

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 291/2007

R.A/C.P No. 1

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

1. Original Application NO. 291/07
2. MIBs Petition No. _____
3. Contempt Petition No. _____
4. Review Application No. _____

Applicant(s) Smt. Ksh. Binimola Devi VS Union of India & Crs

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

Advocate for the Respondant(s) Add. C. M. le. Ahmed

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/C. F. for Rs. 50/- deposited vide IPO/DD No. <u>66F837627, 23,64E396362</u> Dated <u>13.11.07</u>	20.11.07.	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. Issue Notice to the Respondents requiring them to file reply within six weeks.
Pl. issue notices to the respondents	20.11.07	No written statement has been filed in this case as yet.
Notice & order sent to D/Section for issuing to resp. nos. 1 to 5 by regd. A/D post.	28/11/07	Call this matter on 08.02.2008 awaiting written statement from the Respondents.

This application is in form is filed/C. F. for Rs. 50/- deposited vide IPO/DD No. 66F837627, 23,64E396362 Dated 13.11.07

Registrar

[Signature]

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.

Issue Notice to the Respondents requiring them to file reply within six weeks.

Call this matter on 10.01.2008

[Signature]
(Khushiram)
Member(A)

[Signature]
(M.R. Mohanty)
Vice-Chairman

petitioner's copy for issue notices received with envelopes. Copy served.

lm

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

Call this matter on 08.02.2008 awaiting written statement from the Respondents.

[Signature]
(Khushiram)
Member(A)

[Signature]
(M.R. Mohanty)
Vice-Chairman

Pl. issue notices to the respondents

Notice & order sent to D/Section for issuing to resp. nos. 1 to 5 by regd. A/D post.

28/11/07 D/No-1633 to 1637
DI= 29/11/07

lm

9-1-08

08.02.2008

Service report awaited

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.

1) Service report awaited.

2) W/S not filed

7.2.08

(Khushiram)
Member(A)

(M.R.Mohanty)
Vice-Chairman

lm

12.03.2008

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

W/S not filed

Call this matter on 21st April, 2008.

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.

Contd

Contd/-
21.04.2008

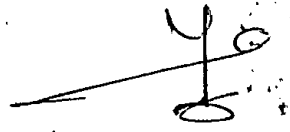
D. 21.4.08.

Pl. send copies of this order to the Applicant/ Respondents

3/21/08

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

Order dt. 21/04/08
send to D/Section
for signing to applicant
and the respondents
by post.

lm

Page Break


24/4/08. D/No. 1850 to
D/- 1855
25/4/08.

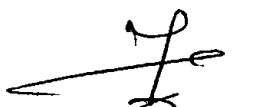
16.05.2008

None appears for the Applicant nor the Applicant is present. Mr. R.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.

It appears from the instructions given by the Respondents (to Mrs. M. Das, learned Addl. Standing Counsel for the Respondents) that the Applicant ^{in O.A. 291/07} has already been reinstated by an order dated 11.01.2008.

Call this matter on 20th May, 2008


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

lm

W/S not filed.

3
15.5.08.

29.05.2008

None for the Applicant. Mr. M.U. Ahmed, learned Addl. Standing counsel appearing for the Respondents seeks two weeks time to file written statement.

W/S not filed.

13.6.08

Call this matter on 16.06.2008 awaiting written statement from the Respondents.

lm

(Khushiram)
Member(A)

16.06.2008

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

(Khushiram)
Member(A)
(M.R. Mohanty)
Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI
O.A. 291 of 2007

Date of order: the 16th June, 2008

Smt. Ksh. Bomola Devi ..

Applicant

By Advocate: Mr. B.C. Pathak

Versus

The Union of India & others ..

Respondents

By Advocate Mr. M. U. Ahmed, 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. 291 of 2007

Guwahati, this the 16th day of June, 2008

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

Smt. Ksh. Bimola Devi,
W/o Shri Th. Jugeshwar Singh,
Resident of Kongpal Kshetri Leikai,
PO & PS: Porompat, Imphal-795 005.
Employed as:
Asstt Post Master [Accounts]
[presently under suspension],
Imphal Head Post Office, Imphal-795 001
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 Mr. M.U. Ahmed, Additional C.G.S.C.

ORDER
[ORAL]

Manoranjan Mohanty, Vice-Chairman:

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

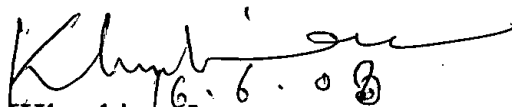



2. The Applicant was placed under suspension. Raising grievance of non-review of the said order [of suspension] within the stipulated period, the Applicant approached this Tribunal with the present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985.

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.


6.6.08
[Khushiram]
Member[A]


16/06/08
[Manoranjan Mohanty]
Vice-Chairman

Central Administrative Tribunal
 19 NOV 2007
 गुवाहाटी न्यायपीठ
 Guwahati Bench

Administrative Tribunal
 गुवाहाटी न्यायपीठ
 Guwahati Bench

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
 GUWAHATI BENCH: AT GUWAHATI**

O.A. No. 291 /2007

Smt. Ksh Bimola DeviApplicant
 -versus-
 Union of India & others Respondents

Synopsis of the Case

Date	Particulars
	The applicant is a Higher Selection Grade-II (BCR) Postal Assistant [in short HSG-II (BCR) P.A] at Imphal Head Post Office under the Manipur Postal Division with 33 years of unblemished service career.
2.4.2007	The applicant has been placed under suspension (Annexure A/1) with immediate effect for alleged irregular identification of fraudulent investors of KVPs.
July, 2005 to August, 2006	Some investors purchased National Savings Certificates (NSC) and Kishan Vikash Patras (KVP) from Post Offices outside the State of Manipur approached the Imphal Head Post Office and some Sub Post Offices under Imphal Head Post Office wanted to transfer their said certificates from the Office of Origin to the Head Post Office or the said Sub Post Offices under the Manipur Postal Division. As the Deputy Post Master, Imphal Head Post Office and the Sub Post Masters of such Sub Post Offices had no knowledge about the procedure of transfer of KVPs, they approached the applicant for help. The applicant as a colleague and cooperative staff assisted the Deputy Post Master and the Sub Post Masters by explaining the provisions of Rule 37 of the "Post Office Savings Bank Manual, Vol. II". But unfortunately it has been alleged that the said certificates which were transferred from the State of UP

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गुवाहाटी न्यायपीठ
Guwahati Bench

	and Bihar were fraudulently issued by the "office of purchase". This came to the knowledge of the applicant in September, 2006. On hearing this shocking information the applicant suffered a severe mental and physical blow and as a result she has become a chronic patient of Hypertension with accompanied Heart problems. The applicant has been on leave since 12.9.2006 and she is under constant medical care.
12.9.2006	The applicant submitted her leave application, which was supported by medical certificates and reports issued by the State Medical Board, Manipur. But the respondent No. 3 and 5 have failed to grant leave from 12.9.2006 to 30.11.2006 and leave from 1.12.2006 to 1.4.2007. As a result the applicant has been put to suffer from acute financial hardship for non-payment of salary etc. in addition to her mental and physical ailment.
1.12.2006	The applicant was also implicated in a police case on the same allegation of fraudulent encashment of KVPs, where the Hon'ble Gauhati High Court (Imphal Bench) was pleased to grant her absolute bail.
	The applicant can be no way responsible in the matter and the responsibility lies on the respondent No. 5 and such responsibility cannot be sifted to the innocent applicant. It is the respondent No.5 who has used his office to place the applicant under suspension through the respondent no.4. This action is bias and malafide.
13.8.2007	The applicant submitted her representation and thereby demanded revocation of the order of suspension dated 2.4.2007 and for grant of leave from September, 2006 to April, 2007 in view of the Rule 10(6), 10(7) of CCS(CC&A) Rules, 1965 as amended. These provisions of amended Rule 10(6) and 10(7) are mandatory in nature as the law in this regard is well settled. Therefore a suspension order not reviewed as per new Rules becomes inoperative. Hence the impugned order of suspension dated 2.4.2007 is liable to be set aside and quashed and the period of suspension from 2.4.2007 onwards is also liable to be treated as deemed to be in service with all consequential benefits she is entitled to

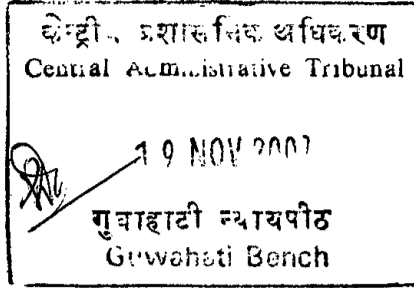
केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal

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गुवाहाटी न्यायपीठ
Guwahati Bench

grant of leave on medical ground from 12.9.2006 to 2.4.2007 with further direction to release the leave salary for the said period. Accordingly the applicant be reinstated and she should be allowed to join her service. 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.

