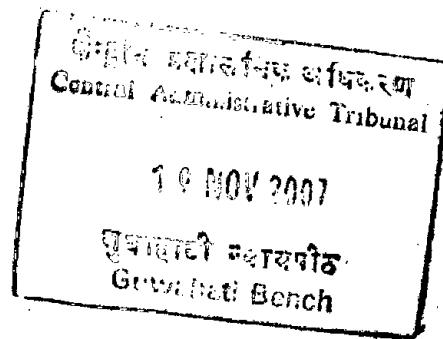
It is respectfully submitted for the kind information of the Hon'ble Tribunal that the applicant, prior to his posting as Sub Post Master in the CRPF Camp Langjing Sub Post Office, was working as Asstt Treasurer (Cash) at Imphal Head Post Office for more than 5(Five) years; and the applicant is the only unique candidate who has ever worked continuously for such a long period of 5(Five) years against the post of Asstt Treasurer (Cash) at Imphal Head Post Office as because the prescribed tenure for working in the post of Asstt Treasurer(Cash) is only 2(Two) years. It is because of his sincere and devoted service and also because of his undoubted integrity, the applicant was allowed to continue as Asstt Treasurer (Cash) at Imphal Head Post Office for more than 5(Five) years against the prescribed tenure of only 2(Two) years. This is the proof that the applicant was maintaining an unblemished and excellent service record to his credit. Otherwise, the applicant could not have been allowed by the authorities concerned to continue as Asstt Treasurer (Cash) at Imphal Head Post Office beyond the prescribed tenure of only 2(Two) years.

*D. Gautham Singh*



4.3. That, while the applicant was working as Sub Post Master in CRPF Camp Langjing Sub Post Office in Manipur State in the year 2006, 1(One) investor who had purchased 'Kishan Vikas Patras [in short called as 'KVPs']' from 'Bansdih Road Post Office' in 'Uttar Pradesh State' came to 'CRPF Camp Langjing Sub Post Office in May-2006 and submitted the applications for the transfer of the 'Kishan Vikas Patras' from 'Bansdih Road Post Office' to 'CRPF Camp Langjing Post Office'. On receipt of his application for transfer of Kishan Vikas Patras in the prescribed form [i.e. N.C-32], the applicant processed the case in accordance with 'Rule-37 of Post Office Savings Bank Manual Volume-II' and ultimately allowed the encashment of the 'Kishan Vikas Patras' at CRPF Camp Langjing Sub Post Office after due verification of genuineness of certificates from the 'office of purchase'. But, to the ill-fate and ill-luck of the applicant, it has now been alleged by the authorities concerned that the 'Kishan Vikas Patra-certificates', which were transferred from 'Bansdih Road Post Office in Uttar Pradesh State' to 'CRPF Camp Langjing Sub Post Office' were found to be fraudulently issued by the 'office of purchase'. In fact, the applicant did not at all know that the Kishan Vikas Patra-certificates which were transferred from 'Bansdih Road Post Office in Uttar Pradesh State' to 'CRPF Camp Langjing Sub Post Office in Manipur State' were the fraudulently issued certificates. Therefore, the applicant simply followed the procedure laid down in Rule-37 of Post Office Savings Bank Manual Volume-II and allowed their encashment after maturity under the identification of the persons who are well known to the applicant.

S. Gautham Singh



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4.4. That as per the above Respondents, the 'Kishan Vikas Patra-certificates' were allowed to be transferred from 'Bansdhi Raod Post Office in Uttar Pradesh State' to 'CRPF Camp Langjing Post Office in Manipur State' in violation of the revised procedure circulated vide Divisional Office, Imphal letter No.SB/KVP/Rlg/Corr dated 20.1.05 & 4.4.05. But, in fact, neither any circular vide Divisional Office, Imphal letter No.SB/KVP/Rlg/Corr dated 20.1.05 & 4.4.05 and containing the revised procedure for transfer of savings certificates [i.e. NSCs, KVPs etc] from one post office to another post office was received at 'CRPF Camp Langjing Post Office', nor any other instruction related to the revised procedure for transfer of savings certificates from one post office to another post office was ever received during the incumbency of the applicant as Sub Post Master in CRPF Camp Langjing Sub Post Office. Therefore, the applicant had no opportunity to know about the revised procedure introduced by the Department regarding the transfer of savings certificates from one post office to another post office through Divisional Office. In fact, the Respondent No.4, who was the in-charge of Manipur Postal Division during the absence of a regular Director Postal Services in Manipur Postal Division failed to circulate the revised procedure for the transfer of savings certificates from one post office to another post office; and also the Respondent No.4 utterly failed to check whether the revised procedure for transfer of savings certificates from one post office to another post office was being followed in Imphal Head Post Office at the time of his annual inspection of Imphal Head Post Office in December-2005 and also at the time of his half-yearly inspection of Imphal Head Post Office in June-2006.

*D. Ganeshwar*

10 NOV 2007

मुद्राधारी न्यायपीठ  
Delhi Bench

6

Had the Respondent No.4 checked at Imphal Head Post Office in December-2005 as to whether the revised procedure for the transfer of savings certificates was being followed at Imphal Head Post Office, then the fact would have come to his notice that the Divisional Office, Imphal letter No.SB/KVP/Rlg/Corr dated 20.1.05 & 4.4.05 were not at all circulated to Imphal Head Post Office and other Sub Post Offices in Manipur Postal Division, and the entire fraud related to the transfer of fraudulently issued Kishan Vikas Patras to the Post Offices in Manipur State and their encashment at the post offices in Manipur State could have been averted. But, the utter failure in the part of the Respondent No.4 to check the relevant records at Imphal Head Post Office at the time of annual inspection of Imphal Head Post Office in December 2005 ultimately resulted in the huge fraud of 'transfer and subsequent encashment of fraudulently issued Kishan Vikas Patra-certificates' in some Post Offices in Manipur Postal Division including 'CRPF Camp Langjing Post Office'. The Respondent No.4, therefore, to cover-up his own faults and mistakes started to fix responsibility on the innocent staff, who simply followed the procedure laid down in Rule-37 of Post Office Savings Bank Manual Volume-II for the transfer of kishan vikas patras due to the fact that the revised procedure was not circulated to them. The present applicant has also been made a scape-goat in a similar manner by the Respondent No.4; and for this reason, the Respondent No.4 has been made a 'by name party/respondent' in the present O.A.

