

5

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX
FORM

O.A./TA/ NO. 145 2009
R.A./CP/NO..... 2015
E.P./M.P./NO..... 2015

1. Order Sheets..... 2 page..... 1 to..... 3 /
2. Judgment/ order dtd. 16.09.2009 page..... 1 to..... 4 /
3. Judgment & Order dtd..... received from H.C. /Supreme Court.
4. O.A. 145/2009 page..... 1 to..... 19 /
5. E.P/M.P. / page..... to.....
6. R.A./C.P. / page..... to.....
7. W.S. ~~Filed R. No. 4~~ Page..... 1 to..... 39 /
8. Rejoinder..... / page..... to.....
9. Reply / page..... to.....
10. Any other papers / page..... to.....
11. Memo of appearance o/ /

P.D. 09/07/2015
SECTION OFFICER (JUDL.)

9.3.2015

X 8

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

1. ORIGINAL APPLICATION No : 145 / 2009

2. Transfer Application No : ----- / 2009 in O.A. No. -----

3. Misc. Petition No : ----- / 2009 in O.A. No. -----

4. Contempt Petition No : ----- / 2009 in O.A. No. -----

5. Review Application No : ----- / 2009 in O.A. No. -----

6. Execution Petition No : ----- / 2009 in O.A. No. -----

Applicant (S) : Md. Eakiz Ali Sikdar

Respondent (S) : Union of India

Advocate for the : Mr. S. Sarma
(Applicant (S)) Mr. H.K. Das

Advocate for the : Mr. K.K. Das,
(Respondent (S)) Addl CGSC

Notes of the Registry	Date	Order of the Tribunal
Application is in form is filed/C. F. for Rs. 50/- deposited, vide IPO/BD No. 39641022 Dated 27.6.2009	03.08.2009	Heard Mr. H.K.Das, learned counsel appearing for the Applicant and Mr. K.K.Das, learned Addl. Standing Counsel (to whom a copy of this O.A. has already been supplied) and perused the materials placed on record.
<u>31/8/09</u> <u>4 (Four) copies of application with envelope received for issue of notices to the respondents No 1 to 4. Copy served.</u>		Issue notice to the Respondents No. 1 and 4 by <u>Registered post</u> and to Respondents No. 2 & 3 by <u>Special Messenger</u> requiring them to file their reply by 24th August 2009.
<u>31/8/09</u> <u>Received copy.</u> <u>H.K. Das 31/8/09</u>		Pendency of this O.A. shall not stand on the way of the Respondents to release of GPF advance to the Applicant.
		Send copies of this order to the Respondents (along with notices) and free copies of this order be also supplied to the counsel appearing for both the parties.

Contd/-

Contd/-

03.08.2009

Copies of notices along with order dated 3/8/09 send to D/Sec. for issuing to respondent R-1 and 4 by regd. A/D post, R-2,3 by spcl. Messenger.

Free copies of /lm/ this order also issuing to 4/ counsel for both the parties.

Co D/No - 924-19
5/8/09. D/ 5/8/09. 925-16.

M-Das

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

20/8/09

Mr.K.K.Das, learned Addl. Standing Counsel for the Government of India takes notice that this matter shall be taken up for final disposal on 24th August 2009.

M.K.Chaturvedi (M.R.Mohanty)
Member(A) Vice-Chairman

24.08.2009 Mr.H.K.Das, learned counsel for the Applicant is present. On the prayer of Mr.K.K.Das, learned Addl. Standing Counsel representing the Respondents, call this matter on 07.09.2009 awaiting written statement from the Respondents.

Unless the written statement is filed before date fixed, we will proceed to dispose of the case, on that date.

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

/lm

07.09.2009

In this case written statement has already been filed by the Respondents. Mr.H.K.Das, learned counsel for the Applicant states that Applicant is not intending to file rejoinder.

Subject to legal pleas to be examined at the final hearing, this case is admitted and set for hearing on 16.09.2009.

M.K.Chaturvedi
Member (A)

M.R.Mohanty
Vice-Chairman

Copies of order dated 24/08/2009 send to D/Sec. for issuing to respondent by post.

2/8/09. D/
31/8/09. D/
2.9.09 WTS 2/8/09 by the Respondent No 4 for all Regds. /bb/
copy served on Regd No. 4.
15/9/09. on Regd No. 4.
Planned

Notes of the Registry	Date	Order of the Tribunal
No rejoinder filed <u>23</u> <u>15.9.09</u>	16.09.2009	Heard learned counsel for the parties. For the reasons recorded separately, the O.A. is allowed. No costs.
Received copy. <u>Han</u> <u>16.9.09</u>	/bb/	<u>J</u> (M.K.Chaturvedi) Member (A)

Copy of judgment
order dtd 16/09/2009
send to the D/section
for issuing to the
Applicant & Respls.
by Regd. post.

Free copies to both
side standing counsels
by hand.

Done:
18/9/09

D/No — 11,559 to 11,562

Dtd. — 20-9-09.

Notice duly served on
R.No. 1

Done:
8/11/2010

Notes of the Registry	Date	Order of the Tribunal
100, BOSTON, MASSACHUSETTS, U.S.A.	1900	100
100, BOSTON, MASSACHUSETTS, U.S.A.	1900	100
100, BOSTON, MASSACHUSETTS, U.S.A.	1900	100
100, BOSTON, MASSACHUSETTS, U.S.A.	1900	100
100, BOSTON, MASSACHUSETTS, U.S.A.	1900	100
100, BOSTON, MASSACHUSETTS, U.S.A.	1900	100
100, BOSTON, MASSACHUSETTS, U.S.A.	1900	100
100, BOSTON, MASSACHUSETTS, U.S.A.	1900	100
100, BOSTON, MASSACHUSETTS, U.S.A.	1900	100
100, BOSTON, MASSACHUSETTS, U.S.A.	1900	100
100, BOSTON, MASSACHUSETTS, U.S.A.	1900	100
100, BOSTON, MASSACHUSETTS, U.S.A.	1900	100
100, BOSTON, MASSACHUSETTS, U.S.A.	1900	100

10

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

O.A. No.145 of 2009

DATE OF DECISION: 16.09.2009

Md. Eakin Ali Sikdar

.....Applicant/s.

Mr. H.K.Das

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

- Versus -

Union of India & Ors.

.....Respondent/s

Mr. Kankan Das, Addl. C.G.S.C.

..... Advocate for the
Respondents

CORAM

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

1. Whether Reporters of local newspapers may be allowed to see
the Judgment? Yes/No

2. Whether to be referred to the Reporter or not? Yes/No

3. Whether their Lordships wish to see the fair copy
of the Judgment? Yes/No

Judgment delivered by

Hon'ble Administrative Member

X

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 145 of 2009

Date of Order: This is, the 16th Day of September, 2009.

