

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A. NO. 132/2009
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R.A./CP/NO..... 2015
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B0
08/07/2015
SECTION OFFICER (JUDL.)

8.7.2015

FORM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :
ORDERSHEET

1. ORIGINAL APPLICATION No : 132, 2009

2. Transfer Application No : -----/2009 in O.A. No.-----
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Applicant (S) : Md. Jonab Ali

Respondent (S) : Union of India's Name

Advocate for the : Mr. A. Khalique
(Applicant (S)) Mr. Z. Khalid.

Advocate for the : CGSC
(Respondent (S))

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed & F. for Rs. 50/- deposited vide IPO/BD No. 399, 410,323</p> <p>Dated 30.6.09</p> <p><i>N. Dass</i> Dy. Registrar 16.7.09 15.7.09</p> <p>Received 4 (Four) copies of Application with envelope for issue notices to the Respondents nos 1 to 4, copy served.</p> <p>15.7.09</p> <p><u>K. Das</u> I send notice to the Respondents:</p> <p>Received for Mrs. M. Das e.v. 2009 29.7.09</p>	22.07.2009	<p>Heard Mr.A.Khalique, learned counsel for the Applicant. A copy of this O.A. has already been supplied to Mrs.M.Das, learned Addl. Standing counsel.</p> <p>Issue notice to the Respondents requiring them to file their written statement by 03.09.2009.</p> <p>Call this matter on 03.09.2009.</p> <p><i>M. K. Chaturvedi</i> (M.K.Chaturvedi) Member (A)</p> <p><i>M. R. Mohanty</i> (M.R.Mohanty) Vice-Chairman</p> <p>/bb/</p>

-2- OA. 132/09

Copies of notices
along with order
dated 22/7/09
Send to D/Sec.
for issuing to
respondents by
regd. A/D post.

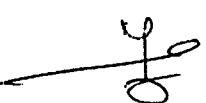
Cm. D/No - 4005
27/7/09. DT to 4008
27/7/09. DT = 28/7/09

03.09.2009

On the prayer of Mr.S.S.Hazarika,
Advocate appearing on behalf of the
Respondents, call this matter on 14.10.2009
awaiting written statement from the
Respondents.

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


(M.K. Chaturvedi)
Member (A)

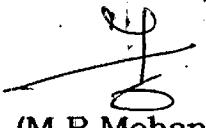

(M.R. Mohanty)
Vice-Chairman

14.10.2009 Mr. A. Khalique, learned counsel
for the Applicant is present. Mrs. M.Das,
learned Sr. Standing Counsel representing
the Respondents is also present. Despite
opportunity no written statement has yet
been filed by the Respondents. Subject to
legal pleas to be examined, at the time of
final hearing, this case is admitted.

Call this matter on 30th November
2009 awaiting written statement from
the Respondents.

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


(M.K. Chaturvedi)
Member (A)

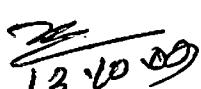

(M.R. Mohanty)
Vice-Chairman

Copies of order
dated 3/9/2009
Send to D/Sec.
for issuing to
respondents by
post.

Cm. D/No 1097-1100
8/9/09. DT. 8/9/09

1/m/

No WTS b/csl.


13.10.09

19.10.09

Send copy of this order
to the Applicant and the
Respondents in the address given in O.A.

-3-
OA 132/09

Copies of order
dated 14/10/2009
sent to D/Sec.
for issuing to
the applicant and
to the respondents
by post.

D/No.-

~~Recd~~ Dt.
23/10/09.

27-11-09.

~~No Ad's filed~~

7.12.09

~~Ad's filed by the
Respondent. Copy
served.~~

~~7/12/09~~

No rejoinder

b/led.

~~5.1.2010~~

6.1.2010

~~Rejoinder filed
by the Applicant
in the Court.
Copy served.~~

~~6/1/10~~

The case is ready
for hearing.

~~5.2.2010~~

The case is ready
for hearing.

~~23.4.2010~~

30.11.2009 Reply has been filed by the Respondents. Learned counsel for the Applicant seeks time to file rejoinder, and request allowed.

List on 06.01.2010.

~~(Madan Kumar Chaturvedi)~~
Member (A)

~~(Mukesh Kumar Gupta)~~
Member (J)

/lm/

6.1.2010

Rejoinder has been filed. Pleadings are complete. O.A. was admitted vide order dated 14.10.2009.

List the matter for hearing on 8.2.2010.

~~(Madan Kumar Chaturvedi)~~
Member (A)

~~(Mukesh Kumar Gupta)~~
Member (J)

/lm/

08.02.2010

On the request of Mrs.M.Das, learned Sr.C.G.S.C. adjourned to 03.03.2010.

~~(Madan Kumar Chaturvedi)~~
Member (A)

~~(Mukesh Kumar Gupta)~~
Member (J)

/bb/

03.03.2010

On the request of learned counsel for applicant adjourned to 31.03.2010.

~~(Madan Kumar Chaturvedi)~~
Member (A)

~~(Mukesh Kumar Gupta)~~
Member (J)

/pb/

31.03.2010

On the request of parties, list on 26.04.2010. Direction is issued to respondents to produce original records.

~~(Madan Kumar Chaturvedi)~~
Member (A)

~~(Mukesh Kumar Gupta)~~
Member (J)

/bb/

M.P.29 of 2010 in O.A.132 of 2009

Order to be issued on 26.4.2010.

Order to be issued on 27.4.2010 along

with O.A.No.132 of 2009.

(Madan Kumar Chaturvedi)

Member (A)

(Mukesh Kumar Gupta)

Member (J)

(Mukesh Kumar Gupta)

Member (J)

(Madan Kumar Chaturvedi)

Member (A)

W.M.

26.4.2010

Proxy counsel for Respondents prays for adjournment. Counsel for the Applicant has no objection for adjournment of this case.

List the matter on 27.4.2010.

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)

Member (A)

Member (J)

W.M.

27.04.2010

Heard Mr.A.Khaleque and Mrs.M.Das, learned counsel for applicant and respondents respectively.

Reserved for orders.

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)

Member (A)

Member (J)

/bb/

07.05.2010

Judgment pronounced in open Court.

Kept in separate sheets. Application is dismissed.

W.M.

(Madan Kumar Chaturvedi)

Member (A)

(Mukesh Kumar Gupta)

Member (J)

Received Copy of Order dated

13.5.2010 (Received from M)

(A) 10pm

13.5.2010
Received/Received colour
Copy for Mr. J. N. A. A.
Send to H.L.S
Received D No —

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 132 of 2009.

DATE OF DECISION 07 -05 -2009.

Md Jonab AliApplicant/s

Mr A. KhalequeAdvocate for the
.....Applicant/s

-Versus -

Union of India & Ors.Respondent/s

Mrs. M. Das, Sr. C.G.S.CAdvocate for the
.....Respondent/s

CORAM

THE HON'BLE MR MUKESH KUMAR GUPTA, MEMBER (J)

THE HON'BLE MR MADAN KUMAR CHATURVEDI, MEMBER (A)

1. Whether reporters of local newspapers may be allowed to see the judgment ? Yes/No
2. Whether to be referred to the Reporter or not ? Yes/No
3. Whether their Lordships wish to see the fair copy of the judgment ? Yes/No.

Mallick
Member (J)/Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 132/2009.

Date of Order : This the 7th Day of May, 2010.

THE HON'BLE MR MUKESH KUMAR GUPTA, JUDICIAL MEMBER

THE HON'BLE MR M.K.CHATURVEDI, ADMINISTRATIVE MEMBER

Md Jonab Ali
Son of Late Alimsa Ali
Ex Branch Post Master
Kalajol Chowk Post Office,
Resident of village Alekjari,
P.O. Kalajal, Via Baihata
Dist. Kamrup, Assam.

By Advocate Mr A. Khaleque

-Versus-

1. Union of India,
represented by the Secretary
to the Govt. of India,
Department of Posts,
New Delhi -110001.
2. The Director of Postal Services,
Assam Circle,
Guwahati -781001.
3. The Chief Postmaster General,
Assam Circle,
Guwahati -781001.
4. The Senior Superintendent of Post Offices,
Guwahati - 781001, Dist. Kamrup,
Assam.Respondents

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

ORDER

MADAN KUMAR CHATURVEDI, MEMBER(A)

By this O.A applicant makes a prayer to set aside the order of removal passed by the respondent No.4 on 9.9.2008 and to reinstate the applicant with all consequential benefits.

2. Applicant was appointed as a GDS Branch Post Master in the year 1989. Since then he was working at Kalajal Branch Post Office. On 7.5.2007 the Sub Divisional Inspector of Post offices, East Sub Division, Guwahati filed F.I.R against the applicant for forged drawal of Government money in the shape of Agents commission. The matter was investigaged. Finding no prove police did not take any action against the applicant.

3. Thereafter, respondent No.4 initiated a disciplinary proceeding against the applicant on the following charges :-

- (i) That the applicant obtained MPKBY Agency in the name of Smt. Mira Begum and acted himself in the name of the said agent.
- (ii) Applicant operated the said fake agency.
- (iii) The applicant earned undue & illegal commission amounting to Rs.37,616/- in the aforesaid MPKBY Agency.
- (iv) That the applicant by his above acts diverted and caused reduction in workload and income of the BO.

4. Mr A.Khaleque, learned counsel for the applicant appeared before us. He denied all the aforesaid charges. It was vehemently contended that while conducting enquiry against the applicant respondents failed to follow the rules of natural justice. It was alleged that respondents produced only 9 witnesses although a list of 19 witnesses was given. At the time of cross examination Shri Bapuram Das, Siddhi Ram Kalita, Sri Kailash Pati Rabha and Prafulla Ch. Nath categorically stated that their statements were not of their own but was dictated by the Investigating Officer himself. Besides none of the depositiors was allowed to cross examine despite repeated request in this regard. The whole enquiry was held on the running of a MPKBY agency, the actual agency holder did not file any complaint against the



applicant. All the witnesses taken by the Investigating Officer were subordinates of GDS staff and all of them deposed at the dictation of the Investigating Officer.

5. On the basis of the aforesaid enquiry the applicant was removed. Being aggrieved he preferred appeal before respondent No.2. The appellate authority did not consider the entirety of factual details while adjudicating the issue. It was emphasized that the statements given by Smt Mira Begum was not of her own. It was on the dictate of Investigating Officer.

6. Mrs M.Das, learned Sr. Standing counsel appearing for the respondents opposed the aforesaid allegations. It was submitted that the Government of India introduced an agency scheme called Mahila Pradhan Kshetriya Bachat Yojana (MPKBY) specially for women with effect from April 1972. The objectives of the scheme are to educate housewives in family budgeting, inculcate the habit of thrift among households and self employed people, canvas for and secure investment in Post office 5 year recurring deposit account from small savers and raise resources for financing development and defence of the country. Only individual women resident of the locality are eligible for being appointed as authorized Mahila Agent under this scheme. Government employees and their near relatives are not eligible for appointment as agent.

7. On 8.11.06 the Inspector of Post Offices made a routine visit to Baihata P.O. He found that the applicant was operating agency in the name of Smt Mira Begum with fake address. Case was investigated by Area Sub Divisional Inspector of Post Offices in detail and it was found that the applicant has earned undue and illegal commission. On that basis departmental enquiry was initiated. After providing proper opportunity of hearing to the applicant the Enquiry Officer submitted his enquiry report. Charges were framed against the applicant and submitted before the disciplinary authority. The enquiry officer concluded that the charges framed against the applicant stand

proved. Thereafter applicant made his reply on 15.7.08. Senior Superintendent of Post Offices vide his order dated 19.9.08 imposed the penalty of removal from service with immediate effect. Being aggrieved applicant preferred appeal before respondent No.2 with a prayer to set aside the order of removal. The appellate authority after due consideration of facts and circumstances of the case declined to delete the penalty. It was further pointed out that the applicant was not having a unblemish service record. He was earlier charge sheeted under Rule 8 of the then EDA (Conduct and Service) Rules, 1964 and awarded punishment of debarring from appearing in the postman examination for two years.

8. It was further pointed out that departmental enquiry has no bearing with the criminal case pending before the police as these proceedings are separate and distinct proceeding. The departmental proceeding were initiated on the charges of misconduct. The Sub Divisional Inspector is not the disciplinary authority as such no vindictive attitude can be alleged against him.

9. We have heard rival submissions in the light of materials placed before us and precedent relied upon. Mrs Mira Begum vide her statement dated 23.11.07 has stated as under :

"My name is Mrs Mira Begum.
My husband's name is Md. Moqbool Ahmed.
My father's name is Md. Toifuddin Ahmed.
My present address is Salbari, Noonmati, Guwahati-20.
My address before marriage was Korora, Baihata Chariali, Kamrup, Assam.

In the year 2002, the post master of Kolazol Post Office, Md. Jonab Ali (distantly related maternal uncle) told me that he would open an agency in the post office and he himself will operate the said agency giving me some portion of the profit. He told me that I have to do nothing and in future also I will face no difficulty. Initially, he took my signature in some forms. Thereafter, he is the one doing all the work and I know nothing about it. In the year 2008, he took me to the DC office in order to renew the agency. He took me to the Baihata Post office two times and introduced me. A few days earlier he took my signature in some more

forms. I have never opened any RD account by myself. I have never collected money from anyone's house. I have never deposited any money in the post office. I have never signed and taken any commission bill. I am not aware how much commission has been received till now.

Stated and recorded in my presence
 Sd/illegible
 24/11/06
 Inspector, Post
 East Sub-Division,
 Guwahati
 Guwahati 1."

24.11.2006
 Sd/Ineligible
 Miss. (Sic) Mira Begum
 24.11.2006

10. Our attention was invited on the ratio of the decision rendered in the case of Babulal Das vs. State of Assam and another, (2004) 3 GLT 372. In this case the petitioner demanded inspection of documents but the same was denied to him. The Hon'ble High Court has held that "it is settled law that after the charge sheet with necessary particulars including the documents relied upon by the Disciplinary authority is served on the delinquent and he seeks inspection of those particulars and documents, the same must be given access to the delinquent towards preparation of his defence. If that opportunity is not given, it would violate the principles of natural justice." In the present case applicant sought for inspection of documents vide letter dated 21.6.07. The said letter was not produced before us. However, the reply dated 25.6.07 received in relation to that letter is reproduced here as under :

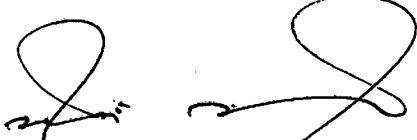
"The documents called for cannot be sent to you. Copies of the documents will be made available to you for your inspection on regular dates of hearing of the case.

You are asked to submit your defence representation stating whether you admit or deny the charges. You must submit your defence representation within 20 days (10 days normal + grace pd. Of 10 days) from the date of receipt of the C/sheet sent vide letter of even No. dated 5.6.2007."

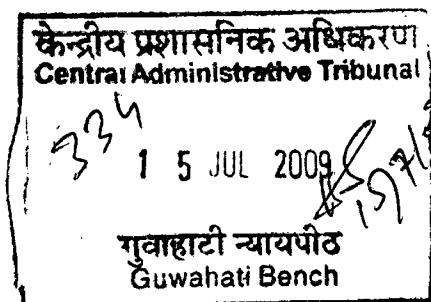
11. From the aforesaid letter it is clear that copies sought for were made available to the applicant for inspection. Accordingly it cannot be said that principles of natural justice were denied to the applicant.

12. In the Charge sheet issued to the applicant, it was pointed out that the fake agency was operated in the name of Mira Begum and there was misappropriation of public money. All the evidences adduced during enquiry substantially proves the charge framed against the applicant. The charges got fully proved. The applicant by his above acts exhibited lack of integrity and devotion to duty and as such he was punished for violating the provisions of Rule 21 of DOP Gramin Dak Sevak (Conduct & Employment) Rules, 2001. Albeit the applicant tried to defend himself by taking the plea that charges were not framed on the basis of written complaint of Mira Begum or any complaint from any other person but he has failed to prove that he had not committed the imputed misconduct. He was required to prove that he has not collected money from the depositors of RD accounts opened through the MPKBY agency and drawn commission in this regard. Applicant did not assail the contents of the statements as such we do not find force in the contention that deposition was dictated to Mira Begum. It is clearly mentioned in the statement that the contents are correct as such there is no reason to doubt the veracity of the statement and the evidence which clearly proved and substantiated the charges framed against the applicant. Taking into consideration the entire conspectus of the case we find no merit in the O.A. Accordingly O.A is dismissed. No costs.

Noticed
 (MADAN KUMAR CHATURVEDI)
 ADMINISTRATIVE MEMBER


 (MUKESH KUMAR GUPTA)
 JUDICIAL MEMBER

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH :
GUWAHATI :



O. A. NO. 132 /09

Md. Jonab Ali ... Applicant

- versus -

Union of India ... Respondent

SYNOPSIS

The applicant was working as G.D.S. Sub-Post Master at the Kalajal Branch Post Office since the year, 1989. That suddenly on 7.5.07, the Sub-Divisional Inspector of Post Offices, East Sub-Division, Guwahati filed a F.I.R. against the applicant under section 468/420 of the I.P.C. That as per the report of the Kamalpur Police the said case was found to be false. That thereafter the said Sub-Divisional Inspector of Post Offices filed a concocted report and on the basis of the said report a disciplinary proceeding was drawn up against the applicant. It was alleged that the applicant was running a "Mahila Pradhan Khetria Bachat Yojana" in short MPKBY agency in the name of one Mira Begum and thereby earning illegal commission. It was also alleged that the applicant reduce the work load of the Branch Office. That the applicant submitted representation denying all the charges, and the authority held a proceeding under Rule 10 of the G.D.S. Service Conduct Rules. On the enquiry the Respondent adduced evidence of 9 witnesses out of 19 witnesses and all the witnesses were subordinate staff and tutored witnesses. Out of 9 witnesses at least 3 witnesses admitted that they have given their statements on the dictation of Investigating Officer that S.D.I. of post Offices. That in the said enquiry

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

15 JUL 2009

गुवाहाटी न्यायालय
Guwahati Bench

-:(2):-

the applicant was held guilty and he was removed from service. Against the Order of removal the applicant preferred an appeal before the Appellate Authority and the said appeal was also rejected. Hence the applicant seeks protection from this Hon'ble Tribunal by filing the instant appeal.

Z. Khalid
1/7/09
Z. Khalid,
Advocate

15 JUL 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH :

GUWAHATI :

O. A. NO. 132 /09

Md. Jonab Ali ... Applicant

- versus -

Union of India & ors ... Respondents

LIST OF DATES

7.5.07 : The Respondent filed F.I.R. against the applicant at Kamalpur Police Station.

5.6.07 : The Respondent initiated disciplinary proceeding against the applicant.

27.8.07 : The applicant filed representation against the allegation.

14.8.08 : Applicant filed further representation against the allegation.

17.8.07, 1.11.07,
23.11.07, 11.1.08,
22.2.08, 8.4.08,
9.4.08 | Enquiry Officer conducted hearing on the allegation.

1.7.08 : Enquiry report submitted.

15.7.08 : Applicant submitted written reply on I.O's report.

19.9.08 : Final charge sheet issued

1.10.08 : Applicant removed from service.

13.10.08 : Applicant filed appeal before the authority.

3.3.09 : Respondent/Appellate Authority rejected the appeal of the applicant.

Z. Khalid
Z. Khalid,
Advocate

15 JUL 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH :
GUWAHATI :

O.A. NO. 132/109

Md. Jcnab Ali ... Applicant

- versus -

Union of India & ors ... Respondents

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14.	Respondent - 85-89	L. Chalif Advocate 17/10/09
15.	MP. No. 29/10. 90-	

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

15 JUL 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH :

GUWAHATI :

O.A. NO. 132 / 2009

An application under section 19
of the Central Administrative Tribunal
Act, 1985.

Md. Jonab Ali,
Son of Late Alimsa Ali,
Ex-Branch Post Master,
Kolajol Chowk Post Office,
a resident of village Alekjari,
P.O. Kalajal, Via- Baihata,
District Kamrup, Assam,

... APPLICANT

- versus -

1. Union of India,
represented by the Secretary
to the Govt. of India, Department
of Posts, New Delhi-110001.
2. The Director of Postal Services,
Assam Circle, Guwahati-781001.
3. The Chief Post Master General,
Assam Circle, Guwahati-781001

Md. Jonab Ali.

contd ... 2

Filed by Mr. Khanwar

Through

Dr. Khalid
Advocate
17.7.09

15 JUL 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

-:(2):-

4. The Senior Supdt. of post Offices,
Guwahati-781001, Dist.Kamrup,
Assam,

...

RESPONDENTS

1. Particulars of Order against which application is made :

The application is made against the following Order :-

- i) Order No. F4-2/07-08
- 2) Date 19.9.08
- 3) Passed by Respondent No.4
- 4) Subject in brief :

Removal from service on the charge of obtaining a 'MPKBY' agency in the name of Smti Mira Begum and acted himself in the name of the said MPKBY holder.

2. Jurisdiction of the Tribunal :

The petitioner declares that the subject matter against which he wants redressal is within the jurisdiction of the Tribunal as the applicant and the main respondents against whom the relief is sought are within the jurisdiction of this Hon'ble Tribunal.

Md. Jonah Ali.

contd .. 3

15 JUL 2009

-:(3):-

गुवाहाटी न्यायपीठ
Guwahati Bench

3. Limitation :

The applicant further declares that the application is within the limitation prescribed under section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the case :

4.1 That the applicant was appointed as a G.D.S. Branch Post Master in the year, 1989 and since then the applicant was working as a Branch Post Master of Kalajol Branch Post Office till ~~30~~ February 2007 without any blemish or scar on his service career.

4.2 That the applicant begs to state that on 7.5.2007 the Sun-Divisional Inspector of Post Offices, East-Division, Guwahati-I filed a F.I.R. at the Kamalpur Police Station against the applicant on the occasion of forged drawal of Government money in the shape of Agent's commission and the said F.I.R. was registered at Kamalpur P.S. Case No.98/07 under section 468/420 of Indian Penal Code.

Copy of the said F.I.R. is annexed herewith and marked as Annexure-'A'.

4.3 That the Kamalpur Police thoroughly investigated the matter and finding no proof of the allegation, did not take any action against the applicant.

contd ... 4

Md. Jonal Ali.

15 JUL 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

-:(4):-

4.4 That the applicant begs to state that failing to implicate the applicant in the Criminal case, the aforesaid Sub-Divisional Inspector of Post Offices, taking a vindictive attitude made out a concocted case against this applicant and on the basis of the report of the said Sub-Divisional Inspector, the respondent No.4 initiated a disciplinary proceeding against the applicant on the following charges :

1. That the applicant obtained a (Mahila Pradhan Khetria Basat Yojana Agency) in short MPKBY Agency) in the name of one Smti Mira Begum and acted himself in the name of the said Agent.
2. That the applicant operated the said fake agency.
3. That the applicant earned undue and illegal commission amounting to Rs.37,616/- in the name of the aforesaid MPKBY Agency.
4. That the applicant by his above acts diverted and caused reduction in workload and income of the Branch Office.

Copy of the article of charges is enclosed herewith and marked as Annexure 'B'.

contd ... 5

Md. Jorab Ali.

15 JUL 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

-:(5):-

4.5 That the applicant begs to state that he submitted a representation in reply to the charge sheet denying all the allegation made in the article of charges.

Copy of the said representation is enclosed herewith and marked as Annexure-'C'.

4.6 That the applicant begs to state that the representation filed by the applicant on the charge sheet was rejected by the respondent and a formal enquiry was held as per rule 10 of the G.D.S. Service Conduct Rules.

4.7 That on the hearing the respondent produced only 9 witnesses although they gave a list of 19 witnesses. That on cross-examination of the witnesses Sri Bapuram Das, Siddhi Ram Kalita, Sri Kailash Pati Rabha and Prafulla Ch. Nath categorically stated that their statements ~~was~~ not of their own and it was dictated by the Investigating Officer himself (Sub-Divisional Inspector).

Copy of the Examination of those witnesses are enclosed as Annexures-D1, D2, and D3.

4.8 That the applicant begs to state that although the allegation of taking money ~~was there~~ none of the depositor allowed to be cross-examined inspite of

contd ... 6

Md. Jemal Ali.

15 JUL 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

-:(6):-

repeated request from the applicant's side and thereby the Enquiry Authority took a bias attitude towards the applicant. The authority refused to supply documents as required by applicant for preparing defence statement which is against the principle of natural Justice.

4.9 That the applicant begs to state that although the whole enquiry was held on the running of a MPKBY agency, the actual agency holder did not filed any complaint against the applicant. The said agency holder Mira Begum did not gave any statement to any body, but at the time of hearing a photo copy of her alleged statement was produced and the authority did not produced the original copy of the alleged statement of Mira Begum inspite of repeated demand from the applicant's side which clearly shows that there was no statement given by Smti Mira Begum who is the key person in the proceeding.

4.10 That the applicant begs to state that all the witnesses taken by the Investigating Officer was subordinate G.D.S. staff and all of them deposed at the dictation of the Investigating Officer. Out of all nine witnesses three of them dared to confess that their statements were dictated by the Investigating Officer (S.D.I.) East division, from this it can be easily presumed that the Investigating Officer took a vindictive attitude and a bias view against the applicant and as such the investigation is tainted by illegality and it is not an investigation

contd ...7

Md. Jonab Ali

15 "" 2009

गुवाहाटी न्यायपोठ
Guwahati Bench

-:(7):-

in the eye of law, and by such an illegal investigation and dictated allegation the applicant can not be punished.

4.11 That sir, with all these anomalies and illegalities the Enquiry Officer concluded the hearing and submitted his report to the respondent No.4 holding the applicant guilty.

Copy of the said report is enclosed as Annexure-'E'.

4.12 That the applicant begs to state that he filed a rejoinder on the enquiry reports pointing out the anomalies in the enquiry.

Copy of the said rejoinder is annexed and marked as Annexure-'F'.

4.12 That the respondent No.4 on the basis of the finding of the Enquiry Officer removed the applicant from the service vide his order dated 19.3.08.

Copy of the said removal order is enclosed herewith and marked as Annexure-'G'.

4.13 That the applicant begs to state that the applicant preferred an appeal before the respondent NO.2 and by his order dated 19.9.08, the respondent No.2 rejected the said appeal.

contd ... 8

Md. Jorab Ali.

15 JUL 2009

गुवाहाटी न्यायघोर
Guwahati Bench

-:(8):-

Copy off the order rejecting the appeal is enclosed and marked as Annexure-'I'.

4.14 That the applicant begs to state that, the Appellate Authority while deciding on the appeal of the applicant did not considered all these matters and it was decided mechanically without considering the ground set forth by the applicant.

4.15 That the applicant begs to state that the statement given by the Agency holder Smti Mira Begum was not of her own and it was written by the Investigating Officer and her signature was obtained but the original copy ^{not} of the dictated statement was/produced and as such it is not clear what was there in the original copy of the statement. That the respondent failed to produce the original copy of the statement inspite of repeated demands from the applicant.

4.16 That the applicant begs to state that the applicant shall sustain irreparable loss and hardship if the illegal order of removal is not set aside.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION :

5.1 That socalled inquiry in which the Investigating Officer dictated the statement of witnesses is not an enquiry at all and the order passed on the basis of the said enquiry is tainted by illegality and against the principle of natural justice.

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गुवाहाटी न्यायालय
Guwahati Bench

-:(9):-

5.2 That the order of removal passed on the basis of the said illegal enquiry is illegal, without jurisdiction and a bad precedent in law and as such the said order is liable to be quashed.

5.3 That the respondent have failed to prove that the applicant had obtained a "Mahila Pradhan Khetria Bachat Yojana" in short MPKBY Agency in the name of Mira Begum as they could not bring any evidence from the issuing authority of the said Agency (Regional Director of Small Savings, Guwahati-24) to that effect and as such the punishment given to the applicant is arbitrary, whimsical and illegal and liable to be set aside.

5.4 For that the respondents have failed to prove as per law that the applicant had received any commission by running the Agency in the name of Mira Begum and as such the punishment given to the applicant is liable to be set aside.

5.5 For that the allegation of reduction of work load and income of the Branch Office is not proved as because it is the liberty of the depositor to open their account wherever they like and if the depositor choose to deposit at Baihata Sub-Post Office, the applicant has nothing to do and for that reason the applicant can not be held responsible and can not be punished.

contd ... 10

Md. Jorah Ali

15 JUL 2009

गुवाहाटी बायोर्च
Guwahati Bench

-:(10):-

5.6 For that the rural Sub-Post Offices works as a banker and the rural depositor keep their money through the MPKBY agent and they draw their commission from the amount they deposited and the respondent is nothing to lose any thing as it is not Govt. money, and any agent is entitled to get their due commission at the time of depositing their amount and the applicant is nothing to do with that matter and the respondent has tried to punish the applicant on their imaginary charge which are not proved legally.

5.7 For that the respondent has filed a criminal case (being Kamalpur P.S. Case No. 98/07 under section 468/420 I.P.C.) G.R.No. 418/07 giving the above allegation for Forgery and cheating and the respondents have willfully suppressed the result of the said Police case as it was not at all proved, and this shows that the respondents have illegally punished him taking a vindictive attitude towards the applicant.

5.8 That the charge of Forgery and cheating brought against the applicant in the Police case, was not proved and only to punish the applicant the authority made new allegation/charges which was also not proved and as such the order of removal is liable to be set aside.

contd...11

Md. Jorai Ali

15 JUL 2009

गुवाहाटी न्यायालय
Guwahati Bench

-:(11):-

5.9 For that the Investigating Officer inspected the office of the applicant just prior to bringing this allegation and Police case and nothing objectionable was found at the functioning of the applicant and his office and in the inspection report it was stated to be quite satisfactory, but after few days the same officer brought the above allegation against the applicant which was not proved, but with the irregular enquiry the respondents held the applicant guilty and gave punishment of removal which is liable to be set aside.

5.10 For that the authority have failed to prove anything which shows the lack of integrity of the applicant and as such the article 21 of the G.D.S. (Conduct and Employment) Rule is not attracted against the applicant and the respondents have committed a grave illegality in punishing the applicant without any basis.

6. Details of remedies exhausted :

The applicant declares that he availed of all the remedies available to her under the relevant rules.

7. Matter not pending before any other Courts etc. :

The applicant declares that the matter regarding re-instatement of the applicant in his service, setting aside the order of removal has not been made

contd ... 12

Md. Jonab Ali.

15 JUL 2009

गुवाहाटी न्यायालय
Guwahati Bench

-:(12):-

to any other Court of law or any other authority or any other Bench of the Tribunal. The applicant further declares that the present application is specifically for re-instatement in service, setting aside the order of removal of the applicant.

8. Relief sought :

8.1 To set aside the order of removal passed by respondent No.4 on 19.9.08 and to re-instate the applicant in his service ;

8.2 To pay the salary of the applicant from the date of putting him off-duty.

9. Interim Relief if prayed for :

No interim relief is prayed for.