- **Extract of Rule-37 of Post Office Savings Bank Manual Volume-II has been attached as ANNEXURE-A/2.**

*J. Gambhir Singh*

19 NOV 2007

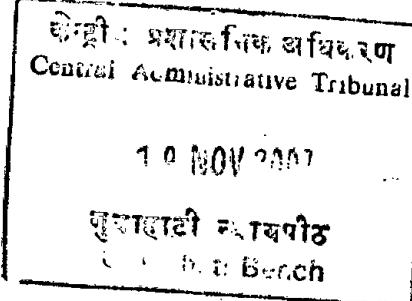
गुवाहाटी न्यायपीठ  
Guwahati Bench

7

4.5. That, after the applicant was placed under suspension, the applicant tried to convince the authorities concerned to show that he is neither directly nor indirectly involved in any fraud through his representation dated written statement dated 04-04-2007. But, the authorities concerned did not consider the applicant's representation in proper perspective. Even the Respondent No.2, to whom a copy of the representation dated 04-04-2007 was endorsed, did not look into the genuine prayer of the present applicant till date.

**Copy of applicant's representation dated 04-04-2007 is attached as ANNEXURE-A/3.**

4.6. *D. Gaunthi Singh* That, in accordance with Rule-10(7) of CCS(CC&A) Rules, 1965 the order of suspension issued under Rule-10(1) & Rule-10(2) of the said rule would automatically become invalid after the expiry of ninety days, unless the suspension of the Govt servant is extended for a further period of ninety days before the expiry of initial ninety days on the recommendation of a duly constituted review committee in accordance with Deptt. of Personnel & Training OM No. 11012/4/2003-Estt.(A) dated 7.01.2004. But, in the case of the present applicant, in spite of the fact that the suspension is continued for more than 7(Seven) months, no review committee meeting was ever held; and also no order for his re-instatement has been issued so far after the expiry of initial ninety days under Rule-10(7) of CCS(CCA)Rules, 1965. This is the proof that the Respondents are making a scape-goat out of the



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humble applicant to cover up the omissions and commissions in the part of the above Respondent No.4.

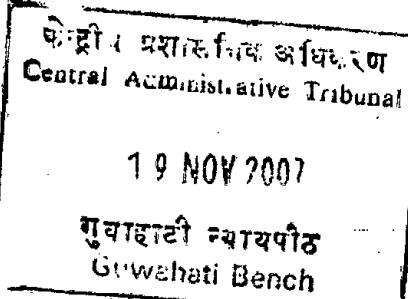
4.7. That, the applicant submitted a representation dated 13-08-2007 to the Respondent No.3 for the immediate revocation of her suspension under the provisions of Rule-10(7) of CCS(CCA)Rules, 1965; and also that the applicant further prayed for the immediate revocation of her suspension in her representation dated 11-06-2007. But, no action for his re-instatement has been initiated by any of the above Respondents till-date.

- **Copy of applicant's representation dated 13-08-2007 is attached as ANNEXURE-A/4.**
- AND -
- **Copy of applicant's representation dated 11-06-2007 is attached as ANNEXURE-A/5. With change Sheet Dtd 28/05/02**

4.8. That the applicant, under the above circumstances has filed the present application before the Hon'ble Tribunal for redressal and justice.

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

5.1. That, under the provision of Rule-10(7) of CCS(CCA)Rules, 1965 [here-in-after called 'Rules'], an order of suspension made or deemed to have been made under sub-rules (1) or (2) of Rule-10 of CCS(CC&A) Rules, shall not be valid after a period of ninety days unless it is extended after review, for a further period before the expiry of ninety days. In this instant case, no review was undertaken by a competent review committee constituted under the



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provisions of Deptt. of Personnel & Training OM No. 11012/4/2003-Estt.(A) dated 7.01.2004. Therefore, the continuation of suspension of the applicant is illegal.

*D. Gambhir*  
5.2. That, the disciplinary authority viz. the Director Postal Services, Manipur, Imphal [Respondent No.3] has issued the suspension order to the applicant without applying his mind as because the relevant facts such as non-circulation of revised rulings by Divisional Office and the serious omissions and commissions in the part of the Respondent No.4 as regards his non-checking of relevant documents at Imphal Head Post Office during the annual inspection of Imphal Head Post Office in December 2005 were not at all considered by the disciplinary authority, while issuing the suspension order to the present applicant. Therefore, the order of suspension is arbitrary and ab-initio void.

5.3. That, under the provisions of Deptt. of Personnel & Training OM No. 11012/4/2003-Estt.(A) dated 7.01.2004 read-with Rule-10(7) of CCS(CC&A) Rules 1965, the suspension of a Govt servant can be extended after the expiry of initial ninety days only if a review committee consisting of the disciplinary authority, appellate authority and an officer not below the rank of disciplinary authority reviews the suspension and recommends for the extension of the suspension for another ninety days before the expiry of the initial ninety days. In this instant case, neither any review committee meeting was held, nor was any reference even made for holding a review committee meeting. The continuation of suspension of the

11.01.2007

गुवाहाटी न्यायपीठ  
Guwahati Bench

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applicant is therefore totally against the statutory provision of Rule-10(7) of CCS (CC&A) Rules 1965.

5.4. That, the order of suspension dated 20<sup>th</sup> Feb 2007/ 05-03-2007 automatically became invalid under the provision of Rule-10(7) of CCS(CC&A) Rules 1965 due to the fact that the same was not extended beyond ninety days on the recommendation of a competent review committee. Hence, the applicant is deemed to have been re-instated into service with effect from 03<sup>rd</sup> June 2007, without any order and the applicant is entitled to all consequential benefits with effect from 03<sup>rd</sup> June 2007.

5.5. That, the main cause for the fraudulent encashment of fraudulently issued Kishan Vikas Patra certificates in the Post Offices of Manipur, including CRPF Camp Langjing Post Office, is the utter omission in the part of Divisional Office, Imphal to circulate of the relevant revised rulings and other orders to the Post Offices in Manipur; and also the total failure in the part of the above Respondent No.4 to check the records related to the transfer of savings certificates from one post office to other post office at Imphal Head Post Office at the time of his annual inspection of Imphal Head Post Office in December 2005. There was no omission or commission in the part of the present applicant in the entire fraud case; and as such there is no prima-facie case to place the applicant under suspension for any reason.