HON'BLE SHRI M.K.CHATURVEDI, ADMINISTRATIVE MEMBER

Eakin Ali Sikdar
Son of Hazi Hazrat Ali
Postal Assistant (under suspension)
Barpeta H.O., Resident of North Barpeta
Near Petrol Pump, P.O: & District: Barpeta
PIN: 781 301, Assam.

....Applicant.

By Advocates: Mr.S.Sarma & Mr. H.K.Das.

-Versus-

1. The Union of India
Represented by the Secretary
Ministry of Communication
Department of Posts
New Delhi- 1.
2. The Chief Post Master General
Assam Circle, Panbazar
Guwahati - 1.
3. The Director of Postal Services (HQ & M)
O/o the Chief Postmaster General
Assam Circle, Panbazar,
Guwahati-1.
4. The Superintendent of Post Offices
Nalbari Barpeta Division
Nalbari-781 335.

...Respondents

By Advocate : Mr. Kankan Das, Addl. C.G.S.C.

ORAL ORDER

M.K.CHATURVEDI, MEMBER (A):-

Applicant is aggrieved against the order issued vide Memo
No.E1/GPF Class-III 08-09 dated 25.05.2009 by the Respondent No.4 by



which he was prevented from withdrawing the amount of Rs.2,50,000/- from his GPF account.

2. Mr. H. K. Das, Advocate appeared for the Applicant. Respondents were represented by Mr. Kankan Das, learned Addl. Standing counsel for the Government of India.

3. I have heard the rival submissions. The brief facts of the case are that the Applicant is a Postal Assistant in the Barpeta Head Office under Balbari Barpeta Division of Department of Posts. While working as Postal Assistant in the Barpeta HO, Applicant was served with an order dated 08.03.2004 by which he was placed under suspension with immediate effect.

4. On 23.05.2008 Applicant submitted an application for withdrawal for an amount of Rs.2,50,000/- from his GPF account for the purpose of solemnizing the marriage of his daughter in the month of December. It was stated that at that point of time Rs.3,35,202/- were lying in the credit of his GPF account. The amount was not released. Consequently, the marriage was postponed to the month of November, 2009. Again the amount was not released because in the opinion of the Respondent No.4 the Applicant was not entitled to withdraw the amount from his GPF, till the conclusion of the criminal case pending against him.

5. Mr. H. K. Das invited my attention on the prescription of Section 3 of the Provident Funds Act, 1925. This reads as under:-

“A compulsory deposit in any Government or Railway Provident Fund shall not in any way be capable of being assigned or charged and shall

not be liable to attachment under any decree or order of any Civil, Revenue or Criminal Court in respect of any debt or liability incurred by the subscriber or depositor, and neither the Official Assignee nor any receiver appointed under the Provincial Insolvency Act, 1920 (5 of 1920) shall be entitled to, or have any such compulsory deposit."

6. Learned counsel also invited my attention to the decision of the Hon'ble Supreme Court rendered in the case of **Union of India vs. Jyoti Chit Fund and Finance and Others**, reported in **AIR 1976 SC 1163**. In this case, Hon'ble Supreme Court has held that shortcut may often be a wrong cut – in law, as in life. Technicality will not give any force of law and justice, where substantial public policy which humanistically protects provident fund of Govt. servants from claim of judgment-creditors to attach in satisfaction of decrees. Provident funds deposits are excluded from attachability under the provisions already adverted to under Section 3 of the Provident Funds Act.

7. In view of the clear prescription of Section 3 of the General Provident Fund Act, 1925 and the decision of the Hon'ble Supreme Court (supra), there is absolutely no doubt that the amount in question is not attachable. As such, the order passed by the Respondent No.4 vide Memo No. E1/GPF Class-III 08-09 dated 25.05.2009 (Annexure-7) is bad in law. Ex-consequenti, the aforesaid order is set aside and Respondent No.4 is directed to release the amount of Provident Fund, as prayed for, subject to the availability in the credit balance in the GPF account within a period of 15 days from the date of receipt of this order.

8. In the result, the O.A. stands allowed. No costs.



9. Send copies of this order to the Applicant and all the Respondents by Speed Post. Free copies of this order be also supplied to the Advocates appearing for both the parties.

(M.K.CHATURVEDI)
(M.K.CHATURVEDI)
ADMINISTRATIVE MEMBER

/BB/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

OA No. 145 of 2009

Md. Eakin Ali Sikdar.

...APPLICANT

- vs -

Union of India & Ors.

...RESPONDENTS

INDEX

Sl. No.	Particulars	Page Nos.
1.	Synopsis	I to II
2.	List of dates.....	III to IV
3.	Original Application.....	1 to 10.
4.	Verification	11.
5.	Annexure- 1 (Order dated 15.02.79)	12.
6.	Annexure- 2 (Charge report dated 01.03.79)	13.
7.	Annexure- 3 (Order of suspension dated 08.03.04)	14.
8.	Annexure- 4 (Order granting subsistence allowance dated 19.07.07).....	15.
9.	Annexure- 5 (Annual statement of GPF for year ending 2001-02).....	16.
10.	Annexure- 6 (Annual statement of GPF for the year ending 2006-07).....	17.
11.	Annexure- 7 (Impugned order dated 25.05.09).....	19.
12.	Annexure- 8 (Appeal submitted by the applicant dated 06.07.09).....	20.

Received copy
of this O.A
Kamakam Das
Addl. C.U. S.C
in C.A.T.
31-7-09

Filed by
Hinduram Das
Advocate
31.07.09

I

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI
OA No. 145 of 2009

Md. Eakin Ali Sikdar.

APPLICANT

- vs -

Union of India & Ors.

RESPONDENTS

S Y N O P S I S

That the applicant is a Postal Assistant (under suspension) in the Barpeta H.O. under the Nalbari- Barpeta Division of Department of posts. The applicant joined the service under the respondents on 15.02.1979.

That the applicant while working as Postal Assistant in the Barpeta H.O. was served with an order dated 08.03.2004 by which the applicant was placed under suspension with immediate effect. However, for long 3 $\frac{1}{2}$ years no subsistence allowance was granted to the applicant. After several representations and continuous persuasion the respondents finally issued the order dated 19.07.07 by which subsistence allowance was granted.