10. Particulars of the Bank draft in respect of the application fee :

No. of I.P.O. : 396 410323

Name of Issuing Post Office : Guwahati G.P.O.

Date of Issue of Postal Order : 30.6.09

Post Office in which payable : Guwahati G.P.O.

11. List of Enclosures :

11.1 Copy of the F.I.R. dated 7.5.07 filed against the applicant.

contd ... 13

Md. Jonal Ali

15 JUL 2009

गुवाहाटी न्यायालय
Guwahati Bench

-:(13):-

- 11.2 Copy of the article of charges dated 19.9.08 issued against the applicant.
- 11.3 Copy of the representation filed by the applicant dated 15.7.08.
- 11.4 Copy of Examination and Cross-examination of witnesses.
- 11.5 Copy of the enquiry report dated 27.8.08.
- 11.6 Copy of the defence representation on I.O's report dated 27.8.08.
- 11.7 Copy of the order of removal dated 19.3.08 passed by the respondent No.
- 11.8 Copy of the appeal submitted by the applicant dated
- 11.9 Copy of the Appellate Order dated 33.09, rejecting the appeal.

contd ... 14

Mr. Jonah Ali.

15 JUL 2009

गुवाहाटी न्यायघोर
Guwahati Bench

-:(14):-

VERIFICATION

I, Md. Jonab Ali, son of Late Alimsa Ali, aged about 50 years, Ex-Sub-Post Master, Kalajal Chowk Post Office, a resident of village Alekjali, P.S.Kamalpur, district Kamrup, Assam do hereby solemnly affirm and declare, verify that the statements made in paragraphs 4.1 to 4.15 are true to my knowledge and belief those made in paragraphs 4.16 to 4.19 are true to be on legal advice and that I have not suppressed any material facts.

And as such I sign this verification on this 15th day of June, 2009 at Guwahati.

Md. Jonab Ali.

S I G N A T U R E

G.R. No. 418/07

Answer A³

To
The Officer in Charge
Kamalpur Police Station
PO- Baihata
Dist Kamrup (Assam).



11-8-07

Sub: Forged drawls of Govt Money in the shape of Agent Commission by Md Jonab Ali, GDS BPM, Kolazol Branch Post Office in account with Baihata Sub Post Office

Sir,

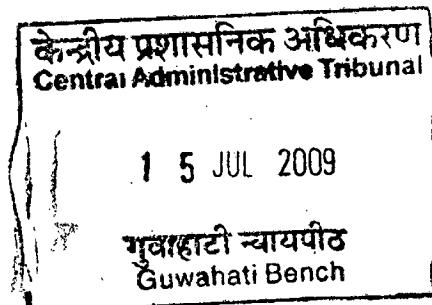
I am to inform you that Md. Jonab Ali, son of late Dalimsha Ali of village Alekgori, PS- Kamalpur, District Kamrup (Assam), who is functioning as branch postmaster of Kolazol Chowk BC, in account with Baihata SO (herein after called the BPM) has fraudulently drawn Govt money in the shape of agent commission in the tune of Rs.89759.00. The BPM has misused his official position and adopted the following modus operandi to defraud the govt.

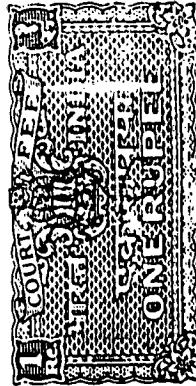
The Govt. introduced lady agency system namely Mahila Pradhan Kshetriya Bachat Yojna (herein after called MPKBY agents) for mobilizing saving habits amongst the people. The MPKBY agents go to the public and encourage them to develop savings habit by opening 5 years post office recurring deposit accounts. The depositors are not required to go to post offices for opening account and to make monthly deposits. The MPKBY agents collect deposits from the public and deposits in post offices for which she get commission @ 4% of amount collected and deposited each time. This agency is only meant for women and no male person is eligible to obtain the agency or to act on behalf of any agent. No Postmaster either male or female is eligible to take MPKBY agency in his or her name or in the name of any near relative.

Now it has come to light that aforesaid Md. Jonab Ali, obtained a fake MPKBY agency in the name one Smt. Mira Begum, now resident of Noorinmali area of Guwahati (herein after called the agent) giving false address and he himself is acting in the name of said agent which is illegal and impermissible under provisions of his service rules as well rules and regulation of MPKBY agency. The said agency is authorised to function with Baihata SO. It is established on departmental inquiry that Mr. Jonab Ali, while public coming to his PO for opening RD accounts, gets the accounts opened

Contd. Page-2

certified to be true copy
P. Khatol
Advocate





at Baihata PO through the agency of Mira Begum. Similarly, subsequent monthly deposits made by depositors in those accounts to the BPM are get deposited at the Baihata PO by said BPM in the name of said agency and draws undue and illegal commissions in the name of said agency. The fact is well established through the depositions of postmasters, postal assistants of Baihata PO, depositors of RD accounts stand opened through the agency of Mira Begum and the Mira Begum, the person in whose name the fake agency was obtained by the BPM.

The case is therefore reported to you for taking necessary action as per law. Details of agent commission fraudulently drawn by Md. Jonab Ali are furnished in the enclosed annexure. Relevant records of the case are preserved in this office.

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Central Administrative Tribunal

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गुवाहाटी न्यायपीठ
Guwahati Bench

Enc: Annexure

With Regards

Yours faithfully

Sushanta Bhattacharjee

(S. Bhattacharjee)

Sub-Divisional Inspector of Post Offices,
Guwahati East Sub-Division
Ground Floor, Meghdoot Bhavan,
Panbazar, Guwahati 781001

Received my registered
Karmalpur P. O. Cashier 78/02
11/5/08/420 11/6

Lokanayak IAS. T. L. K. D. S. S.

06:05:07

Copy of this document
is forwarded to
Officer-in-Charge
S. D. I. M. Office, Rangia

CERTIFIED TO BE TRUE COPY

Debjit Kumar Roy
N. D. Assistant
S. D. I. M. Office, Rangia 6/6



भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA
वरिष्ठ अधीक्षक, डाकघर का कायालय
OFFICE OF THE SENIOR SUPERINTENDENT OF POST OFFICES
गुवाहाटी मंडल, गुवाहाटी- 781 001
GUWAHATI DIVISION, GUWAHATI-781001

केन्द्रीय प्रशासनिक अधिकारण
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Guwahati Bench

स0/Memo. No. F4-2/07-08,

दिनांक : Dated : 19-09-2008

In this office Memo of even No. dated 05-06-2007, it was proposed to take action against Md. Jonab Ali, GDS BPM, Kolazol Chowk BO (now under put-off duty) in A/c with Baihata SO under Rule-10 of GDS (Conduct & Employment) Rules, 2001. A statement of imputation of mis-conduct along with the memorandum was sent to him on 05-06-2007 giving him an opportunity to submit his defence representation, if any, as he may wish to make against the proposal within 10(ten) days of receipt of the Memorandum. The charges framed against him are appended below :

Annexure-I

Statement of article of charge framed against Md. Jonab Ali, GDS BPM (Now under put off duty), Kolazol Chowk BO in account with Baihata SO

Md. Jonab Ali, while functioning as GDS BPM, Kolazol Chowk BO in account with Baihata SO during the period from 18-10-1989 to 20-02-2007, obtained a MPKBY agency in the name of one Smt. Mira Begam and acted himself in the name of the said agent. While depositors approached him for opening RD accounts at his BO, he obtained the SB-3 and money from the depositors and gets the account opened at Baihata SO through the said fake agency operated by him. Subsequent deposits made by the depositors in those accounts directly to him were also shown as deposits collected by the said MPKBY agent and he deposited the amounts so collected at Baihata SO in the name of the said MPKBY agency and thereby he earned and received payment undue and illegal commission amounting to Rs.37,616/- (Rupees thirty seven thousands six hundreds sixteen) only, as detailed in annexure-A, in the name of said MPKBY agency. He also by his above acts, diverted and caused reduction in workload and income of the BO. Thus the said Md. Jonab Ali, by his above acts exhibited lack of integrity and devotion to duty and thereby violated Rule 21 of Department of Posts, Gramin Dak Sevak (Conduct and Employment) Rules, 2001.

*Certified to be true copy
Z. Khalid
Alwali*

Annexure-II

Statement of imputation of misconduct or misbehaviour in support of the article of charge framed against Md. Jonab Ali, GDS BPM (Now under put off duty), Kolazol Chowk BO in account with Baihata SO

Md. Jonab Ali, while functioning as GDS BPM, Kolazol Chowk BO in account with Baihata SO during the period from 18-10-1989 to 20-02-2007, obtained a MPKBY agency having authority No. 3688/AKM-1101/02 dated 12/09/2002 in the name of one Smt. Mira Begam furnishing fake address as C/o Saifuddin Saikia, Vill- Barhata, PO- Kolazal (Baihata), Dist- Kamrup and acted himself in the name of the said agent. While depositors approached him for opening RD accounts at his BO, he obtained the SB-3 and money from the depositors and gets the accounts opened at Baihata SO through the said fake agency operated by him. Subsequent deposits made by the depositors in those accounts directly to him were also shown as deposits collected by the said MPKBY agent and he deposited the amounts so collected at Baihata SO in the name of the said MPKBY agency and thereby he earned and received payment undue and illegal commission amounting to Rs.37, 616/- (Rupees thirty seven thousands six hundreds sixteen) only, as detailed in the annexure-A in the name of said MPKBY agency.

He also by his above acts diverted and caused reduction in workload and income of the BO as the accounts could have been opened at his BO instead of opening

them at Baihata SO through the agency of Smt. Mira Begam, while the depositors directly approached him for the same. By his above acts the said Md. Jonab Ali, exhibited lack of integrity and devotion to duty and thereby violated Rule 21 of Department of Posts, Gramin Dak Sevak (Conduct and Employment) Rules, 2001.

Annexure- III

List of documents by which the article of charge framed against Md. Jonab Ali, GDS BPM, Kolazol Chowk BO in account with Baihata SO is proposed to be sustained.

1. Vouchers, monthly commission's bills, schedules of deposits and agent commissions paid lists as detailed in Annexure-B.
2. RD agent commission paid list of Baihata SO for the period from 24/09/2005 to 15/02/2006, from 16/02/2006 to 22/05/2006, from 23/05/2006 to 30/09/2006 and from 04/10/2006 to 30/12/2006
3. SO account of Baihata SO for the period from 01/05/2003 to 28/02/2004, from 01/03/2004 to 30/11/2005, from 01/12/2005 to 30/03/2006 and from 01/04/2006 to 30/03/2007.
4. Written Statement of Shri Bapuram Das, Ex-SPM, Baihata SO recorded on 19/03/2007.
5. Written Statement of Shri Kallash Pati Rabha, the then SPM, Baihata SO recorded on 22/03/2007.
6. Written Statement of Shri Siddhi Ram Kalita, the then SPM, Baihata SO recorded on 12/04/2007.

केन्द्रीय प्रशासनिक अधिकारण
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47. Written Statement of Shri Prafulla Ch. Nath, SPM, Baihata SO recorded on 06/12/2006.
48. Written Statement of Md. Matiur Rahman, PA, Baihata SO recorded on 06/12/2006
49. Written Statement of Shri Nareswar Nath, father of the depositor of Baihata RD account No. 209197.
50. Written Statement of Shri Shishumoni Deka, depositor of Baihata RD account No. 209062.
51. Written Statement of Shri Kakali Das and Shri Doly Baishya, joint depositors of Baihata RD account No. 208757.
52. Written Statement of Shri Dalimi Thakuria, depositor of Baihata RD account No. 209461.
53. Written Statement of Shri Doshomi Thakuria, depositor of Baihata RD account No. 209453.
54. Written Statement of Shri Babita Das, depositor of Baihata RD account No. 209507.
55. Written Statement of Shri Sima Das, depositor of Baihata RD account No. 208964.
56. Written Statement of Shri Joymoti Devi, depositor of Baihata RD account No. 209306.
57. Written Statement of Shri Jamini Devi, depositor of Baihata RD account No. 208395.
58. Written Statement of Shri Bhavani Devi, depositor of Baihata RD account No. 209319.
59. Written Statement of Shri Uttara Deka, depositor of Baihata RD account No. 207405.
60. Attested photocopy of the w/s of Smt Mira Begam, the person in whose name the MPKBY agency was obtained by Md. Jonab Ali.
61. Attested photocopy of the authority No 3688/AKM-1101/02 held in the name of Smt. Mira Begam.
62. Attested photocopy of the specimen handwritings and signatures of Smt. Mira Begam.
63. Attested photocopy of the w/s of Md. Jonab Ali, GDS BPM Kolazol Chowk BO 08/11/06, 18/11/06 and 13/02/2007.
64. Attested photocopy of Specimen handwritings of Md. Jonab Ali, GDS BPM Kolazol Chowk BO taken on 13/02/07.
65. Attested photocopy of letter dated 10/01/07 of Md. Jonab Ali, GDS BPM Kolazol Chowk BO.

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

To

गुवाहाटी न्यायपीठ
Guwahati Bench

15 JUL 2009

Date : 2.5.2007

Annexure - "C"

The Sr. Superintendent of Post Offices,
Guwahati Division, Guwahati-781001.

Sub : Functioning of MAKBY Agency in the name of
Smti Mira Begum under Baihata S.O.
explanation regarding.

Ref : Divisional Office's letter No. F-4/2/06-07
Dated 25.4.2007.

Sir,

With reference to your letter No. cited above, I have the honour to state the following few lines for favour of your kind consideration. That sir, in this regard my previous representation may kindly be considered. That sir, I have never received any commission on behalf of Smti Mira Begum MPKBY Agent under Baihata S.O. who was functioning.

That sir, I have the honour to submit here with the photo copies of 13 Nos. statements given by the Ex-Post Master, Baihata S.O., local guardian of Smti Mira Begum and the accounts holders of R.D. Accounts for favour of your kind perusal those in support of my statement above. Further, I have the honour to state that I have not committed any mistake so long in my service period since 1989.

So I cordially request you kindly to review my case before throwing me into the mouth of hell and consider my case by exonerating me from the charge of depositing an amount of Rs.89,759/- and oblige thereby.

I shall remain grateful to you for your act of the kindness.

Yours faithfully,

Enclo : as above

Sd/- Md. Jonab Ali

Copy to :

Anticipated the fax
Copy
T. Khalid
Ansari

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

15 JUL 2009

गुवाहाटी न्यायघोष
Guwahati Bench

To
The Senior Superintendent of Post Offices
Guwahati Division, Guwahati-781001.

Subject :- Submission of Defense Representation on the IO's report on Inquiry
under Rule-10.

Ref :- SSP Guwahati letter no. F4-2/06-07. dtd. 14-8-08.

Sir,

With due respect and humble submission, I have the honour to submit my
defense representation on the IO's report as follows :-

- 1) That Sir, the charge framed against me as acted on behalf of MPKBY agent Smt. Mira Begum MPKBY agent under Baihata SO during my service from 18-10-1989 to 20-2-07 is not a valid charge as -
 - i) The charge was not based on the written complaint of Smt Mira Begum MPKBY agent under Baihata SO as deposed by herself on the hearing date 9-4-08. There exists no any complaint from other corners also.
 - ii) The saying of the charge-sheet that I acted only on behalf of Smt. Mira Begum instead of acting for the department stands base less as there exists so many RD/ SB/RPLI cases got opened under Kolazal BO during my service as BPM.
 - iii) As learnt from a reliable source, there was an RD account bearing no 209286 opened on 28-4-06 in the name of minor daughter of Sri Abdul Hai a senior officer of the department depositing Rs.500/- monthly under the agency of Smt. Mira Begum. *without any objection*.
 - iv) The charged amount on different dates against me were Rs.81,153/-, Rs.89,759 and Rs.37,616/. Further it is learnt from Sri Kailash Pati Rabha, PA that he is charged under Rule-16 of CCS(CCA) Rules 1965 framing the charge-sheet with faked amount Rs.52,000/ or more stated to have been faked by me.

Thus the charge framed against me is not distinct and perfect as to the procedure of framing any charge covered by the departmental rules. Hence the charge was concoct to harass me illegally.

- v) It is to be added that there exists no any example of exhibiting lack of integrity and devotion to duty in my service life as BPM under Kolazal BO as mentioned by the IO on his report.

*certified to be true
copy
Z. Khalid
Abdullah*

15 JUL 2009

गुवाहाटी न्यायघीठ
Guwahati Bench

2) The view of the IO on the points of discussion stands incorrect as -

- i) There exists no valid reason to instruct IPO to obtain statement of Sri Sidhi Ram Kalita (sw-6) as the case was not based on any complaint from the MPKBY agent or from other corner. The point of dictating the statement of Sri Sidhi Ram Kalita on 12-4-07 by the SDI(P) himself as mentioned in my defense brief dtd. 15-7-08 vide item no. 1(a) was ignored by the IO while recording his final report. It was to be accounted by the IO impartially while recording his final report. Thus my allegation stands correct.
- ii) As deposed by Sri Prafulla Ch Nath (sw-4) in the cross exam on 22-2-08 that his statement dtd. 6-12-06 was dictated by others means it was dictated by the SDI(P) only as SDI(P) being an investigating officer should not allow others to record statement of any official as per existing rules. Sri Prafulla Ch Nath while deposing his statement before the enquiry committee may hesitate to disclose the name of SDI(P) who dictated his statement and who was present in the enquiry committee on 22-2-08. On the inquiry date it was also not disclosed by the SDI(P) who dictated the statement of Sri Nath. Hence my allegation stands proper.
- iii) Sri D.K. Patwary (sw-8) deposed himself on the hearing date 9-4-08 that the statement of Sri Bapu Ram Das was taken by him on 19-3-07 at Dvl. Office. But IO flatly ignored this point to hide the fact.
- iv) In Para iv of IO's report, he failed to defense my allegation of dictating the statement of Sri Kailash Pati Rabha dtd. 22-3-07 by the SDI(P) concerned. Hence it is proved that my allegation is admitted and thereby it stands proper.
- v) All the selected 9 no witnesses out of the 25 no evidences as mentioned in annexure-III of the charge-sheet failed to give depositions against me on all the hearing dates. Hence my allegation stands correct.
- vi) IO avoided to reflect the time and space of taking my statement by the SDI(P) concerned on 18-11-06 in his report. It is most objectionable that the SDI(P) collected my said statement at my residence after 7 PM. I raised this objection before the IO on hearing date but IO opposed it and did not record my deposition. Sri Saidul Islam, on the hearing date 11-1-08 may hesitate to disclose the fact of threatening me by the SDI(P) on 18-11-06 in presence of the officers present in the hearing. As such the allegation as mentioned in Para 2(b) of my defense brief dtd. 15-7-08 stands valid.
- vii) As mentioned in para 3(b) of my defense brief dtd. 15-7-08, Smt. Mira Begum MPKBY agent under Baihata SO deposed herself on the hearing date 9-4-08 that she did not submit any complaint regarding non receipt of her commission as MPKBY agent under Baihata SO. But only photocopy of her statement was collected by the SDI(P) concerned in this own interest from her present residence at Salbari, Noonmati, Guwahati-20. This vital point is ignored by the IO while issuing his final report. Thus my allegation stands correct.

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Guwahati Bench

Under the factual position stated above, there exists sufficient strong ground to disprove the charge against me by the IO impartially. But it is regarated that with a view to establish the charge, IO submitted his report without throwing light to the fact findings of the hearing.

That Sir, You are the sole authority to through light to my prayer of exonerating me from the charge with justice and fairplay. So I solemnly request you kindly to extend your good hand to set-aside the proposed order of the IO and issue a suitable order by which I may be obliged.

I shall remain ever grateful to you for your act of this kind ness.

Your's faithfully

Date :- 27-8-08.

(Md. Jonab Ali)
BPM Kolazal BO on Put-off duty.

15 JUL 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Annexure - D

Deposition of SW-6 Sri Siddhi Ram Kalita,

dtd. 09.4.08

Examination by P.O.

Q.1 What is your name ?

Ans My name is Sri Siddhi Ram Kalita.

Q.2 Did you work as Spm Baihata S.O. from 09.11.05
to 06.12.05 ?

Ans Yes.

Q.3 Did any body named Mira Begam deposit RD lot with
collections as MPKBY Agent during your period ?

Ans No I had not seen her.

Q.4 Who deposited the collection in her name ?

Ans Md Jonab Ali deposited the collections.

Q.5 To whom you paid the commission ?

Ans Paid to Md. Jonab Ali on a pre-signed AGG-17 by
Mira Begam duly deducting the commission.

Q.6 Are you aware of the contents of written statement
made by you dated 12.4.07 and whether there was
any external pressure while recording the statement ?

Ans I was aware of the contents of statement dated
12.4.07. There was no external pressure in recording
statement.

Examination by P.O. is over.

Cross-examination by DA

Q.1 Do you know Mira Begum MPKBY Agent attached to
Baihata S.O. during the above period ?

Ans I did not know her.

certified to be true
copy
Z. Khalid
Advocate

contd ... 2

15 JUL 2009

गुवाहाटी न्यायालय
Guwahati Bench

-(2):-

Q.2 If you do not know Mira Begam under what authority you allowed Jonab Ali to operate the agency under what rules ?

Ans Counter P/A Matiur Rahman told me that Mira Begam is a near relative of Jonab Ali as such on good faith I allowed him to operate the agency, I did not ... consult rules on the matter and worked on good faith.

Q.3 Whom you received the pre-signed ACG-17 why you did not verify the specimen signature kept on record ?

Ans The concerned records were not available at Baihata S.O.

Q.4 The statement recorded is your own or dictated by others ?

Ans This is my own.

Q.5 During your working period of (22) days in which period did you receive any complaint from Mira Begam regarding non-receipt of the commission ?

Ans No I did not receive any complaint.

Q.6 As you did not receive any complaint under what circumstances you recorded your statement ?

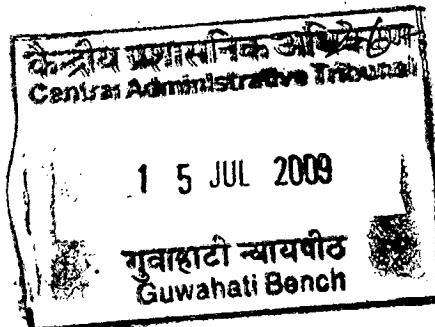
Ans I recorded my statement on the instruction of Inspector Posts, Guwahati (E) Sub.Dn.

Cross examination is over.

No re-examination by P.O.

Sd/-Illegible,

09.408



—26—

Annexure - D1

Deposition of SW-3 Sri Bapuram Das,

Dtd. 22.02.08

Examination by P.O.

Q.1 What is your name ?

Ans Sri Bapuram Das

Q.2 Did you work as Spm from 25.3.2000 to 05.3.04
at Baihata S.O. ?

Ans Yes.

Q.3 Is any MPKBY Agent named Mira Begum was attached
to your office ?

Ans Yes

Q.4 Did she personally deposit money in your office
as agent ?

Ans She sometimes attended office for the purpose.

Q.5 As per your written statement dtd. 19.3.07 you
have recorded that Mira Begum never attended
Baihata S.O. for any deposit or receipt of commi-
ssion. The Bpm of Kalajal B.O. Md Jonab Ali always
presented the deposits at Baihata S.O. on behalf
of Mira Begam and collected the commission presen-
ting the presigned voucher. Please clarify ?

Ans I am now confused as I have retired from service
three years ago.

Q.6 To whom you paid the commission and by whom the
paid voucher (i.e. ACG-17) was signed ?

Certified the true copy
Ans
J. Wahid
Adweshi

Sometimes Mira Begam took the commission and some-
times I paid commission to Jonab Ali on the presigned
vouchers from Mira Begam.

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Guwahati Bench

-:(2):-

Q.7 Was the vouchers signed in your presence ?

Ans I paid commission on the pre-signed vouchers.

Q.8 Had you checked the signatures in the vouchers and deposit schedule of the Agent with the specimen signature on record ?

Ans I had not checked due to hurriness.

Q.9 Were you sure that signature on voucher tally with specimen signature of the Agent ?

Ans Most of the presigned vouchers were brought by Jonab Ali and I made payment on these on good faith.

Examination is over.

Cross Examination by D.A.

Q.1 You Sri B.R.Das being the Spm Baihata S.O. during the period from 25.3.2000 to 05.3.2004 what role of rules applicable to the case of RD agents in respect of receipt of L.o.ts. commission lists, verification of signature in AOG-17 etc. particularly submitted by Miss Mira Begam RD Agent ?

Ans I did not consult the Rules thoroughly.

Q.2 Regarding non-receipt of commission the RD did Miss Mira Begam lodged the complaint to you during your working period ?

Ans No any complaint was lodged.

Q.3 Is there any ruling to make payment of this Department to other persons ?

Ans No

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Guwahati Bench

-:(3):-

Q.4 As your answer is 'No' noted above now the payment to other persons is effected ?

Ans I paid on good faith.

Q.5 The Departmental works are governed by the rules but not in good faith- what is your comment ?

Ans Rule was not followed in this regards.

Q.6 In your statement one word i.e. pre-signed voucher is found and on presigned voucher you made the payment to the person. In this connection did you obtain the signature of the person to whom you paid the commission ?

Ans I did not procure any such signature.

Q.7 Mira Begam is not a girl of family of Md. Jonab Ali but you stated in your statement that Mira Begam is a girl of family of Jonab Ali, How can you prove ?

Ans I can not prove only I assumed the relationship.

Q.8 The signatures in AOG-17 by Mira Begum is correct or not ?

Ans Correct.

Cross exam. is over

No re-examination by P.O.

Sd/-Illegible,

Sd/-Jonab Ali,

22.2.08

22.2.08

15 JUL 2009

गुवाहाटी न्यायघौठ
Guwahati Bench

Deposition of SW-4 Sri Prafulla Ch. Nath,

Dt. 22.02.08

Examination by P.O.

Q. 1 What is your identity ?

Ans I am Sri Prafulla Ch. Nath working as Spm Baihata S.O. since 07.02.2006.

Q. 2 Is any MPKBY Agent named Mira Begum attached to your office ?

Ans Yes.

Q. 3 Has she personally deposited cash in your office against RD Lots ?

Ans No.

Q. 4 Who deposited the cash collection in her name ?

Ans Md. Jobab Ali

Q. 5 To whom the commission was being paid ?

Ans To Md. Jonab Ali

Q. 6 Who signed the voucher (ACG-17) of commission bill ?

Ans Md. Jonab Ali presented the presigned voucher along with the RD Lots.

Q. 7 Did you checked the specimen signature on voucher and RD Schedule of RD Agent with that on record ?

Ans Since the counter clerk accepts the RD Lots with vouchers and cash I do not check the signature of Agent as it is the duty of counter clerk to check these.

Examination is over.

*Certified the
true copy
Z. Khalid
Advocate*

contd ... 2

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-:(2):-

गुवाहाटी न्यायालय
Guwahati Bench

Cross examination by D.A.

Q.1 You being the Spm of Baihata S.O. during the period from 07.02.06 what kinds of roles on Rules applicable to the case of RD Agents in respect of receipt of lots, commission lists, verification of signatures in ACG -17 etc. particularly by Mira Begam RD Agent was ?

Ans Since the counter clerk satisfied on the above works I was also satisfied.

Q.2 As you are the overall incharge and disbursing officer of the S.O. you are to do the same in addition to the counter clerk comment.

Ans Same as question No.1 above.

Q.3 Whether the statement furnished by you on 6.12.06 is your own or dictated by others ?

Ans Dictated by others .

Q.4 Is there any written complaint by Mira Begam regarding non-receipt of due RD Commission ?

Ans No.

Cross Examination is over

Re-examination by P.O.

Q.1 Whether the contents of the statement dated 06.12.06 made by you are correct and known to you ?

Ans Yes the contents are known to me though it was dictated by others.

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Guwahati Bench

-:(3):-

Re-cross-examination by D.A.

Q.1 As and when the agency of Mira Begam agent was stopped the under what circumstances ?

Ans The agency of Mira Begum was stopped from October, 2006 following an order of S.S.P.Os. Guwahati.

Q.2 Whether Mira Begam attended your office or not ?

Ans Mira Begam attended office only once before closing of her agency.

Sd/-Jobab Alik

22.2.08 (OO)

Sd/-Illegible,

P.O.

Sd/-Illegible,

22.02.08

(I.O.)

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Guwahati Bench

Annexure-D3

Deposition of SW-7 Sri Kailash pati Rava, dtd. 08.4.08

Examination by P.O.

Q.1 What is your name ?

Ans My name is Sri Kailash Pati Rabha

Q.2 During which period you worked at Baihata S.O.?

Ans I worked at Baihata S.O. as Spm w.e.f. 10.02.2004 to 05.9.2005 and as P/A w.e.f. September, 2002 to 09.02.2004.

Q.3 Did you accept RD lots with cash from Mrs. Mira Begam MPKBY Agent during aforesaid period ?

Ans Sometimes she attended office for depositing RD lots and sometimes she sent her messenger Md.Jenab Ali.

Q.4 To whom you paid agents' commission ?

Ans Amount of RD lots were deposited after deducting the commission and as such it was paid to Jonab Ali/ Mira Begam who presented the lots.

Q.5 Did you verify the signature of agent as appeared in ACG-17 with those of specimen signature on records ?

Ans At first I used to verify but thereafter I took it as correct and as such I did not verify.

Examination is over.

Cross-examination by P.O.

Q.1 The statement recorded by is your own or dictated by other ?

*Certified to be true
Copy
S. Kailash
Ans
Subhashis Bhattacharjee, Inspector of Posts, Guwahati
(E) Sub-Dn.*

contd ... 2

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Guwahati Bench

-:(2):-

Q.2 Whether any complaint was submitted by Mira Begam regarding non-payment of commission to her ?

Ans No complaint was received by me.

Cross examination is over

Re-examination by P.O.

Q.1 Did you understand the contents dictated by Inspector Posts ?

Ans Except the following line I understood the contents of my statement.

" Md. Jonab Ali deposited RD lot at Baihata S.O. and also receipt Agent commission by presenting pre-signed vouchers in the regard".

Re-examination by P.O. is over

Examination by I.O.

Q.1 Can you identify Mira Begam now ?

Ans Yes

Q.2 Why did you sign the written statement recorded on 22.3.07 since you have not fully understood the same ?

Ans No reply

Examination is over

Sd/-Illegible

Sd/- Jonab Ali, C.O.

8.4.08

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Guwahati Bench

Inquiry report on Rule-10 enquiry case of D.O.P. GDS

(C & E) Rules, 2001 against Md. Jonab Ali GDS Bpm,
Kolazol Chowk BO (now under put off duty).

The undersigned was appointed as Inquiring Authority
by the SSP as Guwahati Division Guwahati vide memo No. F4-2/
06/07 dtd. 19.7.2007 to enquire into the charges framed
against Md. Jonab Ali GDS Bpm Kolazal Chowk BO (under put
off duty) vide DO's memo of even No. dtd.
05-06-2007.

sri N.K.Deka then SDIPO's Bijaynagar sub-Division
and now ASPO's Guwahati West Sub Dn. was appointed as P.O.