5.6. That, Shri A. Kesava Rao, Deputy Supdt of Post Offices, O/o the Director Postal Services, Manipur, Imphal has intentionally failed to initiate any action to

*D. Gaurav Singh*

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गुवाहाटी न्यायालय  
Guwahati Bench

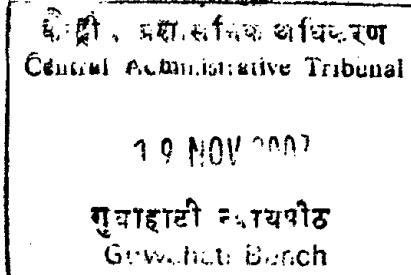
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revoke the suspension of the applicant after the expiry of ninety days on 03<sup>rd</sup> June 2007; and also that the said Shri A. Kesava Rao, intentionally misguided Respondent No.3 to continue the suspension of the applicant beyond ninety days in violation of Rule-10(7) of CCS(CC&A) Rules, 1965. Therefore, appropriate action is required to be recommended against Shri A. Kesava Rao, Deputy Supdt of Post Offices, O/o the Director Postal Services, Manipur, Imphal for his intentional commissions and omissions in the case.

*S. Gautham Singh*

5.7. That, in accordance with Cabinet Sectt. (Department of Personnel) OM No. 39/33/72-Estt. (A) dated the 16<sup>th</sup> December, 1972 read-with Cabinet Sectt. (Department of Personnel) Memo. No. 39/39/70-Ests.(A) dated the 4<sup>th</sup> February, 1971, charge-sheet should be served upon the Government servant within three months of the date of suspension, and the disciplinary proceedings if any against the Govt servant should be completed as quickly as possible without any delay. But, in this instant case, although the charge sheet was issued on 28<sup>th</sup> May Aug 2007, no order for the appointment of I.O and the P.O has been issued till date, for more than 4(Four) months after the submission of written statement of defence dated 11-06-2007 by the applicant. This clearly shows that the disciplinary authority is employing dilatory tactics only to harass the humble applicant. The continued suspension of the applicant is therefore illegal, motivated and totally unjustified.

5.8. That, the Respondent No.2 viz The Post Master General, N.E-Circle, Shillong, in spite of the fact that she is one of the members of the review committee,



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has not conducted any review committee meeting to review the justification of 'applicant's suspension' in violation of the Deptt. of Personnel & Training OM No. 11012/4/2003-Estt.(A) dated 7.01.2004; and allowed the Respondent No.3 to continue the suspension of the applicant in violation of Rule-10(7) of CCS (CC&A) Rules, 1965. Therefore, the suspension of the applicant is required to be revoked immediately with all consequential benefits in the interest of justice.

**6. DETAILS OF THE REMEDIES EXHAUSTED:**

*D. Jamfai*  
The representation dated 13/08/2007 [ANNEXURE-A/4] submitted by the applicant is lying as unattended with the Respondent No.3 for more than 2(Two) months without any response. Since the statutory appellate authority, viz the Post Master General, N.E-Circle, Shillong [i.e. Respondent No.2], has failed to review the suspension of the applicant in accordance with Deptt. of Personnel & Training OM No. 11012/4/2003-Estt.(A) dated 7.01.2004, the applicant has no statutory remedy to exhaust in this case.

- Copy of applicant's representation dated 13-08-2007 has already been attached as ANNEXURE-A/4.**

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

The applicant further declares that she had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court or any other

केंद्रीय प्रशासनिक अधिकार  
Central Administrative Tribunal

19 NOV 2007

गुवाहाटी न्यायपीठ  
Guwahati Bench

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circumstances of the case, to render justice to the applicant.

**9. INTERIM ORDER, IF ANY PRAYED FOR:**

The applicant declares that the applicant has no interim prayer at this stage.

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

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

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

Indian Postal Order Number : 66F 837628, 66F 837624, 64E 396363  
Office of Issue : 12.11.07 Guwahati  
Date of Issue : 12.11.07  
Office of Payment : Guwahati

**12. LIST OF ENCLOSURES:**

1. Application accompanied by Index in Appendix-A
2. ANNEXURE-A/1 to ANNEXURE-A/5
3. Indian Postal Order for Rs.50/- for application fee.

19 NOV 2007

गुवाहाटी न्यायपीठ  
Guwahati Bench

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**VERIFICATION**

I, Shri I. Gambhir Singh, Son of (Late) Shri I. Thoiobi Singh, aged about 50 years, presently employed as Postal Assistant [Under Suspension], Lamphelpat Sub Post Office, Manipur State do hereby verify that the contents of Paragraphs-1 to 7 & 9 to 12 above are true to my personal knowledge and belief while the contents of Paragraph-8 above are the prayers before the Hon'ble Tribunal; and that I have not suppressed any material facts.

Date : 4.11.07

*Iagnath Gambhir Singh*  
Signature of the applicant.

Place: *Guwahati*

Filed by: - *Hermani Kr. Gogoi*

Advocate

To

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

Recd on 21/3/07  
at 12.00 hrs.  
Re 21/3/07

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

Memo No. FS-2/2006-07

Dated at Imphal the 20<sup>th</sup> Feb. 2007

SF/3/07

ORDER

Whereas a disciplinary proceeding against Shri I. Gambhir Singh, the then SPM, CRPF Camp Langjing SO now PA, Lamphel-Pat SO is contemplated (Fraudulent payment of KVPs at CRPF Camp Langjing SO).

Now, therefore the Director Postal Services, Manipur Division, Imphal in exercise of the power conferred by the Sub-Rule (1) of Rule 10 of the Central Civil Services (Classification, Control and Appeals) Rule 1965, hereby places the said Shri I. Gambhir Singh, under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force, the Headquarters of Shri I. Gambhir Singh, the then SPM, CRPF Camp Langjing SO now PA, Lamphel-Pat SO should be Imphal and the said Shri I. Gambhir Singh shall not leave the Headquarters without obtaining the previous permission of the undersigned.

Director Postal Services  
Manipur, Imphal-795001

A copy of this memo is issued to:

*Rgd & D*

1. Shri I. Gambhir Singh, the then SPM, CRPF Camp Langjing SO, Orders regarding subsistence allowance admissible to him during the period of his suspension will be issued separately.
2. The Postmaster (Accounts) Imphal HO, Imphal-795001.
3. The staff branch O/O DPS Manipur Imphal.
4. The SPM, Lamphel-Pat SO, Imphal.
5. The ASP 1<sup>st</sup> Sub-Division, Imphal.
6. The CPMG, N.E. Circle, Shillong-793001 for favour of information.
7. Sparc.

Director Postal Services  
Manipur, Imphal-795001

Certified to be true Copy.