Filed by:
H.K. Gogoi
Advocate
12.11.07



Filed by
Hemanta Kr. Gogoi
Advocate
12.11.07

APPENDIX - A
[FORM - I]

[See Rule 4]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

ORIGINAL APPLICATION No. 291 of 2007.

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

Smt. Ksh Bimola Devi

..... Applicant.

- Versus -

Union of India & Others.

..... Respondents.

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Sl No	Description of documents relied upon	ANNEXURE	Page number
	SYNOPSIS		
1	Application		01-17
2	Copy of suspension Memo No. F5-1/2006-07 dated 02 nd April 2007.	ANNEXURE-A/1	18
3	Copies of 'Medical certificates' submitted by the applicant from time to time since 12-09-2006 in support of the applicant's leave applications.	ANNEXURE-A/2 [Series]	19-28
4	Copy of Respondent No.5's letter dated 12-10-2006	ANNEXURE-A/3	29
5	Copy of Medical certificate dated 16-11-2006 given by the State Medical Board, Manipur.	ANNEXURE-A/4	30
6	Copy of Respondent No.5's letter dated 08 th Dec 2006	ANNEXURE-A/5	31
7	Copy of Respondent No.5's letter dated 09 th Feb 2007	ANNEXURE-A/6	32
8	Copy of order dated 01-12-2006 passed by the Hon'ble Gauhati High Court (Imphal Bench) in Bail Application No.29 of 2006.	ANNEXURE-A/7	33-35
9	Copy of applicant's representation dated 13-08-2007	ANNEXURE-A/8	36-38

Date: 4.11.07

Kshetri mayum Bimola Devi

Signature of the applicant

Place: Guwahati

For use in Tribunal's office

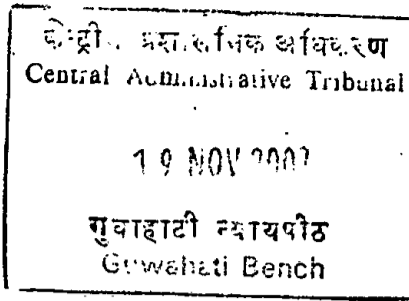
Date of filing :

Or

Date of Receipt by post :

Registration No. :

Signature
For Registrar



1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORIGINAL APPLICATION No: 291 of 2007.

Smt Ksh. Bimola Devi, Aged 57-years
W/o Shri Th. Jugeshwar Singh,
Resident of: Kongpal Kshetri Leikai,
PO & PS : Porompat, Imphal - 795 005.

Employed as:

Asstt Post Master (Accounts),
[Presently under suspension]
Imphal Head Post Office, Imphal - 795001
Manipur State.

..... Applicant.

- Versus -

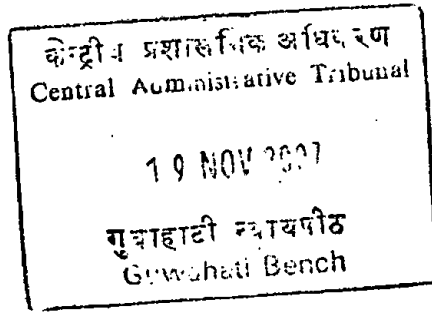
1. Union of India, represented by The Secretary,
Ministry of Communications, New Delhi - 110001.
2. The Post Master General,
North East Region,
Shillong - 793 001.
3. The Director of Postal Services,
Manipur, Imphal - 795 001.
4. Shri. I. Pangernungsung,
Director Postal Services,
Nagaland, Kohima.
5.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

..... Respondents.

IN THE MATTER OF:

**Unlawful 'suspension' of the applicant by the
Respondent No.4 namely Shri I. Pangernungsung,
Director of Postal Services, Nagaland, Kohima;**

- AND -



2

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.

- AND -

IN THE MATTER OF:

Non-grant of leave on Medical Grounds from 11-09-2006 to 01-04-2007 and non-payment of leave salary for the said period by the Respondent No.3 and Respondent No.5, in spite of certification of ill-health as genuine by the State Medical Board, Manipur.

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

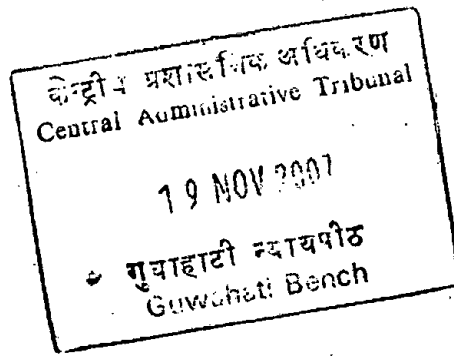
1.1. The present application is made against the order of suspension issued by the Respondent No.4 namely Shri I. Pangernungsung, Director Postal Services, Nagaland, Kohima vide Memo No. F5-1/2006-07 dated 02nd April 2007.

- **A copy of the Suspension Memo No: F5-1/2006-07 dated 02nd April 2007 is attached as ANNEXURE-A/1.**

1.2. The present application is also made against the non-grant of applicant's leave for the period from 12-09-2006 to 01-04-2007 by the above Respondent No.3 & the Respondent No.5, in spite of recommendation and certification of applicant's ill-health by the State Medical Board, Manipur.

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.



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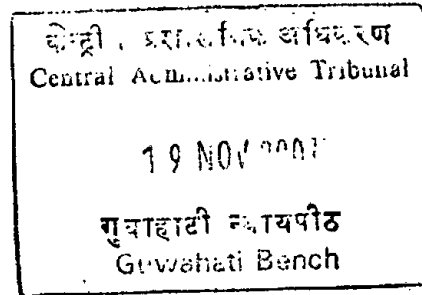
3. LIMITATION:

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 Higher Selection Grade-II (BCR) Postal Assistant [in short called as 'HSG-II (BCR) P.A'] in the Department of Posts in Manipur Postal Division; and the applicant was working as Assistant Post Master (Accounts) at Imphal Head Post Office until she was unlawfully placed under suspension by the Respondent No.4 namely Shri I. Pangernungsang, Director Postal Services, Nagaland, Kohima vide Memo No. F5-1/2006-07 dated 02nd April 2007.

It is most respectfully submitted before the Hon'ble Tribunal that the prescribed disciplinary authority for the present applicant is 'The Director Postal Services, Manipur, Imphal'; and the prescribed appellate authority for the present applicant is 'The Post Master General, North Eastern Circle, Shillong'. Therefore, the Respondent No.4 namely Shri I. Pangernungsang has no statutory powers under the provisions of CCS (CC&A) Rules 1965 in his capacity as the Director Postal Services, Nagaland, Kohima in respect of the officials working in Manipur Postal Division. In other words, it may be submitted that the Respondent No.4 namely Shri I. Pangernungsang as Director Postal Services, Nagaland, Kohima is the disciplinary authority for the officials in the cadre of Postal Assistants and above working in Nagaland Postal Division; and the disciplinary authority for the officials in the cadre of Postal Assistants and above working in Manipur Postal

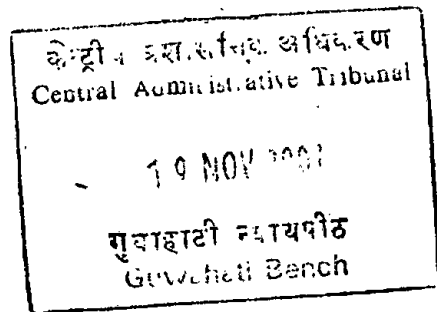


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Division is the Director Postal Services, Manipur, Imphal. Hence, exercise of disciplinary powers by Shri I. Pangernungung in his capacity as Director Postal Services, Nagaland, Kohima, in respect of the officials working in Manipur Postal Division is totally illegal as because the statutory powers can be exercised only by the prescribed statutory authority.

- 4.2. That, the applicant, during her entire service career, spreading over 33-Years, has never come to the adverse notice of any authority/superior officer; and only because of her sincere and devoted service, she was posted as Assistant Post Master (Accounts) at Imphal Head Post Office with effect from January 2003.

It is most respectfully submitted before the Hon'ble Tribunal that as per Rule-276.A of P & T Manual Vol-VI, the post of Assistant Post Master (Accounts) can be filled only with those Postal Assistants who have qualified in the 'PO & RMS Accountants Examination'. But, the present applicant was appointed as Assistant Post Master (Accounts) at Imphal Head Post Office, although she has not qualified in the 'PO & RMS Accountants Examination'. This fact is the proof that the applicant has been maintaining an unblemished and excellent service record so as to satisfy the controlling authority to appoint her as the regular Assistant Post Master (Accounts) at Imphal Head Post Office with effect from January 2003 irrespective of the fact that the applicant has not passed the PO & RMS Accountants Examination and in the normal course she is ineligible to hold such post.