The articles of charges framed against Md. Jonab Ali
read as follows :-

Md. Jonab Ali, while functioning as GDSBPM, Kolazol
chowk BO in account with Baihata S.O. during the period
from 18-10-1989 to 20-02-2007, obtained a MPKEY agency
in the name of one Smti Mira Begam and acted himself in
the name of the said agent. While depositors approached
him for opening RD accounts at his BO, he obtained the
SB-3 and money from the depositors and gets the accounts
opened at Baihata S.O. through the said fake agency
operated by him, subsequent deposits made by the
depositors in those accounts directly to him were also
shown as deposits collected by the said MPKEY agent and
he deposited the amounts so collected at Baihata S.O. in
the name of the said MPKEY agency and thereby he earned
and received payment undue and illegal commission
amounting to Rs. 37,616/- (Rupees Thirty seven thousand
six hundred sixteen) only, as detailed in Annexure-A.

Certified to be true
K. Khalid
Advocate

Contd---2/p.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

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गुवाहाटी न्यायपीठ
Guwahati Bench

-2-

in the name of said MPKEY agency. He also by his above acts, diverted and caused reduction in work-load and income of the B.O. Thus the said Md. Jonab Ali, by his above acts exhibited lack of integrity and devotion to duty and thereby violated Rule-21 of Department of Posts, Gramin Dak Sevak (conduct and Employment) Rules, 2001.

The Inquiry :

The date for preliminary enquiry in the case was fixed on 17-8-07 in which he denied the charge brought against him and desired to engage his Defence Assistant to continue the case further.

In the next date of hearing which was scheduled on 01.11.07 the charged official alongwith his Defence Asstt. Sri Tarini Kanta Deka Retired H.R.O. (A/cd). Guwahati RMS attended the hearing and examined the documents listed in Annexure-III and Annexure-B of the charge sheet. As the listed documents were large in Nos.. The same process continued on 23-11-07. On both the dates the C.O./D.A. & P.O. authenticated the documents after examination.

After that examination of state witnesses were held . On 11-01-08 SW-1 Sri subhashis Bhattacharjee and SW-2 Sri saidul Islam were examined by PO and cross examined by D.A.

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Guwahati Bench

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On 22-02-08 state witnesses SW-3 Sri Bapuram Das was examined by P.O., cross-examined by D.A. SW-4 Sri Prafulla Ch. Nath was examined by P.O., cross-examined by D.A. Re-examination by P.O. and re-cross examination by D.A. were held.

On the next date of hearing i.e. 08.4.08 SW-5 Sri Matiur Rahman was examined by P.O., cross-examined by D.A. On the same date SW-7 Sri Kailash Pati Rava was examined by P.O., cross-examined by D.A. and re-examined by P.O. He was also examined by I.O.

On 09-4-08 SW-6 Sri Siddhi Ram Kalita was examined by P.O., cross-examined by D.A. SW-8, Sri D.K. Patowary was examined by P.O.; cross-examined by D.A. He was also examined by I.O. On the same date SW-9, Mrs. Mira Begam was examined by P.O. cross-examined by D.A. and re-examined by P.O. She was also examined by I.O. since both the P.O. and D.A. did not consider any other (additional) witnesses to be examined, the hearing was concluded on the said date.

The P.O. submitted his written brief dtd. 01-7-08 which was received by me on 02-7-08. The C.O. submitted his written brief on 15-7-08 which was received by the undersigned on the same date.

Analysis of evidences and witnesses :-

1. The undersigned has gone through the written briefs submitted by both the sides, the contents of the article of charge framed against the C.O; documents adduced during the enquiry and heard the depositions of the witnesses

Contd--4/p.

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Guwahati Bench

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examined during the enquiry.

2. According to the article of charge Md. Jonab Ali while working as GDSBPM Kolozol chowk BO from 18-10-1989 to 20-02-2007 obtained an MPKBY agency in the name of one Smti Mira Begam and acted himself in the name of the said agent. While depositors approached him for opening RD accounts at his BO he got the accounts opened through the said agency at Baihata S.O. Subsequent deposits in the accounts were also made through the said agency and thereby earned and received payment of commission amounting to Rs. 37,616/=. By his above illegal act diverted and caused reduction in work-load and income of the B.O. By his above acts he exhibited lack of integrity and devotion to duty and thus violated the provisions of Rule-21 of the D.O.P. GDS (conduct & Employment) Rules, 2001.

Discussion on some points of written brief submitted by E.O.:-

(i) Sri Siddhi Ram Kalita (SW-6) stated in cross exam. (No.6) by DA that he recorded his statement on the instruction of IPOs Guwahati (E) Sub-Dn. that means that the said IPOs was asked by the Department to obtain statement from him for conducting enquiry as such the point raised by the C.O. is not proper.

(ii) Sri Prafulla Ch. Nath (SW-4) in his cross examination by D.A. dtd. 22-02-08 (Q.No.3) stated that his statement dtd. 06-12-06 was dictated by others but he did not mention any person. So the allegation of the C.O. is not correct.

Contd---5/p.

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Guwahati Bench

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(iii) Sri D.K. Patowary (SW-8) in his deposition/examination on 09-4-08 admitted to have obtained the written statement of Sri Bapuram Das dtd. 19.3.07 but there was no mention of place or regarding guidance by Sri Patowary in collecting statement. So the allegation is also not proper.

(iv) During examination Sri Kailashpati Rava (SW-7) on 08-4-08 stated that some portion of his statement was his own and some are dictated by Sri Subhashis Bhattacharjee - - IPOs Guwahati (B).

(v) In Annexure-IV of charge sheet there are 9 (nine) witnesses and all of them were examined. No additional witness was considered necessary for examination by anybody during enquiry.

(vi) Md. Saidul Islam (SW-2) during his cross-examination on 11-01-08 stated that he accompanied the SDIPOs on 18-11-06 as per the latter's instruction but there was no mention of any threatening given to Md. Jonab Ali (C.O.) by the SDIPOs (E).

During the hearing on 11-01-08 this fact was also not arisen as such opposing the fact by anybody does not arise.

(vii) During examination of Mrs. Mira Begam (SW-9) on 09-4-08 she stated that she was aware of an agency run by Md. Jonab Ali in her name and for this purpose he took her to Baihata S.O. once for introduction to staff.

so I do not find in the CO's brief any strong ground to disprove the charge brought against him in the charge sheet dtd. 05-06-2007.

Contd--6/p.

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Guwahati Bench

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Findings :-

From the above discussions and observations and on the strength of the evidences adduced during enquiry and considering the depositions made by the witnesses, reasoning and arguments put forward by both the sides, I hold that the charges framed against Md. Jonab Ali GDSEPM Koloxol chowk B.O. (now under put off duty) vide SSPOs Guwahati memo No. F4-2/06-07 dtd. 05-06-2007 stands proved.

Sd/-

(K.M. Nath)

I.O. & ASPOs (HQ)

Guwahati-1.

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Annexure - F

Reply Brief of the case under Rule-10 Inquiry against the Brief submitted by the PO vide his letter no.A1/Enquiry/Kolazol BO dtd.1-7-08 in c/w the charge against Md.Jonab Ali as per SSP Guwahati Memo no.F4-2/06-07dtd.5-6-07 received on 8-7-08 by the CO.

The Brief Reply on the findings of the Hearings dtd.1-11-07,25-11-07,11-1-08,22-2-08,8-4-08 & 9-4-08 at the O/o the SSPOs Guwahati Division,Guwahati-1 are furnished below for favour of kind disposal -

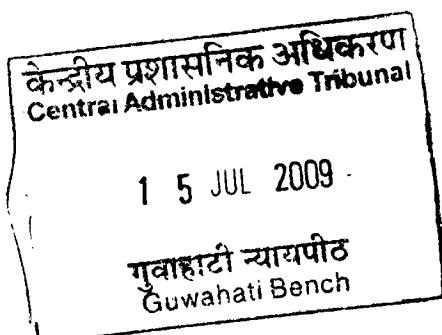
- 1) The points arised in the conclusion of the PO's brief mentioning the para 5,6 and 7 & para 3&4 of the enquiry report on striking off the actual facts of the hearings on different dates stands not conclusive to establish the case on the basis of the following points -
 - a) As Sri Sidhi Ram Kalita,SPM (SW-6) on the hearing date 9-4-08 stated that his statement dtd.12-4-07 was given as per direction/dictation of the SDI(P) Guwahti (East) -(cross exam no6 by DA).
 - b) As Sri Prafulla Nath (SW-4) on the date of hearing dtd.22-2-08 confaced that the statement given by him to the SDI(P) on 6-12-06 was dictated by the SDI(P) himself (cross Q.no3 by DA).
 - c) As stated by Sri D.K.Patowary (SW-8), the W/S of Sri Bapuram Das was obtained by him at Dvl office on 13-3-07 and it was guided by him(sri Patowary).
 - d) Sri Kailashpati Rabha (Swno7) stated in his statement on the hearing date 8-4-08 that the statement given by him on22-3-07 was not completely of his own but dictated by the SDI(P) concerned.
 - e) 17 no witness by whom it was proposed to prove the charge as per annexure-III of the charge-sheet at serial 9 to 25 were not called for oral& cross examination on the dates of hearing. There by the the fact that all of the evidents above may give their statements against the charge as stated by the evidents as mentioned in a,b,c & d above was hidden.

As such,it is opposed that the conclusion brief given by the PO is one sided that ignoring the out come of the hearing. Thus the brief submitted by the PO against me stands baseless.

- 2) The Charge against me is CONCOT to harrass me by the SDI(P) concerned AS -

- a) The SDI(P) Guwahati(E) failed to detect the case during his enquiry at Baihata SO for the period from 12-9-02 to 27-10-06. On the other hand MPKBY agent Smt. Mira Begum under MPKBY no.3688/AKM-1101/02 dtd.12-9-02 did not submit any complaint as regards receipt of her commission against me which was confaced by Smt.Begum on 9-4-08 (Q-3 cross exam by DA).
- b) The SDI(P) concerned obtained my statement on 18-11-06 at about 7 PM attending my home at Alekjari accompanied with Md. Saidul Islam the then BPM Puthimari against my mind and completely dictated by him on threatening of handing over the police if I refuse to state what he dictet. It was stated by MD. Saidul Islam on the hearing date 11-1-08 (cross exam). My willing ness to state this fact was opposed by the IO on the hearing date.

Continued in page 2



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(2)

c) The SDI(P) concerned obtained my double statements on 8-11-06 & 18-11-06 and there after on both of which my signature was obtained on 7-12-08 through messenger (overshier Mr. Barman).

d) The charged amount calculated by the SDI(P) came to Rs.81,153/-,Rs.89,759/-and Rs.37,616/- were Conjecture and not factual.

3) a) Sri Saidul Islam, Sri Bapu Ram Das, Sri Matur Rahman and Sri Kailashpati Rabha deposed on the hearing dates 11-1-08, 22-2-08 and 8-4-08 that they knew Smt Mira Begum as agent of MPKBY under Baihata SO and saw her attending office with her lots.

b) Smt Mira Begum MPKBY agent made her transaction of money with out any complaint as deposed by the following on the hearing dates mentioned against each -

Sri Sidhi Ram Kalita on 9-4-08 against Q no 6.

Sri Prafulla Ch Nath on 22-2-08 against Q no 4.

Sri Bapuram Das on 22-2-08 against Q no 2.

Sri Matiur Rahman on 8-4-08 against Q no 2.

Sri Kailashpati Rabha on 8-4-08.

c) Smt. Mira Begum (SW-9) on 9-4-08 deposed that she did not submit any complaint regarding non receipt of her commission as MPKBY agent under Baihata SO. As the answer to the question about her statement, it was deposed by herself that the complaint was collected by the SDI(P) concerned from her present residence at Salbari, Noonmati, Guwahati-20 in his own interest. It is most objectionable under what circumstance the photocopy of the statement of Smt. Mira Begum was produced at the time of hearing and not the original one. Thus it is clear that a fake case is prepared against me by the SDI(P) concerned by collecting some irrelevant documents /statements from others.

As such it is clear that the charge framed against me is malafide allegation and the Brief submitted by the PO is not genuine.

4) From the above discussion it is proved that Smt. Mira Begum functioned as MPKBY agent under Baihata SO during the period from 12-9-02 to 27-10-06 and made her transaction with out any objection and accordingly received the commission in which I am not related with any case there on.

So all the charges made against me by SSP Guwahati memo no. F4-2/06-07 dtd. 5-6-07 are nothing but mental thoughts and not based on real facts. Therefore, I may be free from the charges framed against me as the charges are not Proved.

Your's faithfully

Md. Jonab Ali.
(Md. Jonab Ali)

BPM Kolazal BO on Put off duty.

Dated at Kolazal the 15-7-08.

To
Sri K.M.Nath. IO
ASPOs (HQ)
O/o the SSPs. Guwahati-781001.

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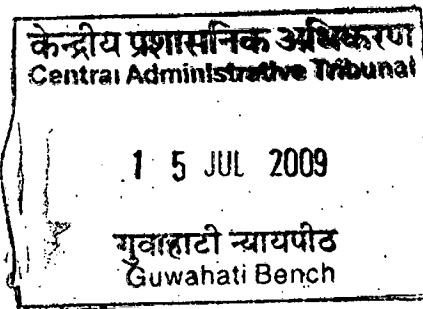
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Observations and finding:

I have gone through the contents of the charge framed against Md. Jonab Ali, records of inquiry, briefs submitted by both prosecution and defence side during inquiry and findings recorded by the IA, evidences adduced during inquiry and depositions of the witnesses examined as well as defence representation submitted by the charged GDS BPM on I.O's report and other relevant records and documents thoroughly & very carefully and my observations are as under:

The charge framed against Md. Jonab Ali is that he obtained MPKBY agency having authority No. 3688/AKM-1101/02 dated 12/09/2002 in the name of one Smt. Mira Begam furnishing fake address as C/o Saifuddin Saikia, Vill- Barhata, PO- Kolazal (Baihata), Dist- Kamrup and acted himself in the name of the said agent. While depositors approached him for opening RD accounts at his BO, he obtained the SB-3 and money from the depositors and gets the accounts opened at Baihata SO through the said fake agency operated by him. Subsequent deposits made by the depositors in those accounts directly to him were also shown as deposits collected by the said MPKBY agent and he deposited the amounts so collected at Baihata SO in the name of the said MPKBY agency impersonating the name of Smt. Mira Begom, a distant relative having no consanguineous relationship and thereby he earned and received payment of undue and illegal commission amounting to Rs. 37,616. These acts of Jonab Ali are well established from the statements of depositors as they clearly stated that they have not seen any lady agent worked in that area, they have deposited their money to Jonab Ali knowing him a postmaster not an agent and they knew that their accounts are opened at Kolazol BO not at Baihata SO. The charge is also established in support of the evidences and witnesses examined during oral inquiry as concluded with the observations and findings recorded by the IA.

Md. Jonab Ali, the suspected GDS BPM, (under put-off duty) by means of such a fictitious MPKBY Agency in another's has propagated in the area diverting the attention of most of the innocent customers toward his fictitious agency causing tremendous fall in day to day work-load and income of Kolazol Chowk BO in A/c with Baihata SO from where he in some way or the other drew thousands of rupees in the shape of illegal commission, which a GDS BPM generally cannot do in conformity with Departmental Rules and procedures. The charged GDS BPM, during regular inquiry held into the case could neither confute with veritable proof, the allegation of accepting illegal commission through his fictitious agency nor adduce congruous reason or any substantial evidence/documents so as to prove himself innocent. His plea—"Smt. Mira begom does not lodge any complaint against him"—for which Departmental inquiry cannot run against him and he may be exonerated from the charge—is not at all convincing for his immunity, rather, a connoting statement of his implacable impishness tantamounting his so-called veracity into voracity.

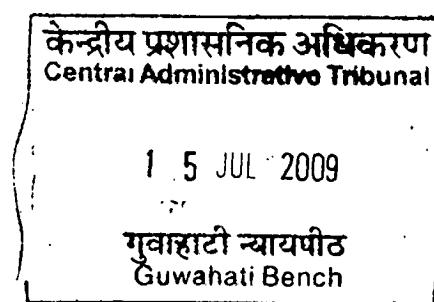


There have been 25 documents produced in the regular hearing and these are examined by the Inquiring Authority in presence of the charged GDS BPM along with his Defense Assistant. All these documents are found to be genuine and authenticated by both the charged GDS BPM and his Defense Assistant during preliminary hearing. No protest from the defense side was also raised to defy the genuineness of the listed documents mentioned in Annexure-III of the charge sheet. Moreover, there are 243 vouchers and supporting schedules have been prepared by Md. Jonab Ali for Smt. Mira Begom at the time of taking payment of the commission amounting to Rs. 37,616.00 from Md. Matiur Rahman, Counter PA, as well as from different SPMs vis. S/Sri Bapuram Das, (SW-3), Prafulla Ch. Nath (SW-4) and Kailash Pathi Rava (SW-7).

Md. Matiur Rahman, PA, Baihata SO, clearly states that he has not seen Smt. Mira Begom, fictitious MPKBY Agent, to approach Baihata SO, either for depositing the collection of RD Accounts or for taking payment of commission thereof for the period from 11-04-02 (i.e. the date of issue of Agent appointment letter) to 20-02-07 except on the one occasion only during 2006 for introduction with the staff of Baihata SO—denotes that it is Md. Jonab Ali, the charged GDS BPM, who functions un-earth for his personal gain impersonating the name of Smt. Mira Begom, a distant relative to him. Smt. Mira Begom, (SW-9) herself says in her deposition on 09-04-08 that she has neither deposited any RD collection nor claimed any commission in person at Baihata SO as she resides at Salbari, Noonmati, Guwahati, far away from Baihata SO. But the whole episode is played at the instance of his "Moha" i.e. Md. Jonab Ali, Charged GDS BPM of Kolazol Chowk BO—also a clear indication of impersonative acts of the Charged GDS BPM of Kolazol Chowk BO. It is further stated by SW-9 in her deposition that, Md. Jonab Ali, Charged GDS BPM and an impersonator, obtained the authority of MPKBY Agency vide No. 36688/AKM-1101/02 dated 12-09-02 in the name of Smt. Mira Begom obtaining her signature fallaciously and operation of the said agency keeping her in dark—is indicative of forceful signature collection and un-willing operation of fictitious agency, just for the purpose of mis-appropriating RD collection commission @Rs. 4%. Although the charged GDS BPM has alleged in his defence representation that there is no complaint lodged against him by Smt. Mira Begom—but it cannot be taken into consideration in view of the fact that Smt. Mira Begom did know about running of fictitious agency in her name till the date of cropping up the case by the Inspector (Complaints), O/o SSPOs, Guwahati.

Sri Subhasish Bhattacharjee, SDI(P)/East Sub-Dn. has been asked by the Disciplinary Authority to inquire into the case specifically, who in turn, records the depositions of S/Sri Siddhi Ram Kalita, SW-6, Prafulla Chandra Nath, SW-4 and Kailash Pathi Rava, SW-7. All of them have functioned there at Baihata SO as SPM for some specific period and they are guilty for allowing Md. Jonab Ali to accept agency commission by means of pre-signed vouchers in the name of Smt. Mira Begom, which was possible for influence and connivance of the above said SPMs. So their manoeuvre shown in the regular hearing as witnesses go against the defence of Sri Jonab Ali.

As regards the deposition of Sri Bapuram Das (SW-3) recorded by Sri D. K. Patowary, offtg. IPO, in Divisional Office is a regular process since Divisional office is a



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public office. It does not help to defend the case by Md. Jonab Ali, rather, it proves the commission of fraud by the SGDS BPM. The plea raised by the charged GDS BPM on this particular point is "meddlesome" only and by no means convincing.

Said Sri Bapuram Das worked as SPM/Baihata SO from 25-03-00 to 05-03-04 who in his written statement dated 19-03-07 clearly mentioned—"Mira Begom never attended Baihata SO either for the purpose of depositing RD collections or for taking commission thereof. Again, in course of examination of witness, during regular hearing held on 22-02-08, he replied to Que. No.7 and question No.6 of cross examination that he paid commission on pre-signed voucher and no signature of the payee (Md. Jonab Ali) was obtained—clearly and rationally concedes implication of Md. Jonab Ali in embezzlement of public money in the shape of RD commission through a fictitious agency being run impersonally.

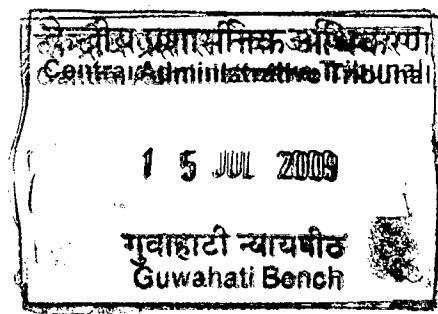
Sri Siddhi Ram Kalita (SW-6) who worked as SPM from 09-11-05 to 06-12-05 deposed before the IO, while examined/cross-examined on 09-04-08 that he did not see Mira Begom as MPKBY agent attached to his office, rather, Md. Jonab Ali, GDS.BPM, Kolazol Chowk BO deposited RD Lots at Baihata SO in person and took commission for and on behalf of Mira Begom—implies Jonab Ali's evil motives for earning illegally to accumulate public money for personal gain.

Above all, I have gone through the defence representation of Md. Jonab Ali, the Charged GDS BPM, submitted on I.O's report for consideration very thoroughly and carefully and observe :

That the defence representation should have been submitted in the light of defending himself against the charges, instead, it is found full of denigration and meddlesome quoting, making it more cumbersome with illogical surmise .

Md. Jonab Ali claims that he is not guilty of the charges framed against him and he has submitted his representation against the findings recorded by the IA to disprove the charge framed against him. The points of defence raised by Md Jonab Ali is discussed below :

- 1) (i) He claims that the charge framed against him was not based on the written complaint of Mira Begum or on any complaint from any other corner. This not a point of his defence any way. He is charged of some specific misconduct committed by him. He is to prove that he has not committed the imputed misconduct. How the case came to light is not a point of his defence. Moreover he is not charged of any misbehavior against any Mira Begum. As such question of any complaint from so-called Mira Begum or any other side does not arise.
- (ii) He opened so many SB/RD/PLI accounts/policies in his BO is not a defence for him. Because he is not charged of not opening any SB/RD accounts or RPLI policy in his BO. He is required to prove that he has not collected money from the depositors of RD accounts stand opened through the MPKBY agency in the name of Mira Begum and he has not drawn any commission in this regard from Baihata SO.



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(iii) Md. Jonab Ali in his defence representation stated that "there was an RD account bearing account no. 209286 opened on 28.04.06 in the name of minor daughter of a senior officer of the department depositing Rs.500/- monthly under the agency of Smt. Mira Begum with out any objection"—is not a matter relating to charge-sheet and not relevant in this regard.

(iv) The charge sheet is issued only once against Jonab Ali that is dated 05.06.2007 and the amount specified in the charge sheet is fixed amount. And it is naturally not necessary that all the instances of his misconduct should be incorporated exhaustingly in the charge sheet. The amount communicated to him as the fraudulently drawn amount as established at various progressive stage of departmental inquiry is not required to be the same amount as mentioned in the charge sheet. More charge sheets may be issued against him with the instances of fraudulent drawls of Govt money not incorporated in this charge sheet. His defence is required to be aimed to the charges incorporated in this particular charge sheet. Why charge sheet is not issued incorporating entire instances of his misconduct is no way a point of defence for him. Therefore, his claim that the charge framed against him is not distinct and perfect is not sustained.

(v) After drawing Govt money in fraudulent way he can not claim that there is no example of lack of integrity and devotion to duty in his service life unless he fully disproves the charge framed against him.

2) (i) Again, a useless point is raised by the charged GDS in para 2(i) of his representation that the SDI had no reason to obtain statement from Shri Siddhi Ram Kalita (SW-6) as there was no complain from any MPKBY agent or other corner. Instead of making any to the point defence against the charge framed against him the charged GDS is analyzing the source of detection of the case and authority of the investigation which are beyond his limit and out of purview of defence against the charge. I have gone through the deposition of Shri Siddhi Ram Kalita (SW-6) dated 09.04.08 recorded during oral inquiry. The deposition sheet was clearly authenticated by the charged GDS. Nowhere in the deposition sheet there is any mention that the statement of Shri Siddhi Ram Kalita dated 12.04.07 was dictated by SDI.

(ii) The allegation that the statement dated 06.12.06 of Shri Prafulla Ch. Nath (SW-4) was dictated by SDI (P) is base less as it was not established during oral inquiry. Shri Prafulla Ch. Nath, during examination in oral inquiry clearly stated that though he recorded statement as per dictation of others, the content of the statement is correct and known to him. Jonab Ali should challenge the contents of the statement which clearly establishes the allegation brought against him. This does not nullify the admissibility/authenticity of any statement while it is duly signed by the person recording it.

(iii) This point has already been discussed above. In this point the charged official has exhibited himself as a meddler, and nothing substantial.

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(iv) Regarding the dictating of the statement of Shri Kailash Pati Rabha recorded on 2.03.07 by SDI as alleged by Jonab Ali, my observation recorded in sub para 7 above in respect of the statement of sri prafulla ch. Nath is sufficient to nullify his allegation. The contents of the statement and deposition of Sri Kailash Pati Rabha have no way disprove the charge drawn against Md. Jonab Ali.

(v) The records of inquiry show that all the 9 listed witnesses were examined during oral inquiry and depositions were recorded. All 25 evidences listed in annexure III, were produced and brought into records of inquiry. All evidences and all witnesses have proved the charge framed against Jonab Ali as already justified in above paras. The claim made by Jonab Ali in para 2(v) of his representation is therefore base less.

(vi) SDI may go on investing a case day and night. No rule put any limitation on him in this regards. If the SDI approached for statement of the charged GDS on any odd time. It was opened to him to refuse recording any statement on that time. Moreover threatening the charged GDS by SDI is just a base less allegation as it was not established or proved during oral inquiry with supporting evidence.

(vii) Again the charged GDS has raised a useless point in para 2(vii) of his representation relating to the complain from Mira Begum regarding non receipt of her commission and collecting of photocopy of statement from the residence of Mira Begum. As there was no Mira begum in existence who actually functioned as MPKBY agent, question of any complaint from any Mira begum does not arise as already discussed in sub para 1 above. The disciplinary authority has listed the attested photocopy of the written statement of Mira begum the person in whose name Jonab Ali was operating the forged agency. The SDI obtained written statement of Mira Begum and disciplinary authority listed attested photo copy of the said statement in the charge sheet. What the charged GDS mean by saying that the SDI has collected attested photo copy of the statement of Mira Begum is not understandable. This document was produced and listed as PD-20 in oral inquiry. There was no challenge from the defence side regarding authenticity or admissibility of the document. The defence side did not demand production of original of the statement during oral inquiry. Now after close of the oral inquiry question of reopening of the issue does not arise.

I do not see any act of partiality on the part IA in course of oral inquiry and no sustainable point of defence in the representation submitted by the Charged GDS. Rather all the evidences adduced during inquiry substantially proves the charge framed against MD. Joinab Ali. Whatever arguments put forwarded by Jonab Ali to disprove the charge framed against him are only forceful arguments and these are not enough and sustainable to disprove the charge frame against him. I am fully agree with the I.O's report.

From the above discussions of facts and reasoning, I find that Md. Jonab Ali, suspected GDS BPM, Kolazol Chowk BO has been involved in running a fake MPKBY Agency impersonating one Smt. Mira Begom and misappropriated public money to the tune of Rs. 37.61.00 in shape of commission. I also find that the charges brought against said suspected GDS BPM, Kolazol Chowk BO vide Divisional office Memo of even No. dated 06-05-07 is fully proved and thereby said Md. Jonab Ali by his above acts

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exhibited lack of integrity and devotion to duty. So, Md. Jonab Ali, the charged suspected GDS BPM deserves severe punishment for violation of the provisions of Rule-21 of DOP Gramin Dak Shevak (Conduct & Employment) Rules, 2001, and I hereby pass order as follows to meet the end of justice.

ORDER.

I, Sri D. N. Sharma, Sr. Supdt. of Post Offices, Guwahati Division, Guwahati-781001, in exercise of power conferred under Rule-10 of GDS (Conduct & Employment) Rules, 2001, hereby order for removal of Md. Jonab Ali, GDS BPM, Kolazol Chowk BO (now under put-off duty) from service with immediate effect. I further order that the period of his put-off duty from 20-07-07 (A/N) to till date to be treated as **non-duty** for all purpose, and thus disposed of the case.

Sdt
(डी. एन. शर्मा)

(D. N. Sharma)

वरिष्ठ अधीक्षक डाकघर

Sr. Supdt. of Post Offices

गुवाहाटी मंडल, गुवाहाटी-781 001

Guwahati Division, Guwahati-1.

Copy to :

Regd.
DP

- 1) Md. Jonab Ali, GDS BPM, Kolazol BO (now put-off duty), Via. Baihata SO for information.
- 2) The PM/ Guwahati University HO for necessary action.
- 3) The Chief Postmaster General, Assam Circle, Guwahati.
- 4) The SDI(P), Guwahati East Sub-Dn, Guwahati, for information and necessary action. He will deliver the Memo No. F4-2/07-08 dated 19-09-08 & send the acknowledgement to this office.
- 5) Office copy.

B.S.
Sr. Supdt. of Post Offices
गुवाहाटी मंडल, गुवाहाटी-781 001
Guwahati Division, Guwahati-1.

Annexure - H

TO,

The Director of Postal Services
Guwahati Postal Circle,
Guwahati-1.

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Guwahati Bench

Sub :- An appeal under Rule 13 of the
C.D.S (Conduct and Employment) Rules
against the order of removal passed
by the Sr. Supdt. of Post offices
Guwahati Divn. Guwahati-1.

sir,

Most humbly I beg to prefer this appeal against the
order of removal from my service passed by the Sr. Supdt. of
Post office Guwahati Divn. Guwahati on 19.9.08 for favour
of your kind consideration and necessary favourable and
sympathetic orders.

That Sir, I was working as Branch Post Master at
Kalajol Branch Post office for last 18 year from 1989 to
July/07, without any blamish or scar on my service career.

That the Sr. Supdt. of Post offices, Guwahati
Division Guwahati, initiated a disciplinary proceeding against
me on the following charges and an enquiry was held and then
as per the report of the enquiry officer I was held guilty
of the charges and accordingly I have been removed from any
service on 19.9.08.

The charges against me are :-

1. That I obtained a MPKBY agency in the name of
one gmt. Miza Begum and acted myself in the name of the
said agent.
2. That I operated the aforesaid fake agency.

certified to be true
copy
Z. Khalid
Advocate

Contd-->/p.

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3. That I collected and deposited the collected amount in the name of the said MPKBY agency and earned and received illegal commission of Rs. 37616.00 only.

4. That by the above acts I have diverted and reduced the workload and in-come of the Branch office.

5. That for the above allegation I lack integrity and devotion to duty and thereby I violated Rule 21 of the G.D.S. (C & Z) Rules 2001.