H. K. Goayi  
Advocate

### TRANSFER OF CERTIFICATES FROM ONE POST OFFICE TO ANOTHER

37. (1) When an application for transfer of a certificate in the prescribed Form (NC-32) is received in the office of registration either direct or through the office to which transfer is desired, the Postmaster of the office of registration must satisfy himself that the certificate sought to be transferred actually stands in the applicant's name and that the particulars of the certificate as well as serial Number and the date of the original application for purchase of the certificate have been correctly entered in the application for transfer. If the applicant is illiterate his thumb impression attested by the signature of a witness known to the Post Office must appear on the application. The signature or signatures in case of joint holders on the application for transfer should be compared with that on record. If the signature agrees the intimation of transfer on the reverse of the application for transfer will be signed and stamped with the date stamp and forwarded by registered post to the office to which the certificate is sought to be transferred. If the transfer is to be made to B.O. the application will be forwarded to its Accounts Office. If the signature does not tally it should be got attested as provided for in the case of discharge of a certificate.

NOTE :—In the case of Savings Certificate bearing yearly/half yearly interest, amount of interest and the period for which it has been paid, if any shall be recorded on the application in form NC-32 under the initials of the Postmaster of the transferring post office. In case no interest is paid, this fact should also be clearly stated.

(2) The certificate will be returned to the holder who should be directed to present it at the post office to which it is transferred for necessary endorsement thereon. It should be noted that in no circumstances the certificate is to be retained in the post office where transfer application is presented.

(3) The remark "Transferred to.....(name of office) Post Office on.....(date)" will be written in the column for remarks in the application for purchase against the entry of the certificate.

(4) When an application for transfer of a certificate from one post office to another is presented at the office to which the certificate is sought to be transferred, the Postmaster of the receiving office will scrutinise the application with reference to the original certificate. After satisfying himself that the application has been filled in properly and correctly, he will return the certificate to the holder and forward the transfer application with a covering letter to the office of Registration. In the covering letter it will be specifically stated that the particulars of the certificate as entered on the transfer application have been checked and found correct.

(5) The office to which the certificate has been transferred will number the application for transfer in a separate series maintained for the purpose immediately on receipt. The application for transfer will be treated in the new office in every respect like an application for purchase. An intimation shall be sent to the holder on the address given in the application for transfer (Form NC-32) informing

Certified to be true Copy.

H. K. Gagni  
Advocate

him of the transfer and requesting him to present the certificate at the post office for proper endorsement of transfer etc. thereon. When the certificate is presented a remark "Transferred to the Books of..... office and registered under No....." will be recorded on the certificate under the dated signature of the Postmaster and the certificate stamped with the date stamp of the office.

(6) *Transfer of a certificate in respect of which nomination exists* :—When a holder desires to transfer his certificate from one post office to another, he should mention in the application form whether a nomination has already been made. The Postmaster while sending the application to the new office will also send an extract from the register of nomination keeping a note of the fact of transfer on the original application for nomination and the register of nominations. In the receiving Post Office the same procedure will be followed as in Sub-Rule (3) of Rule 35(3) in registering the nomination and noting the revised registration number in the application for transfer and the certificate, when presented by the holder as per Sub-Rule (4). The extract from the register of nominations will take the place of the application for nomination.

(7) In case an application for purchase of certificate in respect of which transfer has been applied for is found to be missing for any reason, a fresh ante-dated application for purchase will be obtained. Before allowing the transfer the Postmaster will ascertain from the Postal Accounts Office whether the particulars of the certificate are correct, whether the certificate is attached by a Court of Law and whether it remains undischarged. The identity of the holder and the genuineness of the application for transfer should also be established by independent enquiry.

If the certificate was issued before 1-7-1962 a personal Indemnity Bond containing a recital to the effect that the bond is being executed at the request and cost of Government along with the declaration that the certificate has not been attached by a Court of Law will also be obtained from the holder.

NOTE :—Transfer of a certificate after it ceases to earn interest from one office to another shall not be allowed.

(8) When after release of the certificate from the pledge, the holder presents an application for transfer of the certificate in the prescribed form (NC-32) at the office of registration either direct or through another office to which the transfer is desired, the Postmaster of the office of registration must satisfy himself that the certificate sought to be transferred actually stands in the applicant's name and the particulars of the certificate as well as the serial number and date of the original application for purchase of the certificate have been correctly entered in the application for transfer. The letter of authority releasing the certificate by the pledge shall also be obtained from the holder to see that the particulars of the certificate have been correctly mentioned therein. The letter of authority should be pasted to the application for purchase. The office of registration will make the following endorsement on the certificate "Retransferred to (Name of the Holder). Other formalities for transfer of certificate from one post office to another as laid down in Rule 37 (1) above should be observed.

When a certificate released from pledge and presented for transfer at an office other than the one where it is registered, the postmaster of the transferee office will scrutinise the particulars written on the application for transfer (NC-32) and those written in the letter of authority releasing the certificate by the pledgee with the original certificate. After satisfying that the application for transfer has been properly and correctly filled in, the Postmaster of the transferee office will return the original certificate and the letter of authority to the holder for presentation after about a week.

The application for transfer will be sent to the office of registration with a covering letter specifying therein that the particulars of the certificate as entered in the application for transfer have been checked and found correct. The particulars of the authority releasing the certificate from pledge will also be intimated. The office of registration will take necessary action as in Sub-Rule (1) above.

On receipt back of the application of transfer from the office of registration, the holder will be requested to present the original certificate and the letter of authority releasing the certificate issued by the pledgee. The transferee office will then make the following endorsement on the certificate "Retransferred to.....(name of the holder)". The letter of authority will be pasted to the application for transfer (NC-32). The endorsement regarding the transfer of the certificate from one post office to another as required in Sub Rule (5) above will be made. The transferee office should remind telegraphically the office of registration if no reply is received within a week.

The transferee office will send an intimation of the transfer to the Postmaster of the office of registration who will make a remark "Transferred to.....(name of the post office) on....." in the column for remarks in the application for purchase against the entry of the certificate. The particulars of the letter of authority releasing the pledge should also be noted in the remark column of the application for purchase.

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True copy

Imphal,

04-04-2007.

To

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

Sub: - Request for reconsideration of the suspension order dated 20-02-2007/05-03-2007.

Respected Sir,

With due respect, I am forwarding herewith my written statement submitted to the Asstt Supdt of Post Offices, 1<sup>st</sup> Sub Division, Imphal regarding the KVP-encashment case at CRPF Camp Langjing S.O, which is self-explanatory about the fact that I have not involved in any fraud or misdeed.

By submitting the copy of the written statement, which is self-explanatory, I earnestly pray that the suspension order issued vide Memo No. F5-2/2006-07 dated 20-02-2007/05-03-2007 may kindly be revoked immediately in the interest of justice.

Encl: Written statement as stated above.