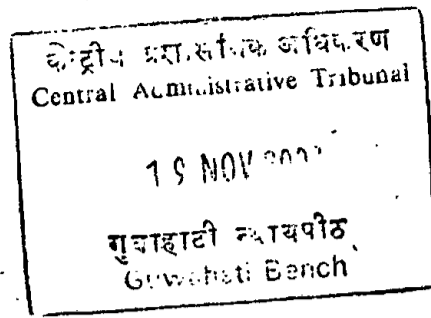


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4.3. That, prior to her posting as Assistant Post Master (Accounts) at Imphal Head Post Office, the applicant was serving in various capacities in the cadre of Postal Assistants in Manipur Postal Division; and she was working in the 'Post Office Savings Bank Branch' at Imphal Head Post office for more than 20-years in her total 33-years of service. This is because of the fact that the applicant was proficient and efficient in the 'Post Office Savings Bank' works. Therefore, the help of the applicant was sought by each and every one who was dealing with the 'Post Office Savings Bank' work at Imphal Head Post Office and also in the Sub Post Offices under Imphal Head Post Office. The applicant, as a cooperative and helpful official, extended her co-operation and help to every individual who is related to Post Office work.

4.4. That, between July-2005 to August-2006, some investors who had purchased the Post Office Savings Certificates, such as 'National Savings Certificate' & 'Kishan Vikas Patras' from the post offices situated outside Manipur State approached Imphal Head Post Office and some of the Sub Post Offices under Imphal Head Post Office with the desire to transfer their 'Savings Certificates' from the offices of their original purchase to Imphal Head Post Office and some of the Sub Post Offices under Imphal Head Post Office in Manipur Postal Division. When the Deputy Post Master (Savings Bank Branch), Imphal Head Post Office and the Sub Post Masters of some Sub Post Offices in Manipur Postal Division were not knowing about the procedure to transfer the 'Kishan Vikas Patras' from the office of their purchase to Imphal Head Post Office and

OR



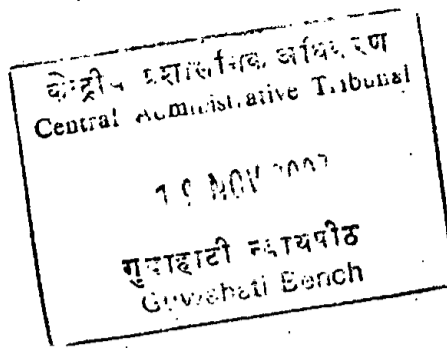
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the Sub Post Offices in Manipur, they came to the applicant for her help to know about the procedure; and the applicant, as a colleague and cooperative staff, assisted the Deputy Post Master (Savings Bank Branch) and the Sub Post Masters by explaining the provisions of Rule-37 of 'Post Office Savings Bank Manual Volume-II', which states about the transfer of certificates from one post office to another post office. During the course of her assistance, the applicant also filled up some of the 'applications for transfer of certificates' by her own hand-writing. But, to the ill-fate and ill-luck of the applicant, it has now been alleged by the authorities concerned that the certificates, which were transferred from the post offices in 'Bihar State' and 'Uttar Pradesh State' were found to be fraudulently issued by the 'office of purchase'. When this fact was known to the present applicant in September-2006, the applicant became pale and faded; and applicant, besides being mentally disappointed, also became a chronic patient of 'hypertension' and 'heart problems'. The applicant therefore applied for leave from 12-09-2007; and since then, the applicant is continuing under constant medical care and treatment.

CR

Copies of 'medical certificates' (submitted by the applicant from time to time since 12-09-2006 in support of her leave applications have been attached as ANNEXURE-A/2 [Series].

4.5. That, in spite of the fact that the State Medical Board, Manipur certified that the ailments, which the applicant was suffering, were genuine, the above Respondent No.3 & the above Respondent No.5 intentionally failed to grant the leave applied for by the applicant for the



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period from 12-09-2006 to 30-11-2006; and the further leave applied by the applicant from 01-12-2006 to 01-04-2007, from time to time, was also not granted by the Respondent No.3 and Respondent No.5, without any reason and justification.

It is submitted here for the kind information of the Hon'ble Tribunal that the Respondent No.5 namely Shri A. Kesava Rao, Deputy Supdt of Post Offices, O/o the Director Postal Services, Imphal, referred the case of the applicant for the second Medical opinion of the State Medical Board, Manipur vide letter No.B-2/ Ksh. Bimola Devi Dated 12/10/2006; and the State Medical Board, Manipur after thoroughly checking the applicant on 16-11-2006 opined that the applicant would be fit to return to duty by 01-12-2006. But, unfortunately, the applicant started to suffer from severe back pain and related orthopedic disorders since the last week of November-2006 and for which the applicant is under the constant medical treatment of a senior orthopedic surgeon till date. But, in spite of the fact that the State Medical Board, Manipur has already certified that the applicant was actually unfit for service up to 30-11-06 vide letter No.1/MB/INV/92-FW(Pt) dated 16.11.2006 as intimated in the Respondent No.5's letter No.B-2/Ksh. Bimola Devi dated 08th Dec 2006, the Respondents No. 3 & 5 did not grant the leave of the applicant even up to 30-11-2006 only to cause financial hardship and mental agony to the humble applicant.

Copy of Respondent No.5's letter dated 12-10-2006 related to the 'second medical opinion' of the applicant's medical leave application is attached as ANNEXURE-A/3.

10 NOV 2007

गुवाहाटी न्यायपीठ
C. A. Bench

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- AND -

- Copy of the 'Certificate of unfitness' granted by the State Medical Board, Manipur dated 16-11-2006 is attached as ANNEXURE-A/4.

4.6. That, it is further submitted before the Hon'ble Tribunal that the Respondent No.5, while he himself had intimated that the State Medical Board, Manipur has declared the applicant as unfit for duty up to 30-11-06 vide letter No.B-2/Ksh. Bimola Devi dated 08th Dec 2006, has once again forwarded the 'medical leave applications' pertaining to the period from 12.10.2006 to 30.11.2006 along-with the leave applications pertaining to the period from 01.12.2006 to 13.02.2006, for the further medical opinion of the State Medical Board, Manipur only to cause further financial hardship and mental agony to the humble applicant. Otherwise, there is no reason or justification to forward the 'medical certificates' for the period from 12.10.2006 to 30.11.2006 for further medical opinion of the same Medical Board which itself had earlier declared the applicant to be unfit for service up to 30.11.2006.

- Copies of Respondent No.5's letter dated 08th Dec 2006 and 09th Feb 2007 have been attached as ANNEXURE-A/5 & ANNEXURE-A/6 respectively.

4.7. That, it is also submitted for the kind information of the Hon'ble Tribunal that the applicant was falsely implicated in the Police case related to the 'fraudulent encashment of Kishan Vikas Patras at Lamlong Bazar Sub Post Office' at the instance of the above Respondents No.3 & 5; and in this connection, the

19 NOV 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

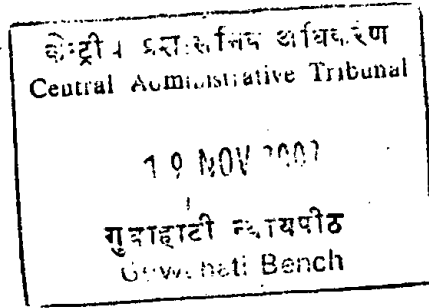
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applicant had to approach the Hon'ble Gauhati High Court (Imphal Bench) for anticipatory bail. The Hon'ble Gauhati High Court (Imphal Bench), after thoroughly examining the entire aspects of the police case filed against the applicant, granted 'absolute bail' to the present applicant vide order dated 01-12-2006 in Bail Application No.29 of 2006 under a clear observation that there is no evidence against the present applicant to implicate her involvement in the fraud.

Copy of the order dated 01-12-2006 passed by the Hon'ble Gauhati High Court (Imphal Bench) in Bail Application No. 29 of 2006 is attached as ANNEXURE-A/7.

4.8. That, since the above Respondent No.5 could not shift the responsibility of the fraud which occurred only due to his own omissions and commissions to the shoulders of the innocent applicant, even with the help of the other Respondents, the said Respondent No.5 ultimately planned to place the applicant under suspension with the help of the Respondent No.4; and accordingly, the Respondent No.4 placed the applicant under suspension vide Memo No. F5-1/ 2006-07 Dated 02nd April 2007. Otherwise, there is no justification to place the applicant under suspension for the simple reason that the applicant was continuing to be under 'medical leave' since 12-09-2006, and there is no meaning to 'suspend' a Govt servant who was already not attending the office.