(1) That with regard to the charge No.1 I beg to state that the MPKBY agency is granted by the Regional Director of small savings, Govt. of India at Guwahati and not by the Postal authority. That only the issuing authority can prove actually who obtained the said agency. The authority only charged me for obtaining the agency but did not even try to ascertain actually who obtained the agency and no evidence was put forward to prove the charge, as such the charge is not proved. It is also not proved as per law that I acted myself in the name of Smt. Mira Begum (the MPKBY agent).

(2) That with regard to the charge No.2 it is stated that I operated the said fake agency. That in this respect I beg to state that only the granting authority (Regional Director, small saving Govt. of India) can only ascertain whether the said agency was fake or not. So without examining the granting authority of the agency the disciplinary authority cannot hold that the said agency was fake and as such the charge No.2 is not proved.

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(3) That with regard to the charge No.3, it is alleged that I collected and deposited the collected amount in the name of the said NOKBY agency and earned and received illegal Commission of Rs. 37,616.00 only. In this respect I beg to state that it is true that I introduced Smt. Mira Begum the NOKBY agent in the office of the Baihata S.O. and show her how to open the R.D. Account and to deposit the amount and after that Smt. Mira Begum herself deposited the collected amount and received commission. The authority cannot show any receipt whereby I received the commission of NOKBY agency of Smt. Mira Begum and they cannot show any document that I have ever deposited any money on behalf of Smt. Mira Begum.

(4) That to prove this charge the authority have examined nine witnesses out of total witnesses. But at the time cross examination only 9 witnesses were produced. In this connection I beg to state that the statement of the remaining 10 (ten) witnesses were said except the name and address of the witness and it was dictated by the investigating officer Sri S. Bhattacharjee. It is observed in reading the statement of these witnesses were taken in a format and each and every witness told the same story. That seeing the illegality in taking the statement of these witnesses the authority did not brought them for cross-examination and these activities prove the illegal behaviour of the authority. These witnesses were not produced by the authority even after several demand from me.

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(5) Out of nine witnesses S.W. 1 is the investigating officer Sri S. Bhattacharjee. S.W. S. Dhikendra Patwary states that he knows nothing except taking the statement of Sri Bapu Ram Das. Out of remaining 7 (seven) witness, three witnesses namely Sri Siddhi Ram Kalita (S.W. 6), Sri Prfulla Nath (S.W. 4) and Sri Kailash Pati Rava (S.W. 7) categorically stated in their cross-examination that they gave the statement as per the dictation of other person that is the investigating officer. S.W. 7 Sri Kailash Pati Rava stated that he did not understand a portion of his statement which was dictated by Sri S. Bhattacharjee, investigating officer although he signed it from the above statement of the witnesses it is seen that in the investigation of the case the investigating officer took a bias attitude and dictated the statement to the witness who were all subordinate G.D.S. employees. That as a result the whole enquiry tainted by biasness which is illegal and as such it is not an enquiry in the eye of law and I am not liable to any punishment in such an illegal enquiry. Such an enquiry is against the principle of natural justice. In the Director General Instruction regarding enquiry against the E.O. employees it was stated in paragraph 12 that natural justice should be followed in disciplinary proceeding against E.O. agents which was issued as per the judgement of the Supreme Court dated 22.4.1977.

(6) I further beg to state that as the statement of the above witnesses were dictated by the authority a doubt arises about the veracity of the statement of other witnesses.

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(7) That as per the charge that I have deposited the collected amount in the name of Mrs. Mira Begum and received commission in her name which is not supported by any documentary evidence. Out of 7 (seven) witnesses four witnesses clearly stated that Miss Mira Begum came to the Bahlata S.O. and deposited the collected amount and took commission. The other 3 (three) witnesses told that their statement were dictated by others and as such the charge is not proved beyond all reasonable doubts.

(8) That with regard to the charge that I have diverted and reduced the workload and in-comes of the Branch office has not been proved. That the duty hour of the G.D.S.B.P.M is only 5 hours and I can state boldly that I have kept ^{not} any work pending in any day and there no allegation that I have ever neglected the official work during the entire 18 years of my service career. The authority has not adduced any evidence to the fact that I have diverted and reduced the workload and income of the Branch office and as such the charge is not proved.

(9) That with regard to the charge that I lack integrity and devotion to duty and thereby I violated Rule 21 of the GDS (C & S) Rules 2001. That in this connection I beg to state that as the allegations brought by the authority has not been proved beyond all reasonable doubts, and as per law and procedure the question of lacking integrity and devotion of duty does not arise at all and as such Rule 21 of the GDS (C & S) Rules 2001 is not attracted against me.

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(10) That it is interesting to note that Smt. Mira Begum has not filed any complaint for non-receipt of commission, some interested persons in the Deptt. who are enimical with me have filed this false complaint only to harass me.

(11) That S.R. I am a poor man and if my order of removal which was illegally imposed upon me is not set aside and I am not allowed to join my duty, my family will die of starvation.

Under the circumstances as stated above it is most respectfully prayed that your honour would be pleased to consider the grounds put forth by me and be further pleased to set aside the order of removal passed on 19.9.08 and allow me to resume my duty and thereby save my poor family from starvation.

Yours faithfully,

Md. Jonab Ali
(Md. Jonab Ali)
Ex. G.D.S. B.P.M. Kobjal
Post office.

13-16-2008

DEPARTMENT OF POSTS: INDIA
OFFICE OF THE CHIEF PMG, ASSAM CIRCLE, GUWAHATI 781001

No: Staff/9-106/2008

Dated 3rd March, 2009

Appellate Order

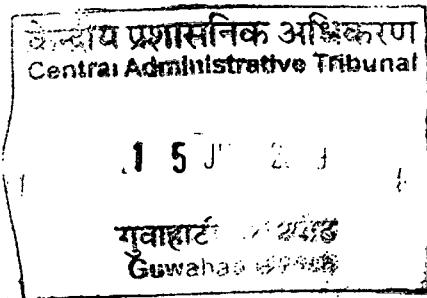
This is on the appeal dated 13.10.2008 preferred by Md. Jonab Ali, Ex-GDS BPM, Kolazol Chowk BO (herein after called the appellant) in account with Baihata SO in Guwahati Postal Division against the order of removal from service issued vide the SSPOs Guwahati memo No. F4-2/06-07 dated 19.09.2008 after conclusion of an inquiry under Rule 10 of GDS (Conduct and Employment) Rules, 2001 instituted against the appellant.

The charge framed against the appellant vide SSPOs Guwahati memo no. F4-2/06-07 dated 05/06/2007 was that while he functioned as GDS BPM, Kolazol Chowk BO in account with Baihata SO during the period from 18-10-1989 to 20-02-2007, obtained a MPKBY agency having authority No. 3088/AKM-1101/02 dated 12/09/2002 in the name of one Smt. Mira Begam furnishing fake address as C/o Saifuddin Saikia, Vill- Barhata, PO- Kolazal (Baihata), Dist- Kanirup and acted himself in the name of the said agent. While depositors approached him for opening RD accounts at his BO, he obtained the SB-3 and money from the depositors and got the accounts opened at Baihata SO through the said fake agency operated by him. Subsequent deposits made by the depositors in those accounts directly to him were also shown as deposits collected by the said MPKBY agent and he deposited the amounts so collected at Baihata SO in the name of the said MPKBY agency and thereby he earned and received payment of undue and illegal commission amounting to Rs.37, 616/- (Rupees thirty seven thousands six hundreds sixteen) only in the name of said MPKBY agency.

He was further charged of diverting and reducing the workload and income of the BO as the accounts could have been opened at his BO instead of opening them at Baihata SO through the agency of Smt. Mira Begam, while the depositors directly approached him for the same.

His above acts imputed the appellant to have exhibited lack of integrity and devotion to duty and thereby violated Rule 21 of Department of Posts, Gramin Dak Sevak (Conduct and Employment) Rules, 2001.

The charge framed against the appellant was proved fully in rule 10 inquiry in support of reasonable documents and evidences and the appellant was held guilty of lack of integrity and devotion to duty in terms of rule 21 of GDS (Conduct and Employment) Rules, 2001.



Rules, 2001 and accordingly he was removed from service with effect from 19.09.2008 vide SSPOs Guwahati order No. F4-2/06-07 dated 19.09.2008.

This appeal lies against the said order of removal from service.

The undersigned has gone through the appeal vis-à-vis the connected records of the inquiry instituted against the appellant. It is clear that the appellant faked as Mira Begum for collecting MPKBY commission and he clearly diverted his BO RD deposits to Baihata SO under agency in the name of Mira Begum.

The charge framed against the appellant appears specific and self-contained without any ambiguity and the procedure specified in the GDS (Conduct and Employment) Rules, 2001 was complied with in letter and spirit in the inquiry and no opportunity in defending the case was denied to the appellant.

The observations and findings of the IA as well the disciplinary authority are found justified, reasonable and based on evidences and witnesses and this appeal does not contain any sustainable reasoning or argument against them. Rather, the appellant has submitted some illogical and irrelevant argument.

The point like he has never neglected his official duty, he did not keep any work pending and there was no complain against him from any corner as raised in his appeal are just irrelevant to the content of the charge framed against him.

The charge brought against him was on the fact that he himself acted in the name of a MPKBY agent and earned and received undue commissions in illegal way. He could have disproved the charge brought against him during the inquiry if he was not guilty of the charge.

The claim of the appellant with regard to his past service as unblemished is found not correct as his service records reveals that he was charge sheeted under Rule 8 of then EDA (Conduct and Service) Rules, 1964 vide SSPOs Guwahati memo No. F1-4/95-96 dated 12.03.1996 for keeping shortage of Rs.1134.20 in his office cash balance of the date 21.07.1995 and he was awarded punishment of debarring from appearing in the postman examination for two years vide SSPOs order dated 31.05.1996. Moreover, vide order against which this appeal lies it was established that he fraudulently drew government money to the tune of Rs.37616/- in the shape of illegal agent's commission.

The claim of the appellant that the postal authority cannot term an agency as fake while it was issued under authority of the Regional Director Small Savings, Guwahati is not sustainable as the existence of any person named Mira Begum at the address provided in the license was established during inquiry. It is not a point of defence for the appellant that how the Regional Director Small Savings, Guwahati issued an agency in the name of a person who actually does not exist in the given address or the field. Rather it was established during inquiry that the appellant him self faked as Mira Begum in obtaining and operating the agency.

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

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The records reveals that during Rule 10 inquiry, all the supporting vouchers and schedules of deposit representing the fraudulent drawals of agent's commission amounting to Rs.37616/- were produced which were examined and authenticated by the appellant also without any challenge. The appellant did not raise any question regarding the authenticity of the documents. It was evidently established during oral inquiry that the appellant himself tendered the deposits in the name of Mira Begum and received commission submitting pre-signed vouchers purported to be signed by Mira Begum. Eventually, all the pre-signed vouchers presented by the appellant to receive commissions in the name of Mira Begum contain his signature as witness to the payments. There he cannot claim that the authority could not produce any receipt or document to prove that he deposited the money and received commission.

The claim of the appellant that out of 19 witnesses only 9 witnesses were examined during oral inquiry is found not correct as the Annexure IV attached to the charge sheet is evident that only 9 witnesses were listed in support of the charge and all 9 witnesses were examined during oral inquiry who were duly cross examined by the appellant. It is evident that during oral inquiry no opportunity or demand of the appellant was denied by the IA. As per record of Rule 10 inquiry, there was no demand from the appellant in regard to production and examination of any additional document or witness for his defence. None of listed witness was left off from production and examination. Since the witnesses were physically examined/cross examined in course of inquiry claim of the appellant in regard to format and manner of obtaining of statement of remaining witnesses are irrelevant and immaterial here. Moreover, it is not unnatural that statements of various witnesses may narrate the same story while they are expressing true fact about the same incident. The appellant has no scope to raise such issues in appeal, which were never raised or refused during oral inquiry.

The charges framed against the appellant is found not based on any complaint from any concern. It is not necessary that departmental loss and fraud cases should be detected only if there is complaint from any corner. Moreover, while no Mira Begum physically functioned as MPKBY agent under Baihata SO, question of complaint from any Mira Begum regarding non-receipt of her commission does not arise. No person in the department is found to have filed any complaint against the appellant. These are found baseless allegation in-put in the representation of the appellant.

Neither the inquiry instituted against the appellant is found to be illegal nor does it appear to be tainted by any biasness. No natural justice was denied to the appellant in the disciplinary proceedings as revealed from the records of the inquiry. His allegation in this regard is found baseless and not sustainable.

All the other points and arguments put forwarded in his appeal appear not true or sustainable as per proceedings and records of the inquiry and the appeal does not contain any merit or sustainable reasoning and argument.

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

In view of above discussion it is held that the penalty imposed on the appellant by the disciplinary authority is adequate and justified to commensurate the offence and therefore I dispose the appeal with order. 75

Order

I Shri Pawan Kumar Singh, DPS (HQ & Mktg), o/o the Chief PMG, Assam Circle, Guwahati and appellate authority in the case hereby dismiss the appeal preferred by Md. Jonab Ali, Ex-GDS BPM, Kolazol Chowk BO Via – Baihata SO against the order of removal him from the service issued vide SSPOs Guwahati memo No. F4-2/06-07 dated 19.09.2008 and confirm the penalty imposed on the appellant by the said order of SSPOs Guwahati.

Pawan 21/2/09
[Pawan Kumar Singh]
Director of Postal Services (HQ & Mktg)
Assam Circle, Guwahati: 781 001.

Copy to :-

Regd.
A1 D

✓ 1. Md. Jonab Ali, Ex. GDSBPM, Kolazol Chowk BO, Via – Baihata SO Pin – 781380.

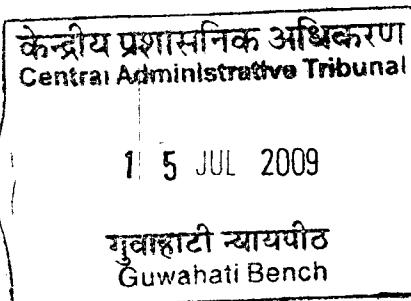
2-3. The SSPOs, Guwahati Division, Guwahati – for necessary action. A copy of the Appellate order shall be delivered to the appellant under clear receipt and a copy of receipt should be sent to the APMG (Staff), O/o Chief PMG, Assam Circle, Guwahati within a week positively for record.

4. Staff (Appeal)/Petition Branch, O/o CPMG, Assam Circle, Guwahati.

5. The Postmaster, Guwahati University HO for information.

6. PA to DPS (HQ), Guwahati.

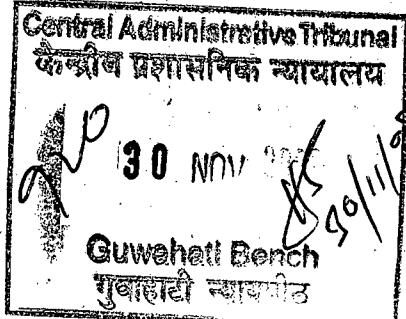
Pawan 21/2/09
[Pawan Kumar Singh]
Director of Postal Services (HQ & Mktg)
Assam Circle, Guwahati: 781 001.



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File in Court on 30/11/09
Court Officer.

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



IN THE MATTER OF:-

O.A no. 132/09

Sri Jonab Ali

...Applicant

-Vs-

Union of India and ors

...Respondents

-AND-

IN THE MATTER OF:

Written Statement on behalf of
Respondents

(WRITTEN STATEMENT ON BEHALF OF RESPONDENTS)

I, Sri Dipendra Nath Sharma/S/O Lt. Phanidhar Sharma, aged about 54 years, presently working as Senior Superintendent of Post Offices, Guwahati Division, Guwahati do hereby solemnly state as follows:

1. That I am the Senior Superintendent of Post Offices, Guwahati Division, Guwahati. I have been impleaded as a party respondent no. 4 in the above application. A copy of the aforesaid application has been served upon my Counsel. I have gone through the same and being the Senior Superintendent of Posts and I am conversant with the facts and circumstances of the case thereof. I have been authorized to file this Written Statement on behalf of Respondent Nos. 2 and 3.
2. That I do not admit any of the averments except which are specifically admitted hereinafter and the same are deemed as denied.
3. That before traversing various paragraphs of the present Original Application, the answering respondent would like to place the brief facts of the case.

BRIEF FACTS:

- 3.1 That the Govt. of India (Ministry of Finance) introduced an agency scheme called **Mahila Pradhan Kshetriya Bachat Yojana** (in short 'MPKBY') specially for women w.e.f. April, 1972. The objectives of the scheme are to

filed by:

The Respondents through
Maorjinder Dahi
S. C. Case, CAF, Guwahati
Bench.

Dipendra Nath
Sharma

Dipendra Nath
Sharma

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Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

educate housewives in family budgeting, inculcate the habit of thrift among households and self-employed people, canvas for and secure investment in P.O. 5 year Recurring Deposit Account from small savers and raise resources for financing development and defence of the country.

The eligibility criteria which is prescribed is only for individual women who shall be a resident of the locality for being appointed as authorized Mahila Agent under this scheme. Male individual, State/Central Govt. employees and their near relatives, near relatives of employees of Department of Posts and National Savings Organization and Branch Post Master (BPM) of the Postal Department are not eligible for appointment as agent under the scheme. Unauthorized person like male relative of a Mahila Agent is not permitted to transact business on behalf of a Mahila Agent.

The humble answering respondent craves leave for producing the relevant scheme as and when it is called for.

3.2 That applicant Md. Jonab Ali in fact worked as BPM Kolazol BO from 18.10.89 to 20.02.06.

3.3. That on 08.11.06, the Inspector of Post Offices made a routine visit to Baihata P.O. He found Md. Jonab Ali, GDS BPM, Kolazol Branch Post Office in account with Baihata Sub Post Office in Kamrup District fraudulently operating a Mahila Pradhan Kshetriya Bachat Yojana (in short 'MPKBY') agency having authority no. 3688/AKM-1101/02 dated 12.09.02 in the name of one Smt. Mira Begum with fake address as C/o Saifuddin Saikia, Vill: Barhata, P.O. Kolazol (Baihata), District-Kamrup.

3.4 That the case was subsequently investigated by the Area Sub-Divisional Inspector of Post Offices in detail and it was found that Md. Jonab Ali was illegally operating the said agency from the year 2002 and earning undue and illegal commission which is not permitted to him as per condition of licensing the agency.

3.5 Departmental Inquiry was initiated against the applicant vide SSPOs Guwahati memo no. F4-2/06-07 dated 05.06.07 under Rule 10 of Department of Posts, Gramin Dak Sevak (Conduct and Employment) Rules, 2001 and regular inquiry was conducted against him. He was chargesheeted vide memorandum dated 05.06.07 and the written statement of defence was submitted by the applicant on 06.07.07. After proper hearing by giving the opportunity to the applicant and proper evidence, the Inquiry Officer prepared the Inquiry Report. The Inquiry Report was prepared after proper inquiry into the charges framed against Md. Jonab Ali, GDS BPM Kolazol and submitted the same to the Disciplinary Authority.

*Sharma
Nal
Dwipendu*

3.6 That in the findings of the Inquiry report, the Inquiry Officer held that the charges framed against the applicant stands proved.

3.7 That the charge framed against the applicant, Md. Jonab Ali, vide SSPOs Guwahati memo no. F4-2/06-07 was fully established in support of reasonable evidences and witnesses examined during the departmental inquiry instituted against him.

3.8 That against the said Inquiry Report received by the applicant he made his reply vide reply dated 15.07.08. Thereafter the Senior Superintendent of Post Offices (SSPOs) vide order no. F4-2/06-07 dated 19.09.08 imposed the penalty of removal from service with immediate effect. Further ordered that the period of his put-off duty 20.07.07 (afternoon) to till date to be treated as non-duty for all purpose.

3.9 Thereafter the applicant preferred an appeal before the appellate authority i.e. the respondent no. 2 with a prayer to set aside the order of removal dated 19.09.08 and allow him to resume his duty.

3.10 That the appellate authority after due consideration of the facts and circumstances of the case and perusal of records and evidence of the case dismissed the appeal preferred by the applicant and confirmed the penalty imposed on the applicant passed by the SSPOs Guwahati vide his order no. Staff/9-2008 dated 03.03.09.

4. REPLY TO THE FACTS OF THE CASE:

4.1 That with regard to the statements made in paragraph 4.1 of the Original Application, the humble answering respondent begs to state that the statements made therein are not correct and as such denied. The applicant was working as Branch Post Master ('BPM', in short), Kolazal Branch Office from 18.10.89 to 20.02.06. He was not having an unblemished service record. He was earlier chargesheeted under Rule 8 of the then EDA (Conduct and Service) Rules, 1964 and awarded punishment of debarring from appearing in the Postman Examination for two years vide SSPOs Guwahati memo no. FI-4/95-96 dated 30.05.96.

4.2 That with regard to the statements made in paragraph 4.2, the humble answering respondent has nothing to make comment on it as being matters of records of the case.

4.3 That with regard to the statements made in paragraphs 4.3 and 4.4 of the Original Application, the humble answering respondent begs to state

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that the police investigation has not been completed yet and he is still under investigation.

Further, the humble respondent begs to state that the departmental inquiry has no bearing with the criminal case pending before the police and as such both the proceedings are separate proceedings. It is further stated that departmental proceeding was instituted on the charges of misconduct. The allegation that the Sub-divisional Inspector of Post Offices taking a vindictive attitude made out a concocted case against the applicant and on the basis of the report of the said Sub-Divisional Inspector, the respondent No. 4 initiated a disciplinary proceeding against the applicant is baseless as he is not the disciplinary authority and has no scope to play any vindictive attitude.

As stated above disciplinary proceeding and criminal proceedings are separate in nature and can run parallelly. The respondents do not have any vindictive attitude towards the applicant. There is no concocted case but a case was made out for misconduct.

4.4 That with regard to the statements made in paragraphs 4.5 and 4.6 of the Original Application, the humble answering respondent has nothing to comment on it being a matter of fact. As the applicant denies the charges against him, formal inquiry was held as per Rule 10 of the Gramin Dak Sevak (Conduct and Employment) Rules, 2001.

4.5 That with regard to the statements made in paragraph 4.7 of the Original Application, the humble answering respondent begs to state that statements made therein are not correct and as such denied. In the list of witnesses, there are only 9 (nine) witnesses only and not 19 (nineteen) as stated in the O.A. and all the witnesses were examined during the enquiry.

Copy of the said chargesheet dated 05.06.07 is annexed herewith and marked as **Annexure 1**.

4.6 That with regard to the statements made in paragraph 4.8 of the Original Application, the humble answering respondent begs to state that the inquiry was conducted following all the principles of natural justice and the applicant was given the opportunity to inspect the documents.

4.7 That with regard to the statements made in paragraph 4.9 of the Original Application, the humble answering respondent begs to state that the statements are not true and as such denied. It is stated that irregularities of forged drawls of government money in shape of agent's commission was detected by Inspector of Post Offices during inspection/checks at Baihata Post Office. As such departmental proceedings were not initiated on complaint filed by Smt. Mira Begum but as per the report of the Inspector of Post Offices.

Guwahati
Narkhanda
Paripendra

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Further, duly attested photocopy of the written statement made by Smt. Mira Begum on 24.11.06 during Fact Finding Inquiry was produced during oral Inquiry and it was listed as Prosecution Evidence no. PD-20. This document was examined by both defence and prosecution side during oral Inquiry held on 23.11.07 and there was no objection about its authenticity and no demand was made for production of the original by the defence side.

In the deposition dated 09.04.08 as stated by Smt. Mira Begum during departmental inquiry as well as oral inquiry she has clearly stated that she is a distant relative of the applicant and is aware of the fact that the applicant, Md. Jonab Ali, is running the MPKBY agency in her name at Baihata P.O.

Copies of the written statement dated 24.11.06 alongwith its English translation, deposition dated 09.04.08 made by Smt. Mira Begum and daily order sheet of Inquiry dated 23.11.07 are annexed herewith and marked as **Annexure 2, 3 and 4** respectively.

4.8 That with regard to the statements made in paragraph 4.10 of the Original Application, the humble answering respondent begs to state that the statements made therein are not correct and as such denied. As per the Annexure IV of the chargesheet (Annexure 1 to this Written Statement), "list of witnesses by whom the article of charge framed against Md. Jonab Ali, GDSBPM, Kolazal Chowk BO in account with Baihata SO is proposed to be sustained", is clear evidence that out of nine only one witness is a GDS and during oral Inquiry nowhere it was established that any of the witnesses deposed under any stress, duress or as per dictation of Inquiry Officer. Inquiry Officer did not take a vindictive attitude or biased view against the applicant. There was not any illegality or irregularity in the investigation and Inquiry was conducted fully complying with the procedure as per Rules and Inquiry Officer submitted his report.

4.9 That with regard to the statements made in paragraphs 4.11 and 4.12 of the Original Application, the humble answering respondent begs to offer no comment as they are matters of record. Disciplinary Authority after full and due application found the applicant guilty and penalty of removal from service was imposed on him.

4.10 That with regard to the statements made in paragraphs 4.13 and 4.14 of the Original Application, the humble answering respondent begs to state that appellate authority i.e. the Director of Postal Services, Assam Circle, Guwahati, after due consideration of facts and circumstances of the case and

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perusal of records, rejected the appeal preferred by the applicant vide order dated 03.03.09. The allegation of mechanical rejection of appeal is denied.

4.11 That with regard to the statements made in paragraphs 4.15 and 4.16 of the Original Application, the humble answering respondent begs to state that the statements made therein are not correct and as such denied. In Inquiry, Smt. Mira Begum confirmed that written statement is her own. Respondents also reiterated the statements made in paragraph 4.8 of this written statement.

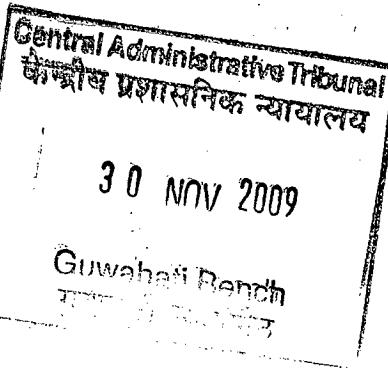
4.12 That the humble answering respondent begs to states that the applicant has illegally operated an agency issued in the name of other person. From the deposition of Smt. Mira Begum, the person in whose name the agency was obtained by the applicant, it was clearly established that the applicant obtained the agency in her name with her knowledge and on the understanding that she will not be required to do anything for operation of the agency and all functions in regard to the operation of the agency will be done by the applicant himself.

Further the humble answering respondent begs to submit that a Post Office is only a Deposit Receiving Authority in respect of the MPBKY agency. The Postal Department is not the appointing authority of the MPBKY agency rather the Director, Small Savings of State Govt. is the appointing authority. It is not the concern of the Postal Department, which is only a disciplinary authority, to find out under what circumstances the authority of the said agency was issued by the appointing authority but the disciplinary authority is only concerned with the impermissible and illegal act of the applicant whose service is controlled by the disciplinary authority.

4.13 That the instant Original Application has no merit at all and is liable to be dismissed.

Nath Sharma

Rupendra



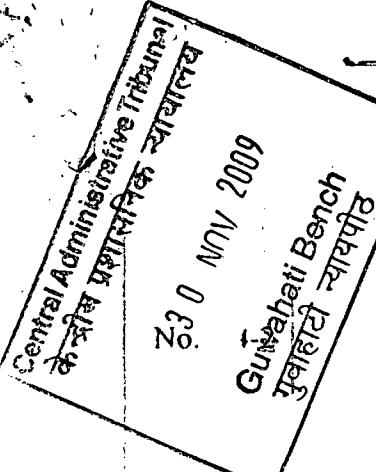
VERIFICATION

I, Sri Dwipendra Nath Sharma s/o Lt. Phanidhar Sharma presently working as St. Supt. of Pos. Guwahati, aged about 54 years do hereby verify that the statements made in paragraphs 1 to 3, 4.11..... are true to my knowledge and belief, those made in paragraphs 3.2 to 3.10, 4.1 to 4.3, 4.5 to 4.10 being matters of records those made in paragraphs 3.1 to 4.4 are provisions of rules of the case are true to my information derived therefrom which I believe to be true and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material fact before the Hon'ble Tribunal,

And I sign this verification on the 30th day of November 2009 at Guwahati.

Dwipendra Nath Sharma

SIGNATURE



GUWAHATI GPO (781001)
PS-RLAD C 8274
Counter No:3, OP-Code:BISHA
To: MD JONAB ALI, KOLAZOL CHOWK
BAIHATA, PIN:781380

Postal Service, 06/06/2007, 10:17
<>>

Annexure 1
80

JIA
POST OFFICES
- 781001

Guwahati the 05/06/2007

MEMORANDUM

The undersigned proposes to hold an Inquiry against Md. Jonab Ali, GDS BPM, Kolazol Chowk BO in account with Baihata SO (now under put off duty) under Rule 10 of Department of Posts, Gramin Dak Sevak, (Conduct and Employment) Rules, 2001. The statement of article of charge, the statement of imputation of misconduct or misbehavior in support of the article of charge and the list of documents and witnesses by which the article of charge is proposed to be sustained are enclosed.

2. Md. Jonab Ali 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 the respect of those articles of charge which are not admitted. He should therefore, specifically admit or deny each article of charge.
4. Md. Jonab Ali is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 10 of the Department of Posts, Gramin Dak Sevak (Conduct and Employment) Rules, 2001 or the order / directions issued in pursuance of the said Rule, the inquiry authority may hold the inquiry against him *ex parte*.
5. Attention of Md. Jonab Ali is invited to Rule 29 of Department of Posts, Gramin Dak Sevak, (Conduct and Employment) Rules, 2001 under which no Sevak shall bring or attempt to bring any political or other out side influence to bear upon any superior authority to further his interests in respect of the matter pertaining to his employment under the Govt. If any representation is received on his behalf from another person it will be presumed that Md. Jonab Ali is aware of such representation and that it has been made at his instance and action will be taken against him for violation of Department of Posts, Gramin Dak Sevak (Conduct and Employment) Rules, 2001.

The receipt of this memorandum may be acknowledged

Encd A/D
Enc: As stated above

(D. N. Sharma)

Sr. Supdt. of post offices,
Guwahati Dn. Guwahati 781001

To

Md. Jonab Ali, GDS BPM (under put off duty)

Kolazol Chowk B.O.

via - Baihata S.O.

PIN - 781380.