That on 23.05.08 the applicant submitted an application for withdrawal of an amount of Rs. 2,50,000/- (rupees two lacks fifty thousand) for the purpose of solemnizing the marriage of his older daughter in the month of December, 2008. The applicant has got an amount totaling to the tune of Rs. 3,35,202.00 lying in the credit of his GPF account as on 2008-09. The respondents after the receipt of the application dated 23.05.08 kept the matter pending for months together making the applicant to move from pillar to posts for releasing the money from his GPF account. However, till December, 2008 nothing was done towards the release of the said amount from the GPF account of the applicant and as a consequence the marriage was postponed to the month of November, 2009.

That after a lapse of one year on 25.05.09 the 4th respondent has come up with an order under No. E1/GPF/Class-III/08-09 stating that as per the advice of the CGSC, CAT the applicant is not entitled to withdraw the amount till the conclusion of the criminal case pending against the applicant.

The Government of India vide **memorandum no. G.I., F.D., No. D/5439-R. II/28 dated the 29th October, 1928** very clearly stated that no portion of the money misappropriated by the official can be made good from his GPF money. Moreover, there is no service Rule which provides for to hold up the GPF contributions during the pendency of criminal proceeding. Therefore, the contribution made by the applicant in the GPF account solely belongs to the applicant and the respondents have got no right to hold up the GPF contributions of the applicant. The respondents only with the sole purpose to harass the applicant and to make the life of the applicant miserable have passed the illegal order dated 25.05.09 which is in gross violation of Constitutional provisions. The applicant submitted an appeal dated 06.07.09 for redressal of his grievance, however on this occasion also the respondents sat over the matter and having no other alternative the applicant have approached this Hon'ble Tribunal praying for justice.

Hence the present original application.

Filed by

Hirdip Kaur Dae
01.07.09.

Advocate

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

OA No. 145 of 2009

LIST OF DATES

15.02.79 The applicant joined the Kamrup Division of the department of posts. **[ANNEXURE- 1] [Page- 12]**

01.03.79 The applicant joined as T.S. Clerk in the Sarupeta Division. **[ANNEXURE- 2] [Page- 13]**

08.03.04 Order under Memo No. F1-01/KVP/BPHO/03-04 by which the applicant was placed under suspension with immediate effect under Rule 10(1) of CCS (CCA) Rule, 1965 in contemplation of a departmental proceeding. **[ANNEXURE- 3] [Page- 14]**

19.07.07 Order under No. F1-01/KVP/BPHO/E.A. Sikdar/03-04 dated 19.07.07 by which the respondents granted the subsistence allowance equal to the amount of leave salary which he would have drawn had he been on half average pay i.e. 50% of the basic pay along with other admissible allowances. **[ANNEXURE- 4] [Page- 15]**

23.05.08 The applicant submitted an application for withdrawal of an amount of Rs. 2,50,000/- (two lacks fifty thousand) from his GPF account for solemnization of marriage of his older daughter in the month of December,08. However, due to the non release of the amount by the respondent authorities the marriage was postponed to November, 2009.

25.05.09 Order under No. E1/GPF/Class-III/08-09 issued by the 4th respondent stating that as per the advice of the CGSC, CAT the applicant can not withdraw the amount from GPF account till the conclusion of the criminal case pending against the applicant.

[ANNEXURE- 7] [Page- 18]

06.07.09 Appeal submitted by the applicant ventilating his grievances stating that the respondents have no right to held up the subscription made by the applicant in the GPF account and there is no Rule in the service law which provides for such action.

[ANNEXURE- 8] [Page- 19]

November 2009 Proposed month for the marriage of the older daughter of the applicant.

Filed by

Hridip K. Das.
31.07.09.
Advocate

10
Filed by: The Applicant
Through Abidip Kr. Das.
Address Aboudi
31.07.09

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

OA No. 195 of 2009

BETWEEN

Eakin Ali Sikdar,

Son of Hazi Hazrat Ali,

Postal Assistant (under suspension),

Barpeta H.O., resident of North Barpeta,

Near Petrol Pump, P.O & District-
Barpeta, Pin- 781301, Assam. ✓

APPLICANT

-Versus-

1. The Union of India

Represented by its Secretary,

Ministry of communication, Department of
Posts, New Delhi-1. ✓

2. The Chief Postmaster General, Assam
Circle, Panbazar, Guwahati- 1. ✓

3. The Director of Postal Services,
(HQ & M), O/o the Chief Postmaster
General, Assam Circle, Panbazar,
Guwahati- 1. ✓

4. The Superintendent of Post Offices,
Nalbari Barpeta Division, Nalbari-
781335. ✓

RESPONDENTS

Eakin Ali Sikdar.

DETAILS OF APPLICATION

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

The present application is directed against the impugned order dated 25.05.09 issued by the 4th respondent [**Annexure- 7**] and this application is also directed against the illegal action of the respondents in not releasing the G.P.F amount lying credit in the account of the applicant.

2. JURISDICTION OF THE TRIBUNAL:

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

3. LIMITATION:

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

4. FACTS OF THE CASE:

4.1 That the applicant is the Postal Assistant (under suspension) in Barpeta H.O., under the Nalbari Barpeta Division.

4.2 That the applicant after training at Drabhanga joined the Kamrup Division of the department of posts vide order dated 15.02.1979 in the pay scale of Rs. 260-8-300-EB-8-340-10-360-12-420-EB-12-480/- p.m. plus usual allowances. Thereafter, pursuant to an order dated 15.02.1979 the applicant joined as T.S. Clerk, Sarupeta Division on 01.03.1979. Since the date of joining the applicant regularly contributed in his GPF Account.

A copy of the order dated 15.02.1979 and charge report dated 01.03.1979 is annexed herewith and marked as **ANNEXURE- 1 and 2**.

Eakon Ali Sikder.

3

4.3 That the applicant while was serving as Postal Assistant, Barpeta H.O. was served with an order under Memo No. F1-01/KVP/BPHO/03-04 dated 08.03.2004 by which the applicant was placed under suspension with immediate effect under Rule 10(1) of CCS (CCA) Rule, 1965 in contemplation of a departmental proceeding.

A copy of the order dated 08.03.2004 is annexed herewith and marked as **ANNEXURE- 3.**

4.4 That the applicant begs to state that the order dated 08.03.04 was very clear with regard to the granting of subsistence allowance and it stated that order granting the subsistence allowance will be issued separately. However in spite of there being several representations submitted by the applicant the respondents did not grant the subsistence allowance for long 3 $\frac{1}{2}$ years which clearly establishes the arbitrariness on the part of the respondents.