It is most respectfully submitted here for the kind information of the Hon'ble Tribunal that the suspension of the applicant was ordered by the Respondent No.4 under outside influence at the instance of Shri. A. Kesava Rao, Deputy Supdt of Post Offices, O/o the



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Kesava Rao, Deputy Supdt of Post Offices, O/o the Director Postal Services, Manipur, Imphal. Further, Shri A. Kesava Rao, Deputy Supdt of Post Offices, O/o the Director Postal Services, Manipur, Imphal has also been acting with discriminatory and biased attitude against the present applicant, just for transferring and shifting his own omissions and commissions, which resulted in the encashment of fraudulently issued certificates in the Post Offices of Manipur Postal Division, on the shoulders of innocent subordinate staff. It is for this reason that the said Shri A. Kesava Rao has been made a 'by name party/respondent' in this O.A.

4.9. That, the Respondent No.4, namely Shri I. Pangernungsung, Director Postal Services, Nagaland, Kohima has not applied his mind to assess the necessity and justification to issue the order of suspension against the present applicant vide Memo No.F5-1/2006-07 dated 02nd April 2007, but issued the suspension order only at the instance of Shri A. Kesava Rao, Deputy Supdt of Post Offices, O/o the Director Postal Services, Manipur, Imphal. While doing so, the Respondent No.4 has even failed to realize as to whether he can place the applicant under suspension in his capacity as Director Postal Services, Nagaland, Kohima. It is for this reason that the said Shri I. Pangernungsung has been issued made a 'by name party/respondent' in this O.A.

4.10. That, after the receipt of suspension order, the applicant awaited 3(Three) months to pass over with the hope that the 'review committee' if any would meet under the provisions of Deptt. of Personnel & Training

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Guwahati Bench

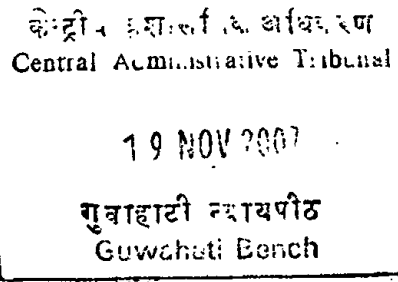
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OM No. 11012/4/2003-Estt.(A) dated 7.01.2004, would not extend her suspension. But, neither any review committee meeting was held within 90(ninety) days from the date of suspension, nor the order of suspension against the applicant was revoked under the provisions of Rule-10(7) of the CCS(CC&A)Rules, 1965 on expiry of ninety days. The applicant, therefore, filed her representation dated 13-08-2007 with the Respondent No.3 for the immediate revocation of her suspension and also for the immediate release of her leave salary for the period from September-2006 to April-2007. But, the representation dated 13-08-2007, submitted by the applicant, is still lying as unattended with the Respondent No.3 for more than 2(Two) months.

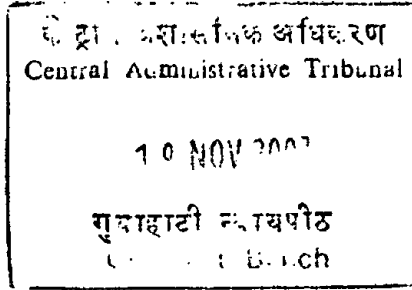
- 4.11. That the applicant, under the above circumstances has filed the present application before the Hon'ble Tribunal for redressal and justice.

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 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.



- 5.2. That, the suspension of the applicant was not ordered by the competent disciplinary authority viz The Director Postal Services, Manipur, Imphal, which is prima-facie irregular and illegal.
- 5.3. That, the Respondent No.4 namely Shri I. Pangernungsung, Director Postal Services, Nagaland, Kohima did not apply his mind and issued the order of suspension in a mechanical way at the instance of outside influence exerted by the Respondent No.5 namely Shri A. Kesava Rao, Deputy Supdt of Post Offices, O/o the Director Postal Services, Manipur, Imphal. Therefore, the order of suspension dated 02nd April 2007 is prima-facie illegal.
- 5.4. 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 applicant is therefore totally against the statutory provision of Rule-10(7) of CCS (CC&A) Rules 1965.
- 5.5. That, the order of suspension dated 02nd April 2007 automatically became invalid under the provision of

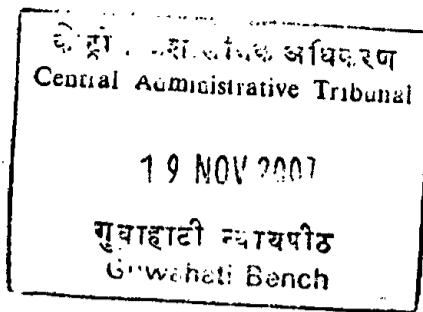


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Rule-10(7) of CCS(CC&A) Rules 1965 due to the fact that the same was not extended beyond ninety days on the recommendation of a competent review committee. Hence, the applicant is deemed to have been re-instated into service with effect from 02nd July 2007, without any order and the applicant is entitled to all consequential benefits with effect from 02nd July 2007.

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 revoke the suspension of the applicant after the expiry of ninety days on 02nd July 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.

5.7. That, in accordance with Cabinet Sectt. (Department of Personnel) OM No. 39/33/72-Estt. (A) dated the 16th December, 1972 read-with Cabinet Sectt. (Department of Personnel) Memo. No. 39/39/70-Ests.(A) dated the 4th February, 1971, charge-sheet should be served upon the Government servant within three months of the date of suspension, and in cases in which it may not be possible to do so, the disciplinary authority should report the matter to the next higher authority explaining the reasons for the delay. But, in this instant case, neither charge sheet



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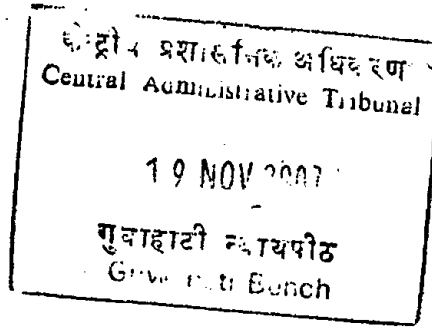
has been served upon the applicant up-till now, nor any explanation has been given for the delay. The suspension of the applicant is therefore proved to be illegal, motivated and totally unjustified.

- 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, 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.

6. DETAILS OF THE REMEDIES EXHAUSTED:

The representation dated 13/08/2007 [ANNEXURE-A/5] 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 and 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 been attached as ANNEXURE-A/8.**



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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 authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEF(S) SOUGHT:

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

- (i) **Issue suitable order declaring that the suspension order dated 02nd April 2007 as 'arbitrary' and 'null and void';**
- (ii) **Issue suitable order directing the Respondents to allow the applicant to join duty immediately by revoking the suspension with immediate effect;**
- (iii) **Issue such suitable order directing the Respondents to treat the entire period of suspension as duty with all consequential benefits;**
- (iv) **Issue such suitable order(s)/direction(s) to the Respondent No.3 to grant the leave of the applicant from 12-09-2006 to 02-04-2007 with further direction to release the leave salary for the said period within such time limit as the Hon'ble Tribunal may deem proper;**

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Guwahati Bench

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- (v) Award the cost of this application to the applicant; and
- (vi) Pass any other order(s)/direction(s) as the Hon'ble Tribunal may deem fit and proper, under the circumstances of the case, to render justice to the applicant.

9. INTEIM 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 her advocate.

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

Indian Postal Order Number : 66F 837627, 66F 837623, 64E 396362
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/8
3. Indian Postal Order for Rs.50/- for application fee.

OR

केन्द्रा प्रशासनिक अधिवरण
Central Administrative Tribunal

19 NOV 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

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VERIFICATION

I, Smt. Ksh. Bimola Devi, Wife of Shri Th. Jugeshwor Singh, aged about 57 years, presently employed as Assistant Post Master (Accounts), Imphal Head 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.

Kshetrinmayum Bimola Devi

Date : 4/11/07

Signature of the applicant.

Place: *Guwahati*

Filed by: -

Hemanta Kr. Gogoi

Advocate

To

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

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

No. F5-1/2006-07

2nd Apr 2007

ORDER

Whereas a disciplinary proceeding against Smt. Ksh. Bimola Devi, APM Accounts, Imphal Head Post Office is contemplated.

Now, therefore, the undersigned, in exercise of powers conferred under Sub-rule (1) of Rule-10 of CCS (CCA) Rules, 1965 hereby places the said Smt. Ksh. Bimola Devi APM Accounts, Imphal HPO under suspension with immediate effect.

2. It is further ordered that during the period that this order shall remain in force, the Headquarters of Smt. Ksh. Bimola Devi, APM Accounts Imphal HPO should be IMPHAL, and the said Smt. Ksh. Bimola Devi shall not leave the Headquarters without obtaining the previous the permission of the undersigned/ competent authority.
3. It is further ordered that during the period of suspension, the said Smt. Ksh. Bimola Devi will be entitled to receive subsistence allowance at an amount equal to leave salary which the said Smt. Ksh. Bimola Devi would have drawn, if she had been on leave on half average pay or half and in addition, dearness allowance, if admissible on the basis of such leave salary.
4. The payment of subsistence allowance to the said Smt. Ksh. Bimola Devi is subject to the conditions laid in Rule-53 of FR & SR (Part-I) and other Govt. instructions in this regard.