Dt. - Kamrup (Assam)

True Copy
Deel.
Asst. Supdt. Posts (Dn.)
Guwahati Division
Guwahati-781 001

30 Nov. 2009

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गुवाहाटी न्यायपीठ**Statement of article of charge framed against Md. Jonab Ali, GDS BPM (Now under put off duty), Kolazol Chowk BO in account with Baihata SO**

Md. Jonab Ali, while functioning as GDS BPM, Kolazol Chowk BO in account with Baihata SO during the period from 18-10-1989 to 20-02-2007, obtained a MPKBY agency in the name of one Smt. Mira Begam and acted himself in the name of the said agent. While depositors approached him for opening RD accounts at his BO, he obtained the SB-3 and money from the depositors and gets the account opened at Baihata SO through the said fake agency operated by him. Subsequent deposits made by the depositors in those accounts directly to him were also shown as deposits collected by the said MPKBY agent and he deposited the amounts so collected at Baihata SO in the name of the said MPKBY agency and thereby he earned and received payment undue and illegal commission amounting to Rs.37, 616/- (Rupees thirty seven thousands six hundreds sixteen) only, as detailed in annexure-A, in the name of said MPKBY agency. He also by his above acts, diverted and caused reduction in workload and income of the BO. Thus the said Md. Jonab Ali, by his above acts exhibited lack of integrity and devotion to duty and thereby violated Rule 21 of Department of Posts, Gramin Dak Sevak (Conduct and Employment) Rules, 2001.

Annexure-II**Statement of imputation of misconduct or misbehaviour in support of the article of charge framed against Md. Jonab Ali, GDS BPM (Now under put off duty), Kolazol Chowk BO in account with Baihata SO**

Md. Jonab Ali, while functioning as GDS BPM, Kolazol Chowk BO in account with Baihata SO during the period from 18-10-1989 to 20-02-2007, obtained a MPKBY agency having authority No. 3688/AKM-1101/02 dated 12/09/2002 in the name of one Smt. Mira Begam furnishing fake address as C/o Saifuddin Saikia, Vill- Barhata, PO- Kolazal (Baihata), Dist- Kamrup and acted himself in the name of the said agent.. While depositors approached him for opening RD accounts at his BO, he obtained the SB-3 and money from the depositors and gets the accounts opened at Baihata SO through the said fake agency operated by him. Subsequent deposits made by the depositors in those accounts directly to him were also shown as deposits collected by the said MPKBY agent and he deposited the amounts so collected at Baihata SO in the name of the said MPKBY agency and thereby he earned and received payment undue and illegal commission amounting to Rs.37, 616/- (Rupees thirty seven thousands six hundreds sixteen) only, as detailed in the annexure-A in the name of said MPKBY agency.

He also by his above acts diverted and caused reduction in workload and income of the BO as the accounts could have been opened at his BO instead of opening

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Guwahati-781 001

them at Baihata SO through the agency of Smt. Mira Begam, while the depositors directly approached him for the same. By his above acts the said Md. Jonab Ali, exhibited lack of integrity and devotion to duty and thereby violated Rule 21 of Department of Administrative Tribuna Posts, Gramin Dak Sevak (Conduct and Employment) Rules, 2001.

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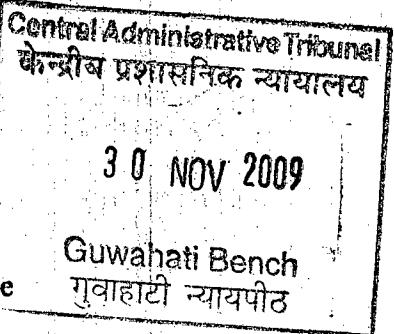
Annexure- III

Guwahati Bench

List of documents by which the article of charge framed against Md. Jonab Ali, GDS BPM, Kolazol Chowk BO in account with Baihata SO is proposed to be sustained.

1. Vouchers, monthly commission's bills, schedules of deposits and agent commissions paid lists as detailed in Annexure-B.
2. RD agent commission paid list of Baihata SO for the period from 24/09/2005 to 15/02/2006, from 16/02/2006 to 22/05/2006, from 23/05/2006 to 30/09/2006 and from 04/10/2006 to 30/12/2006
3. SO account of Baihata SO for the period from 01/05/2003 to 28/02/2004, from 01/03/2004 to 30/11/2005, from 01/12/2005 to 30/03/2006 and from 01/04/2006 to 30/03/2007.
4. Written Statement of Shri Bapuram Das, Ex-SPM, Baihata SO recorded on 19/03/2007.
5. Written Statement of Shri Kailash Pati Rabha, the then SPM, Baihata SO recorded on 22/03/2007.
6. Written Statement of Shri Siddhi Ram Kalita, the then SPM, Baihata SO recorded on 12/04/2007.
7. Written Statement of Shri Prafulla Ch. Nath, SPM, Baihata SO recorded on 06/12/2006.
8. Written Statement of Md. Matiur Rahman, PA, Baihata SO recorded on 06/12/2006
9. Written Statement of Shri Nareswar Nath, father of the depositor of Baihata RD account No. 209197.
10. Written Statement of Shri Shishumoni Deka, depositor of Baihata RD account No. 209062.
11. Written Statement of Shri Kakali Das and Shri Doly Baishya, joint depositors of Baihata RD account No. 208757.
12. Written Statement of Shri Dalimi Thakuria, depositor of Baihata RD account No. 209461.
13. Written Statement of Shri Doshomi Thakuria, depositor of Baihata RD account No. 209453.
14. Written Statement of Shri Babita Das, depositor of Baihata RD account No. 209507.
15. Written Statement of Shri Sima Das, depositor of Baihata RD account No. 208964.
16. Written Statement of Shri Joymoti Devi, depositor of Baihata RD account No. 209306.

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Guwahati Division
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- ✓ 1. Written Statement of Shri Jamini Devi, depositor of Baihata RD account No. 208395.
- ✓ 18. Written Statement of Shri Bhavani Devi, depositor of Baihata RD account No. 209319.
- ✓ 19. Written Statement of Shri Uttara Deka, depositor of Baihata RD account No. 207405.
- ✓ 20. Attested photocopy of the w/s of Smt Mira Begam, the person in whose name the MPKBY agency was obtained by Md. Jonab Ali.
- ✓ 21. Attested photocopy of the authority No 3688/AKM-1101/02 held in the name of Smt. Mira Begam.
- ✓ 22. Attested photocopy of the specimen handwritings and signatures of Smt. Mira Begam.
- ✓ 23. Attested photocopy of the w/s of Md. Jonab Ali, GDS BPM Kolazol Chowk BO 08/11/06, 18/11/06 and 13/02/2007.
- ✓ 24. Attested photocopy of Specimen handwritings of Md. Jonab Ali, GDS BPM Kolazol Chowk BO taken on 13/02/07.
- ✓ 25. Attested photocopy of letter dated 10/01/07 of Md. Jonab Ali, GDS BPM Kolazol Chowk BO.

Annexure- IV

list of witnesses by whom the article of charge framed against Md. Jonab Ali, GDS BPM, Kolazol Chowk BO in account with Baihata SO is proposed to be sustained.

- ✓ 1. Shri Subasish Bhattacharya, SDI (P), East Sub-Division, Guwahati
- ✓ 2. Md. Saidul Islam, GDS MD, Baihata SO.
- ✓ 3. Shri Bapuram Das, Ex. SPM Baihata SO, now resident of village Ketekibari, PO--Baramboi, Via- Kulhati, Dist- Kamrup, Assam
- ✓ 4. Shri Prafulla Ch. Nath, SPM Baihata SO
- ✓ 5. Md. Matiur Rahman, PA Baihata SO
- ✓ 6. Shri Siddhi Ram Kalita Ex. SPM Baihata SO now SPM Goreswar SO.
- ✓ 7. Shri Kailash Pati Rabha, SPM Soneswar SO.
- ✓ 8. Shri D. K. Patowary, IPOs(PG), o/o the SSPs, Guwahati
- ✓ 9. Mrs. Mira Begam, W/o Md. Makbul Ahmed, Vill- Salbari, PO- Noonmati, Guwahati 781020.

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ANNEXURE "A"

DETAILS OF AGENT COMMISSION PAID IN THE NAME OF MRS MIRA BEGUM , MPKBY AGENT NO 3688-AKM/1101/02, ATTACHED TO BAIHATA SO, ON THE DATES SPECIFIED BELOW.

SI No	Date	Amount Deposited	Amount of Commission	Date of Payment
1	12/09/2003	3000		
2	19/09/2003	3250		
3	25/09/2003	5000		
4	27/09/2003	4750		
5	30/09/2003	1800	672	10/10/2003
6	04/11/2003	600		
7	11/11/2003	600		
8	12/11/2003	5500		
9	18/11/2003	2300		
10	19/11/2003	1100		
11	22/11/2003	4700		
12	27/11/2003	4200		
13	29/11/2003	3500	900	02/12/2003
14	07/01/2004	2300		
15	13/01/2004	3100		
16	19/01/2004	2850		
17	23/01/2004	3050		
18	27/01/2004	4000		
19	28/01/2004	2100		
20	29/01/2004	3100		
21	31/01/2004	3300	952	04/02/2004
22	05/03/2004	4700		
23	08/03/2004	700		
24	16/03/2004	3000		
25	20/03/2004	3900		
26	14/03/2004	6500		
27	27/03/2004	4200		
28	29/03/2004	3700		
29	30/03/2004	2300	1160	01/04/2004
30	01/04/2004	1000		
31	10/04/2004	4000		
32	16/04/2004	5600		
33	17/04/2004	800		
34	22/04/2004	4250		
35	24/04/2004	2700		
36	27/04/2004	1400		
37	26/04/2004	4100		
38	26/04/2004	4200		
39	29/04/2004	2300		
40	30/04/2004	900	1250	05/05/2004

Central Administrative Tribunal
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41	06/05/2004	1100	Central Admin. केन्द्रीय प्रशासनिक न्यायालय	Administrative Tribunal न्यायालय
42	07/05/2004	1000		
43	12/05/2004	1900		
44	15/05/2004	1050		
45	15/05/2004	3600		
46	18/05/2004	3200		
47	21/05/2004	4850		
48	22/05/2004	1300		
49	24/05/2004	1250		
50	25/05/2004	2800		
51	26/05/2004	1000		
52	27/05/2004	4600		
53	28/05/2004	2800		
54	31/05/2004	2800	1330	03/06/2004
55	14/06/2004	1100		
56	07/06/2004	1900		
57	08/06/2004	500		
58	14/06/2004	5500		
59	15/06/2004	1900		
60	16/06/2004	5200		
61	18/06/2004	1850		
62	21/06/2004	2550		
63	24/06/2004	2300		
64	22/06/2004	3650		
65	26/06/2004	1800		
66	28/06/2004	2000		
67	29/06/2004	9800		
68	30/06/2004	6200	1966	02/07/2004
69	08/07/2004	2700		
70	15/07/2004	3600		
71	16/07/2004	2900		
72	19/07/2004	2500		
73	20/07/2004	4200		
74	21/07/2004	4100		
75	26/07/2004	3200		
76	26/07/2004	1000		
77	28/07/2004	4100		
78	28/07/2004	4550		
79	29/07/2004	3900		
80	31/07/2004	1300		
81	02/08/2004	11300	1998	04/08/2004
82	07/08/2004	3650		
83	10/08/2004	1000		
84	11/08/2004	500		
85	12/08/2004	3300		
86	16/08/2004	2500		
87	17/08/2004	5300		
88	19/08/2004	4200		
89	20/08/2004	400		
90	21/08/2004	1050		
91	23/08/2004	2000		
92	25/08/2004	5250		
93	28/08/2004	4600		
94	30/08/2004	6050		
95	31/08/2004	2600	1696	02/09/2004

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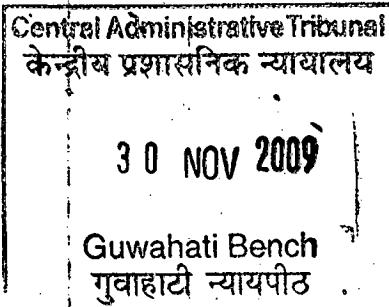
96	04/09/2004	11000	<p>Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय</p> <p>30 NOV 2009</p> <p>Guwahati Bench गुवाहाटी न्यायपीठ</p>	1992	06/10/2004
97	10/09/2004	1900			
98	13/09/2004	1700			
99	13/09/2004	3400			
100	15/09/2004	5300			
101	18/09/2004	3800			
102	18/09/2004	2000			
103	20/09/2004	1700			
104	21/09/2004	3050			
105	25/09/2004	3800			
106	27/09/2004	1150			
107	28/09/2004	6700			
108	29/09/2004	1800	<p>1992</p>		
109	30/09/2004	3300			
110	08/10/2004	2600			
111	12/10/2004	4700			
112	15/10/2004	6400			
113	15/10/2004	6200			
114	18/10/2004	5250			
115	19/10/2004	4350			
116	25/10/2004	1800			
117	26/10/2004	4500			
118	27/10/2004	4100			
119	28/10/2004	1900			
120	29/10/2004	6100	<p>2072</p>		
121	02/11/2004	2200			
122	01/11/2004	1900			
123	06/01/05	3550			
124	11/01/05	6050			
125	12/01/05	4000			
126	18/01/05	3850			
127	20/01/05	4600			
128	22/01/05	4800			
129	25/01/05	7450			
130	27/01/05	9150			
131	28/01/05	9650			
132	29/01/05	3800			
133	31/01/05	4050	<p>2682</p>		
134	31/01/05	5500			
135	09/09/2005	2950			
136	16/09/2005	8450			
137	19/09/2005	7250			
138	20/09/2005	3800			
139	21/09/2005	4150			
140	05/11/2005	11000			
141	10/11/2005	2600			
142	11/11/2005	7100			
143	16/11/2005	1750			
144	17/11/2005	5900			
145	18/11/2005	1600	<p>02/02/2005</p>		
146	28/11/2005	3650			
147	29/11/2005	4700			
148	29/11/2005	5500			
149	02/12/2005	11000			
150	06/12/2005	4700			
151	07/12/2005	3400			

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152	09/12/2005	4350	174	09/12/2005
153	13/12/2005	4700	188	13/12/2005
154	13/12/2005	6600	264	13/12/2005
155	20/12/2005	4900	196	20/12/2005
156	23/12/2005	5300	212	23/12/2005
157	27/12/2005	4450	178	27/12/2005
158	30/12/2005	5650	226	30/12/2005
159	30/12/2005	4350	174	30/12/2005
160	31/12/2005	1800	72	31/12/2005
161	16/01/2006	6700	268	16/01/2006
162	18/01/2006	1500	60	18/01/2006
163	19/01/2006	4650	186	19/01/2006
164	23/01/2006	8300	332	23/01/2006
165	25/01/2006	7100	284	25/01/2006
166	28/01/2006	3400	136	28/01/2006
167	28/01/2006	5500	220	28/01/2006
168	30/01/2006	3400	136	30/01/2006
169	06/02/2006	11000	440	06/02/2006
170	16/02/2006	4300	172	16/02/2006
171	16/02/2006	6400	256	16/02/2006
172	18/02/2006	5750	230	18/02/2006
173	22/02/2006	5200	208	22/02/2006
174	23/02/2006	5100	204	23/02/2006
175	24/02/2006	8290	332	24/02/2006
176	27/02/2006	3000	120	27/02/2006
177	27/02/2006	5100	204	27/02/2006
178	28/02/2006	5300	212	28/02/2006
179	09/03/2006	4300	172	09/03/2006
180	09/03/2006	5850	234	09/03/2006
181	18/03/2006	5750	230	18/03/2006
182	24/03/2006	8150	326	24/03/2006
183	25/03/2006	4000	160	25/03/2006
184	27/03/2006	5950	238	27/03/2006
185	29/03/2006	6550	262	29/03/2006
186	31/03/2006	4390	176	31/03/2006
187	05/04/2006	11000	440	05/04/2006
188	10/04/2006	3500	140	10/04/2006
189	12/04/2006	3100	124	12/04/2006
190	17/04/2006	6100	244	17/04/2006
191	17/04/2006	3500	140	17/04/2006
192	22/04/2006	4900	196	22/04/2006
193	24/04/2006	4750	190	24/04/2006
194	26/04/2006	3650	146	26/04/2006
195	09/05/2006	6350	254	09/05/2006
196	11/05/2006	2490	100	11/05/2006
197	11/05/2006	4550	182	11/05/2006
198	16/05/2006	3450	138	16/05/2006
199	18/05/2006	3400	136	18/05/2006
200	23/05/2006	5100	204	23/05/2006
201	23/05/2006	3200	128	23/05/2006
202	26/05/2006	5350	214	26/05/2006
203	29/05/2006	5750	230	29/05/2006
204	31/05/2006	4600	184	31/05/2006
205	03/06/2006	11000	440	03/06/2006
206	08/06/2006	5350	214	08/06/2006
207	14/06/2006	6200	248	14/06/2006
208	17/06/2006	6400	256	17/06/2006

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209	27/06/2006	5350	214	27/06/2006
210	29/06/2006	2750	110	29/06/2006
211	30/06/2006	5450	218	30/06/2006
212	10/07/2006	7800	312	10/07/2006
213	13/07/2006	5300	212	13/07/2006
214	18/07/2006	4950	198	18/07/2006
215	28/07/2006	4790	192	28/07/2006
216	05/10/2006	5190	208	05/10/2006
217	09/10/2006	8040	322	09/10/2006
218	17/10/2006	9200	368	17/10/2006
219	19/10/2006	6000	240	19/10/2006
220	27/10/2006	10450	418	27/10/2006
221	27/10/2006	8100	324	27/10/2006
Total		944840	37616	



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ANNEXURE- B

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List of vouchers, monthly commission's bills, schedules of deposits and agent commissions paid lists as referred in item 1 of lists of documents at Annexure-III.

01. Voucher for Rs 672.00 paid in the name of Mrs Mira Begum on 10/10/2003.
02. MPKBY Agent commission bill for the month of Sept'03 in the name of Mrs Mira Begum.
03. Supporting schedules of deposits dated 12th, 19th, 25th, 27th and 30th Sept'03, purported to be made by Mrs Mira Begum during the month of Sept'03.
04. Voucher for Rs 900.00 paid in the name of Mrs Mira Begum on 02/12/2003.
05. MPKBY Agent commission bill for the month of Nov'03 in the name of Mrs Mira Begum.
06. Supporting schedules of deposits dated 4th, 11th, 12th, 18th, 19th, 22nd, 27th, and 29th Nov'2003 purported to be made by Mrs Mira Begum during the month of November'03.
07. Voucher for Rs 952.00 paid in the name of Mrs Mira Begum on 04/02/2004.
08. MPKBY Agent commission bill for the month of Jan'04 in the name of Mrs Mira Begum.
09. Supporting schedules of deposits dated 7th, 13th, 19th, 23rd, 27th, 28th, 29th, and 31st Jan'2004 purported to be made by Mrs Mira Begum during the month of Jan'04.
10. Voucher for Rs 1180.00 paid in the name of Mrs Mira Begum on 01/04/2004.
11. MPKBY Agent commission bill for the month of March'04 in the name of Mrs Mira Begum.
12. Supporting schedules of deposits dated 5th, 8th, 14th, 16th, 20th, 27th, 29th, and 30th March'04 purported to be made by Mrs Mira Begum during the month of March'04.
13. Voucher for Rs 1250.00 paid in the name of Mrs Mira Begum on 05/05/2004.
14. MPKBY Agent commission bill for the month of April'04 in the name of Mrs Mira Begum.
15. Supporting schedules of deposits dated 1st, 10th, 16th, 17th, 22nd, 26th, 24th, 26th, 27th, 29th, and 30th April'04 purported to be made by Mrs Mira Begum during the month of April'04.
16. Voucher for Rs 1330.00 paid in the name of Mrs Mira Begum on 03/06/2004.
17. MPKBY Agent commission bill for the month of May'04 in the name of Mrs Mira Begum.
18. Supporting schedules of deposits dated 6th, 7th, 12th, 15th, 15th, 18th, 21st, 22nd, 24th, 25th, 26th, 27th, 28th and 31st May'2004 purported to be made by Mrs Mira Begum during the month of May'04.
19. List of RD Agent Commission Paid at Baihata SO dated 02/07/2004.
20. Voucher for Rs 1966.00 paid in the name of Mrs Mira Begum on 02/07/2004.
21. MPKBY Agent commission bill for the month of June'04 in the name of Mrs Mira Begum.
22. Supporting schedules of deposits dated 7th, 8th, 14th, 14th, 15th, 16th, 18th, 21st, 22nd, 24th, 26th, 28th, 29th and 30th June'2004 purported to be made by Mrs Mira Begum during the month of June'04.
23. Voucher for Rs 1998.00 paid in the name of Mrs Mira Begum on 04/08/2004.
24. MPKBY Agent commission bill for the month of July'04 & Aug'04 in the name of Mrs Mira Begum.
25. Supporting schedules of deposits dated 8th, 15th, 16th, 19th, 20th, 21st, 26th, 26th, 28th, 28th, 29th & 31st July'2004 and 2nd Aug'04 purported to be made by Mrs Mira Begum during the month of July and Aug'04.
26. Voucher for Rs 1696.00 paid in the name of Mrs Mira Begum on 02/09/2004.
27. MPKBY Agent commission bill for the month of Aug'04 in the name of Mrs Mira Begum.
28. Supporting schedules of deposits dated 7th, 10th, 11th, 12th, 16th, 17th, 19th, 20th, 21st, 23rd, 25th, 28th, 30th and 31st Aug'04 purported to be made by Mrs Mira Begum during the month of Aug'04.
29. Voucher for Rs 1992.00 paid in the name of Mrs Mira Begum on 06/10/2004.
30. MPKBY Agent commission bill for the month of Sept'04 in the name of Mrs Mira Begum.
31. Supporting schedules of deposits dated 4th, 10th, 13th, 13th, 15th, 18th, 18th, 20th, 21st, 25th, 27th, 28th, 29th and 30th Sept'04 purported to be made by Mrs Mira Begum during the month of Sept'04.
32. Voucher for Rs 2072.00 paid in the name of Mrs Mira Begum on 02/11/2004.
33. MPKBY Agent commission bill for the month of Oct'04 in the name of Mrs Mira Begum.

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34. Supporting schedules of deposits dated 8th, 12th, 15th, 15th, 18th, 19th, 25th, 26th, 27th, 28th & 29th Oct'2004 and 1st & 2nd Nov'2004 purported to be made by Mrs Mira Begum during the month of Oct'04 and Nov'04.

35. Voucher for Rs 2682.00 paid in the name of Mrs Mira Begum on 02/02/2005

36. MPKBY Agent commission bill for the month of Jan'05 in the name of Mrs Mira Begum.

37. Supporting schedules of deposits dated 6th, 11th, 12th, 18th, 20th, 22nd, 25th, 27th, 29th, 31st and 31st Jan'2005 purported to be made by Mrs Mira Begum during the month of Jan'05

38. List of RD Agent Commission Paid at Baihata SO dated 02/02/2005.

39. List of RD Agent Commission Paid at Baihata SO dated 09/09/2005.

40. Voucher for Rs 118.00 paid in the name of Mrs Mira Begum on 09/09/2005

41. Supporting schedules of deposits dated 09/09/05 purported to be made by Mrs Mira Begum.

42. List of RD Agent Commission Paid at Baihata SO dated 16/09/2005.

43. Voucher for Rs 338.00 paid in the name of Mrs Mira Begum on 16/09/2005

44. Supporting schedules of deposits dated 16/09/05 purported to be made by Mrs Mira Begum.

45. List of RD Agent Commission Paid at Baihata SO dated 19/09/2005.

46. Voucher for Rs 290.00 paid in the name of Mrs Mira Begum on 19/09/2005

47. Supporting schedules of deposits dated 19/09/05 purported to be made by Mrs Mira Begum.

48. List of RD Agent Commission Paid at Baihata SO dated 20/09/2005.

49. Voucher for Rs 152.00 paid in the name of Mrs Mira Begum on 20/09/2005

50. Supporting schedules of deposits dated 20/09/05 purported to be made by Mrs Mira Begum.

51. List of RD Agent Commission Paid at Baihata SO dated 21/09/2005.

52. Voucher for Rs 166.00 paid in the name of Mrs Mira Begum on 21/09/2005

53. Supporting schedules of deposits dated 21/09/05 purported to be made by Mrs Mira Begum.

54. List of RD Agent Commission Paid at Baihata SO dated 05/11/2005.

55. Voucher for Rs 440.00 paid in the name of Mrs Mira Begum on 05/11/2005

56. Supporting schedules of deposits dated 05/11/05 purported to be made by Mrs Mira Begum.

57. List of RD Agent Commission Paid at Baihata SO dated 10/11/2005.

58. Voucher for Rs 104.00 paid in the name of Mrs Mira Begum on 10/11/2005

59. Supporting schedules of deposits dated 10/11/2005 purported to be made by Mrs Mira Begum.

60. List of RD Agent Commission Paid at Baihata SO dated 11/11/2005.

61. Voucher for Rs 284.00 paid in the name of Mrs Mira Begum on 11/11/2005

62. Supporting schedules of deposits dated 11/11/2005 purported to be made by Mrs Mira Begum.

63. List of RD Agent Commission Paid at Baihata SO dated 16/11/2005.

64. Voucher for Rs 70.00 paid in the name of Mrs Mira Begum on 16/11/2005

65. Supporting schedules of deposits dated 16/11/2005 purported to be made by Mrs Mira Begum.

66. List of RD Agent Commission Paid at Baihata SO dated 17/11/2005.

67. Voucher for Rs 236.00 paid in the name of Mrs Mira Begum on 17/11/2005

68. Supporting schedules of deposits dated 17/11/2005 purported to be made by Mrs Mira Begum.

69. List of RD Agent Commission Paid at Baihata SO dated 18/11/2005.

70. Voucher for Rs 64.00 paid in the name of Mrs Mira Begum on 18/11/2005

71. Supporting schedules of deposits dated 18/11/2005 purported to be made by Mrs Mira Begum.

72. List of RD Agent Commission Paid at Baihata SO dated 28/11/2005.

73. Voucher for Rs 146.00 paid in the name of Mrs Mira Begum on 28/11/2005

74. Supporting schedules of deposits dated 28/11/2005 purported to be made by Mrs Mira Begum.

75. List of RD Agent Commission Paid at Baihata SO dated 29/11/2005.

76. Voucher for Rs 188.00 paid in the name of Mrs Mira Begum on 29/11/2005

77. Voucher for Rs 220.00 paid in the name of Mrs Mira Begum on 29/11/2005

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78. Supporting schedules of deposits dated 29/11/2005 for Rs 4700 and 29/11/2005 for Rs 5500/-, purported to be made by Mrs Mira Begum.

79. List of RD Agent Commission Paid at Baihata SO dated 02/12/2005.

80. Voucher for Rs 440.00 paid in the name of Mrs Mira Begum on 02/12/2005.

81. Supporting schedules of deposits dated 02/12/2005 purported to be made by Mrs Mira Begum.

82. List of RD Agent Commission Paid at Baihata SO dated 06/12/2005.

83. Voucher for Rs 188.00 paid in the name of Mrs Mira Begum on 06/12/2005.

84. Supporting schedules of deposits dated 06/12/2005 purported to be made by Mrs Mira Begum.

85. List of RD Agent Commission Paid at Baihata SO dated 07/12/2005.

86. Voucher for Rs 136.00 paid in the name of Mrs Mira Begum on 07/12/2005.

87. Supporting schedules of deposits dated 07/12/2005 purported to be made by Mrs Mira Begum.

88. List of RD Agent Commission Paid at Baihata SO dated 09/12/2005.

89. Voucher for Rs 174.00 paid in the name of Mrs Mira Begum on 09/12/2005.

90. Supporting schedules of deposits dated 09/12/2005 purported to be made by Mrs Mira Begum.

91. List of RD Agent Commission Paid at Baihata SO dated 13/12/2005.

92. Voucher for Rs 188.00 paid in the name of Mrs Mira Begum on 13/12/2005.

93. Voucher for Rs 264.00 paid in the name of Mrs Mira Begum on 13/12/2005.

94. Supporting schedules of deposits dated 13/12/2005 for Rs 6600 and 13/12/2005 for Rs 4700 purported to be made by Mrs Mira Begum.

95. List of RD Agent Commission Paid at Baihata SO dated 20/12/2005.

96. Voucher for Rs 196.00 paid in the name of Mrs Mira Begum on 20/12/2005.

97. Supporting schedules of deposits dated 20/12/2005 purported to be made by Mrs Mira Begum.

98. List of RD Agent Commission Paid at Baihata SO dated 23/12/2005.

99. Voucher for Rs 212.00 paid in the name of Mrs Mira Begum on 23/12/2005.

100. Supporting schedules of deposits dated 23/12/2005 purported to be made by Mrs Mira Begum.

101. List of RD Agent Commission Paid at Baihata SO dated 27/12/2005.

102. Voucher for Rs 178.00 paid in the name of Mrs Mira Begum on 27/12/2005.

103. Supporting schedules of deposits dated 27/12/2005 purported to be made by Mrs Mira Begum.

104. List of RD Agent Commission Paid at Baihata SO dated 30/12/2005.

105. Voucher for Rs 226.00 paid in the name of Mrs Mira Begum on 30/12/2005.

106. Voucher for Rs 174.00 paid in the name of Mrs Mira Begum on 30/12/2005.

107. Supporting schedules of deposits dated 30/12/2005 for Rs 5650 and 30/12/2005 for Rs 4350, purported to be made by Mrs Mira Begum.

108. List of RD Agent Commission Paid at Baihata SO dated 31/12/2005.

109. Voucher for Rs 72.00 paid in the name of Mrs Mira Begum on 31/12/2005.

110. Supporting schedules of deposits dated 31/12/2005 purported to be made by Mrs Mira Begum.

111. List of RD Agent Commission Paid at Baihata SO dated 16/01/2006.

112. Voucher for Rs 268.00 paid in the name of Mrs Mira Begum on 16/01/2006.

113. Supporting schedules of deposits dated 16/01/2006 purported to be made by Mrs Mira Begum.

114. List of RD Agent Commission Paid at Baihata SO dated 18/01/2006.

115. Voucher for Rs 60.00 paid in the name of Mrs Mira Begum on 18/01/2006.

116. Supporting schedules of deposits dated 18/01/2006 purported to be made by Mrs Mira Begum.

117. List of RD Agent Commission Paid at Baihata SO dated 19/01/2006.

118. Voucher for Rs 186.00 paid in the name of Mrs Mira Begum on 19/01/2006.

119. Supporting schedules of deposits dated 19/01/2006 purported to be made by Mrs Mira Begum.

120. List of RD Agent Commission Paid at Baihata SO dated 23/01/2006.

121. Voucher for Rs 332.00 paid in the name of Mrs Mira Begum on 23/01/2006.

122. Supporting schedules of deposits dated 23/01/2006 purported to be made by Mrs Mira Begum.

20 Nov 2009

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গুৱাহাটী ন্যায়পুঠ

123. List of RD Agent Commission Paid at Baihata SO dated 25/01/2006.
 124. Voucher for Rs 284.00 paid in the name of Mrs Mira Begum on 25/01/2006
 125. Supporting schedules of deposits dated 25/01/2006 purported to be made by Mrs Mira Begum.

126. List of RD Agent Commission Paid at Baihata SO dated 28/01/2006.
 127. Voucher for Rs 220.00 paid in the name of Mrs Mira Begum on 28/01/2006.
 128. Voucher for Rs 136.00 paid in the name of Mrs Mira Begum on 28/01/2006
 129. Supporting schedules of deposits dated 28/01/2006 for Rs 5500 and 28/01/2006 for Rs 3400 purported to be made by Mrs Mira Begum.