4.5 That the applicant begs to state that after long persuasion and continuous representation the respondents issued an order under No. F1-01/KVP/BPHO/E.A. Sikdar/03-04 dated 19.07.07 by which the respondents granted the subsistence allowance equal to the amount of leave salary which he would have drawn had he been on half average pay. The respondents also paid the arrears of subsistence allowances w.e.f. 08.03.04.

A copy of the order dated 19.07.07 is annexed herewith and marked as **ANNEXURE- 4.**

4.6 That the applicant begs to state that being eligible for contribution the applicant subscribed since the date of his initial appointment in his GPF account till the date of his suspension. In the year ending 2001-02 the applicant had a balance of Rs. 90,803.00/- in his GPF account. However, after the suspension of the applicant the GPF contribution was withheld.

A copy of the annual statement of GPF Account for year ending 2001-02 is annexed herewith and marked as **ANNEXURE- 5.**

Eakun Ali Sikder.

4
19

4.7 That the applicant begs to state that up to the year 2006-07 the applicant had contributed an amount totaling to the tune Rs. 2,87,382.00/- in his GPF account. It is stated that for the year ending 2008-09 after calculation of interest the balance in the GPF account of the applicant has become Rs. 3,35,202.00/-.

A copy of the annual statement of GPF Account for the year ending 2006-07 is annexed herewith and marked as **ANNEXURE- 6**.

4.8 That the applicant begs to state that on 23.05.08 the applicant submitted an application for withdrawal of an amount of Rs. 2,50,000.00 (two lacks fifty thousand) from his GPF account. The applicant has got 2(two) daughters and 1 (one) son. The marriage of the older daughter was fixed in the month of December' 2008 with an Engineer, who belongs to Kayakuchi, Barpeta and presently working at Namrup Fertilizer. Therefore, the applicant who is already in penury due to his prolonged suspension submitted application for withdrawal of the aforesaid amount from his GPF account as a last resort for solemnization of the marriage ceremony of his daughter. However, the respondents kept the matter pending for months together. The applicant visited from pillar to posts in the office of the respondents for release of the aforesaid amount. However, the respondents did not give any eye to the grievance of the applicant and sat over the matter.

The applicant craves leave of the Hon'ble Court to direct the respondents to produce the application submitted by the applicant for withdrawal of the GPF amount.

4.9 That the applicant begs to state that due to non release of the aforesaid amount of GPF lying in the credit of his account the applicant had to postpone the marriage of his daughter to the month of November, 2009. It is further stated that respondents resorted to delaying tactics by giving assurance of release of the amount claimed by the applicant and made the life of the applicant miserable.

Farkin Ali Sikder.

5
29

4.10 That the 4th respondent on 25.05.09 passed an order under No. E1/GPF/Class-III/08-09 pertaining to the application submitted by the applicant dated 23.05.08 i.e. after a lapse of 1(one) year of distress, stating that as per the advice of the CGSC, CAT the applicant is not entitled to withdraw the amount from GPF account till the conclusion of the criminal case pending against the applicant.

A copy of the order dated 25.05.09 is annexed herewith and marked as **ANNEXURE-7**.

4.11 That the applicant begs to state that the Government of India vide **memorandum No. G.I., F.D., No. D/5439-R. II/28 dated the 29th October, 1928** while answering to the query whether payment to a Government servant, who is convicted and dismissed from service for misappropriation of money, of the amount at credit in his GPF account could be withheld and adjusted against a portion of the amount misappropriated very clearly stated that no portion of the money misappropriated by the official can be made good from his GPF money. Therefore, the contribution made by the applicant in the GPF account has no bearing with the pending criminal proceedings. The respondents can not withhold or adjust any amount from the GPF money and only with the sole purpose to harass the applicant the respondents are denying the release of the GPF money lying in the credit of the applicant.

4.12 That the applicant begs to state that the respondents lodged 3(three) criminal case against the applicant bearing G.R. Case no. 246/04, 394/05 and 301/05 before the CJM, Barpeta. In one case i.e. G.R. Case No. 301/05 the applicant got the acquittal from the Court of Learned Chief Judicial Magistrate, Barpeta. However, of the other 2(two) cases one case i.e. G.R. Case No. 246/04 is lying before the CID which was sent for Forensic verification of signatures wherein no charge sheet has been filed till date and in the other case i.e. G.R. Case No. 394/05 the proceedings are pending before the Chief Judicial Magistrate, Barpeta.

Easmin Ali Sikder.

4.13 That the applicant begs to state that the money contributed by the applicant from the date of his joining in the GPF Account belongs to the applicant. The respondents have no right to hold up the GPF contribution belonging to the applicant. Moreover, pendency of the criminal case does not give rise to a right in favor of the respondents to hold up the amount contributed by the applicant for years together in the GPF account. However, the respondents failed to quote any Rule which provides for restricting the applicant from withdrawal of the GPF contribution.

4.14 That it is pertinent to mention here that the respondents have kept the applicant under suspension since 08.03.2004 i.e. for more than 5(five) years till today. Moreover, no subsistence allowance was granted to the applicant till 2007 and on 19.07.07 the respondents issued an order granting the subsistence allowance. It is stated that the respondents have made every effort to deprive the applicant from his life and liberty. However, in the present occasion the respondents by denying the withdrawal of the GPF amount have broke down the Constitutional mandate and caused serious illegality.

4.15 That the applicant begs to state that by the impugned order dated 25.05.2009 the respondents have stated that as per the advice of the CGSC, CAT the applicant is debarred from withdrawal of the GPF contribution. It is stated that there is no such Rule in the service law which provides for holding up of the GPF contribution of an employee. In the General Provident Fund (Central Services) Rules, 1960, there is no provision made to hold up the GPF money during the pending criminal proceeding. Therefore, the respondents have no right to hold up the GPF contribution of the applicant and the impugned order dated 25.05.09 is illegal and liable to be set aside and quashed.

Eamini Ali Sikder.

2
7
2
4.16 That the applicant submitted an appeal on 06.07.09 ventilating his grievances stating that the respondents have no right to held up the subscription made by the applicant in the GPF account. The applicant also stated that the marriage of his daughter is forthcoming and due to non release of the amount of GPF he has become unable to start the proceedings and prayed before the respondents to allow him to withdraw the amount from the GPF account. However, the respondents on this occasion also sat over the matter and did not give an eye on the grievance of the applicant.

A copy of the appeal submitted by the applicant dated 06.07.09 is annexed herewith and marked as **ANNEXURE- 8**.