[Handwritten Signature]
2/4/07

(I. Pangermungsung)
Director Postal Services,
Nagaland, Kohima

Copy to:-

1. The Chief Postmaster General, N.E. Circle, Shillong-793001 for favour of information.
2. Smt. Ksh. Bimola Devi, APM Accounts Imphal HPO for information. The suspension has been ordered in connection with the disciplinary proceedings to be initiated against her, for her irregular identification of fraudulent investors in fraudulent discharge of KVPs at Lamlong Bazar SO, vide Directorate letter No. 5-21/NE-03/2006-inv, dtd 18.12.06.
3. The Postmaster (Accounts) Imphal HO, Imphal-795001.
4. The staff branch O/O DPS Manipur Imphal.
5. The ASP 1st Sub-Division, Imphal for information and n/a.
6. Spare.

[Handwritten Signature]
2/4/07

(I. Pangermungsung)
Director Postal Services,
Nagaland, Kohima

Certified to be true Copy

H.K. Gagan
Advocate

To Whom It May Concern

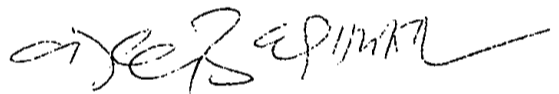
It is to certify that Mrs. Kshetrimayum Bimda Devi, 56 years old, w/o Thoudam Jugeshwar Singh, of Kongpal Kshetri Leikai, P.O. Lorempat, Imphal East, has been examined and found to be suffering from Chronic Bronchial asthma, with present acute exacerbation.

She has been advised bed rest for about 10 days w.e.f. 12/09/06.

She is not related to me.

12/09/06

Imphal



(Dr. C. Deveshwar Singh)

Medical Officer
Primary Health Centre
Mayang Imphal, Manipal

Certified to be true Copy,

H. K. Gagan
Advocate

स्था०-७६

Est. 95

आवेदक के हस्ताक्षर *Ksh. Binola Devi*
Signature of Applicant

अराजपत्रित कर्मचारीयों के छुट्टी देने अथवा छुट्टी बढ़ाने अथवा छुट्टी परिवर्तन करने संबंधी सिफारिश करने वाला डाक्टरों प्रमाण-पत्र
Medical Certificate for non-gazetted officer recommended for leave or extension or Commutation of leave

(भारत सरकार, वित्त विभाग संख्या 173-एस०आर० तारीख 16 मार्च, 1931)
(Govt. of India Finance Deptt. No. 173-S.R. dated 16th March, 1931)

मैं व्यक्तिगत रूप से तावधानी पूर्वक इस मामले की जांच करने के बाद यह प्रमाणित करता हूँ कि जिस कर्मचारी के हस्ताक्षर ऊपर दिये गये हैं, वह नामक रोग से ग्रस्त है और मैं समझता हूँ कि स्वास्थ्य लाभ के लिये तारीख से दिनों की अवधि तक इ्यूटी पर न जाना उनके लिये नितान्त आवश्यक है।

I, *Dr. Ch. Debeshwar Singh* after careful examination of the case hereby certify that
Mrs. Ksh. Binola Devi whose signature is given below is suffering from *Acute Exacerbation of Chronic Bronchitis*
I consider that a period of absence from duty of *12/9/06 to 21/9/06* with effect from is absolutely necessary for the restoration of his health.

तारीख
Dated *12/9/06*

Ch. Debeshwar Singh 12/9/06
सरकारी चिकित्सक
Medical Officer
Primary Health Centre
Mayang Lalpur, Malpura
Govt. Medical Attendant
or
Registered Practitioner (No. *196669*)

रोग से मुक्त होने पर इ्यूटी पर वापस जाने के लिए डाक्टरों प्रमाण-पत्र
Medical Certificate of fitness to return to duty

आवेदक के हस्ताक्षर
Signature of Applicant

मैं का सिविलसर्जन/पंजीकृत डाक्टर (.....) यह प्रमाणित करता हूँ कि मैंने विभाग के की जिनके हस्ताक्षर ऊपर दिये हुये हैं, डाक्टरों परीक्षा तावधानी-पूर्वक की है तथा इस निष्कर्ष पर पहुंचा हूँ कि वह अब रोग से मुक्त है तथा इस योग्य है कि सरकारी इ्यूटी पर लौटें। मैं यह भी प्रमाणित करता हूँ कि इस निष्कर्ष पर पहुंचने से पहले मैंने मूल डाक्टरों प्रमाण-पत्रों और उन विवरणों (अथवा उनकी प्रमाणित प्रतियों) की जांच करली है जिनके आधार पर छुट्टी मंजूर की गई थी अथवा बढ़ाई गई थी तथा इन सबको ध्यान में रखने के बाद ही अपने सख्त निष्कर्ष पर पहुंचा हूँ।

I, do hereby certify that I have carefully examined of the Department whose Signature is given above and find that he has recovered from his illness and is now fit to resume his duties in Government Service. I also certify that before arriving at this decision I have examined the original Medical Certificate and statement of the case for certified copies thereof to which leave was granted or extended and have taken these into consideration in arriving at the above decision.

तारीख
Dated

सरकारी चिकित्सक
अथवा अन्य पंजीकृत व्यवसायिक चिकित्सक
Government Medical Attendant
or
Registered Practitioner (No.)

स्वा०-४६

Est. 95

K. Bimola Das

आवेदक के हस्ताक्षर

Signature of Applicant

अराजपत्रित कर्मचारियों के छुट्टी देने अथवा छुट्टी बढ़ाने अथवा छुट्टी परिवर्तन करने संबंधी सिफारिश करने वाला डाक्टर प्रमाण-पत्र

Medical Certificate for non-gazetted officer recommended for leave or extension or Commutation of leave

(भारत सरकार, वित्त विभाग संख्या 173-एस०आर० तारीख 16 मार्च, 1931)

(Govt. of India Finance Deptt. No. 173-S.R. dated 16th March, 1931)

मैं व्यक्तिगत रूप से तावधानी पूर्वक इस मामले की जांच करने के बाद यह प्रमाणित करता हूँ कि जिस कर्मचारी के हस्ताक्षर ऊपर दिये गये हैं, वह नामक रोग से ग्रस्त है और मैं समझता हूँ कि स्वास्थ्य लाभ के लिये तारीख से दिनों की अवधि तक इगूटी पर न जाना उनके लिये नितान्त आवश्यक है।

I, Dr. Rajkumar B. Gyabati after careful examination of the case hereby certify that Mr. K. Bimola Das whose signature is given below is suffering from Bronchial asthma and I consider that a period of absence from duty of 10 days with effect from 22/9/31 is absolutely necessary for the restoration of his health.

तारीख
Dated 22/9/31

R. Gyabati
सरकारी चिकित्सक (MHS)
अथवा अन्य पंजीकृत आर्यभारतीय चिकित्सक
Government Medical Officer
Registered Practitioner (No. ...)

रोग से मुक्त होने पर इगूटी पर वापिस जाने के लिए डाक्टर प्रमाण-पत्र

Medical Certificate of fitness to return to duty

आवेदक के हस्ताक्षर

Signature of Applicant

मैं का सिविलसर्जन/पंजीकृत डाक्टर (.....) यह प्रमाणित करता हूँ कि मैंने विभाग के श्री की जिनके हस्ताक्षर ऊपर दिये हुये हैं, डाक्टर प्रीक्षा तावधानी-पूर्वक की है तथा इस निष्कर्ष पर पहुंचा हूँ कि वह अब रोग से मुक्त है तथा इस योग्य है कि सरकारी इगूटी पर लौट आये। मैं यह भी प्रमाणित करता हूँ कि इस निष्कर्ष पर पहुंचने से पहले मैंने मूल डाक्टर प्रमाण-पत्रों और उन विवरणों (अथवा उनकी प्रमाणित प्रतियों) की जांच करली है जिनके आधार पर छुट्टी मंजूर की गई थी अथवा बढ़ाई गई थी तथा इन सबको ध्यान में रखने के बाद ही अपने उक्त निष्कर्ष पर पहुंचा हूँ।

I, do hereby certify that I have carefully examined of the Department whose Signature is given above and find that he has recovered from his illness and is now fit to resume his duties in Government Service. I also certify that before arriving at this decision I have examined the original Medical Certificates and statements of the doctor (certified copies thereof) on which leave was granted or extended and have taken these into consideration in arriving at my decision.

तारीख
Dated

सरकारी चिकित्सक
अथवा अन्य पंजीकृत आर्यभारतीय चिकित्सक
Government Medical Attendant
or
Registered Practitioner (No. ...)