130. List of RD Agent Commission Paid at Baihata SO dated 30/01/2006.
 131. Voucher for Rs 136.00 paid in the name of Mrs Mira Begum on 30/01/2006
 132. Supporting schedules of deposits dated 30/01/2006 purported to be made by Mrs Mira Begum.

133. List of RD Agent Commission Paid at Baihata SO dated 06/02/2006.
 134. Voucher for Rs 440.00 paid in the name of Mrs Mira Begum on 06/02/2006
 135. Supporting schedules of deposits dated 06/02/2006 purported to be made by Mrs Mira Begum.

136. List of RD Agent Commission Paid at Baihata SO dated 16/02/2006.
 137. Voucher for Rs 172.00 paid in the name of Mrs Mira Begum on 16/02/2006.
 138. Voucher for Rs 256.00 paid in the name of Mrs Mira Begum on 16/02/2006
 139. Supporting schedules of deposits dated 16/02/2006 for Rs 4300 and 16/02/2006 for Rs 6400 purported to be made by Mrs Mira Begum.

140. List of RD Agent Commission Paid at Baihata SO dated 18/02/2006.
 141. Voucher for Rs 230.00 paid in the name of Mrs Mira Begum on 18/02/2006
 142. Supporting schedules of deposits dated 18/02/2006 purported to be made by Mrs Mira Begum.

143. List of RD Agent Commission Paid at Baihata SO dated 22/02/2006.
 144. Voucher for Rs 208.00 paid in the name of Mrs Mira Begum on 22/02/2006
 145. Supporting schedules of deposits dated 22/02/2006 purported to be made by Mrs Mira Begum.

146. List of RD Agent Commission Paid at Baihata SO dated 23/02/2006.
 147. Voucher for Rs 204.00 paid in the name of Mrs Mira Begum on 23/02/2006
 148. Supporting schedules of deposits dated 23/02/2006 purported to be made by Mrs Mira Begum.

149. List of RD Agent Commission Paid at Baihata SO dated 24/02/2006.
 150. Voucher for Rs 332.00 paid in the name of Mrs Mira Begum on 24/02/2006
 151. Supporting schedules of deposits dated 24/02/2006 purported to be made by Mrs Mira Begum.

152. Voucher for Rs 204.00 paid in the name of Mrs Mira Begum on 27/02/2006.
 153. Voucher for Rs 120.00 paid in the name of Mrs Mira Begum on 27/02/2006
 154. Supporting schedules of deposits dated 27/02/2006 for Rs 3000 and 27/02/2006 for Rs 5100 purported to be made by Mrs Mira Begum.

155. Voucher for Rs 212.00 paid in the name of Mrs Mira Begum on 28/02/2006
 156. Supporting schedules of deposits dated 28/02/2006 purported to be made by Mrs Mira Begum.

157. Voucher for Rs 234.00 paid in the name of Mrs Mira Begum on 09/03/2006.
 158. Voucher for Rs 172.00 paid in the name of Mrs Mira Begum on 09/03/2006
 159. Supporting schedules of deposits dated 09/03/2006 for Rs 4300 and 09/03/2006 for Rs 5850 purported to be made by Mrs Mira Begum.

160. Voucher for Rs 230.00 paid in the name of Mrs Mira Begum on 18/03/2006
 161. Supporting schedules of deposits dated 18/03/2006 purported to be made by Mrs Mira Begum.

162. Voucher for Rs 326.00 paid in the name of Mrs Mira Begum on 24/03/2006
 163. Supporting schedules of deposits dated 24/03/2006 purported to be made by Mrs Mira Begum.

164. Voucher for Rs 160.00 paid in the name of Mrs Mira Begum on 25/03/2006
 165. Supporting schedules of deposits dated 25/03/2006 purported to be made by Mrs Mira Begum.

166. Voucher for Rs 238.00 paid in the name of Mrs Mira Begum on 27/03/2006

167. Supporting schedules of deposits dated 27/03/2006 purported to be made by Mrs Mira Begum.

168. Voucher for Rs 262.00 paid in the name of Mrs Mira Begum on 29/03/2006

169. Supporting schedules of deposits dated 29/03/2006 purported to be made by Mrs Mira Begum.

170. Voucher for Rs 176.00 paid in the name of Mrs Mira Begum on 31/03/2006

171. Supporting schedules of deposits dated 31/03/2006 purported to be made by Mrs Mira Begum.

172. Voucher for Rs 440.00 paid in the name of Mrs Mira Begum on 05/04/2006

173. Supporting schedules of deposits dated 05/04/2006 purported to be made by Mrs Mira Begum.

174. Voucher for Rs 140.00 paid in the name of Mrs Mira Begum on 10/04/2006

175. Supporting schedules of deposits dated 10/04/2006 purported to be made by Mrs Mira Begum.

176. Voucher for Rs 124.00 paid in the name of Mrs Mira Begum on 12/04/2006

177. Supporting schedules of deposits dated 12/04/2006 purported to be made by Mrs Mira Begum.

178. Voucher for Rs 244.00 paid in the name of Mrs Mira Begum on 17/04/2006.

179. Voucher for Rs 140.00 paid in the name of Mrs Mira Begum on 17/04/2006.

180. Supporting schedules of deposits dated 17/04/2006 for Rs 6100 and 17/04/2006 for Rs 3500 purported to be made by Mrs Mira Begum.

181. Voucher for Rs 196.00 paid in the name of Mrs Mira Begum on 22/04/2006

182. Supporting schedules of deposits dated 22/04/2006 purported to be made by Mrs Mira Begum.

183. Voucher for Rs 190.00 paid in the name of Mrs Mira Begum on 24/04/2006

184. Supporting schedules of deposits dated 24/04/2006 purported to be made by Mrs Mira Begum.

185. Voucher for Rs 146.00 paid in the name of Mrs Mira Begum on 26/04/2006

186. Supporting schedules of deposits dated 26/04/2006 purported to be made by Mrs Mira Begum.

187. Voucher for Rs 254.00 paid in the name of Mrs Mira Begum on 09/05/2006

188. Supporting schedules of deposits dated 09/05/2006 purported to be made by Mrs Mira Begum.

189. Voucher for Rs 100.00 paid in the name of Mrs Mira Begum on 11/05/2006.

190. Voucher for Rs 182.00 paid in the name of Mrs Mira Begum on 11/05/2006.

191. Supporting schedules of deposits dated 11/05/2006 for Rs 2490 and 11/05/2006 for Rs 4550 purported to be made by Mrs Mira Begum..

192. Voucher for Rs 138.00 paid in the name of Mrs Mira Begum on 16/05/2006

193. Supporting schedules of deposits dated 16/05/2006 purported to be made by Mrs Mira Begum.

194. Voucher for Rs 136.00 paid in the name of Mrs Mira Begum on 18/05/2006

195. Supporting schedules of deposits dated 18/05/2006 purported to be made by Mrs Mira Begum.

196. Voucher for Rs 204.00 paid in the name of Mrs Mira Begum on 23/05/2006

197. Voucher for Rs 128.00 paid in the name of Mrs Mira Begum on 23/05/2006

198. Supporting schedules of deposits dated 23/05/2006 for Rs 5100 and 23/05/2006 for Rs 3200 purported to be made by Mrs Mira Begum.

199. Voucher for Rs 214.00 paid in the name of Mrs Mira Begum on 26/05/2006

200. Supporting schedules of deposits dated 26/05/2006 purported to be made by Mrs Mira Begum.

201. Voucher for Rs 230.00 paid in the name of Mrs Mira Begum on 29/05/2006

202. Supporting schedules of deposits dated 29/05/2006 purported to be made by Mrs Mira Begum.

203. Voucher for Rs 184.00 paid in the name of Mrs Mira Begum on 31/05/2006

204. Supporting schedules of deposits dated 31/05/2006 purported to be made by Mrs Mira Begum.

205. Voucher for Rs 440.00 paid in the name of Mrs Mira Begum on 03/06/2006

206. Supporting schedules of deposits dated 03/06/2006 purported to be made by Mrs Mira Begum.

208. Voucher for Rs 214.00 paid in the name of Mrs Mira Begum on 08/06/2006
 209. Supporting schedules of deposits dated 08/06/2006 purported to be made by Mrs Mira Begum.
 210. Voucher for Rs 248.00 paid in the name of Mrs Mira Begum on 14/06/2006
 211. Supporting schedules of deposits dated 14/06/2006 purported to be made by Mrs Mira Begum
 212. Voucher for Rs 256.00 paid in the name of Mrs Mira Begum on 17/06/2006
 213. Supporting schedules of deposits dated 17/06/2006 purported to be made by Mrs Mira Begum
 214. Voucher for Rs 214.00 paid in the name of Mrs Mira Begum on 27/06/2006
 215. Supporting schedules of deposits dated 27/06/2006 purported to be made by Mrs Mira Begum
 216. Voucher for Rs 110.00 paid in the name of Mrs Mira Begum on 29/06/2006
 217. Supporting schedules of deposits dated 29/06/2006 purported to be made by Mrs Mira Begum
 218. Voucher for Rs 218.00 paid in the name of Mrs Mira Begum on 30/06/2006
 219. Supporting schedules of deposits dated 30/06/2006 purported to be made by Mrs Mira Begum
 220. Voucher for Rs 312.00 paid in the name of Mrs Mira Begum on 10/07/2006
 221. Supporting schedules of deposits dated 10/07/2006 purported to be made by Mrs Mira Begum
 222. Voucher for Rs 212.00 paid in the name of Mrs Mira Begum on 13/07/2006
 223. Supporting schedules of deposits dated 13/07/2006 purported to be made by Mrs Mira Begum
 224. Voucher for Rs 198.00 paid in the name of Mrs Mira Begum on 18/07/2006
 225. Supporting schedules of deposits dated 18/07/2006 purported to be made by Mrs Mira Begum
 226. Voucher for Rs 192.00 paid in the name of Mrs Mira Begum on 28/07/2006
 227. Supporting schedules of deposits dated 28/07/2006 purported to be made by Mrs Mira Begum
 228. List of RD Agent Commission Paid at Baihata SO dated 05/10/2006.
 229. Voucher for Rs 208.00 paid in the name of Mrs Mira Begum on 05/10/2006
 230. Supporting schedules of deposits dated 05/10/2006 purported to be made by Mrs Mira Begum.
 231. List of RD Agent Commission Paid at Baihata SO dated 09/10/2006.
 232. Voucher for Rs 322.00 paid in the name of Mrs Mira Begum on 09/10/2006
 233. Supporting schedules of deposits dated 09/10/2006 purported to be made by Mrs Mira Begum.
 234. List of RD Agent Commission Paid at Baihata SO dated 17/10/2006.
 235. Voucher for Rs 368.00 paid in the name of Mrs Mira Begum on 17/10/2006
 236. Supporting schedules of deposits dated 17/10/2006 purported to be made by Mrs Mira Begum.
 237. List of RD Agent Commission Paid at Baihata SO dated 19/10/2006.
 238. Voucher for Rs 240.00 paid in the name of Mrs Mira Begum on 19/10/2006
 239. Supporting schedules of deposits dated 19/10/2006 purported to be made by Mrs Mira Begum.
 240. List of RD Agent Commission Paid at Baihata SO dated 27/10/2006.
 241. Voucher for Rs 418.00 paid in the name of Mrs Mira Begum on 27/10/2006
 242. Voucher for Rs 324.00 paid in the name of Mrs Mira Begum on 27/10/2006
 243. Supporting schedules of deposits dated 27/10/2006 for Rs 10450 and 27/10/2006 for Rs 8100 purported to be made by Mrs Mira Begum.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

30 NOV 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

True Copy
Date
Asstt. Supdt. Posts (Dn.)
Guwahati Division
Guwahati-781 001

23/80

ENGLISH TRANSLATED COPY

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

30 NOV 2009

Guwahati Bench
गुवाहाटी न्यायपोर्ट

PD-20

W/S of Mrs. Mira Begum, MPKBY
Agent no. 3688-AKM/1101/02

23/11/07
Sd/illegible

Jonab Ali
23.11.07

My name is Mrs. Mira Begum.

My husband's name is Md. Moqbool Ahmed.

My father's name is Md. Toifuddin Ahmed.

My present address is Salbari, Noonmati, Guwahati-20

My address before marriage was Korora, Baihata Chariali, Kamrup, Assam.

In the year 2002, the post master of Kolazol Post Office, Md. Jonab Ali (distantly related maternal uncle) told me that he would open an agency in the post office and he himself will operate the said agency giving me some portion of the profit. He told me that I have to do nothing and in future also I will face no difficulty. Initially, he took my signature in some forms. Thereafter, he is the one doing all the work and I know nothing about it. In the year 2008, he took me to the DC office in order to renew the agency. He took me to the Baihata Post office two times and introduced me. A few days earlier he took my signature in some more forms. I have never opened any RD account by myself. I have never collected money from anyone's house. I have never deposited any money in the post office. I have never signed and taken any commission bill. I am not aware how much commission has been received till now.

Stated and recorded in my presence

24.11.2006

Sd/illegible

Sd/Ineligible

24/11/06

Miss. (Sic) Mira Begum

Inspector, Post

24.11.2006

East Sub-Division, Guwahati

Guwahati-1

Certified to be true copy

Attested

Sd/illegible

Asstt. Supdt. Of Post

Offices(D..)

Guwahati Dn., Guwahati 781001

Sr. Superintendent of Post Offices
Guwahati Division, Guwahati-
78100

Examination by P.O.

Q.1. What is your name?

Ans. Mrs. Mera Begam.

Q.2. Where do you reside?

Ans. At Salkari Noonmali.

Q.3. Did you ever reside at Barhala ~~near~~ Kolagol chowk?

Ans. No.

Q.4. Do you know what is MPKBY agency?

Ans. No.

Q.5. Did you work as any agent for Post Office?

Ans. No.

Q.6. Have you ever gone to anybody for

Q.6. asking to open RD account in the P.O.?

Ans. No.

Q.7. Have you collected any money from

Q.7. public for depositing to P.O. as RD

collection?

Ans. No.

Q.8. Are you aware that Md. Jonah Ali is

running an

Q.8. agency in your name at

Baihata P.O.?

Ans. Yes.

Q.9. Have you ever visited Baihata P.O.?

Q.9. I have visited Baihata P.O. once only

Q.9. in the year ~~2007~~ ^{New} 2006.

Q.10. Why did you visit Baihata P.O.?

Ans. Md. Jonah Ali took me to the P.O. for

Q.10. introduction to the staff of Baihata P.O. as

Q.10. he was running an agency there in my name.

Central Administrative Tribunal
विद्युत प्राविधिक न्यायालय

30 NOV 2009

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गुवाहाटी न्यायालय

Certified to be true copy
Date 23/11/09
Intend. of Post Office
Guwahati

09.4.08

Q.11. Did Jorab Ali pay you any money every month during the year 2002 to 2006?

Ans. No.

Q.12. Did Jorab Ali obtain any signature from you on any official paper?

Ans. He collected my signatures on some forms

in 2002 and in some forms

Examination by PO is over.

2006 Guwahati Administrative Tribunal
গুৱাহাটী প্রশাসনিক ব্যায়ালয়

30 NOV 2009

Guwahati Bench
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Cross examination by D.A.

Q.1. MPKBY agency No. 3688/AKM-110/02
dated 12-9-02 issued in favour of Mira Begum c/o Saif Uddin Saikia Vill. Barhata
PO - Kolezal to operate in the Barhata P.O.
The same was submitted by you to the
Sr. Barhata for necessary action. Did you
submit the same? On what date?

Ans. I did not go there.

Q.2. As per chargesheet dated from 10-10-03
to October '06 was charged and the other
period from 12-9-02 to 09-10-03 was not
charged for which the commission for the period
was paid to you or others?

Ans. I do not know.

Q.3. Whether any complaint was submitted by you
to the Sr. Subdtl of POs Guwahati regarding
non-receipt of commission?

Ans. I did not submit any complaint.

Whether the statement dated 24-11-2006 was
your own and where it was collected?

Q.4. Statement is my own and it was
collected at my home.

Certified to be true copy

Free Bhashak, 2010
পুষ্টি প্রক্ষেপক, ২০১০
Superintendent, পুষ্টি ৭৮১
Division, Guwahati, ৭৮১

27
3-
Q.5- Showing her (PD-1(04)) PD-1 (01), PD-1 (02) and PD-1 (10) whether the signatures are your own?

Ans- No.

Cross-examination is over.

Re-examination by P.O.

Q.1. Whether Mol. Jonah Ali is close relative?

Ans. He is my "Moha".

Re-examination is over

Examination by S.O.

Q.1. Whether there was any external pressure/threatening from outside for attending as witness in the case?

Ans. No.

Examination is over.

Rev
09.4.08

09/4/08

W.L.B
TA 9/6

Jonah Ali
9-4-08

Certified to be true copy

W.L.B
Sr. Superintendent, Post Office
Guwahati Division, Guwahati-781001
Post Offices
Guwahati-781001

Proceedings of hearing on Rule-10 of
D.O.P. GDS (C & E) Rules, 2001 case against
MD Jonab Ali GDS Bpm, Kolaghat Chowk BO
(now under put off duty)

The hearing started today at
1100 hrs. in the office of the Sr. Supt. of PCs, ^{Guwahati}
The following officials/persons are
present in the hearing.

1. Sri N. K. Deka - P.O.
2. - Jonab Ali - C.O.
3. - Tarini Kanta Deka - D.A.

The following documents as
mentioned in Annexure-III of the
memorandum No. F4-2/06-07 dtd 05-6-2007
produced by the P.O. have been got
authenticated by the C.O. in presence of his
D.A. and kept in my custody.

Documents at Annexure-B under
Sl. No. 126¹⁶²⁴³ marked as PD/126(01) & ~~PD/126~~⁴ PD/1643
and Sl. Nos. 2 to 25 of Annexure-III have been
marked as PD-2 to PD-25 respectively.

The hearing is adjourned for
today. Next date of hearing will be
intimated in due course.

~~(N. K. Deka)~~
(P.O.)

Jonab Ali
23/11/07
(C.O.)

Copy to:- The SSPs Guwahati w.r.t. D.O's file
No. F4-2/06-07.

~~(K. M. Dahi)~~
(S.O.)

~~(D.A.)~~
23/11/07
(D.A.)

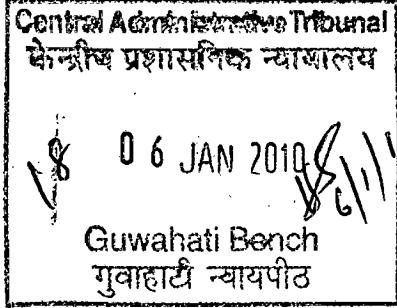
~~ASD (HR)~~
ASD (HR)
S.P.

True copy
Asst. Super. Posts (Dm.)
Guwahati Division
Guwahati 781 001

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI

File in Court on..... 6/1/10

Court Officer.



O.A. NO. 132/09

Filed by
Md. Jonab Ali
Through
A. Khargone
At 6/1/10

Md. Jonab Ali -----Applicant

-VS-

Union of India & others ----Respondent.

A Rejoinder filed by the applicant on the written statement of the respondent.

The applicant has been served a copy of the written statement submitted by the respondent and after carefully going through the same the applicant files the rejoinder as follows :-

1. That the applicant begs to state that the statement made in the written statement of the respondent are all misleading and an attempt to conceal the truth.

2. That the applicant denies all the statement made in the written statement of the respondent except those which are admitted by the applicant and which are matter of genuine records.

3. That with regard to the statement made in paragraph 1 to 3.2 of the written statement, filed by the respondent the applicant has no comment as those are matter of records.

4. That the statement made in paragraph 3.3, of the written statement is not wholly correct. It is true that on 8.11.06 the Inspector of Post offices inspected the ~~Kolai~~ Sub-post office where in the applicant was working and after

Contd--2/p.

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the inspection, no irregularity was found and the Inspector in his inspection note clearly stated that the functioning of the office was satisfactory. It is a blatant lie that ~~on~~ on that date the Inspector found any material which shows that the applicant was fraudulently operating a MPKBY agency. That after about 6 months of the said inspection, the said Sub-Divisional Inspector of the Post offices again visited the Kalajal Sub-Post office and submitted a F.I.R. on 11.5.07 against the applicant before the Kamalpur P.S. alleging that the applicant obtained a fake MPKBY agency (Annexure 'A' of the OA). That the Kamalpur Police finding no proof of the allegation filed final report. The respondent have deliberately conceal that fact.

The applicant beg to state that the MPKBY agency is granted by the Director of Small Savings Govt. of India and without knowing from that authority the respondent have filed the false case against the applicant.

5. That with regard to the statement made in paragraph 3.4 and 3.5 of the written statement, the applicant begs to state that the said allegation was given to the same officer who made the allegation and the said officer took the evidence of other G.D.S. employees who were all, subordinate staff. The said investigating officer dictated the statement of the witnesses and on the basis of the dictated statement of witness, he filed the report holding the applicant guilty. The authority on the basis of the report of the Sub-Divisional Inspector, Chargesheeted the applicant and departmental proceeding was drawn up against him.

Md. Jonal Alc.

Contd--3/p.

06 JAN 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

- 3 -

That the applicant in the hearing before the Enquiry Officer, appeared and cross examined the witnesses, examined by the respondent . In cross examination at least 3 witnesses ~~is~~ frankly admitted that their statement were not of their own but it was dictated by the Investigating Officer. The applicant further beg to state that all the witness to the enquiry was G.D.S. employee subordinate to the investigating officer and they gave the statement as per dictation of the investigation officer and at least three of them dared to confess the same. Such an enquiry is against the principle of natural justice and it is not an enquiry at all in the eye of law and by such an illegal enquiry the applicant canot be punished .

6. That with regard to the statement made in paragraph 3.6 to 3.10, the applicant beg to state that with the help of the dictated statement of the witnesses the respondent authority held the applicant guilty and punished him by removing him from his service. The applicant preferred an appeal before the appellate authority against the order of removal and the said appeal was also rejected.

7. That the applicant begs to submit that the offence alleged to have been committed by the applicant is an imaginary one as there was no complain from any body regarding the said offence. Even Smt. Mira Begum in whose name the agency alleged to have been run had not made any complaint nor she gave any statement before anybody. The statement which was shown to be that of Mira Begum was not

Md. Jencel Ali

Contd---4/p.

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Guwahati Bench
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of her statement as the authority could not submit the original copy of the statement for cross examination. The applicant has right to have copies of all the document used against him but the applicant was not given copy of that statement.

8. That the applicant begs to state that the authority by their chargesheet brought two charges, viz (1) For obtaining a MPKBY agency in name of Mira Begum and (2) Exhibition of lack of integrity and devotion to duty, and those charges are not proved as per law.

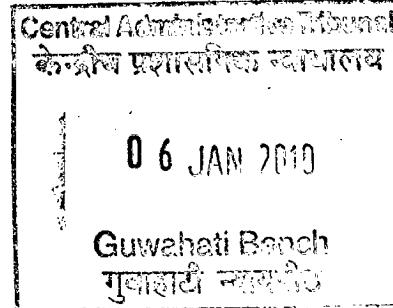
Firstly the MPKBY agency is granted by the Director of Small Saving, Govt. of India, and without hearing the said authority it cannot be held that applicant obtained any MPKBY agency.

Secondly lack of Interigity and devotion to duty by the applicant has not been proved, as because no complaint from any quarter is there against the applicant, with regard to his performance of duty. The drawing of Commission of the alleged agency (although not proved) does not constitute any offence as the said amount is not the Govt. money. The applicant has been punished arbitrarily and illegally.

Under the circumstances it is prayed that the written statement submitted by the respondent may be rejected and the punishment given to the applicant may be set aside.

Md. Jorab Ali

Contd--5/p.



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VERIFICATION

I, Md. Jonab Ali, Son of Late Alimsa Ali, aged about 50 years, Ex-Sub-Post Master, Kalajal Chowk Post Office, a resident of village -Alekjali, P.S. Kamalpur, district Kamrup, Assam do hereby solemnly affirm and declare, verify that the statements made in paragraphs 1 to 8 are true to my knowledge.

And as such I sign this Verification on this 6th day of January, 2010 at Guwahati.

Md. Jonab Ali.

SIGNATURE.

File No: -
The Respondent
Thakur Das
Majorlal Das
S.C. C.V.S. e. 173
26/12/110

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

IN THE MATTER OF:-

O.A no. 132/09

Sri Jonab Ali

...Applicant

-Vs-

Union of India and ors

...Respondents

-AND-

IN THE MATTER OF:

Reply statement on behalf of the respondents to the rejoinder filed by the applicant.

(REPLY STATEMENT ON BEHALF OF THE RESPONDENTS)

I, Sri. Dipendra Nath Sharma S/O late Phanidhar Sharma, aged about 55 years, presently working as Senior Superintendent of Post Offices, Guwahati Division, Guwahati do hereby solemnly state as follows:

1. That I am the Senior Superintendent of Post Offices, Guwahati Division, Guwahati. I have been impleaded as a party respondent no. 4 in the above application. A copy of the rejoinder in the aforesaid case has been served upon me. I have gone through the same and have understood the contents thereof. I am acquainted with the facts and circumstances of the case. I have been authorized to file this Reply on behalf of the respondent nos. 2 and 3.
2. That I do not admit any of the averments except which are specifically admitted hereinafter and the same are deemed as denied.
3. That with regard to the statements made in paragraph 1 of the rejoinder, the humble answering respondent begs to deny the correctness of the statements made therein. It is respectfully stated that without any authenticity and on proper exploration of the genuineness of the case referred to in the written statement, the applicant made serious allegation against the answering respondent. Thus the applicant has to take the burden to prove all the allegations strictly.
4. That with regard to the statements made in paragraph 2 of the rejoinder, the humble answering respondent begs to offer no comment.

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5. That with regard to the statements made in paragraph 4 of the rejoinder, the humble answering respondent begs to offer no comment as they are matters of record of the case.

6. That with regard to the statements made in paragraph 4 of the rejoinder, the humble answering respondent begs to state that once the applicant admitted that the Inspector of Post Offices inspected the Kolazol Branch Post Office on 08.11.06 and on the other hand denied the statement wholly. The humble answering respondent reiterates and reaffirms the statements made in paragraph 3.3 of the written statement. It is absolutely false that there was no irregularity found in the said branch office on the inspection made by the Inspector. There was a material against the applicant who fraudulently operated a Mahila Pradhan Khshetriya Bachat Yagna (MPKBY) at Baihata Sub-Post Office which is not permitted to him so long as he holds the post of GDSBPM and also because he is a male person. This offence committed by the applicant was noticed by Inspector of Post Offices in course of his inspection at Baihata Post Office. It is no way possible to detect an offence committed by the applicant at Baihata Post Office in course of inspection of Kolazol Post Office where he performs his normal duties. Moreover, there is no logic that action cannot be taken upon a government employee on irregularities/offences detected during an inspection which could not be noticed or could not be detected during previous inspection/visit. Non-detection of any irregularity during one visit or inspection does not become shield to government employee to defend him against action on irregularity detected in subsequent visit. These are useless arguments instead of advancing substantial defence against the actual charge drawn upon the applicant.

Outcome of police investigation has no relevancy in course of departmental proceeding. The FIR lodged against the applicant was on his criminal misconduct. But departmental proceeding is of misconduct chargeable for violation of departmental conduct rules. Two are different course of action and one is not supplement to other. Moreover while the charge sheet was issued police did not complete their investigation nor submitted any report to any Court on the FIR lodged against the applicant, if any, as police has not intimated disposal of the FIR to the respondent.

Further the applicant is not at all permitted to act as MPKBY agent or to act in the name of or on behalf of any MPKBY agent as per Scheme. The applicant has fraudulently operated the MPKBY agency by misusing his official position and earned illegal income using a licence purported to issue in the name of one Smt. Mira Begum.

A copy of the MPKBY Scheme is annexed herewith and marked as Annexure-5

7. That with regard to the statements made in paragraph 5 of the rejoinder, the humble answering respondent reaffirms and reiterates the statements made in paragraph 3.5 of the Written Statement. The applicant

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further begs to state that the statements made in this paragraph of the rejoinder is not clear and is confusing, especially in 3rd-5th line which read as follows:

“...the said allegation was given to the same officer who made the allegation and the said officer took the evidence of the other GDS...”

In departmental inquiries, the departmental inspectors of the concerned area makes fact finding inquiries, collect evidences, record statement of the witnesses and on the basis of such inquiries, charge sheet is issued against erring officials by the appropriate disciplinary authority. The Investigating Officer nominated in such inquiries is always of the rank higher than the Charges officials and the witnesses. There is nothing irregular and illegal in the process. It is upto the charged official to defend him/her in course of oral inquiry and disprove the charge. In the list of witnesses annexed to the charge sheet, designation/address of all the nine witnesses is available and there is only one GDS employee. But it is surprising how the applicant repeated that all the witnesses are GDS. The applicant should categorically specify with evidence as to which three witnesses have admitted that their statements were not of their own.

Further it is stated that it is evident from the records of oral inquiry that through Sri Prafulla Ch. Nath (S.W.-4) during cross-examination deposed that he recorded the statement being dictated by other (no mention of the Investigative Officer), he confirmed during re-examination that content of his statement is true. The contents of the statements of Sri P.C Nath proves that only the applicant had acted in the name of MPKBY agent Smt. Mira Begum and received commission in the name of Smt. Mira Begum.

From the evidence and examination of nine witnesses, the charge made against the applicant is sustained.

8. That with regard to the statements made in paragraph 6 of the rejoinder, the humble answering respondent reiterates and reaffirms the statements made in paragraphs 3.6-3.10 of the written statement.

9. That with regard to the submissions made in paragraph 7 of the rejoinder, the humble answering respondent begs to state that admittedly there is an irregularity and illegality found on the inspection that the applicant without having any authority and by violating the scheme operated the MPKBY agency.

Disciplinary action may start if any irregularity or offence is noticed in course of visit or inspection. Despite production of a attested true copy of the written statement recorded by Smt. Mira Begum during fact finding inquiry, in course of oral inquiry, which was affirmed by Mira Begum during deposition in oral inquiry the applicant hold that no statement was recorded of Mira Begum. The duly attested copy of the written statement by said Mira Begum (Annexure 2 to the written statement of the respondent) during the fact finding inquiry was produced during oral inquiry and it was listed as prosecution evidence no. PD-20.

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This document was examined by both defense and prosecution side during oral inquiry held on 23.11.07 and there was no objection or demand on the document from the defense side (Annexure 4 to the written statement of the respondent).

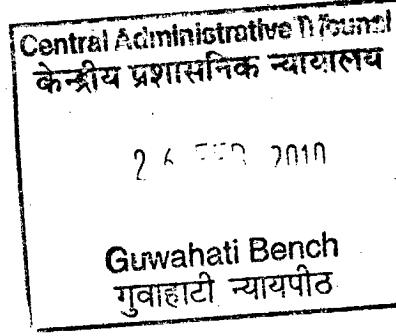
10. That with regard to the submissions made in paragraph 8 of the rejoinder, the humble answering respondent begs to state that the person who recorded the written statement was present in oral inquiry and confirmed the written statement to be her own. In actuality, the MPKBY was solely operated by the applicant in the name of Smt. Mira Begum.