4.17 That from the facts and circumstances of the case it is clear that the respondents resorting to gross illegalities and causing serious violation of the Constitutional provisions are denying the prayer of the applicant for withdrawal of the amount from the GPF account. The marriage of the daughter of the applicant is forthcoming i.e. in the month of November' 2009 and due to prolonged suspension of the applicant i.e. for 5 years and due to not allowing the applicant to withdraw his GPF contribution, the applicant has failed to start the proceedings of marriage. Hence the present case is a fit case wherein the Hon'ble Tribunal may be pleased to pass an interim order directing the respondents to allow the applicant to withdraw his contributions in the GPF account pending disposal of the instant original application. The applicant has made out a *prima facie* case of illegality and arbitrariness on the part of the respondents. The balance of convenience is in favor of the applicant for such an interim order. He would also suffer irreparable loss and injury if the interim order sought for is not passed by the Hon'ble Tribunal.

4.18 That the applicant files this application bonafide for securing the ends of justice.

Easim Ali Sikder.

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

5.1. Because the respondents have committed serious illegality by denying the applicant from withdrawal of his GPF Contribution from his account. Hence, the impugned order dated 25.05.09 is illegal, arbitrary and is liable to be set aside and quashed.

5.2 Because Government of India vide **memorandum No. G.I., F.D., No. D/5439-R. II/28 dated the 29th October, 1928** while answering to the query whether payment to a Government servant, who is convicted and dismissed from service for misappropriation of money, of the amount at credit in his GPF account could be withheld and adjusted against a portion of the amount misappropriated very clearly stated that no portion of the money misappropriated by the official can be made good from his GPF money. Therefore, the actions of the respondents are illegal, arbitrary and baseless and the impugned order dated 25.05.09 is liable to be set aside and quashed.

5.3 Because the amount contributed by the applicant in the GPF Account since the date of his joining belongs to him and the respondents have no right to held up the applicant from withdrawing the said amount. Hence, actions of the respondents are in clear violation of the Constitutional mandate and the impugned order dated 25.05.09 is per-se illegal and is liable to be set aside and quashed.

5.4 Because there is no service Rule which provides for holding up of amount deposited in the GPF account due to the pendency of any criminal or departmental proceeding. The respondents with the sole purpose to harass the applicant delay the marriage of the daughter of the applicant sat over the matter for months together and passed the impugned order dated 25.05.09 without there being any legal basis. Hence, the action of the respondents in debarring the applicant from withdrawing the GPF

Ebrahim Ali Sardar,

amount in arbitrary, illegal and is in clear violation of Article 14, 16 and 21 of the Constitution of India and the impugned order dated 25.05.09 is liable to be set aside and quashed.

5.5 Because the respondents have rejected the application of the applicant for withdrawal of the GPF contribution only as per the advice of the CGSC, CAT and failed to record any reason and Rules which provides for to hold up the GPF withdrawal pending criminal proceeding. Therefore, the CGSC, CAT cannot be an authority to decide the fate of the applicant and his daughter. Hence the respondents by citing the advice of the CGSC, CAT in denying the withdrawal of the GPF balance to the applicant committed serious illegality and impugned order dated 25.05.09 is illegal and liable to be set aside and quashed.

5.6 Because from the sequence of events it is clear that the respondents have issued the impugned order dated 25.05.09 in clear violation of the Rules holding the field and Constitutional provisions which is per se illegal, arbitrary and contrary to the Article 14 and 16 of the Constitution of India and has been done with the sole purpose to make the life of the applicant miserable. Hence on this ground alone the Hon'ble Court can set aside and quash the impugned order dated 25.05.09.

The applicant craves leave of the Hon'ble Court to advance more grounds both legal and factual at the time of hearing of this case.

6. DETAILS OF THE REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to him and there is no alternative remedy available to him.

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

The applicant further declares that he has not filed any application, writ petition or suit regarding the grievances in

Ebrahim Ali Sardar,

respect of which this application is made, before any other court or any other bench of the Tribunal or any other authority nor any such application, writ petition or suit is pending before any of them!

8. RELIEF(S) SOUGHT FOR:

8.1 To set aside and quash the impugned order under Memo No. E1/GPF/Class-III/08-09 dated 25.05.09 issued by the 4th respondent.

8.2 Cost of the application.

8.3 pass any such order/orders as Your Lordships may deem fit and proper.

9. INTERIM ORDER PAYED FOR:

Pending disposal of the present original application the applicant prays for an interim order of stay of the effect and operation of the impugned order dated 25.05.09 with a further direction to the respondents to release the amount as prayed for by the applicant vide his application dated 23.05.08 from the GPF account.

10. The application is filed through Advocates.

11. PARTICULARS OF THE IPO:

(I)	IPO No.	:	395 410229
(II)	Date of Issue	:	27.5.09
(III)	Issued from	:	H.P.O.
(IV)	Payable at	:	Guwahati

12. LIST OF ENCLOSURES:

As stated in the Index.

...Verification

Eakin Ali Sarder.

VERIFICATION

I, Sri Eakin Ali Sikdar, Son of Hazi Hazrat Ali, aged about 48 years, resident of North Barpeta, Near Petrol Pump, P.O- Barpeta, Dist- Barpeta, Assam- 781301, do hereby solemnly affirm and verify that the statements made in the accompanying application in paragraphs 4.1, 4.4, 4.8, 4.9, 4.11, 4.12, 4.13, 4.14, 4.15 & 4.17, are true to my knowledge, those made in paragraphs 4.2, 4.3, 4.5, 4.6, 4.9, 4.10 & 4.16 being matters of records are true to my information derived there from and the grounds urged are as per legal advice. I have not suppressed any material fact.

And I sign this verification on this the 29th day of July, 2009 at Guwahati.

Eakin Ali Sikdar

APPLICANT

ANNEXURE - 1

29
INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE SR.SUPERINTENDENT OF POST OFFICES
KAMRUP DIVISION:GAUHATI-781001

Mem No.B/A-20/Darbhanga

Dated Gauhati the 15-2-79

The following out-sider trainees after completion of theoretical training at Darbhanga will join as temporary clerks, 360-12-420 EB-12-480/- P.M. plus usual allowances as admissible from time to time with effect from the date of joining.

The trainees will join as T.S.clerks in the post as shown against each.

The officials will furnish the requisite security as prescribed for P.O clerks and also sign the declaration and other allegiances.

1. Shri Fakir Ali Siqdar, out-sider trainee at Darbhanga will join as T.S.Clerk, Sarupeta relieving Shri Sarjay Kr.Das, R.C who on relief will remain attached at Sorkhola S.O.
2. Shri Hemen Kumar Nath, out-sider trainee at Darbhanga will join as T.Clerk, Sarthekari S.O relieving Shri Chandra Kanta Das who on relief will join as clerk, Gauhati H.O vice vacant post.
3. Shri Kanta Ralha, out-sider trainee at Darbhanga will join as T.Clerk, Darpeta H.O.