स्वा०-७५

Est. 95

आवेदक के हस्ताक्षर
Signature of Applicant

Ksh. Bindra Dui

अराजपत्रित कर्मचारियों के छुट्टी देने अथवा छुट्टी बढ़ाने अथवा छुट्टी परिवर्तन करने संबंधी सिफारिश करने वाला डाक्टर प्रमाण-पत्र

Medical Certificate for non-gazetted officer recommended for leave or extension or Commutation of leave

(भारत सरकार, वित्त विभाग संख्या 173-एस०आर० तारीख 16 मार्च, 1931)
(Govt. of India Finance Dept. No. 173-S.R. dated 16th March, 1931)

मैं व्यक्तिगत रूप से तावधानी पूर्वक इस मामले की जांच करने के बाद यह प्रमाणित करता हूँ कि जिस कर्मचारी के हस्ताक्षर ऊपर दिये गये हैं, वह नामक रोग से ग्रस्त है और मैं समझता हूँ कि स्वास्थ्य लाभ के लिये तारीख से दिनों की अवधि तक ड्यूटी पर न जाना उनके लिये नितान्त आवश्यक है।

I, *Dr. Ch. Ashwan Singh* after careful examination of the case hereby certify that *Ksh. Bindra Dui* whose signature is given below is suffering from *Acute Exacerbation of Chronic Bronchitis*. I consider that a period of absence from duty of *22/10/06 to 11/11/10/06* with effect from is absolutely necessary for the restoration of his health.

तारीख
Dated .. *02/10/06*

Ch. Ashwan Singh

सरकारी चिकित्सक
अथवा अन्य पंजीकृत व्यवसायिक चिकित्सक
Reg No *25666* of
Govt. Medical Attendant
KMC
Registered Practitioner (No.)

रोग से मुक्त होने पर ड्यूटी पर वापिस जाने के लिए डाक्टर प्रमाण-पत्र
Medical Certificate of fitness to return to duty

आवेदक के हस्ताक्षर
Signature of Applicant

मैं का सिविलसर्जन/पंजीकृत डाक्टर (.....) यह प्रमाणित करता हूँ कि मैंने विभाग के श्री की जिनके हस्ताक्षर ऊपर दिये हुये हैं, डाक्टर परीक्षा तावधानी-पूर्वक की है तथा इस निष्कर्ष पर पहुंचा हूँ कि वह अब रोग से मुक्त है तथा इस योग्य है कि सरकारी ड्यूटी पर नज़र लाये। मैं यह भी प्रमाणित करता हूँ कि इस निष्कर्ष पर पहुंचने से पहले मैंने मूल डाक्टर प्रमाण-पत्रों और उन विवरणों (अथवा उनकी प्रमाणित प्रतियों) की जांच करली है जिनके आधार पर छुट्टी मंजूर की गई थी अथवा बढ़ाई गई थी तथा इन सबको ध्यान में रखने के बाद ही अपने सख्त निष्कर्ष पर पहुंचा हूँ।

I, Civil Surgeon of do hereby certify that I have carefully examined of the Department whose Signature is given above and find that he has recovered from his illness and is now fit to resume his duties in Government Service. I also certify that before arriving at this decision I have examined the original Medical Certificates and statements of the case (or certified copies thereof) on which leave was granted or extended and have taken these into consideration in arriving at my decision.

.....
Dated

सरकारी चिकित्सक
अथवा अन्य पंजीकृत व्यवसायिक चिकित्सक
Government Medical Attendant
or
Registered Practitioner (No.)

DEPARTMENT OF RADIODIAGNOSIS
REGIONAL INSTITUTE OF MEDICAL SCIENCES
IMPHAL : MANIPUR

M.R.I. REPORT

Department Regd. no. MR1-64 Date 30-1-07
Name K.M. Bionte Devi
Age 56 yrs Sex Female
Ward/OPD ✓
Investigation MR1 - Lumbo-sacral spine

Report: protocol. Axial and sagittal section on T_1 and T_2W1 , T_2 faste myelo.

Vertebral body:- L_2 vertebral body shows rounded small focal fatty infiltration in the upper part of the body. L_5 vertebral body shows small focal fatty infiltration in the anterior superior end plate.
lamina, pedicles, transverse process and spinous process are seen with normal signal intensity.

Intervertebral foramen:- Shows normal keyhole appearance with normal signal intensity.
spinal nerve roots, epidural fats, spinal vessels shows normal signal intensity.

IMPRESSION

Signature
(Radiologist)
Department of Radiodiagnosis, RIMS, Imphal

Intervertebral disc:- Shows normal signal intensity on both T_1 and T_2W1 .

Impression:- Shows normal thecal sac contour. Degenerative disc of vertebral body. L_2 and L_5 vertebral body shows normal focal fatty infiltration, mild spondylolisthesis L_4 with hypertrophy ligamentum at L_4-L_5 level.

प्या: - 95
Est - 95

आवेदक के हस्ताक्षर *Ksh. Binola Devi*

Signature of Applicant

अराजपत्रित कर्मचारियों की छुट्टी देने अथवा छुट्टी बढ़ाने अथवा छुट्टी परिवर्तन करने संबंधी सिफारिश करनेवाला डाक्टरी प्रमाण - पत्र

Medical Certificate for non - gazetted officer recommended for leave or extension or Commutation of leave

(भारत सरकार, वित्त विभाग संख्या 173-एस० आर० तारीख 16 मार्च, 1931)
(Govt. of India Finance Deptt. No. 173 - S. R. dated 16th March, 1931)

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I, *Dr. L. Labango Singh* after careful examination of the case hereby certify that *Ksh. Binola* whose signature is given above is suffering from *prolonged intercostal neuralgia* and I consider that a period of absence from duty of *30 (thirty) days* with effect from *14.02.31* is absolutely necessary for the restoration of his health. *with left side knots with*

तारीख
Dated *14th Feb 1931*

सरकारी चिकित्सक
DR. L. LABANGO SINGH, MS (D.T.M.)
जलवा मन्म पंजोक्त चिकित्सक
Shita Hospital, Langol.
Govt. Medical Attendant
Timing - 8.30 am to 11.00 am. (Mon. to Sat.)
Emergency - Mon, Tue, Sat (2nd and 4th Shifts)
Registered Practitioner (No. *41089*)
MSA Council of Medical Registration

ने पर वापिस जाने के लिए डाक्टरी प्रमाण - पत्र



Shija Hospitals & Research Institute

Langol, Imphal, Manipur, ☎ : 91-385 - 2414214, 2414252, 2413163

Fax : 2412018 website : www.shijahospitals.com

Dr. L. LABANGO SINGH, MS (ORTHO)

Consultant orthopaedic Surgeon

Shija Hospitals, Langol

OPD timing : 8.30 am to 11.00 am (Mon. to Sat.)

24 hrs. on call. Mon, Tue, Sat (2nd and 4th Sunday)

OPD CONSULTATION FORM

Hospital No. : 32822_07/1

Doctor : Dr. Shri Langol

Name : MRS. KSHETRIMAYUM BIMOLA

Visit Time :

Age 51 Yr(s)

Address : KONGPAL KSHETRI LEIKAI
Imphal East

Sex Female

Marital Status: M

Guardian : W/O TH. JUGESHORE

Occupation : Housewife

Religion : Hindu

Patient Type : OP

Visit Date : 13/02/2007

Weight : 64 Kg

Complaints : Back pain since some
time back pain.

BP : 130/80 mm/Hg

Pulse : 80 /Min

Past History : Pain not relieved by
sleeping or sitting.

Temp : F N/O HTN

Pallor : Y/N at under

Abdomen : Pain in lower an
t of side of body.

GLNE : Y/N anti-aggressive
drug.

Chest : / NAD

Local Exam : No tenderness at the
back.

CNS :

Provisional Diagnosis

Investigations

Pt had already
taken MRI

R O

Come to ortho (Labango)
OPD on 13-02-07
C report out

1/13/07

~~15/7/06~~
~~140~~
~~20~~

14/9/07

Osteo note

PND L4-5 (L)_c

Spondylolisthesis L4 on L5

SLAT (A) also (B)
para Que (C)
EMC grad IV (D)

R₁ (A) T. Aceto-MA 100
after food x 7 days

(B) T. Gabapent
after food x 1 month

(C) T. Paracet 20 mg
at breakfast x 10 days

(D) ^{Bed} Rest x 20 days

line

14/3/7

↓ pain but persists

OTB, fudis arabane

R₁ (A) T. Gabapent
to continue x 20 days

(B) T. Aceto-MA
after food x 7 days

(C) Rest for another 20 days (strict)

line

Shija Hospitals and Research Institute,
Manipur, Langol-795004,
Phone no:0385-2414214,2414252

Cash Memo

Receipt No :	59104	MRD No :	32822_07\2
Receipt Date :	15/02/2007	Hospital No :	32822_07
Payment Mode :	Cash	Name :	KSHETRIMAYUM BIMOLA
Cash Collected By :	Ch. Bina Devi	Print Date & Time :	15/02/2007 10:13:27 AM

Service Name	Rate	Quantity	Amount (Rs)
Visit Fee	50	1	50
Total			50
Amount Paid			50
Balance			(0.00)

(Rs: FIFTY Only)

Ch B
(Cashier)

प्यां: - 95

Est- 95

आवेदक के हस्ताक्षर

Ksh. Binoda Ku

Signature of Applicant

अराजपत्रित कर्मचारियों की छुट्टी देने अथवा छुट्टी बढ़ाने अथवा छुट्टी परिवर्तन करने संबंधी सिफारिश करनेवाला डाक्टरों प्रमाण - पत्र

Medical Certificate for non - gazetted officer recommended for leave or extension or Commutation of Leave

(भारत सरकार, वित्त विभाग संख्या 173-एस • आर • तारीख 16 मार्च , 1931)

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I *Dr. L. Labango* after careful examination of the case hereby certify that *Mr. Ksh. Binoda* whose signature is given above is suffering from *Prostate interstitial and L.S. with left sided sciatica with* and *grandfolisthous* I consider that a period of absence from duty of *24 (thirty) days* with effect from *16.03.31* is *24 over L.S.* absolutely necessary for the restoration of his health.