During oral inquiry Smt. Mira Begum confirmed that the written statement is her own and the applicant during oral inquiry never demanded production of the original of the written statement of Mira Begum.

It is respectfully stated that the charge framed against the applicant was fully proved in course of inquiry and the departmental authority thereafter imposed the penalty of removal.

11. Thus the humble answering respondent begs to state that the original application has no merit at all and is liable to be dismissed.

Surpresa Nain Guwahati
Surpresa Nain Guwahati



VERIFICATION

I, Sri. Dipendra Nath Sharma S/O late Phanidhar Sharma, aged about 55 years, presently working as Senior Superintendent of Post Offices, Guwahati Division, Guwahati, do hereby solemnly verify and state that the statements made in paragraphs2 to 4, 10..... are true to my knowledge and belief, those made in paragraphs1, 5 to 9..... being matters of records of the case, are true to my information derived therefrom which I believe to be true and the rest are my humble submission before the Hon'ble Tribunal.

And I sign this verification on the 26th day of February, 2010 at Guwahati.

Dipendra Nath Sharma
SIGNATURE

Annexure-5

CHAPTER 17

MAHILA PRADHAN KSHETRIYA BACHAT YOJANA

[Issued vide MOF (DEA) letter No. F.1(1)-NS/71 dated 29.1.1972 and NSC Nagpur letter No. 42327-78/MGC(s)(3) 81 dated 5.12.1981 and further amended from time to time]

PART-I

RULES OF THE SCHEME

1. The Scheme will be called the 'Mahila Pradhan Kshetriya Bachat Yojana'.

2. Objectives :- The objectives of the 'Mahila Pradhan Kshetriya Bachat Yojana' are as under :-

- (i) To educate house wives in family budgeting.
- (ii) To inculcate the habit of thrift among house holds and self employed people.
- (iii) To canvass for and secure investments in P.O. 5-year recurring Deposit Accounts from small savers.
- (iv) To raise resources for financing development and defence of the country.

3. Date of Intruduction :- The Mahila Pradhan Kshetriya Bachat Yojana has come into force with effect from the 1st April, 1972.

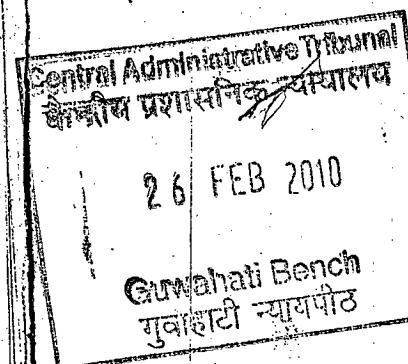
4. Scope of Agency :- The Agency will be confined to canvassing for and receiving investments in the Post Office 5-Year Recurring Deposit Accounts. The Appointing Authority shall intimate to the post office to which a Mahila agent is attached under this scheme, the fact of the appointment and the address of the Mahila agent. The Director General Posts will issue instructions to post offices directing them to stamp the schedules as and when presented at the post office by the Mahila Agent.

5. Eligibility :- (i) An individual woman (hereinafter called Mahila Agent) who being a resident of locality is desirous of being appointed as authorised Mahila Agent under this scheme to canvass the households in that locality and is recommended for such appointment by the District Small Savings Officer of that area.

(ii) No Central/State Government employee should be appointed as Mahila agent.

(iii) Near relatives of the employees of Department of Posts and National Savings Institute are not eligible for appointment as agents or renewal of their existing agency under Mahila Pradhan Kshetriya Bachat Yojana.

(iv) Near relatives of other Central/State Government official (excluding Department of Posts and NSI officials) may, however, be appointed as agents provided clearance is given by the Head of Office/Department of the concerned



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गुवाहाटी मंडल, गुवाहाटी-781 001
Sr. Superintendent of Post Offices
Guwahati Division, Guwahati-781001

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 (v) A person will be regarded as near relative of an official if the official is the person's wife/husband, legitimate child or step child, father/step father, mother/step mother, brother/step brother, sister/step sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law.

[Ministry of Finance (DEA) letters No. F.1/5/83-NS dated 3.1.1984
and No. F.1/5/83-NS dated 16.2.1985]

Note :- An individual selected for appointment as agent should be a person of substance and integrity having wide contacts and sufficiently educated to transact the agency business. The agent should be major and at least matriculate.

Important Decision :- Discontinuance of appointment of juridical persons as SAS/MPKBY/PPF Agents :- (1) The responsibility for appointment and renewal of small savings agents to promote the various small savings schemes issued by Government of India, vests with the State Governments. Instructions have been issued by the Government of India for appointment of agents under the Standardised Agency System, the Mahila Pradhan Kshetriya Bachat Yojana and the PPF Agency System. The existing instructions, inter alia, provide for the appointment of juridical persons like registered co-operative societies, scheduled banks, registered social service organisations, universities, gram panchayats and institutions specially approved by the Government as agents.

(2) Keeping in view the current strength of agents and the small savings mobilizations, it has been decided that fresh approvals for agencies to juridical persons may henceforth not be considered. Fresh approvals include extensions of existing agencies held by juridical persons on expiry of their tenure.

(3) The above changes may be given immediate effect.

[MOF (DEA) letter No. F.2/6/2005-NS.II dated 12.9.2005 addressed to all State/UT Governments]

6. Application for appointment :- (a) Individual mahila agent will apply in form No. ASLAAS-I (B) (Annexure-1).

(b) The Appointing Authority shall inform the Mahila agent about her approval for appointment in a form No. ASLAAS-2 (Annexure-2).

7. Security :- (a) A security of Rs. 100 / Rs. 500, as the case may be, shall be furnished by the Mahila agent in the shape of a 6-Year National Savings Certificate duly pledged to the President of India in his official capacity.

(b) Security may also be given (i) in the form of Fidelity Guarantee Policy of the value of Rs. 1000 / Rs. 5000, as the case may be, or (ii) two personal sureties, each guaranteeing to the extent of Rs. 1000 / Rs. 5000.

Note :- For handling cash at a time upto Rs. 5000, the lower amount of security (Rs. 100) is required and for handling cash upto Rs. 10,000 at a time the higher security (Rs. 500) will be required.

8. Agreement :- The Mahila agent shall execute an agreement in writing

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 Sr. Superintendent of Post Offices
 Guwahati Division, Guwahati-781001

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No. ASLAAS-3) (Annexure 3).

9. Certificate of Authority :- The Mahila agent shall be given a Certificate of Authority (in form ASLAAS-4) (Annexure 4) attaching her to one post office only.

CLARIFICATIONS

(1) Attachment of MPKBY Agents to Post Offices :- A doubt was raised whether a MPKBY agent can be attached with an EDBPO or EDSPO. Although rules are not specific, it may be mentioned that the post office regards HPOs as Head Bank and sub post offices as sub banks. Branch Post Offices even though permitted to carry out Savings Bank transactions, are doing so as an extension of the account office, (HPO or SPO) to which they are attached. The Branch Postmaster's certification of postal accounts/records is not taken as final. In other words, even if the money is deposited in RD accounts standing open in a branch office, it would be necessary for the schedules to be certified by the sub-postmaster of the office to which the branch office is attached. In some cases, branch office may be directly attached to a HPO when the schedule will have to be certified by the Head Postmaster. It is, however, suggested that preferably the agents should be attached only to Head/Sub Post Offices.

[NSC Nagpur letter No. Dev 1/22/1/11/83-Temp. dated 6.9.1985]

(2) Validity of certificate of authority for acceptance of RD collections by MPKBY agent on expiry of validity period of license specified in the agreement :- The National Savings Commissioner, Nagpur has advised that the post offices should not accept deposits from MPKBY agents after expiry of the validity period of license as specified in the agreement.

[D.G. Posts letter No. 62-8/88-SB dated 12.12.1988]

10. Field of Operation :- The Mahila agent shall be allowed to canvass for and receive investment in the area specified in the Certificate of Authority.

11. Issue of Card to Depositors :- (i) With effect from 1st April, 1977 the Mahila agents will use serially numbered card in form ASLAAS-5 (Annexure 5) for acknowledging receipt of the deposits. The card has three foils. These cards will be supplied to Agents by Regional Director/Dy. Regional Director, Small Savings at his headquarter town and by District Small Savings Officer for the District in his charge.

(ii) When a Mahila agent visits an existing or prospective depositor who wishes to deposit money :-

(a) She will use a serially numbered card, fill in columns (1), (2) and (3) of first foil of the card and hand over the card to the depositor.

(b) While issuing a card to a depositor, the Mahila agent will detach and keep with herself the third foil of the card, after completing all the blanks therein and getting the signature of the depositor. She will serially arrange all such foils and send them once in ten days to the District Savings Officer.

(c) She will retain the second foil of the card for her record after filling the

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वरिष्ठ अधिकारी, डाकघर

गुवाहाटी मंडल गुवाहाटी 781 001

Mr. Superintendent of Post Offices

Guwahati Division, Guwahati-781001

(d) If the money has been received in respect of an existing account, she will take money and the pass book from the depositor. She will sign with date in column 3 of the card (First foil).

(e) If the money has been received in respect of a new account, the Mahila agent will only receive the money and the application form for opening an account. She will sign with date in column 3 of the card (First foil).

(f) The agent will take to the post office the money collected by her along with the concerned pass books/application forms and deposit them with the post office along with a schedule.

(g) On delivery of pass book, the agent will obtain depositor's signature in column 4 of the second foil of his card and fill other columns.

Note :- According to the existing procedure a Mahila Agent is authorised to handle cash not exceeding Rs. 5,000 or Rs. 10,000, as the case may be, at any given time depending upon the amount of security she has deposited. The District Savings Officer should keep a watch on the money transactions every month with reference to the amounts and dates written by the agent on the first foil of cards, to ensure that the limit has not exceeded.

12. Handling of cash exceeding Rs. 5000 at a time by MPKBY Agent
:- (1) It has been observed that the agents under the Mahila Pradhan Kshetriya Bachat Yojana in the course of their work, sometimes handle cash exceeding Rs. 5000 at a time. Payment of their commission for such occasion requires condonation by this office leading to delay.

(2) An agent may have to handle more than Rs. 5000 at a time in the following circumstances :-

(i) When she has received various smaller amounts on several days, totalling upto more than Rs. 5000 and wants to deposit them on a single day.

(ii) When the total amount of several deposits (each less than Rs. 5,000) collected by her on a single day exceeds Rs. 5,000/-

(iii) When the total amount of several deposits collected by her exceeds Rs. 5,000 (normally advance deposits in RD accounts).

(3) In the first case the limit can be adhered to by the agent making deposits more promptly in the post office. In the second case, also the agent can go to the post office before the amount with her exceeds Rs. 5,000/- Only the third type of case presents a difficulty. It is to be stressed that it is in the interest of the agent herself as also of the investor and the Government that the agents should not handle large amounts of cash. In case of a single large deposit, it is therefore advisable for the agent, to obtain a crossed cheque from the investor in favour of the Postmaster, rather than cash. It is also decided that the limit of Rs. 5,000/- will apply to actual cash (i.e. currency) and not to the amount of crossed cheques for the purpose of Rule 6 of the M.P.K.B.Y. Rules.

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गुवाहाटी मंडल, गुवाहाटी-781 001
Sr. Superintendent of Post Offices
Guwahati Division, Guwahati-78100

MP.K.B.Y. AGENCY

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(4) Hereafter, it will normally not be necessary to refer any case to this office for condoning violation of Rule 6. There would hardly be any justification for condonation in case of the first and second type referred to in para (2) above.

(5) Incidentally, it is also to be pointed out that while the date of deposits through cheques in R.D. accounts, is to be taken by the post office as the date of presentation of the cheque to the post office, the entry in pass books is to be made only when the cheque is cleared.

[N.S.C. Nagpur letter No. Dev/22-3/85 dated 23.3.1985].

12A. **Handling of cash by MPKBY Agents—raising of limit from Rs.5,000 to Rs. 10,000 :-** As per the existing procedure the MPKBY Agent is authorised to handle cash not exceeding Rs. 5,000/- at a time. There has been a persistent demand from the MPKBY Agents that their limit may be raised to at least Rs. 10,000/- at a time. With a view to remove the difficulties now faced by the MPKBY Agents it has been decided to enhance the limit of handling cash by MPKBY Agents to Rs. 10,000/- at a time. However, this facility may be extended to such of those MPKBY Agents who furnish cash security for Rs. 500/- in the shape of 6-Year NSCs in place of present cash security for Rs. 100. Similarly the MPKBY Agents furnishing security in the shape of Fidelity Guarantee Policy may have to furnish F.G. Policy of Rs. 5,000/- in place of Rs. 1,000/- as at present.

[N.S.C. Nagpur letter No. 2393-2442/Agency/23-I/87 dated 31.8.1987 circulated under D.G. Posts letter No. 62-9/87-SB dated 22.9.1987]

Note :- The limit of Rs. 10,000 in cash to be handled at a time by the agent does not apply to the amounts of cheques received for deposit. For deposit by cheques there is no limit of amount to be handled at a time by the agent.

Clarification :- Handling of cash by MPKBY Agents :- We have received a complaint that some post offices are not accepting deposits of more than 10,000/- in a day under M.P.K.B.Y. Agency.

In our circular letter No. 2393-2442/Agency/23-I/87 dated 31.8.1987 it had been decided that MPKBY Agents cannot handle cash in respect of their depositors beyond Rs. 10,000/- at a time. This does not mean that the agents are debarred from depositing more than Rs. 10,000/- in a day on more than one occasion. You are requested to kindly bring this to the notice of the concerned post offices.

[N.S.C. Nagpur letter No. 17672/Agency/23-I/87 dated 12.10.1995 circulated under D.G. Posts letter No. 61-43/95-SB dated 12.1.1996]

13. Transactions through messenger :- Unauthorised person like male relatives, etc. of a Mahila agent should not be permitted to transact business on behalf of a Mahila agent. The scheme does not envisage such agency by proxy. Only a limited facility of the use of messenger by Mahila agents has been provided in D.G. Posts Circular No. 61-7/73-SB dated the 30.4.1974 [See para 3 of Part IV]. This permits the nomination of messenger only for depositing

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গুৱাহাটী মণ্ডল, গুৱাহাটী-781 001
Sr. Superintendent of Post Offices
Guwahati Division, Guwahati-78100.

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It is collected by agents with the post offices. The messenger will have to be accredited for this purpose. No other person can act as messenger.

It has been decided that in the event of sickness, absence away from headquarters or in other circumstances when Mahila agent cannot perform her functions under the scheme, a messenger may be permitted to be nominated by the agent in the same manner as is done by the SAS agent and the Director, Small Savings of the area, on the recommendation of the District Small Savings Officer concerned, may accredit the messenger. For this purpose, the agent will have to execute a Supplementary Agreement in form at Annexure-6 indemnifying the Government against any loss as a result of this messenger, transacting business with the post offices on her behalf.

[NSC Nagpur letter No. 42327-78/MGS(3)/81 dated 5.12.1981]

Note :- The form of Supplementary Agreement has been taken from the book of Executive Instructions issued by the Government of Haryana.

14. Commission :- With effect from 1st January, 2000 commission at the rate of 4% of deposits shall be paid to MPKBY agents on the total investment deposited by her.

[MOF (DEA) letter No. F. 18/5/99-NS.II dated 1.1.2000]

Author's Note :- The agent will also be entitled to commission on deposits made through her on accounts continued with deposits after maturity for a further period upto maximum of 5 years under rule 10 of PORD Rules, 1981. The accounts will be continued through the agent. There are no orders debarring the agents from the payment of commission on such deposits made through them. The agent will also be entitled to the commission for accounts opened in her name or in the names of her husband or children. The SAS agents are also entitled to commission for such transactions.

15. Time Limit for Transactions :- All the transactions must be handled promptly and completed expeditiously by the Mahila agents. The maximum time allowed shall be as follows:-

(i) Deposit of money :- The money must be deposited in the post office to which the Mahila agent is attached within five to ten days from the date of its receipt from the investor. This is subject to further condition that the deposits must be made in the post office by the last day of the month, in any case.

(ii) Delivery of Pass Book :- The pass book must be delivered to the investor within ten days from the date of its receipt from the post office.

(iii) Commission claim :- With effect from 1.5.2000, the commission due to the agents will be paid by the Postmasters at source at the time depositing money at the post offices. The Mahila agent shall prepare a schedule of deposits (Form ASLAAS-6) (Annexure-7) in quadruplicate in serial order of account numbers and present at the post office alongwith money and other documents, if any. The agent will tender net amount of deposit by cash and gross amount of deposit by cheque and give a receipt in form ACG-17 for the commission paid in both the cases to be attached to the schedule. The schedule will be

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গুৱাহাটী সংকল, গুৱাহাটী-781 001

Sr. Superintendent of Post Offices
Guwahati Division, Guwahati-781001

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Prepared separately for deposits by cash and cheque.
[MOF(DEA) letter No. 18-5/99-NS.II dated 28.3.2000 and D.G. Posts letter No. 107-16/97-SB dated 17.4.2000]

(iv) For financial year 2006-07 from 1st June, 2006 ASLAAS-6 schedule will be serially numbered by the agent under her signature. The numbering of ASLAAS-6 schedules will be X/Y/L. While X and Y will represent the month and serial number of the schedule, L would represent the last schedule submitted in a month. Once the letter L is used on a schedule, it would mean that the agent would submit no more schedules in a particular month. This procedure will enable the inspecting officer to find out if there is any discrepancy in the serial number or any missing serially numbered list, which will alert the officer, and investigations can be made. From financial year 2007-08 onwards the ASLAAS-6 schedules will be serially numbered from 1st April, 2007.

[D.G. Posts letter No. 111-14/2001-SB dated 25.5.2006]

Note :- Since no commission is payable on the refund of withdrawal and interest payable the reon and default fee paid on the defaulted instalments, it is essential that the particulars of such amounts are clearly indicated in the remarks column of the schedule so as to avoid any over payment of commission to the agent. The post offices will verify the schedule in order to see that the particulars of such amounts are correctly shown in the remarks column of the schedule. The amounts deposited towards such accounts will be deducted from the total amount of deposits in the schedule and the commission allowed on the net amount only.

[N.S.C. Nagpur letter No. 11866-87/AGY(3)-73 dated 10.5.1973 and
D.G. Posts letter No. 107-16/97-SB dated 17.4.2000]

16. Authorities :- The various Authorities under the scheme shall be as follows:-

(a) Appointing Authority :- The Director, Small Savings of State Government of the area concerned will be the Appointing Authority. District Collectors/Deputy Commissioners of the Districts under the State Government will also be the Appointing Authorities.

Note:- From 21.11.2002 the MPKBY agents will be appointed by the respective State Governments. They will also renew the agency of existing agents as and when due. The Regional Director/Deputy Regional Director, National Savings Institute will neither appoint new agents nor renew the agency of the existing agents after this date.

[N.S.C. Nagpur letter No. 12684-712/Tech/Agency/21-2/2002 dated 21.11.2002]

(b) Issuing Authority:- As in (a) above.

(c) Deposit Receiving Authority:- The post office indicated in the Certificate of Authority.

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Guwahati Division, Guwahati-781001

(b) Checking Authority:- District Small Savings Officer of the area concerned.

(c) Supervisory Authority:- Director, Small Savings and District Small Savings Officer of the area concerned.

(f) Paying Authority:- Director, Small Savings of the area concerned.

17. Loss of Certificate of Authority :- In the event of loss by the Mahila agent of the Certificate of Authority, the Mahila agent shall immediately inform the post office concerned, the District Small Savings officer, the local Police and the "Appointing Authority" concerned of the loss. The loss must also be notified in at least one local newspaper at the cost of the Mahila agent. The Mahila agent shall also execute an indemnity bond (Annexure-8) immediately indemnifying the Government against the loss. The stamp duty on such bond shall be payable by the Mahila agent.

Note :- The form of Indemnity Bond has been taken from the book of Executive Instructions issued by the Government of Haryana.

18. Termination of Agency :- On termination of an agency, the Mahila agent shall forthwith deliver to the "Checking or Appointing Authority" all monies and papers including Certificate (s) of Authority, Cards/counterfoils of Cards, documents and Securities which may have come into the Mahila agent's possession or custody under the agency.

19. Terms and Conditions of Agency :- (a) The Mahila agent is expected to take sustained interest in the agency work and to popularise the Recurring Deposits Accounts Scheme.

(b) The Mahila agent shall ensure that the post office puts seal on the copy of the schedule and gets back the same from the post office.

20. Functions of the Mahila agent :- (i) Each Mahila agent shall maintain a personal and constant contact with the household in the area allotted to her.

(ii) The Mahila agent shall obtain from the post office a supply of application forms for opening of Recurring Deposit Accounts.

(iii) On receipt of the pass book from the post office, the Mahila agent shall hand over it to the investor securing his/her acknowledgment (with his/her signature and date) on the card.

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Sr. Superintendent of Post Office,
Guwahati Division, Guwahati-781001

PART-II

INSTRUCTIONS TO APPOINTING, ISSUING, PAYING
AND SUPERVISORY AUTHORITIES

FUNCTIONS

A. Appointing Authority

(i) No Central/State Government employee should be appointed as Mahila agent.

(ii) Near relatives of Postal and NSI officials as per details given in para 5 of Part I are not to be appointed as Mahila agent.

(iii) It is necessary for the Appointing/Issuing Authority to make arrangement for keeping the Agency documents (Applications, Agreements, Depositor's Cards, Security Papers) in safe custody.

(iv) All applications against which appointments have been made should be serially numbered and date wise; there should be one file separately for each District Small Savings Officer's jurisdiction.

(v) The agreement executed by the Mahila agent should not be filed with the application for their appointment but should be kept separately in the same numerical sequence as the application in order to avoid the possibility of loss of both the documents simultaneously.

(vi) Cross reference giving the page number of the application and the relevant Agreement should be given on both these documents to facilitate the trace thereof.

(vii) The foils of the Certificate of Authority meant for the post office should be promptly sent to the same. Similarly, whenever any agency is terminated, it should be promptly intimated to the post office concerned also. The District Small Savings Officer concerned should also be informed about all appointments and terminations of Mahila Agents by a letter.

B. Issuing and Paying Authorities

(i) The Depositor's Cards shall be issued by the Issuing Authority to the Mahila Agents upto the limit which will be decided by the Issuing Authority according to their need under intimation to the District Small Savings Officer concerned.

(ii) Proper account of the Depositor's Cards shall be maintained in the office of the Issuing Authority. For this purpose there shall be two Registers, viz, Stock Register of Cards as also personal ledger account of each agent.

(iii) Immediately on termination of an agency, all Depositors' Cards, documents, etc. must be recovered from the Mahila Agent concerned promptly through the District Small Savings Officer of the area.

(iv) According to the existing procedure, a Mahila agent is authorised to

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M.P.K.B.Y. AGENCY

handle cash not exceeding Rs. 5,000 or Rs. 10,000, as the case may be, at any given time depending upon the amount of security she has deposited. The District Small Savings Officer should keep a check on the money transactions every month with reference to the amounts and dates written by the agent on the counterfoil of cards to ensure that the limit has not exceeded.

C. Supervisory Authorities (Deputy R.D./D.S.S.O.)

(i) The District Small Savings Officer should inspect once in a quarter the Depositor's Cards in the possession of the Mahila agent in his/her area and put his/her signature with date, month and year on the Cards in token of his/her having done so. If for special reasons, he/she fails to inspect the Cards in a quarter, he/she should communicate the reasons to his/her Director, Small Savings.

(ii) Any discrepancies or suspected misappropriations made by any Mahila agent should be promptly looked into by the District Small Savings Officer and explanation obtained and a report sent to the Director, Small Savings.

(iii) Where, *prima facie*, investigation shows that a misappropriation has been committed, the matter should be reported to :-

(a) Director, Small Savings of the area.

(b) Appointing Authority—

(c) Local Police

(iv) Any subsequent action should be vigorously followed.

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PART-III

INSTRUCTIONS REGARDING PRINTING, STOCKING AND
SUPPLY OF DEPOSITOR'S CARDS

The Mahila agent will use a serially number card for acknowledging the receipt of the deposit. The procedure in regard to issue of cards by an official of the National Savings Institute to the Mahila agents/authorised workers will be as follows.

1. Issuing Authority :- The authority, under the revised procedure, competent to issue the cards to the agents will be :-

- (a) Director, Small Savings at his headquarter town.
- (b) District Small Savings Officer, working under the Director, Small Savings.

Note :- If there are more than one District Small Savings Officer in a District, the Director, Small Savings will nominate the Senior District Small Savings Officer as the Issuing Authority.

2. Printing and supply of Cards :- (a) The cards as in Annexure 5 will be got printed by the National Savings Institute and supplied to all Issuing Authorities under this scheme, viz, the Directors, Small Savings of the State.

(b) The Director, Small Savings also will cause a supply of cards in appropriate quantities to be made to each agent under the MPKBY through the Issuing Authority concerned. As the cards will now be used for new accounts, the supply to an Issuing Authority should cover the needs of the area for the next six months, that is to say, the number of new accounts expected to be opened in the area during the next six months.

(c) After the supply as aforesaid is made, the Appointing Authority shall cause a supply of cards not exceeding 15% of the total supply made to the Issuing Authority in a Deputy Regional Director's area to be made to the Deputy Regional Director concerned to meet emergent demands from the Issuing Authority(ies) in his area.

(d) The Appointing Authority shall at all times keep in his own stock 20% of the total number of cards supplied to all the District Small Savings Officers and Deputy Directors, Small Savings in his area in order to meet demands for new cards.

(e) The Director, National Savings Institute will at all times keep with him a stock not exceeding 25% of the total supply to be made to all Appointing Authorities.

(f) Each District Small Savings Officer shall be required to submit the Appointing Authority a quarterly statement in Annexure-9 indicating the number of cards in stock, cards issued to the Mahila agents and the number of cards likely to be required in the next three months. If on examination of the quarterly statement the Appointing Authority finds that the pace of the progress in the opening of new accounts is faster in any particular area, he will take immediate action to supply adequate stocks to that Issuing Authority (District

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Small Savings Officer).

(g) At the time of calculating his total demand for cards, the Regional Director, National Savings, will take into consideration the number of cards required by Mahila agents appointed by officials nominated by the State Government as Appointing Authority under Mahila Pradhan Kshetriya Bachat Yojana.

(h) In respect of agents, appointed by an Appointing Authority other than the Regional Director, National Savings, the supply of cards will also be made by the District Small Savings Officer.

3. Maintenance of account of cards :- (a) The cards will be serially numbered and it is necessary to keep an account of every card received and issued by all Authorities concerned.

(b) For maintaining such an account the Appointing Authority shall open a register in his office in the form prescribed in Annexure-10.

(c) The Director, Small Savings shall also open a ledger, as in Annexure-11 showing the distribution of cards to District Small Savings Officers.

(d) Each District Small Savings Officer shall maintain a ledger showing the distribution of cards to Mahila agents, as in Annexure-12. One page shall be used for each agent.

4. Procedure to be followed by the Issuing Authority :- (a) At the time of issue of these cards to the agents, the District Small Savings Officer should impress the card and its counterfoil with his office stamp at the top and give a running serial number to the card and its counterfoil.

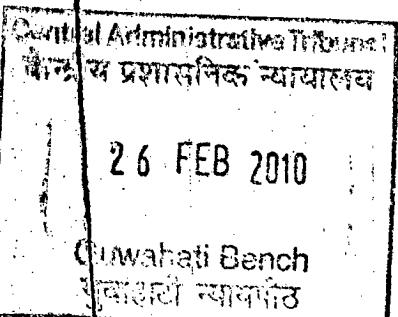
(b) The initial supply of cards to the agents will be made according to the demand of the agents, for new accounts to be opened.

(c) While issuing the cards the Issuing Authority (DSSO) should advise the agents that the counterfoil should be returned immediately after opening new accounts. This should be examined carefully by the DSSO while forwarding the claim of the agent to the Director.

(d) The Issuing Authority (DSSO) shall be responsible for safe custody of the blank account cards received from the agents after serially arranging them and making appropriate entries thereof in the stock register of the personal ledger account of the Mahila agent.

(e) On the basis of the information provided in the counterfoils the Issuing Authority (DSSO) shall issue a letter to the depositor in the form given in Annexure-13. This letter will be printed and adequate copies thereof supplied to the Issuing Authority. The Issuing Authority will post or otherwise deliver the letter to the depositor concerned. The letter must issue in each case of new account. The District Small Savings Officer should record on the counterfoil, over his signature and date, the following remarks "Letter Issued". The counterfoil should be kept serially arranged by the DSSO concerned in his office.

5. Payment of Commission :- The Mahila agents will be paid commission



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urce by the Postmasters at the time of depositing money in post offices.
f. 1.5.2000.

6. General :- (1) In all other matters other than specifically mentioned in this memorandum, the procedure already laid down for the MPKBY shall apply.

(2) According to the existing procedure, a Mahila agent is authorised to handle cash not exceeding Rs. 5,000 to Rs. 10,000, as the case may be, at any given time depending upon the amount of security deposited. The DSSO should keep a check on the money transactions every month with reference to the amounts and dates written by the agent on the counterfoils of cards to ensure that the limit has not been exceeded.

(3) The Director, Small Savings should, during his tours, inspect the stock book and the ledger and accounts of foils maintained by the Issuing Authority (DSSO) and sign the stock book and ledger in token of having done so.

[NSC Nagpur letters No. 27975-28025/AGY(74)-II dated 16.8.1976 and No. 11950-80/AGY(7)74-II dated 23.10.1977 as amended]

PART-IV

IMPORTANT ORDERS

1. Mahila Pradhan Kshetriya Bachat Yojana—Changes in procedure

(1) Detailed procedure for the operation of the Mahila Pradhan Kshetriya Bachat Yojana has been laid down in the booklet "Mahila Pradhan Kshetriya Bachat Yojana" and changes thereto, whenever made, are also advised to you from time to time.

(2) In order to remove certain shortcomings in the scheme, it has been decided to make the following changes in the scheme :-

(i) Besides individual woman, women's organisations only shall be appointed as agents under the scheme. The reference to other institutions/ organisations made in the booklet will be deleted.

Accordingly institutions and organisations other than those of women will not be eligible to be appointed as agents under MPKBY. Sugarcane Unions in U.P. are at present working as agents under the scheme with the approval of the Ministry of Finance. It has been decided by the Ministry of Finance that Sugar

Continued

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The Unions and similar institutions should no longer be appointed as agents under MPKBY. Such institutions may not, therefore, be appointed or reappointed as agents under the scheme. The existing agencies of such institutions may be reviewed and terminated as early as possible after giving them due notice in terms of the agency agreement. Whenever possible, steps may be taken to replace these institutions with Mahila agents or individual or institutional agents under SAS.