Sd/- (U.Bhattacharjee.)
Sr.Superintendent of Post Offices
Kamrup Division, Gauhati-781001

Copy to:-

1. The Principal, Postal Trg.Centre, Darbhanga.
2. The Postmaster(G), Gauhati H.O.
3. The Postmaster, Darpeta H.O.
4. B.S.P.Ms, Sarupeta/Sorkhola/Sarthekari.
5. Shri Fakir Ali Siqdar, Trainee at Darbhanga.
C/O Principal, P.T.C, Darbhanga.
6. Shri Hemen Kr.Nath, Trainee at Darbhanga.
C/O Principal, P.T.C, Darbhanga.
7. Shri Kanta Ralha, Trainee at Darbhanga.
C/O Principal, P.T.C, Darbhanga.
8. Shri Sarjay Kr.Das, R/C at Sarupeta.
9. Shri Chandra Kanta Das, clerk, Sarthekari.
10. Spare.

Sr.Superintendent of Post Offices
Kamrup Division, Gauhati-781001

Attached

H.N.S

Adviser

A.C.G.-61 INDIAN POSTS AND TELEGRAPH DEPARTMENT

(देखिए नियम २६७, टाक-तार विभाग प्रमाणिक, १९७४) (हिन्दी/संस्करण)
(See Rule 261, Posts and Telegraphs Final Handbook, Volume 1) (Second Edition)

चांद की बदली पर चांद शिपिट और नकदी और मोहरों की रकम

Charge Report and Receipt for cash and stamps on transfer of charge

प्रशंसित दिया जाता है कि

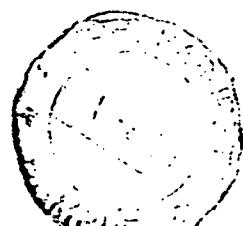
Certified that the charge of the office of Clerk/Sarapeta S.O.

माल्य (नाम) ने
was made over by (name) Srei Sanjay Kumar Das.

(नाम) को

to (name) Md. Farukh Ali Sirdare स्थान
at (place) Sarapeta.

प्रदाता को द्वारा अपराह्न में



on the (date). १०.३.७९ fore or after noon in accordance with memo.

क्रमांक

तारीख

के अनुसार दे दिया

No. B/A-28/Darebhanga at 15.2.79
Dated

from SSP/GH

भारमुक्त द्वारा
Relieved Officer १०.३.७९सारपेटा अधिकारी
Relieving Officer(हू० ४० ३०)
(P. T. O.)

Attested

H. Das

Advocate

DEPARTMENT OF POSTS :: INDIA
Office of the Superintendent of Post Offices : Nalbari Barpeta Division
Nalbari-781335

Date :: 8.3.04

Memo No : F1-01/KVP/BPHO/03-04

ORDER

WHEREAS, a disciplinary proceeding against Md. Eakin Ali Sikdar, PA, Barpeta HO is contemplated.

NOW, therefore, the undersigned, in exercise of the power conferred by the sub rule (1) of Rule 10 of the Central Civil Service(CCA) Rules, 1965, hereby places the said Md. Eakin Ali Sikdar under suspension with immediate effect.

It is further ordered that during the period that order shall remain in force the headquarters of Md. Eakin Ali Sikdar, PA Barpeta HO, should be Barpeta and the said Md. Eakin Ali Sikdar shall not leave the headquarters without obtaining the previous permission of the undersigned.

SS/-
(S. DAS)
Superintendent of Post Offices
Nalbari Barpeta Division
Nalbari-781335

Copy to:-

- 1. Md. Eakin Ali Sikdar, PA, Barpeta HO for information. Orders regarding subsistence allowance admissible to him during the period of his suspension will be issued separately.
- 2. The PM, Barpeta HO for information and necessary action.
- 3. The SDI(P)/Barpeta/Pathsala for information.
- 4. OC

new stamp
Superintendent of Post Offices
Nalbari Barpeta Division
Nalbari-781335

Affected

H. As.

Advocate

DEPARTMENT OF POSTS :: INDIA
Office of the Superintendent of Post Offices Nalbari Barpeta Division
Nalbari-781335

Memo No. F1-01/KVP/BPHO/EA Sikdar/03-04

Date :: 19.7.2004

Md. Eakin Ali Sikdar who had been placed under suspension vide this office memo No. F1-03/KVP/BPHO/03-04 dated 8.3.2004 with effect from 5.8.2004 will draw subsistence allowance equal to the amount of leave salary which he would have drawn had he been on leave on half average pay and dearness allowance admissible on the basis of such leave salary till further order.

He will also draw the compensatory and other allowances as may be admissible under the provision of rules as on the day of suspension.

The official is to stay in the HQ to be eligible for subsistence allowance and he should also furnish a non-employment certificate for the period of suspension to the DDO who will make sure of the condition.

SD/-
(D. Dehingia)
Superintendent of Post Offices
Nalbari Barpeta Division
Nalbari-781335

Copy to -

✓ 1. Md. Eakin Ali Sikdar, PA Barpeta HO (u/s) for information.
2. The Postmaster, Barpeta HO for information and necessary action.
3. O/C


Superintendent of Post Offices
Nalbari-Barpeta Division
Nalbari-781335

Attached



Advocat F

FORM 59

W.O. No. M.S.O. (T)-81

FORM 59

See Para 12, 67

OFFICE OF THE DEPUTY DIRECTOR OF ACCOUNTS (POSTAL), GUWAHATI - 781003

ANNUAL STATEMENT OF GENERAL PROVIDENT FUND ACCOUNTS

Year of Account... 2001-02

Rate of Interest... 9.5% P. A.

Missing/ Credit/ Debits (Rs)	Name of Subscriber (2)	Account Number (3)	Opening Balance (Rs) (4)	Deposits (Rs) (5)	Interest (Rs) (6)	Withdrawals (Rs) (7)	Balance (Rs) (8)
(1)		(3)	(4)	(5)	(6)	(7)	(8)
	Eckin Ali Sarker	94235	18357	36000	6446	11	94833

Note :-

(1) Details of missing credits/debits are given in col 1. In case these amounts of the voucher subscriptions/refunds/withdrawals were deposited in the name of the subscriber may give the Particulars if amount voucher No.date of encashment, name of the treasury, head of account and the net amount of the voucher. In the case of Non-Gazetted Government Servants, these particulars may be furnished by the Head of Office.

(2) If the subscriber desires to make any alteration in the nomination already made a revised nomination may be sent forthwith in accordance with the rules of the fund.