Yours faithfully,

Sd/-  
(I. Gambhir Singh)  
Postal Assistant (U/s)  
Lamphelpat S.O.

**Certified to be true Copy.**

**H.K. Gagan**  
**Advocate**

My name is Shri Jagdism Singh. I joined at Langpuri Sub-Post office on 4/5/06 after my transfer from Daushal Head Post Office. While working at Daushal Head Post Office I was never given any opportunity to work in Savings Bank Branch and as such I was not well versed with S.B. and certificates ruling and working procedure of this Branch. On 6/5/06 one person namely Shri Ashok Sharma came to my Post office alongwith Smt. Th. Anupama Das an authorized M.K.Y. agent attached to Daushal Head Post Office. Since I worked for a longer time in Treasury Branch at Daushal Head Post Office Smt. Th. Anupama Das became well acquainted with me as because she had direct transaction with Treasury Branch for depositing investors money everyday.

After coming to Langpuri Sub-Post office the investor Shri Ashok Sharma took out 20 (Twenty) numbers of K.V.P alongwith one transfer application duly filled in for transferring those certificates from Bansdih Road Post office to Langpuri Sub-Post office. Since I was not knowing the investors personally I asked Smt. Th. Anupama Das to identify the investor and accordingly she did so on the face of application form. Thereafter I examined the conditions of certificates and found fulfilling all the required conditions like date stamp of office (Offing stamp) of office of issue, Post Master Seal and Signature of issuing Post office, Registration no. and other required entries. Again I checked the entries in the application form to the Office of issue for showing the certificates transferred to Langpuri S.O.

The application for transfer duly verified by the Post Master Bansdroni Road Post Office under his signature dated 10/5/06 was received back by me on 27/5/06. New registration nos. 275, 276, 277 and 278 was allotted to the transfer application on 27/5/06. The transfer application was sent to the office of Sone in Ordinary post and the transfer application from Bansdroni Road Post Office was also received in Ordinary post.

Since the certificates were found genuine and the investors was identified by Sh. Anupama Devi I made the payment of certificates to the investors in the presence of Sh. Anupama Devi on date 30/5/06. While handling the above transaction I did not suspect any foul play either in the part of Office of Sone or in respect of investors who introduced himself as an employee of Loktak Project and did the entire transaction in accordance with rules.

The above statement is true and correct to the best of my knowledge.

Date .

D. Gambhir Sign  
SPM/CRPF Langtang

To

The Director Postal Services,  
Manipur, Imphal – 795 001.

Sub: -A humble prayer for revocation of suspension – Case of  
Shri. I. Gambhir Singh, Postal Assistant (Under Suspension),  
Lamphelpat S.O.

Ref: - DPS, Imphal Memo No. F5-2/2006-07 Dt. 20-02-2007/05-03-2007.

Most Respected Sir,

With due respect and humble submission, I beg to submit the following few lines for favour of your kind consideration and favourable orders: -

*Received  
Original Copy  
13-8-07  
9-10 PM*

1. That Sir, I was placed under suspension on the ground that a disciplinary proceedings has been contemplated against me for the alleged fraudulent payment of K.V.Ps at CRPF Camp Langjing S.O vide DPS, Imphal Memo No. F5-2/2006-07 Dated 20-02-2007/05-03-2007. Thereafter, I was also issued with a charge sheet under Rule-14 of CCS(CCA) Rules, 1965 vide DPS, Imphal Memo No: F5-2/2006-07/Disc Dated: 28<sup>th</sup> May 2007. But, soon after the receipt of the above charge sheet memorandum dated 28<sup>th</sup> May 2007, I submitted my detailed reply to the charge sheet memorandum vide my representation dated 11-06-2007 in which I have clearly explained my position; and also, I have categorically stated in the said representation that the payment of K.V.Ps at CRPF Camp Langjing Post Office was made in accordance with relevant rules in POSB Manual Vol-II and the payment was made under proper identification. Thus, in my representation dated 11-06-2007, I have elaborately explained the facts and figures before your esteemed authority; and also I have prayed for exonerating me from the charges as because I have only discharged my duties sincerely as SPM at CRPF Camp Langjing S.O and I had no bad intention or negligence in my part in any of my duties. Perhaps, your esteemed authority might have satisfied with my representation dated 11-06-2007.

2. That Sir, as per Rule-10(7) of CCS(CCA)Rules, 1965, an order of suspension made or deemed to have been made under sub-rule (1) or (2) of Rule-10 of CCS(CCA)Rules 1965 shall not be valid after a period of ninety days unless it is extended after review, for a further period before expiry of ninety days. But, although the prescribed period of 90-days has

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**H.K. Gozo**  
**Advocate**

already lapsed on 03-06-2007, the order of suspension dated 20-02-2007/05-03-2007 issued against me has not been revoked yet.

3. That Sir, it is also submitted before your esteemed authority that no further order to extend my suspension beyond 03-06-2007 has also been issued before the expiry of ninety days, after review in accordance with relevant rules and Govt instructions. Therefore, the order of suspension dated 20-02-2007/05-03-2007 has already become invalid and void with effect from 03-06-2007. Therefore, I may kindly be allowed to resume my duties as Postal Assistant, Lamphelpat S.O or in any other suitable post as your esteemed authority may wish, without any further delay, in the interest of justice.

4. That Sir, the order of suspension has caused me severe mental strain, and also I am facing severe financial hardship due to my prolonged suspension without any reasonable cause. My family is also suffering under hunger and starvation as because I am unable to manage my family expenses only with the meager subsistence allowance which is 50% of the last pay drawn. When the suspension has caused degradation of my self respect before the colleagues and society, the financial hardship caused by the suspension has seriously affected the education of my children as because I am unable to meet the education expenses of my children with the small amount of subsistence allowance.

5. I, therefore, most respectfully pray that the order of suspension dated 20-02-2007/05-03-2007 may kindly be revoked without any further delay, most sympathetically and on humanitarian grounds.

6. I assure your esteemed authority that I shall discharge my duties most sincerely and devotedly, and also I will co-operate with all enquiries being done by the department. I will also be highly grateful and obliged for your kind humanitarian and sympathetic consideration and favourable order.

Yours faithfully,

Date : 13-08-2007.

Place : Imphal

*I. Gambhir Singh*

(I. Gambhir Singh)

Postal Assistant(U/S),

Lamphelpat S.O. – 795 004.

[the then SPM, CRPF-Camp Langjing S.O].

To

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

Sub: - Written Statement of defence against the proposed inquiry under Rule-14 of CCS(CCA)Rules, 1965.