(ii) Unauthorised persons like male relatives, etc. of a Mahila Agent should not be permitted to transact business on behalf of a Mahila Agent. The scheme does not envisage such agency by proxy. Only a limited facility of the use of messengers by Mahila Agents has been provided in D.G. Posts Circular No. 6-7/73-SB dated the 30th April, 1974. This permits the nomination of messengers only for depositing monies collected by agents with the post offices. The messengers will have to be accredited for this purpose. No other person can act as messenger.

It has been decided that in the event of sickness, absence away from headquarters or in other circumstances when Mahila Agent can not perform her functions under the scheme a messenger may be permitted to be nominated by the agent in the same manner as is done by the SAS Agent, and the ARD of the area on the recommendation of the DSO concerned, may accredit the messenger.

(iii) The restrictions of appointment of close relative of NSO and Postal officials under SAS Scheme should be made applicable to MPKBY also with immediate effect. Accordingly :-

(a) Near relative of a non-Gazetted Postal official working in a Division should not be appointed as agent in any area in the same Division.

(b) Near relative of a non-gazetted Postal official who is dependant on such official should not be appointed as agent in any area in the same State.

(c) Near relative of a gazetted Postal official should not be appointed as agent any where in India.

(d) Near relative of a non-gazetted NSO officials, should not be appointed as agent any where in the same State.

(e) Near relative of a gazetted NSO official should not be appointed as agent any where in India.

Near relatives of other Central/State Government officials (excluding Postal and NSO officials) may, however, be appointed as agents provided clearance is given by the Head of Office/Department of the concerned officials.

A person will be regarded as near relative of an official if the official is the person's husband, legitimate child or step child, father/step father, mother/step mother, brother/step brother, sister/step sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law.

To enable the appointing authorities to scrutinise the eligibility of applicants for MPKBY agency, the following paragraphs may be inserted in

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form of applications for such agents :-

Para 2(A) :- I am not employed under the Central/State Government.

Para 2(B) : I declare that none of my relatives (i.e. my husband, legitimate child or step child, my husband's father, mother, sister or brother, etc. as defined above is employed under the Central/State Government. OR

I give below the particulars of my near relatives (my husband, legitimate child or step child, my husband's father, mother, sister or brother, etc. as defined above is employed under the Central/State Government.

Name of close relative	Relationship	Particulars of office where employed

I attach "No objection certificate(s) from head(s) of office/department where the above mentioned person(s) is/are employed to the effect that there is no objection to my taking up agency under the above said agency system.

(3) The above information will enable the Appointing Authority to screen the applications and reject ineligible candidates for appointment as agent.

(4) Please circulate these instructions among the field officials of your region and also take steps urgently to give effect to the changes mentioned above. Your attention is drawn particularly to para 2(iii) above, prohibiting appointment of near relatives of NSO and Postal officials as agent under MPKBY in view of the changes now made. Action should be taken forthwith to terminate the agencies of all such near relatives working as agents by giving them three month's notice. In other words such agencies should be terminated latest by 31st March, 1982. Further, in the event of prohibited category agencies coming up for renewal in the meantime no renewal of such agencies should be made.

[N.S.C. Nagpur letter No. 42327-78/MSG(3)/81 dated 5.12.1981 and
MOF (DEA) letter No. F.1/5/83-NS dated 16.2.1985]

2. Clarification regarding MPKBY Agents :- (1) Kindly refer to our letter No. 42327-78/MGS (3)/81 dated 5.12.1981 (Item I above).

(2) In para 2(iii) (a) it has been mentioned that near relatives of non gazetted Postal officials should not be appointed as agent in any area in the same division.

(3) An agent carries on her activities only in a postal division or in an independent gazetted post office. A person should, therefore, not be appointed as agent if her near relative is working as a non-gazetted official in the same postal division or independent gazetted post office. There is no objection to such an appointment if the near relative of the applicant is a non-gazetted official in the P&T Department in any other wing of the P&T Department, such as Telephones, Telegraphs, RMS, Circle Office etc., or in a postal division/independent gazetted post office other than the one in which the

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licant intends to work as an agent.

(4) All pending and future applications as well as any pending cases may be decided on the above basis.

[N.S.C. Nagpur letter No. MGS (3)/81-II dated 4.2.1983].

3. Appointment of agents under the Standardised Agency System and Mahila Pradhan Kshetriya Bachat Yojana :- (1) I am directed to invite your attention to this Ministry's letter No. F.1/4/81-NS dated 26.11.1981 regarding restrictions on appointment of Government servants and their near relatives as agents under the Standardised Agency System for canvassing deposits under the Small Savings Schemes and to state that the matter has been further considered in this Ministry. The Small Savings Schemes are operated mostly through the post offices though their promotion and development is the responsibility of the National Savings Organisation. It is felt that the appointment of near relatives of employees of the Department of Posts and National Savings Organisation as small savings agent is not desirable considering that the agents get commission on the investment through them. It has, therefore, been decided that hereafter near relatives of employees of the Department of Posts and the National Savings Organisation will not be eligible for appointment as agents or for renewal of their existing agency under the Standardised Agency Scheme, Mahila Pradhan Kshetriya Bachat Yojana and the Public Provident Fund Agency Scheme.

(2) The cases of existing agents, who are near relatives of employees of the Department of Posts and the National Savings Organisation may also be reviewed and the agency terminated, wherever feasible, after giving due notice as provided in the agency agreement.

(3) The term near relatives includes husband, legitimate child or step child, father/step father, mother/step mother, brother/step brother, sister/step sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law.

(4) It has been decided that in the matter of appointment of agents, preference should be given to the unemployed, particularly to the educated unemployed. Suitable instructions may kindly be issued to all the appointing authorities.

[MOF (DEA) letters No. F.1/5/83-NS dated 3.1.1984 and 16.2.1985].

Note :- Ministry of Finance (DEA) letter dated 26.11.1981 referred to in sub para (1) above may be seen in the Chapter of Standardised Agency System under the heading "Important Orders".

4. Appointment of Agents under the Standardised Agency System (SAS) and Mahila Pradhan Kshetriya Bachat Yojana (MPKBY) :- (1) I am directed to invite your attention to this Ministry's letter No. F.1/5/83-NS dated 3.1.1984 (Item 3) conveying the decision that near relatives of employees of the P&T Department and the National Savings Organisation will not be eligible for appointment as agents or for the renewal of their existing agencies

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Guwahati Division, Guwahati-78100

nder the Standardised Agency System (SAS), Mahila Pradhan Kshetriya Bachat Yojana (MPKBY) and the Public Provident Fund Agency Scheme. It was also desired therein that the cases of existing agents, who were near relatives of employees of P&T Department may also be reviewed and the agencies terminated wherever feasible after giving due notice as provided in the Agency Agreement.

(2) Since then, the P&T Department has been bifurcated into two Departments from 31.12.1984, namely, the Department of Posts and the Department of Telecommunications. The Small Savings Schemes will hereafter be operated through the Department of Posts. The Department of Telecommunications will not be involved with the operation of the small savings schemes. In the circumstances the ban will not be applicable to near relatives of employees of the Department of Telecommunications.

[Ministry of Finance (DEA) letter No. F.1/5/83-NS dated 16.2.1985]

5. Payment of commission claims of deceased agents under MPKBY :-

(1) The question of making provisions for nomination facility to the agents under the Mahila Pradhan Kshetriya Bachat Yojana in respect of claims relating to payment of commission to them on the amounts got deposited by them under the Recurring Deposit Scheme has been under consideration of this office in consultation with the Union Ministry of Finance, (DEA). The nomination facility has already been provided to the agents under the SAS vide the Government of India, Ministry of Finance, (DEA), letter No. F.1/13/81-NS dated 2.6.1983 addressed to the Finance Secretaries of all State/U.T. Governments and endorsed to the Regional Directors, National Savings. It has been decided to extend the same facility to the agents under the MPKBY.

(2) For this purpose, the following clause may be added in the Agreement Form executed by the Agents under the MPKBY.

"In the event of death of the Agent, the amount due and payable to her as commission in terms of this Agreement, shall be payable to her nominee(s) specified by her in Schedule 'A' hereunder written.

Signature of Appointing Authority

Signature of Agent

Name in Block letters.....

Date.....

Name & Designation stamp
Date.....

(3) The schedule-A will be in the form given below and shall be kept by the Appointing Authority attached to the Agreement Form.

SCHEDULE 'A'

I..... the Agent under this agreement hereby nominate the person(s) mentioned below, who shall, on my death, become entitled to any amount due and payable to me by way of commission in terms of this Agreement to the exclusion of all other persons :

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M. S. (10/1/54)
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 गुवाहाटी मंडल, गुवाहाटी
 Sr. Superintendent of Post Offices
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Sl. No.	Name of the nominee(s)	Full address	Date of birth of nominee, if minor
---------	------------------------	--------------	---------------------------------------

** As the nominee(s) at Serial No.(s) above, is/are minors I appoint the following persons(s) to receive the aforesaid amount in the event of my death during the minority of the nominee(s).

Name of Nominee(s)	Name and address of person appointed
--------------------	--------------------------------------

(**. Note - Delete if not applicable)

Witnesses :

(1) Signature with date

Name in full.....

Address.....

(2) Signature with date

Name in full.....

Address.....

Signature of the Agent.....

Name in Block letters.....

Accepted

Signature of Appointing Authority

(Name and Designation Stamp)

Date.....

(4) In respect of any agent under M.P.K.B.Y. whose death takes place after executing the nomination, the amount of commission due and payable to the deceased agent shall be paid to the nominee(s) on claim being preferred by the latter alongwith the death certificate in respect of the agent. In other cases, however, the Probate of Will or letters of Administration or Succession Certificate will be necessary to be produced by the claimant to the estate of the deceased agent.

(5) These instructions may be brought to the notice of all Agents under the M.P.K.B.Y. immediately by the respective Appointing Authorities. The latter are also requested to comply with the requests of the Agents for the addition of the Nomination clause in the current Agreements. The clause may be inserted in the Agreements to be executed hereafter as an integral part of the Agreement.

[N.S.C. Nagpur letter No. Dev. 1/22-4/86 dated 14.11.1986]

6. Simplification of MPKBY Agency-Removal of restriction of Area of operation :- (1) Please refer to our Circular No. 29224-43/AGY (7) 74 - Pt. dated 28.7.1975 (copy enclosed) vide which area restriction in respect of MPKBY Agency was removed in certain Metropolitan cities.

(2) We have been receiving requests from several MPKBY Agents and also from some State Governments for removing restriction of Area of Operation in respect of MPKBY Agents functioning in different parts of the country. This has again come up during the discussions held in the Western Zonal Workshop held at Gandhinagar during 6-8th August, 1987. In view of

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Guwahati Division, Guwahati-781001

In persistent demand and also to facilitate the MPKBY Agents to operate more freely it was decided that the restriction in Area of Operation in all the places also should be removed forthwith. Accordingly, the Appointing Authorities are requested to take suitable action in modifying the Certificate of Authority in respect of all the MPKBY Agents immediately to enable them to collect savings of the public without any difficulty. These instructions may be brought to the notice of all the MPKBY Agents.

[NSC Nagpur letter No. 2443/493/Agency/23-1/87 dated 31.8.1987 circulated under D.G. Posts letter No. 62-9/87-SB (i) dated 21.9.1987]

Copy of letter No. 29224-43/AGY (7)/74-Pt dated 28.7.1975 from N.S.C. Nagpur regarding simplification of M.P.K.B.Y. Agency.

(1) It was often represented by the MPKBY agents that the present limitation of 1,000 households as the area of operation for each agent restricts their scope of work and chance to earn more commission besides prohibiting them from canvassing in the areas where they may have influence or contacts.

(2) The Ministry of Finance, who were approached to relax the present limitation have now decided to liberalise the limitation of the area of operation in respect of certain metropolitan cities. Now the MPKBY agents are permitted to canvass anywhere within the Municipal limits of the city where an authorised worker is functioning.

(3) This liberalisation will be applicable, at present, to Metropolitan Cities of Delhi, Bombay, Calcutta, Madras, Kanpur, Bangalore, Hyderabad and Ahmedabad on an experimental basis. The liberalisation in the area of operation may be extended to other places also depending upon the actual experience gained in the working of MPKBY under these orders.

7. Deduction for expenses on commission payable to agents appointed under the Standardised Agency System for Government Securities and the agents of Post Office Time Deposits and Unit Trust of India :- (1) The agents of Standardised Agency System, Post Office Time Deposits and Unit Trust of India, have drawn the attention of the Board to the fact that where no detailed accounts are maintained and the gross commission received by them does not exceed Rs. 60,000/- during the year, the benefit of an ad-hoc deduction for expenses at the rate of 50% of the gross receipt of commission is available to the authorised agents of Unit Trust of India and the agent of the following securities :-

(i) National Savings Certificates (II Issue) (ii) National Savings Certificates (VI Issue) (iii) National Savings Certificates (VII Issue) (iv) Social Security Certificates (v) Post Office Time Deposits.

(2) In view of the discontinuance of some of the above certificates and the notification of new schemes, the aforesaid agents have requested that the currently notified schemes, as listed in paragraph 3 below, may be allowed the benefit of the same ad-hoc deduction.

(3) The Board has considered these representations and has decided that

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Guwahati Bench
गुवाहाटी न्यायपीठ

Certified to be true copy
परिषद अधिकारी 20/1/51
गुवाहाटी बंडल, गुवाहाटी 78100
St. Superintendent of Post Offices
Guwahati Division, Guwahati 78100

M.P.K.B.Y. AGENCY

the benefit of an ad-hoc deduction, at the rate of 50% of the gross receipts of commission, when it does not exceed Rs. 60,000 during the year, be given to the authorised agents of Unit Trust of India and the agents of the following securities :-

- (1) National Savings Certificates (VIII Issue).
- (2) Post Office Time Deposit Accounts.
- (3) Post Office Recurring Deposit Accounts.
- (4) Post Office Monthly Income Scheme Accounts.
- (5) Kisan Vikas Patras.
- (6) Public Provident Fund Accounts.
- (7) Senior Citizens Savings Scheme Accounts.

[Central Board of Direct Taxes Circular No. 168/6/89-IT (A1) dated 27.2.1991 and 15.5.1991 circulated under MOF (DEA) letter No. F.3/53/89-NS II dated 28.6.1991 and D.G. Posts letter No. 61-40/91-SB dated 28.8.1991]

(4) If the gross commission earned during the year exceeds Rs. 60,000, no ad-hoc deduction will be allowed and admissibility of expenditure will be considered by the Assessing Officer as per provision of the Income Tax Act. Wherever complete and reliable accounts of expenditure are maintained, actual expenditure incurred can be allowed by the Assessing Officer.

[CBTD Circular No. 677 dated 28.1.1994]

8. Appointment of near relatives of EDBPM as agent under the SAS/MPKBY Agency System-Clarification regarding :- (1) Some Postal Circles had sought clarification about the eligibility of near relatives of EDBPM for appointment as agents under SAS/MPKBY Agency System. The matter has been examined in consultation with the Ministry of Finance (DEA) and it has been clarified by the Ministry that there is no bar in appointing relatives of EDBPM as agents under SAS. In so far as MPKBY is concerned there is no specific provision for appointing EDBPMs as MPKBY agents since this scheme is specifically for women. As such their relatives cannot be appointed as MPKBY agents.

(2) It is requested that this clarification may be brought to the notice of all concerned in your jurisdiction for information and guidance.

[D.G. Posts letter No. 107-4/2001-SB dated 10.1.2002]

9. Renewal of Agency :- The agency granted will be valid for a period of 3 years. The agent will get it renewed by submitting an application in form at Annexure 14, 45 days in advance of the expiry of the current agency alongwith agreement. The form at Annexure 14 has been obtained from the Regional Director, National Savings Institute, Delhi who has devised it for the facility of the agents.

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Guwahati Bench
গুৱাহাটী ন্যায়পৌর

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পরিষেবক, ডাকঘর
গুৱাহাটী মণ্ডল, গুৱাহাটী ৭৮১০০১
Sr. Superintendent of Post Offices
Guwahati Division, Guwahati-781001

10. Appointment of near relative of EDBPM as agent under the MPKBY Agency System—Clarification regarding :-(1) Some Postal Circles have sought clarification about the eligibility of near relative of EDBPM for appointment as agent under MPKBY Agency System. This matter has been reconsidered in the Ministry of Finance (DEA) and it has been decided not to appoint near relatives of EDBPMs as agents in view of the fact that EDBPMs are not eligible for appointment as agents under the MPKBY Scheme.

(2) It is requested that the clarification may be brought to the notice of all concerned in your Circle for information and guidance.

[D.G. Posts letter No. 107-4/2001-SB dated 22.10.2002]

11. Change of MPKBY Agent :-(1) Where the account has been initially opened through an agent, the depositor may seek change of agent in the following cases :-

- (a) In the case of death of the agent through whom the account was opened.
- (b) In case of termination of the agency/non extension of the agency of the agent through whom the account was opened.
- (c) Change of residence of the depositor either at the same station or by transfer from one station to another.
- (d) A depositor who opened the account directly but now wants to avail the services of the agent.

(2) In the above cases request for change of agent will be sent by the depositor to the concerned Regional Director, NSO (where the account was opened) and after the Regional Director has given his approval to change the agent, the depositor can utilise the services of that agent. In such cases, new agent can claim commission for subsequent deposits.

(3) The above procedure has been prescribed for change of agents in PPF accounts by the MOF (DEA) in their letters No. F1/3/89-NS.II dated 31.7.1989 and 16.10.1989 and will also be applicable to such cases in R.D. accounts.

12. Stopping of appointment and renewal of agency under SAS and MPKBY Agency System by Regional Directors, NSO, with immediate effect : The Ministry of Finance (DEA) have directed us vide letter No. F.2/1/2001-NS.I dated 15.11.2002, to stop appointment of agency and renewal of agency under SAS and MPKBY Agency System with immediate effect. They have also mentioned that the existing agency force under SAS and MPKBY should approach the concerned Appointing Authorities of the respective State Governments for getting new agency as well as renewal of old agency as per the prescribed rules. Henceforth, you are directed not to issue any fresh agency or renew old agency as stated above.

However, regarding PPF Agency System, the present system of appointment and renewal will continue with NSO till further orders.

[NSC Nagpur letter No. 12684-712/Tech./Agcny/21-2/2002 dated 21.11.2002 addressed to all Regional Directors and Deputy Regional Directors, N.S.O.]

General Administrative Tribunal
मानव संसाधनों व्यायालय

26 FEB 2003

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21/10/03

प्रशिद्ध अधिकारी, चाकपर
गुवाहाटी मंडल, गुवाहाटी 781 001
Sr. Superintendent of Post Offices
Guwahati Division, Guwahati-78100

PART-V

PROCEDURE IN POST OFFICES

[Issued vide D.G. P&T letter No. 37-1/72-SB dated 10.3.1972
and further amended from time to time]

The Government of India, Ministry of Finance (DEA) have introduced a scheme "Mahila Pradhan Kshetriya Bachat Yojana" under which the Mahila Agents will collect the monthly deposits in Recurring Deposit accounts from the depositors and remit them to the post office. The salient features of the scheme may be seen in Part-I of this Chapter. The following procedure will be followed by the post offices.

1. Certificate of Authority : The Mahila Agent will be given a Certificate of Authority (in form ASLAAS-4) by the Appointing Authority attaching her to one post office only. On receipt of the Certificate of Authority which contains specimen signature of the agent, from the Appointing Authority, it will be maintained by the Postmaster in a serially numbered guard file. The post office will verify the identity of the agent by comparison of her specimen signature in the Certificate of Authority on record in the post office with the signature given on the schedule of deposits (ASLAAS-6) by the agent.

2. Deposit of money :- The money collected by the agent will be deposited in the post office within five to ten days from the date of receipt from the depositor subject to the condition that the deposits must be deposited in the post office by the last day of the month in any case. The amount of deposits and pass books will be accompanied with the schedule (in form ASLAAS-6) in quadruplicate. It should be seen that the schedule is prepared in the serial order of the account numbers. The post office shall return one copy (fourth) of schedule after putting its date stamp and filling the portion relating to certificate of the post office to the Mahila agent and retain other copies. In the list of transactions only a lump entry will be made and the second copy of the schedule received will be attached to the LOT in support of the lump entry. The third copy of the schedule will be kept in the post office as office copy. The first copy of the schedule will be sent to the S.B.C.O. alongwith receipt ACG-17 for commission paid to the agent. Only one entry of the lump sum will be made in the Long Book and RD Journal with suitable remarks. A single pay-in-slip will be prepared by the agent for the consolidated amount for all the accounts listed in a particular schedule. For entries of deposits in the H.O. ledger and the pass books and their checking by the Supervisor the normal procedure will be followed.

[D.G. Posts letter No. 107-16/97-SB dated 17.4.2000]

3. Numbering of schedules :- For financial year 2006-07 from 1st June, 2006, ASLAAS-6 schedule will be serially numbered by the agent under her signature. The numbering of ASLAAS-6 schedules will be X/Y/L. While X and Y will represent the month and serial number of the schedule, L would represent the last schedule submitted in a month. Once the letter L is used on a

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C/207/109

পরিষৎ ক্ষেত্রিক, পান
গুৱাহাটী সংঠল, গুৱাহাটী-৭৮১ ০০১
Sr. Superintendent of Post Offices
Guwahati Division, Guwahati-781001

schedule, it would mean that the agent would submit no more schedules in a particular month. This procedure will enable the inspecting officer to find out if there is any discrepancy in the serial number or any missing serially numbered list, which will alert the officer, and investigations can be made. From financial year 2007-08 onwards the ASLAAS-6 schedules will be serially numbered from 1st April, 2007.

[D.G. Posts letter No. 111-14/2001-SB dated 25.5.2006]

4. Deposit of money through messenger :- A proposal for affording a facility to the Mahila Agents appointed under the Mahila Pradhan Kshetriya Bachat Yojana to send the deposits to the post office through messengers on their behalf has been under consideration of the Government for some time past. In order to generate more enthusiasm among Mahila agents for securing sizeable number of deposits through such messengers, it has been decided in consultation with the Ministry of Finance (DEA) that transactions through accredited messengers of the Mahila agents appointed under the scheme should henceforth be entertained in the post offices.

[D.G. P&T letter No. 61-7/73-SB dated 30.4.1974]

5. Issue of pass books for new accounts :- In the case of new accounts the pass books will be prepared by the post office other than E.D. sub post office and delivered to the Mahila agent after taking her receipt on the office copy of the concerned schedule. The E.D. sub office which is not authorised to issue pass books will issue Preliminary Receipt (SB-26) for each account. On receipt of the pass book from the head office, it will be delivered to the Mahila agent after taking her receipt on the back of the preliminary receipt. The Mahila agent will deliver the pass book within ten days from the date of receipt from the post office to the depositor.

6. Supply of forms :- The Mahila agent shall obtain necessary forms for opening of RD accounts from the post office to which she is attached. The other forms required for the scheme will be supplied to her by the Regional Director/Deputy Regional Director, Small Savings, of the area concerned.

7. Payment of commission :- The commission will be paid to the MPKBY agents by the post offices w.e.f. 1.5.2000 at source at the time of depositing money in the RD accounts. The commission will be paid at the rate of 4% of the deposits w.e.f. 1.1.2000.

8. Termination of agency :- When an agency is terminated or an agent dies, the appointing-authority will send intimation to the post office to which the agent is attached. On receipt of this information necessary remark will be made in the Certificate of Authority kept in the guard file under the dated signature of the Postmaster.

Central Administrative Tribunal
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Guwahati Bench
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प्रशिद्ध अधिकारी, अधिकारी
पुराणाटी मंडल, गुवाहाटी 781 001
Sr. Superintendent of Post Offices
Guwahati Division, Guwahati-781001

M.P.K.B.Y. YOJANA

ANNEXURE-1

[See Para 6 of Part I] [Form ASLAAS-I(B)]

Application form for an Individual for appointment
as Authorised Agent under MPKBY

To

The.....
(Appointing Authority)

Subject : Application for Appointment as Authorised Agent.

Sir,

I request that I may be appointed as an authorised agent under the 'Mahila Pardhan Kshetriya bachat Yojana' for canvassing and securing deposits in P.O. 5-year Recurring Deposit Accounts on a commission (at such rate as may be notified by the Government of India from time to time) in the area (Municipal House No./Plot No. to which consist of families).

2. I agree to abide by all the rules and regulations regarding the appointment of authorised agents at present in force and as may be amended from time to time under the above said Agency Scheme.

3. I shall provide a security of Rs. 100/- (Rs. one hundred only)/Rs. 500 (Rs. five hundred only) as the case may be in shape of 6-Year National Savings Certificate duly pledged to President of India.

4. The agreement (Form ASLAAS-3) will be executed by me immediately on hearing from you about the approval of my appointment as an Authorised Agent.

5. I enclose herewith in triplicate, my specimen signature

Yours faithfully,

Date :

Place :

(Name and full address of applicant)

For use by the District Savings Officer

Memo No.

Date.....

Forwarded to..... (Appointing Authority)

Recommended that the applicant may be/may not be appointed as authorised agent on account of the following reasons :-

Signature.....
(District Savings Officer, National
Savings.....(Place))

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Guwahati Bench
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13/1/10

पूर्णाधीन संहार, ग्राहक, डाकघर
Sr. Superintendent, Post Office, Guwahati-781 001
Guwahati Division, Post Offices, Guwahati-781001

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M.P.K.B.Y. YOJANA

For the use of Appointing Authority

Appointment as recommended by the District Savings Officer, National Savings..... is approved/not approved.

Date :

Place :

Signature.....
(Designation of the Appointing Authority)

DECLARATION

[To be furnished by the applicant for appointment as MPKBY Agent along with the application]

I, _____, W/o S/o and D/o _____
Sh. _____ resident of _____
solemnly affirm as under :-

1. That I am not an employee of the State Government/Central Government and Union Territory and undertake to inform the appointing authority and give up the agency whenever I enter such employment.
2. That none of my near relative is working in the Postal Department in a non-gazetted capacity in the same Division where the agency falls.
3. That none of my near relative who is dependant on me is working in the Postal Department in a non-gazetted capacity in the same state or Union Territory where the agency falls.
4. That none of my near relative is working in the National Savings Organisation in the same state or Union territory where the Agency falls.
5. That none of my near relative is working in the Postal Department or the National Savings Organisation in a Gazetted capacity any where in India.
6. That I would apply for my renewal of agency in 45 days in advance.
7. That I would procure business myself.
8. That I would not sit in the Post Office. If I am found without any business in the Post Office, my agency may be terminated.
9. I further declare that none of my near relatives (i.e. my wife/husband, legitimate child or step child, father/step father, mother/step mother, brother/step brother, sister/step sister, father in law, mother in law, brother in law, sister-in-law, son-in-law or daughter in law), is employed under the Control of State/Union Territory Government.

OR

10. I give below the particulars of my near relatives (i.e. my wife/husband, legitimate child or step child, father/step father, mother/step mother, brother/step brother, sister/step sister, father in law, mother in law, brother in law, sister-in-law, son-in-law or daughter in law) who are employed under the Central or State/Union Territory Government.

Central Administrative Tribunal
संघीय प्रशासनिक न्यायालय

26 FEB 2010

Guwahati Branch

Certified to be true copy
27/2/10
परिषद अधीक्षक, शासक
गुवाहाटी बंडल, गुवाहाटी-781 001
Sr. Superintendent of Post Offices
Guwahati Division, Guwahati-78100

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M.P.K.B.Y. YOJANA

S.No.	Name of relative	Relationship with the applicant	Name and address of office where employed
1.			
2.			
3.			

I attach the communication(s) in original from the Head(s) of Office/Department where the above mentioned person(s) is / are employed to the effect that there is no objection to my being appointed as Agent under the above said Agency.

DEPONENT

I verify that the affirmations made by me as above are correct to the best of my knowledge and belief and that no material facts have been concealed by me.

DEPONENT

Signed in my presence (Witnesses)

1. Signature _____

Name & Address _____

2. Signature _____

Name & Address _____

[To be attached by the applicant with the application]

CONDUCT CERTIFICATE

Certified that Shri/Ms. _____

S/o, W/o,

D/o _____ r/o _____ is personally known to me for the last _____ years (Not less than 2 years) and to the best of my knowledge and belief she is a person of integrity and good conduct. He/She is not related to me.

Signature :

Name and Address :

Seal :

Date :

CONDUCT CERTIFICATE

Certified that Shri/Ms. _____

S/o, W/o,

D/o _____ r/o _____ is personally known to me for the last _____ years (Not less than 2 years) and to the best of my knowledge and belief she is a person of integrity and good conduct. He/She is not related to me.

Signature :

Name and Address :

Seal :

Date :

Central Administrative Tribunal
কেন্দ্রীয় প্রশাসনিক বিধালয়

26 FEB 2010

Guwahati Bench
গুৱাহাটী ন্যায়পৌর

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30/01/09

পুরোকৃত ক্ষেত্রে, আস্তে
পুরোকৃত পঠল, গুৱাহাটী ৭৮১ ০১
Sr. Superintendent of Post Office
Guwahati Division, Guwahati-781001

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ANNEXURE-2 [FORM ASLAAS (2)]

[See Para 6 of Part-I]

Advice of Approval of Appointment

No. _____
 Office of the _____
 Name and Address
 of the Office of
 the Appointing
 Authority _____
 Date, the _____

To

The _____

Sir/Madam,

With reference to your application dated _____ received
 through the District Small Savings Officer the _____

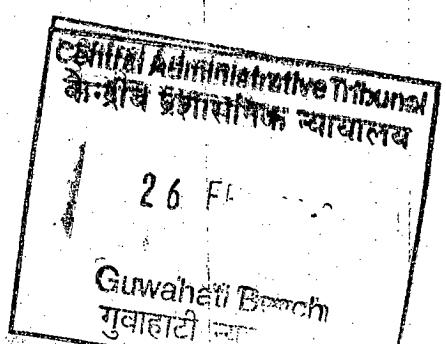
(Designation of the Appointing Authority) has approved your appointment as
 Authorised Agent under 'Mahila Pradhan Kshetriya Bachat Yojana' for
 canvassing and securing deposits in Post Office 5-Year Recurring Deposit
 Accounts.

2. We enclose a form of Agreement (Form ASLAAS-3). The Agreement
 may please be executed and forwarded to us by registered post/personally as
 soon as possible.

3. In terms of the Agreement a security of Rs. 100 (Rupees one hundred)
 / Rs. 500 (Rupees five hundred) only in shape of 6-Year National Savings
 Certificate duly pledged to the President of India or cash security of Rs. 100/
 Rs. 500 in the prescribed manner is to be provided by you. Please, therefore,
 enclose and send us the said security alongwith the Agreement.

4. Necessary Certificate of Authority will be issued when the Agreement
 has been received by us duly completed in all respects by you.

Yours faithfully,
 (Signature and Designation)



Certified to be true copy
 22/10/09
 C. 1

प्रशासनिक अधीक्षक, डाकघर
 गुवाहाटी बंडल, गुवाहाटी-781 001
 Sr. Superintendent of Post Offices
 Guwahati Division, Guwahati-78100