(3) Subscribers, who nominated a person/persons other than a members of his/her family, and has subsequently acquired a family, should submit a nomination in favour of a member/members of his/her family.

(4) The subscriber is requested to satisfy himself / herself as to the correctness of the statement and to bring errors, if any, to the notice of the Accounts Officer within three months from the date of its receipt.

*This also includes Rs..... received in earlier years as detailed below, but brought to account of the subscriber this year. (Includes interest on credits relating to earlier periods.)

62-03
03-04
04-05
05-06
06-07

Signature

Subash Chandra

Accounts Office: A.S. 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1200, 1201, 1202

FORM 59

See Para 12, 67

OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL), GUWAHATI - 781003
ANNUAL STATEMENT OF GENERAL PROVIDENT FUND ACCOUNTS

Year of Account..... 1.1.2007

Rate of Interest..... 8.1% P.A.

Missing Credit/ Debits	Name of Subscriber	Account Number	Opening Balance (Rs.)	Deposits (Rs.)	Interest (Rs.)	Withdrawals (Rs.)	Balance (Rs.)
1	2	3	4	5	6	7	8
	Ali Elia Sukdeo	C/94235	2,66,099	12	21 22 22	12	2,87,362

Note :-

(1) Details of missing credits/debits are given in col. 1. In case these amounts of the voucher subscriptions/refunds withdrawals were actually made, the subscriber may give the Particulars of amount, voucher No. date of encashment, name of the treasury, head of account and the net amount of the voucher. In case of Non-Gazetted Government Servants, these particulars may be furnished by the Head of office.

(2) If the subscriber desires to make any alteration in the nomination already made a revised nomination may be sent forthwith in accordance with the rules of the fund.

(3) Subscribers, who nominated a person/persons other than a member of his/her family, and has subsequently acquired a family, should submit a nomination in favour of a member/members of his/her family.

(4) The subscriber is requested to satisfy himself / herself as to be correctness of the statement and to bring errors, if any, to the notice of the **Accounts Officer within three months from the date of its receipt.**

* This also includes Rs..... received in earlier years as detailed below, but brought to account of the subscriber this year. (Includes interest on credits relating to earlier periods)

Signature

Attested

H.M.

Advocate

Asstt. Accounts Officer (Postal)
Guwahati

DEPARTMENT OF POSTS INDIA
Office of the Supdt. of Post Offices: Nalbari Barpeta Division
Nalbari-781335

Ans

To.

Md. Eakin Ali Sikdar
P.A. Barpeta HO(U/S)

No E1/GPF Class-III 08-09

Dated at Nalbari the 25-05-2009

Sub: GPF Withdrawal - Case of Md. Eakin Ali Sikdar, P.A. Barpeta HO(U/S)

Ref: Your GPF application dated 23-05-08

With reference to your application for withdrawal from GPF account, it is for your information that as per legal advice received from CGSC, CAT, Guwahati, you are not entitled to withdraw the amount from GPF account till conclusion of the criminal proceedings pending against you.

Ans
Supdt. of Post Offices
Nalbari Barpeta Division
Nalbari-781335

Ans

Ans

Advocate

To.

The Chief Postmaster General,
Assam Circle, Panbazar,
Guwahati- 1.

Date: 06.07.09

Sub: - An appeal under Rule 23 of the CCS (CCA) Rules, 1965.

Sir,

With due deference and profound submission I beg to lay the following few lines for your kind consideration and necessary action thereof:

1. That after training at Drabhang joined the Kamrup Division of the department of posts vide order dated 15.02.1979 in the pay scale of Rs. 260-8-300-EB-8-340-10-360-12-420-EB-12-480/- p.m. plus usual allowances. Thereafter, pursuant to an order dated 15.02.1979 the applicant joined as T.S. Clerk, Sarupeta Division on 01.03.1979.
2. That while I was serving as Postal Assistant, Barpeta H.O., an order was served upon me under Memo No. F1-O1/KVP/BPHO/03-04 dated 08.03.2004 by which I was placed under suspension with immediate effect under Rule 10(1) of CCS (CCA) Rule, 1965 in contemplation of a departmental proceeding.
3. That sir, from the date of my initial appointment I have regularly contributed in my GPF Account and as on 2008-09 my total contribution in the GPF Account is Rs. 3,35,202/- (Three lacks thirty five thousand two hundred and two only).
4. That sir, on 23.05.08, I submitted an application for withdrawal of Rs. 2, 50,000/- (two lacks fifty thousand only) from my GPF Account due to the marriage of my daughter and renovation of my dwelling house. However, for a long period my aforesaid application was not taken into consideration.
5. That sir, after a lapse of one year the Superintendent of Post Officer, Nalbari- Barpeta Division issued a communication under No. E1/GPF/Class-III/08-09 dated 25.05.09 stating that as per the advice of the CGSC, CAT, I am not entitled to withdraw amount from my GPF Account till conclusion of the criminal proceeding.
6. That sir, as per the service rules the subscription made to the GPF Account by a Government Servant is the individual contribution of the servant in the account. The amount deposited in the GPF Account solely belongs to the Government Servant and the rules provide for the various grounds for withdrawal of the said amount. The employer can not hold up the amount deposited in the GPF Account by any reason. The amount deposited in the GPF Account of a Government Servant does not come under the heading of retirement benefits. Therefore, there is no valid reason on the part of the department to hold up my deposits in the GPF Account. The department and criminal proceedings are pending and if the result of the proceeding carries something adverse against me, in such an eventuality Your Honor may take any action.
7. That sir, the marriage of my daughter is forthcoming and due to the non release of the amount of GPF I am unable to start the proceedings. Therefore, on humanitarian ground I pray before your Honor to allow my GPF application dated 23.05.08 and allow me to withdraw the amount from the GPF Account.

Thanking you

Sincerely Yours

Md. Eakint Ali Sikdar.

Md. Eakint Ali sikdar
Postal Assistant (under suspension),
Barpeta H.O., Nalbari-Barpeta Div.

Copy to:

1. The Superintendent of Post offices
Nalbari-Barpeta Division, Nalbari- 781335.

Attached

Has

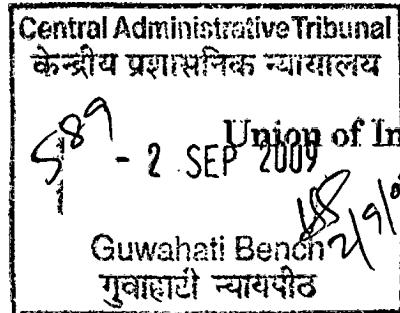
Advertised

1 CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 145 of 2009

Md Eakin Ali Sikdar

Applicant



Vs.