Ref: - DPS/Manipur Memo No: F5-2/2006-07/Disc Dated: 28<sup>th</sup> May 2007.

Respected Sir,

With reference to the charge sheet memorandum issued vide Memo No: F5-2/2006-07/Disc Dated: 28<sup>th</sup> May 2007 under above reference, I most submissively state that: -

- (i) I have completed more than 25-years of sincere and devoted service in the Department; and I have not done anything wrong which would either cause embarrassment or loss to the Department in my entire service career.
- (ii) That, in the charge sheet memorandum issued vide memo under above reference, as many as 5(Five) articles of charges have been framed against me for almost one and the same reason; and the charge sheet itself has been issued because of the intentional wrong information submitted by various authorities working in DPS-Office. For example, it is stated in the Article-I and the Article-II of the charges that I have not followed the prescribed procedure which was circulated vide Divisional Office File Mark No:SB/KVP/Rlg/Corr dated 20.1.05 & 4.4.05, but nowhere it is stated in the charge sheet memorandum as to when and how the said circular was circulated by Divisional Office. In fact, when I took the charge of Sub Post Master, CRPF Camp Langjing S.O, I was not handed over with any such circular or any file containing the circular mentioned in the charge sheet memorandum. If at least the Regd Letter Number or the Invoice Number or the Entry Number under which the said circular was circulated to the Sub Post Master, CRPF Camp Langjing S.O in January 2005 or April 2005, then it could be possible to fix responsibility on the Sub Post Master of the material time for not maintaining the record of the said circular or for not handing over the said circular to the successor Sub Post Master. It is also possible that the said circulars were not at all circulated by the dealing staff of Divisional Office; and the dealing staff of Divisional Office have submitted false information to your good authority that the said circulars were circulated. In such eventuality, the dealing staffs of Divisional Office are solely responsible for the non-circulation and also for submitting false information to the higher authority besides being responsible for the occurrence of fraud and also for

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H.K. Gogoi  
Advocate

harming other innocent employees like me, who have been discharging their duties with utmost sincerity and devotion. Therefore, the Article-I & Article-II of the articles of charges have been misdirected against me due to the false information submitted by the dealing staffs of Divisional Office, instead of fixing the responsibility either on the earlier Sub Post Master of Langjing Sub Post Office who had received the circulars but not handed over the circular to me or on the Dealing Staff of Divisional Office who failed to circulate such important circular under Regd Post or under proper Entry & Receipt.

- (iii) That in the Article-III of the articles of charges it has been accused upon me that the verified application was not received by Regd Post. In fact, it is the failure of the Sub Post Master of Bansdih Road S.O (under Ballia HPO) that he did not forward the verified application by Regd Post. Therefore, I should not be penalized for the mistake committed by the Sub Post Master of Bansdih Road S.O (under Ballia HPO). There is no provision in the departmental rules to reject the verification report, if the verified application is received by ordinary post instead of by Regd Post. Therefore, I was duty bound to accept the verification report received by Ordinary Post. Hence, this Article of charge, which is to be framed against the Sub Post Master of Bansdih Road S.O (under Ballia HPO) has been framed wrongly against me due to the misinformation submitted by the ASPOs/1<sup>st</sup> Sub Division.
- (iv) That in the Article-IV, it has been charged that I did not pay the maturity value of the KVP by cheque. Here also, the vital facts such as the Sub Post Master, Langjing S.O is not authorized with any cheque book for such purposes and the cash payment was not objected and disallowed by the Savings Bank Branch of Imphal HPO have been totally ignored. It is submitted for your kind information that even after the occurrence and detection of huge fraud in Lamlong Bazar S.O, cash payment of maturity value of NSCs and KVPs and also in respect of RD, TD and MIS transitions, were being allowed in Imphal Head Post Office and all the Sub Post Offices in Manipur including Churachandpur MDG, Lamphelpat S.O, D.M.College S.O, Singjamei Bazar S.O, Mantripukhri S.O etc up to March-2007. If cash payment of maturity value of such transactions should not be allowed, then action should be taken against all the officials who are responsible for cash payment in respect of transactions exceeding Rs.20,000/- and only singling out me is the discriminatory act. Further, it is also submitted for your kind information that neither the then Director Postal Services, Manipur nor the Supdt of Post Offices, Imphal who carried out the annual inspection of Imphal HPO in December-2006, completely stopped the cash payments in respect of payment of maturity value of NSC/KVP/RD/TD/MIS transactions exceeding Rs.20,000/- even after the annual inspection of Imphal HPO in December-2006 after the detection of huge fraud at Lamlong Bazar S.O. Because, the authorities are well aware that the Sub Post Masters are not authorized to issue cheques; and more over no cheque book has been supplied to the Sub Post Masters for the said purpose. Hence, this article of charge has also been

misdirected against your poor subordinate only to victimize an innocent employee for the fault of others.

(v) In respect of Article-V, it is most respectfully submitted that the certificate holder was identified by Smt. Anupama Devi, MPKBY-Agent who personally brought the certificate holder; and the whole transaction was admitted on the basis of identification made by Smt. Anupama Devi, MPKBY-Agent who is well known to the Post Office. Therefore, this article of charge has also been misdirected against me; and I have been made scape-goat for the faults committed by others.

(vi) It is most respectfully submitted that Imphal HPO was inspected by the Supdt of Post Offices/Deputy Supdt of Post Offices, Manipur Division, Imphal in the 1<sup>st</sup> half of the year 2005; and in the 2<sup>nd</sup> half of the year 2006; and also again in the 1<sup>st</sup> half of the year 2006. Although there are so many such transfer cases at Imphal HPO, the inspecting Officer did not at all object to such transfers; and also the Inspecting Officers did not even bother to find out as to whether the prescribed procedure was being followed at Imphal HPO. As per the charge sheet memorandum, the circular was circulated in January-2005 and in April-2005. Had the inspecting officers bothered to see as to whether the prescribed and modified procedure was being followed at Imphal HPO at the time of above inspections in the 1<sup>st</sup> half of the year 2005, the there would not have been any fraud at all; and the whole fraud has taken place due to the sole lapse in the part of the Inspecting Officers, but no action has been taken against the actual defaulters who are responsible for the fraud; and a poor subordinate like me has been victimized by suspension order

and disciplinary action for saving the skins of real culprits.

2. I, therefore, most respectfully submit that all the charges against me as well as the whole disciplinary case against me have been framed just for saving the actual defaulters as stated above.