तारीख

Dated *14/03/31*

सरकारी चिकित्सक

अथवा अन्य पंजीकृत व्यवसायिक चिकित्सक

Govt. Medical Attendant

or

Registered Practitioner (No. *14487*)

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

NO B-2/ Ksh. Bimola Devi

Dated at Imphal the 12/10/06

To

The Director,
Family Welfare Services,
Government of Manipur
Imphal- 795001

Subject: - Second medical opinion

Sir,

This is regarding the leave application of Smt Ksh. Bimola Devi, Asstt Postmaster (A/Cs), Imphal HPO from 12/9/06 to 21/9/06 on medical ground followed by applications for extension of leave from 22/9 to 1/10/06 and from 2/10 to 11/10/06 on the same ground. The medical certificates were issued by the medical Officer of primary health center, Mayang Imphal and Sajiwa central jail, Manipur. The copies of the applications and medical certificates are enclosed herewith for kind perusal.

I, therefore, request you to kindly examine the official to confirm the genuineness of her illness as certified by the above medical authorities as second medical opinion and submit the report at your earliest convenience.

Enclosures: - (As above)

Yours faithfully,

Sd —

(A. Kesava Rao)
Dy. Supdt of POs
O/O the DPS, Imphal- 795001

Copy to:

- 1) The Postmaster, Imphal HO for information and necessary action.
- 2) Smt Ksh. Bimola Devi, APM (A/Cs) now at Kongpal Kshetri Leikai, PO Porompat, Imphal East, Imphal- 795001 for information. She will appear before the State medical board held on every second and fourth Thursday of each month positively as communicated by the Director, Family welfare Services, Manipur vide his letter No 2/MB/Inv/92-FW (Pt.II)/6192 dated the 10th Oct. 2005.

Dy. Supdt of POs
O/O the DPS, Imphal- 795001

Certified to be true Copy.

H. K. Gagan
Advocate

Form - 23
(See Rule - 33 (3))
FORM OF MEDICAL CERTIFICATE



B. R. Amolas Singh
Health Education Officer
State Dept. I

certified that I/(we) have carefully examined Smt. Ksh. Binola Devi, Asst. Postmaster Son/Daughter of in the office of the Director Postal Services, Imphal on dt. 16/11/06. His age by his own 56 Statement is years and by appearance about years. I/ we consider Smt. Ksh. Binola Devi, to be completely and permanently incapacitated for further service of any kind in the Department to which belongs in consequence of X Y X (here state disease or cause.)

I and/we are of opinion that Smt. Ksh. Binola Devi ^{afflicted from Hypertension and chest infection} is fit for further services of a less normal laborious character than that which he/she had been doing/mg after resting for 15 (fifteen) days months, be fit for further service of less laborious character than that which she had been doing. Attn: Plr - 82/mh rj. Plr - 160/100

Chest. few crack & rhonchi. CVS. v. abd. ✓
A Hypertension and chest infection

place:-

Imphal:-

Imphal
dt. 16/11/06

CHAIRMAN:-

Chairman
State Board
Manipur
16/11/06

Medical Authority.

Members:-

K. Imp. Medical Soci.
Representative
J.N. Hospital, Porompat

Members:-

Sr. Surgeon U.N.T.
J.N. Hospital, Porompat

Members:-

Specialist
Psychiatrist
J.N. Hospital.

Sr. Physician
J.N. Hospital, Porompat

...(0)

Certified to be true Copy.

M. K. Gogoi
Advocate

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

No.B-2/Ksh Bimola Devi

Dated 8th Dec 2006

Reg AD

Smt.Ksh.Bimola Devi,
AFM, Account Branch
Imphal HC-795001,
Now residing at Kongpal Kshetri Leikai.
P.O.-Porompat-795 005.

Sub: - Reporting to duty.

Ref: - Your application dated Nil for grant of extension of leave from 27.11.2006 to 30.11.2006-reg.

You have applied for leave during the under mentioned periods:

- | | | |
|----|----------------------|--------------------------|
| 1. | 12-09-06 to 21-09-06 | - Commuted leave on m/c. |
| 2. | 22-09-06 to 01-10-06 | do |
| 3. | 02-10-06 to 11-10-06 | do |
| 4. | 12-10-06 to 26-10-06 | do |
| 5. | 27-10-06 to 10-11-06 | do |
| 6. | 12-11-06 to 26-11-06 | do |
| 7. | 27-11-06 to 30-11-06 | do |

The Director Family Welfare, Govt. of Manipur, Imphal, vide his letter No.1/MB/INV/92-FW(Pt) dated 16.11.2006 has intimated that you are fit for duty after resting 15 (fifteen) days. As per his report, you are fit for duty on 01.12.2006, but you have not reported to duty till date.

You are hereby directed to report to duty immediately.

Matter extremely urgent.

(A.KESAVA RAO)
Dy. Suptd. of Post Offices,
Manipur, Imphal-795 001.

Certified to be true Copy.

H. K. Gagan
Advocate

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

No.B-2/Ksh.Bimola Devi

9th Feb 07

To

The Director,
Family Welfare Services,
Government of Manipur
Imphal-795 001.

Sub :- Second medical opinion.

Ref :- Your Letter No.1/MB.TNV/92-FW(Pt) dated 16.11.2006

Sir,

Kindly refer to your letter cited above on the subject. In your opinion it was stated that Smt.Bimola Devi, APM (A/Cs), Imphal Head Post Office would be fit for further service of less laborious character than that which she had been doing after resting 15 (fifteen) days. But the said official does not turn up for joining to her duty by submitting the application for extension of leave one after another.

In this connection, the leave applications for extension of leave on medical grounds along with the medical certificates submitted by the said official for the following periods are also enclosed herewith for kind perusal.

- 12.10.06 to 26.10.2006
- 27.10.2006 to 10.11.2006
- 12.11.2006 to 26.11.2006
- 27.11.2006 to 30.11.2006
- 01.12.2006 to 15.12.2006
- 16.12.2006 to 30.12.2006
- 31.12.2006 to 14.01.2007
- 15.01.2007 to 29.01.2007
- 30.01.2007 to 13.02.2007

I, therefore, request you to kindly examine the official to confirm the genuineness of her illness as certified by the medical authorities as second medical opinion and submit the report at your earliest convenience.

Encl :- As above.

Yours' faithfully,

(A. KESAVA RAO)

उप अधीक्षक डाकघर, मणिपुर मण्डल इम्फाल
Dy. Superintendent of Post Offices
Manipur Division, Imphal-795001

Copy to :-

- 01. The Postmaster, Imphal HO for information and necessary action.
- 02. Smt.Ksh.Bimola Devi, APM (A/Cs) now at Kongpal Kshetri Leikai, PO- Porompat, Imphal East, Imphal-795 005 for information. She will appear before the State Medical Board held on every second and fourth Thursday of each month positively as and when communicated by the Director, Family Welfare Services, Manipur.

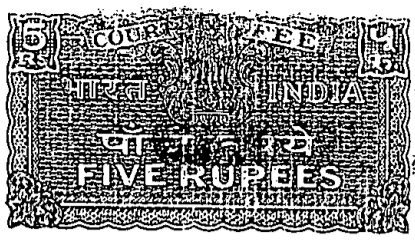
Recd. A/D

(A. KESAVA RAO)

उप अधीक्षक डाकघर, मणिपुर मण्डल इम्फाल
Dy. Superintendent of Post Offices
Manipur Division, Imphal-795001

Certified to be true Copy

H. K. Gagan
Advocate



प्रतिलिपि के लिए अवेदन की तारीख Date of application for the copy	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	अवेदन को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
05 DEC 2006	05 DEC 2006	05 DEC 2006	05 DEC 2006	07 DEC 2006

No.HCM/ 5234

05 DEC 2006

IN THE GAUHATI HIGH COURT

(The High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram & Arunachal Pradesh)

IMPHAL BENCH

[BAIL APPLICATION NOS. 27, 28 & 29 OF 2006]

BAIL APPLICATION NO. 29 OF 2006

1. Smt. Ksh. Bimoia Devi, aged about 56 years, W/o Shri Th. Jugeshwar Singh, resident of Kongpa' Kshetri Leikai, PO. & PS. Porompat, Distt. Imphal East (Manipur State).