3. I, therefore, most fervently request that the proposal to initiate departmental inquiry against me under Rule-14 of CCS(CCA)Rules, 1965 may kindly be reviewed by your kind honour; and the charges framed against me vide Memo No: F5-2/2006-07/Disc dated 28<sup>th</sup> May 2007 may kindly be dropped to do justice to your humble and devoted subordinate employee. The suspension may also kindly be revoked in the interest of justice and fair-play; and your humble subordinate may be protected from victimization.

Yours faithfully,

Dated: 11-06-2007

Place : Imphal

(1. Gambhir Singh)  
The then Sub Post Master,  
CRPF Camp Langjing S.O.  
[Now: - Postal Assistant (U/S),  
Lamphelpat S.O].

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

Memo No. F5-2/2006-07/Disc

Dated, at Imphal the 28<sup>th</sup> May 2007

Memorandum

The undersigned proposes to hold an inquiry against Shri I. Gambhir Singh, the then SPM CRPF Camp Langjing S.O under Rule-14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are enclosed (Annexure-III & IV).

2. Shri I. Gambhir Singh, the then SPM CRPF Camp Langjing S.O is directed to submit within 10 days of the receipt of this memorandum a written statement of his defence and also to state whether he desires to be heard in person.

3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Shri I. Gambhir Singh, the then SPM CRPF Camp Langjing S.O is further informed that if he does not submit his written statement of defence on or before the specified in para-2 above, or does not appear in person before the inquiry authority or otherwise fails or refuses to comply with the provisions of the said rule, the inquiring authority may hold the inquiry against him *ex parte*.

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

6. The receipt of the memorandum may be acknowledged.

( T. Mang ~~Min~~ Thang )  
Director Postal Services  
Manipur, Imphal-795001

*Rege* ✓ Copy to:

1. Shri I. Gambhir Singh, the then SPM CRPF Camp Langjing S.O, now under suspension.
2. Vig/Stt.

### ANNEXURE-I

Statement of Articles of charge framed against Shri I.Gambhir Singh, the then SPM CRPF Camp Langjing S.O now under suspension.

#### Article - I

That the said Shri I. Gambhir Singh, while working as SPM CRPF Camp Langjing S.O. during the period from 04.05.2006 to 20.01.2007 has failed to follow the revised procedure for making verification of 20(twenty) KVPs worth Rs.4,05,800/- certificates transferred from Bansdih Road SO under Ballia HO to CRPF Camp Langjing SO through the Divisional Head as circulated vide Divisional office file mark No. SB/ KVP/ Rlg/ Corr dtd. 20.1.05 & 4.4.05 have not been followed by him and effected payment on his own accord without following the prescribed procedure on account of non following the revised procedure by him the Department has incurred a loss of Rs.4,05,800/-. The circulars were circulated to the Postmaster Imphal HO and all the Sub-Postmasters under Manipur Division vide Divisional Office, Imphal No SB/ KVP/ Rlg/ Corr dtd 20.1.05 & 4.4.05. There by he violated the provisions of Rule 3 (1) (ii) and 3 (1) (iii) of CCS (Conduct) Rules, 1964.

#### Article - II

That during the aforesaid period and while functioning in the aforesaid office, the said Shri I. Gambhir Singh, SPM CRPF Camp Langjing SO did not refer the negative list and stolen list of KVPs/NSCs before effecting payment of 20(twenty) KVPs worth Rs. 4,05,800/- at CRPF Camp Langjing SO on 30.5.06. which was circulated by the Divisional Office, Imphal vide letter No SB/ KVP/ Rlg/ Corr dtd 20.1.05 & 4.4.05 as required by Rule 23 (1) (c) of Post Office Saving Bank Volume-II and also infringed provisions of Rule-3 (1) (ii) and 3 (1) (iii) of CCS (Conduct) Rules,1964.

#### Article - III

During inquiry by Shri B.Rajbangshi, ASP 1<sup>st</sup> Sub Division, Imphal vide his letter No.A-1/Misc-Inquiry/06 dtd. 11.11.2006. Shri I. Gambhir Singh, SPM, CRPF Camp Langjing SO stated that the transfer application was forwarded by ordinary post to SPM Bansdih Road SO (under ballia HO) and he received the verified transfer application from Bansdih Road SO also by ordinary post without any covering letter. Shri I. Gambhir Singh, SPM, CRPF Camp Langjing SO effected the payment of Rs.4,05,800/- by violating the procedure prescribed in Rule 31 (1) and Rule 37 (4) of Post Office Saving Bank Manual Volume-II that is "the verified application will then be returned by registered post to the office from which it was received" and also infringed provisions of Rule-3 (1) (ii) and 3 (1) (iii) of CCS (Conduct) Rules, 1964.

Article - IV

The total value of 20(twenty) KVPs paid by Shri I. Gambhir Singh, SPM CRPF Camp Langjing SO worth Rs.4, 05,800/-, As per D.G. Post letter No. 5-20/UP-06/2000-INV dated 28/29.8.2001 in respect of matured cases of payment of KVPs exceeding Rs.20, 000/- should be paid by cheque. The SPM violated this ruling and effected cash payment instead of cheque at CRPF Camp Langjing SO on 30.5.06 and also infringed provisions of Rule-3 (1) (ii) and 3 (1) (iii) of CCS (Conduct) Rules,1964.

Article - V

That during the aforesaid period and while functioning in the aforesaid office, the said Shri I. Gambhir Singh, SPM CRPF Camp Langjing, has not made the verification of genuineness of the address furnished in the (NC-32) Shri Ashok Sharma. The address furnished on the NC-32 application is "Loktak Project Bishenpur" which is incomplete and also not under the jurisdiction of CRPF Camp Langjing Sub-Office, as required by Rule 23 (1) of Post Office Saving Bank Volume-II and also infringed provisions of Rule-3 (1) (ii) and 3 (1) (iii) of CCS (Conduct) Rules,1964.

Annexure-II

Statement of imputation of misconduct or misbehaviour in support of the articles of charge framed against Shri I. Gambhir Singh, the then SPM CRPF Camp Langjing S.O.

Article - I

On 11.11.2006 the ASPO 1<sup>st</sup> Sub-Division, Imphal had a visit to CRPF Camp Langjing S.O and found that Shri I. Gambhir Singh, the then SPM CRPF Camp Langjing S.O has discharged fraudulently 20(twenty) Nos. of KVP on 30.5.06 without following the revised procedure for making verification of certificates through the Divisional Heads as circulated vide this office file mark No. SB/ KVP/ Rlg/ Corr dtd. 20.1.05 & 4.4.05. The particulars of the KVPs are given below:

<u>Sl.No.</u>	<u>Certificate No</u>	<u>Dt. of issue</u>	<u>Deno</u>	<u>Amount(Rs.)</u>
1.	46CC913811	22.12.99	10000	20290
2.	46CC913812	22.12.99	10000	20290
3.	46CC913813	22.12.99	10000	20290
4.	46CC913814	22.12.99	10000	20290
5.	46CC913815	22.12.99	10000	20290
6.	46CC913816 to 46CC913820=5	22.12.99	10000X5	1,01,450
7.	46CC913841 to 46CC913845=5	22.12.99	10000X5	1,01,450
8.	46CC913846 to 46CC913850=5	22.12.99	10000X5	1,01,450
Total Nos 20(twenty)KVP				<u>Rs.4,05,800/-</u>

By this act, of Shri I.Gambhir Singh, the Department has sustained a huge loss of Rs.4, 05,800/-. He failed to maintain absolute integrity and devotion to duty, violating the provisions of Rule-3(1) (ii) & (3) (1) (iii) of CCS (Conduct) Rules, 1964.

Article - II

Shri I.Gambhir Singh, SPM CRPF Camp Langjing S.O failed to refer the negative list and stolen list of KVPs/NSCs which was circulated by the Divisional Office vide letter No.F/Loss/NSC,IVP/KVP etc.dtd.21.10.99 before effecting payment of the matured value of 20(twenty)-KVPs worth Rs.4.05.8000/-By this act of Shri I. Gambhir Singh, the Department has incurred loss of Rs. 4.05,800/- He violated the Rule 23 (1) (c) of

Post Office Saving Bank Volume-II and also infringed provisions of Rule-3(1) (ii) & (3) (1) (iii) of CCS (Conduct) Rules, 1964.

Article - III

Shri I. Gambhir Singh stated in his statement dtd 28.10.06 that he has sent the transfer application (NC-32) by ordinary post to the office of issue (Bansdih Road SO, under Ballia HO) and received back on 27.5.06 by ordinary post duly signed by the Sub-Postmster Bansdih Road S.O on 10.5.06 without any covering letter from the SPM. On verification from SSP Saran Division and SPM Bansdih Road SO vide their letter No FX-05/2006-07 dtd 11.1.07 and letter No. NIL dtd 24.11.06 stated that certificates were not neither sold at Bansdih Road SO nor supplied to any SO.

Thus Shri I.Gambhir Singh, violated the Rule 31 (1) & 37 (4) of Post Office Saving Bank Manual Volume-II that is "the verified application will then be returned by registered post to the office from which it was received" When he received the application in ordinary post he should not have honoured the transaction at all as required by the said rule. He also infringed provisions of Rule-3(1) (ii) & 3 (1) (iii) of CCS (Conduct) Rules, 1964.

Article - IV

The payment of matured amount of KVPsto the investor which were exceeded Rs. 20,000/- were paid to the investor by cash instead of by cheque.. On 30.5.2006 Shri. I.Gambhir Singh, the then SPM CRPF Camp Langjing SO effected payment of Rs. 4,05,800/- to Shri Ashok Sharma, holder of 20 (twenty) KVPs as matured value. violating the ruling of D.G. Post letter No. 5-20/UP-06/2000-INV dated 28/29.8.2001 also infringed provisions of Rule-3(1) (ii) & 3 (1) (iii) of CCS (Conduct) Rules,1964.

Article - V

That the said Shri I. Gambhir Singh, while working as SPM CRPF Camp Langjing S.O did not verify genuineness of the address of the holder which is written on the NC-32 that is Shri Ashok Sharma before effecting payment "Loktak Project Bishenpur". Thus the SPM violated the rulings of Directorate letter No.5-03/ASM-01/2004 Inv dtd 6.1.2005 received under CO, letter No. SB/1-7/KVP/NSC/Loss/2001 dtd 15.01.2005 and as required by Rule 23(1) of Post Office Saving Manual volume-II and also infringed provisions of of Rule-3(1) (ii) & 3 (1) (iii) of CCS (Conduct) Rules, 1964.

### Annexure-III

List of documents by which articles of charge framed against Shri. I,Gambhir Singh, the then SPM CRPF Camp Langjing S.O now under suspension are proposed to be sustained.

1. Application for transfer of KVP certificates (NC-32) from Bansdih Road SO (under Ballia HO) to CRPF Camp Langjing SO.
2. 20 (Twenty) Nos. of discharged KVPs numbers from (i) 46CC913811 to 46CC913820 & (ii) 46CC913841 TO 46CC913850.
3. Discharge List of KVPs dtd 30.5.2006 OF CRPF Camp Langjing S.O.
4. Report from Shri B.Rajbangshi, ASPO 1<sup>st</sup> Sub-Division letter No.A-1/Misc-Inquiry/06 dtd 11.11.06.
5. Letter No. NIL dtd 24.11.06letter from SPM Bansdih Road SO to the effect that the 20 (twenty) KVPs noted above have neither been issued nor transferred from Bansdih Road S.O (under Ballia HO).to CRPF Camp Langjing S.O.
6. Report of SSP Ballia in his letter No.Fx-05/0206-07 dtd 11.1.07 stated that the certificates were neither sold at Bansdih Road SO nor supplied to any SOs.
7. Written statement dtd 28.10.2006 of Shri I. Gambhir Singh.
8. Circular No.SB/KVP/Rlg-Corr dtd 20.1.05 & 4.4.05 of Divisional Office, Imphal.
9. Letter No. SB/KVP/Rlg-Corr dtd 20.1.05 & 4.4.05 of Divisional Office, Imphal regarding negative list.
10. Extract of Rule23 (1) (c) of Post office Saving Manual Volume-II.
11. Extract of Rule 31 (1) and Rule 37 (4) of Post office Saving Manual Volume-II.
12. D.G's letter No.5-20/UP-06/2000 Inv dtd 28/29.8.2001 communicated vide Divisional Office Imphal Letter No. SB/Genl/Rlg/Pt-V dtd 17.10.05.
13. Extract of Rule 23 (1) of Post office Saving Manual Volume-II.

### Annexure-IV

List of witnesses by whom the articles of charge framed against Shri I. Gambhir Singh, the then SPM CRPF Camp Langjing SO now under suspension are proposed to be sustained.

1. Shri B. Rajbangshi, ASPO 1<sup>st</sup> Sub-Division, Imphal.
2. Shri Janardan Singh, SPM, Bansdih Road SO (under Ballia HO)
3. Smt C.Kim Vaiphei, DPM Imphal HO.
4. Md. Abdul Kalam, PA Imphal HO.

  
(T. Mang Min Thang)  
Director Postal Services  
Manipur, Imphal-795001