Petitioner

- Versus -

The State of Manipur.

Respondents

BEFORE

THE HON'BLE MR. JUSTICE B.D. AGARWAL

For the Petitioner : Mr. B.P. Sahu, Advocate.

For the Respondent : Mr. R.S. Reising, Addl. P.P.

Date of order : 01-12-2006

ORDER

All these 3(three) applications are being decided by this common order since they are arising out of the same FIR and the petitioner's case are also identical.

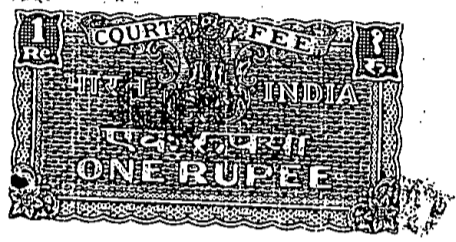
[2] Heard Mr. B.P. Sahu, learned counsel for the petitioners and Mr. R.S. Reising, learned Public Prosecutor for the State.

[3] The petitioners are seeking pre-arrest bail in connection with FIR No.198(11) 2006 PRT P.S. u/s 409/420/120-B I.P.C.

Contd. 2/-

Certified to be true Copy.

H.K. Gagon
Advocate



Assistant Registrar-1
Gauhati High Court
Imphal Bench (Manipur)

5/12/2006

[4] I have perused the FIR, case diary and the documents filed along with the Bail Applications.

[5] The petitioner in B.A. No. 27 of 2006 is a Postal Agent, Petitioner in BA No. 28 of 2006 is a Sub Post Master and the Petitioner in BA No. 29 of 2006 is an Assistant Post Master.

[6] The charge against the petitioners is that they have allowed few persons to encash Kisan Vikas Patras (KVP) valued Rs. 29,54,800/- (Rupees twenty nine lakhs fifty four thousand and eight hundred) fraudulently. Accordingly to the Prosecution all these KVPs were fraudulent one.



[7] Apparently, the Investigation Officer has not yet been able to collect the evidence that the present petitioners had actually forged the KVPs or that they themselves withdraw the money in fraudulent manner or committed the fraud. It appears to me that the main culprits are some other persons who had encashed the KVPs, albeit on being identified by the Agent.

[8] According to Mr. Sahu, learned counsel for the petitioners the KVPs were processed through the concerned Post Office, namely, Gariba Tola Post office in Bihar. The photocopies of the transfer applications seeking approval of the issuing Branch of the Post Office was produced before the Court to show that the petitioners had acted bonafide. However, according to the learned Public Prosecutor the petitioners did not follow the relevant rules of Post Office, Savings Banks while allowing encashment of the KVPs. In my considered opinion non observance of the Rules is a different aspect and committing offence of cheating and breach of trust is a different aspect.

[9] The above apart, all the three petitioners are women and they are also permanent residents of Imphal Town and as such there is no possibility of their jumping bail. This apart, two of the three petitioners are permanent employees of the Postal Department. The case of the Agent is also situated on the identical footing. At the same time it appears to me that it is not a case of custodial interrogation of the petitioners. Hence, if the petitioners are allowed to remain on anticipatory bail, it is not likely to hamper with the investigation.

[10] Accordingly, the interim bails granted to the petitioners on 15.11.2006 are hereby made absolute.

Contd...37

[Signature]
Assistant Registrar
Gauhati High Court
Imphal Bench (Manipur)

[Signature]
5/12/2006

[11] The petitioners are directed to cooperate in the investigation. They shall not make any attempt to tamper the evidence or influence the witnesses. The petitioners also shall not leave the State of Manipur without permission from the CJM, Imphal.



In view of the above observation/direction these Bail applications are disposed of.

Sd/- B.D. AGARWAL
JUDGE

Signature of copyist :

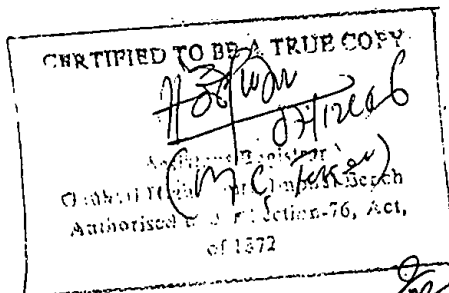
M. Priya Kumar Singh 5/12/06
(M. PRIYA KUMAR SINGH)

Read by :

L. Samuel Singh
05/12/06

Compared by :

P. Bona
5/12/06



To

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

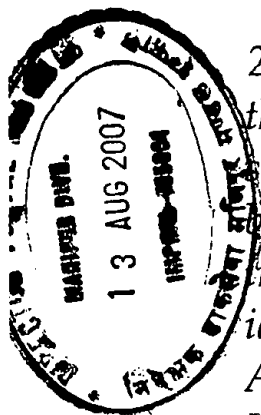
Sub: -Most Humble Prayer for revocation of suspension ordered vide DPS, Imphal Memo No. F5-1/2006-07 Dated: 2/3-4-07 in respect of Smt. Ksh. Bimola Devi, Asstt Post Master(A/Cs)(Under Suspension), Imphal H.P.O.

Respected Sir,

Most submissively, I would like to submit the following few lines for favour of your kind consideration and favourable revocation order-

1. That Sir, I was ordered to be placed under suspension vide DPS, Imphal Memo No.F5-1/2006-07 Dated: 2/3-4-2007 on the ground that a disciplinary proceedings to be initiated against me for irregular identification of fraudulent investors in fraudulent discharge of KVPs at Lamlong Bazar S.O vide Directorate Letter No.5-21/NE-03/2006-Inv datd 18-12-2006, but neither the copy of the directorate's letter dated 18-12-2006 has been supplied to me, nor I have been charge sheeted for any offence for more than 4(Four) months after the date of suspension.

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2. That, Sir, I would like to submit before your kind honour that in my entire service I have been discharging my duties as a sincere and devoted subordinate employee and I had never come before the adverse notice of any of the higher authorities. Even in the case of identification of the K.V.P investors, I just identified them on the basis of identify provided by Smt. Th. Anupama Devi, the SAS & MPKBY Agent working at Imphal HPO. Thus, I simply acted only in good faith and I have no bad or improper motive in the entire case.

Certified to be true Copy.

H. K. Gogoi
Advocate

3. That Sir, I am from a respectable family and my husband is a respected person in the locality. Therefore, the suspension order against me has caused serious damage to the reputation of my whole family.

4. That Sir, right from the day that I came to know that the K.V.Ps were taken payment by fraudulent people by befooling me, I am suffering from serious health problems; and the incident has badly affected my health. Because, I never expected in my life that I would ever be utilized by any bad people for their benefits by befooling me and by using my innocence and good faith. But, instead of understanding my strong feelings in favour of the department, I am being harassed in every corner and even my medical leave has not been granted for the period from Sept-2006 to April-2007 in spite of the fact that the State Medical Board, Manipur has declared my ill-health as genuine.

5. That Sir, the Rule-10(7) of CCS(CCA)Rules 1965 clearly states that 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, in my case, although the prescribed period of 90-days has already been over on 03-07-2007 without any review, no order for the revocation of my suspension order suspension dated 2/3-4-2007 has been issued till-date.

6. That Sir, it is well know to the department that I have not been involved in any fraud or fraudulent act but has only identified the investors of the K.V.P due to good faith. Therefore, my prolonged suspension for this minor human error is really an injustice on your humble subordinate. In addition, the order of suspension dated 2/3-4-2007 ought to have been revoked on completion of 90-days as because neither my suspension case was reviewed by any review committee in accordance with the relevant rules and instructions, before the expiry of the prescribed 90-days time-limit, nor disciplinary action has been initiated against me till-date as intimated in the

suspension order. Therefore, it is most humbly requested that I may kindly be allowed to rejoin to my duties immediately in the interest of justice.

7. I therefore most respectfully pray before your goodself that my suspension case may kindly be reconsidered on humanitarian grounds; and in addition to revocation of my suspension with immediate effect, my leave period on medical grounds from Sept-2006 to April-2007 may also kindly be granted to avoid any further financial hardship to me.

8. I would also most respectfully submit that I will discharge my duties most sincerely and devotedly and I shall ever be grateful for your kind favourable orders.

Yours faithfully,

Dated: 13.08.2007

Place : Imphal

Ksh. Bimola Devi
(Ksh. Bimola Devi)
Asstt. Post Master (Accounts)
(Under Suspension),
Imphal H.P.O.