Union of India & Others

Respondents

INDEX

Sl. No.	Particulars	Annexure	Page No.
1.	Written Statement		1-12
2.	Verification		12
3.	Photo copy of the Clarification/suggestion issued by AD(INV)/CO	1	13
4.	Photo copy of the Clarification/suggestion issued by Govt. Pleader	2	14
5.	Photo copy of the Clarification/suggestion issued by CGSC,CAT,Guwahati	3	15-16
6.	Photo copy of the money receipt	4	17-26
7.	Photo copy of the order issued by Dy. Director of Accounts(Postal) Guwahati	5	27-34
8.	Copy of the appeal dated 6.7.09 submitted by the applicant	6	35

Received by
Has
2.9.09

Filed by
Kankana Das
8-9-09
Kankana Das
Addl. C.G.S.C

Central Administrative Tribunal
Guwahati Bench.

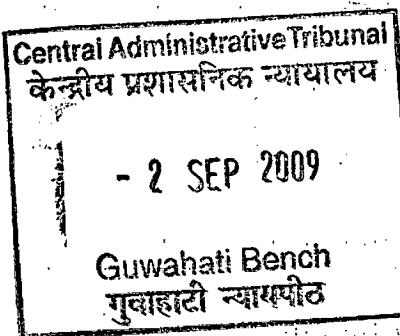
35
Filed by the respondent no. 5
through
Kankana Das Addl. C.G.S.C
Guwahati Bench
27/9/09
NABAL-11-11-16130

36

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

IN THE MATTER OF :

Original Application. No.145/2008



Md. Eakin Ali Sikdar

.....Applicant

- Versus -

Union of India & Ors.

.....Respondents

AND -

IN THE MATTER OF :

Written statement submitted by the Respondents No.
on behalf of all the Respondent Nos. 4

WRITTEN STATEMENT

The humble answering respondents
submit their written statement as
follows :

1. That I Shri Dhaneswar Dikragsa Son of Late Dimbeswar Dikragsa, aged about 59 yr, working as Superintendent Posts, Nalbari-Banepata

and Respondents No. 4 in the above case and I have gone through a copy of the application served on me and have understood the contents thereof. Save and except whatever is specifically admitted in the written statement, the contentions and statements made in the application may be deemed to have been denied. I am competent and authorized to file the statement on behalf of the respondents No.1 to 3.

2. That with regard to the statements made in paragraphs 1 of the Original Application the answering respondents beg to state that Md

Subj. of Post Office
Nalbari-Dikragsa Division
Nalbari-781335

21/9/09
J. Lemeswar Dikragsa

- 2 SEP 2009

2

Guwahati Bench

Eakin Ali Sikdar was involved personally in a huge amount of NSC/KVP fraud case, so this office obtained suggestion from AD(INV) CO, Guwahati and accordingly this office consulted with a Govt. Pleader, Nalbari and CGSC, CAT, Guwahati respectively. As per clarification/suggestion provided by Govt. Pleader Nalbari and CGSC, CAT Guwahati the GPF withdrawal as applied for, the release of withdrawal should be awaited till conclusion of the Criminal Proceedings pending against him, which was also intimated to Md Eakin Ali Sikdar for information.

A copy of clarification/suggestion issued by AD(INV)/CO, Guwahati, GP, Nalbari and CGSC,CAT, Guwahati are annexed herewith and marked as Annexure-1, 2 & 3 respectively.

3. That with regard to the statements made in paragraphs 2, 3, 4.1, 4.2, 4.5, 4.6 4.7, 4.10, 4.12, 4.18 & 6 of the Original Application the answering respondents do not offer any comment.
4. That with regard to the statements made in paragraphs 4.3 of the Original Application the answering respondents beg to state that while Md Eakin Ali Sikdar was working as NSC/KVP counter PA, Barpeta HO during the period from 04.04.2000 to 30.6.2002 & 27.9.2002 to 30.6.2003 and 27.2.2004 to 01.3.2004 and as SPM, Barpeta Bazar SO during the period from 01.7.2003 to 06.1.2004 irregularly allowed encashment of lost/stolen KVPs purported to be issued from Barpeta HO putting the name of fictitious persons as payee misappropriating office cash to the tune of Rs. 2,02,24,212.00 (Rupees two crore two lakh twenty four thousand two hundred twelve only).

Again Md. Eakin Ali Sikdar, while working as SPM, Mandia SO during the period from 29.06.99 to 02.09.99 and as PA Barpeta HO from 03.09.99 to 05.03.04 committed fraudulent issue/discharge of 6

Date of filing 21/01/2011

NS(VIII Issue) and misappropriated Government money to the tune of Rs.21,35,900.00 (Rupees twenty one lakh thirty five thousand nine hundred only).

Suspension order was issued to Md Eakin Ali Sikdar, PA, Barpeta HO vide this office memo No.F1-01/KVP/BPHO/03-04 dated 8.3.04, but it could not be delivered to him as he was absconding. Lastly the said order was delivered to him on 5.8.04, so his suspension became effective w.e.f. 5.8.04. He did not submit any leave application or otherwise for his unauthorized absence from duty w.e.f. 6.3.04 to 4.8.04. His suspension case is reviewed by the Review Committee comprising of DPS(HQ & Mktg), Guwahati, SPOs, Nalbari and SPOs Goalpara.

5. That with regard to the statements made in paragraphs 4.4 of the Original Application the answering respondents beg to state that as Md Eakin Ali Sikdar was involved personally in huge amount of NSC/KVP fraud case to the tune of Rs.2,23,60,112.00 (Two crore twenty three lakhs sixty thousand and one hundred twelve only) and as by utilizing this huge amount of money, he has already acquired so many movable and immovable property such as multi storied building at Barpeta town, big plot of land at his native village Dabaliapara and motor car etc. and as such he was not granted subsistence allowance as the very purpose of granting such allowance to a government servant under suspension is to give financial support who has no other means of livelihood. Further, inspite of repeated instructions to deposit the said defrauded amount into the government in adjustment of government loss, the said Md. Sikdar yielded no response and as such subsistence allowance was not granted to him. After repeated persuasion the said Md Sikdar deposited voluntarily and willingly a sum of Rs. 92,10,740.20 (Ninety two lakh ten thousand seven hundred forty and paise twenty

Chancery Officer
M Q 1 of NALI-2009-1535

- 2 SEP 2009

only) against the above defrauded amount in adjustment of government loss and considering the fact that he will deposit more money to the government account, his subsistence allowance was granted subsequently.

Copy of money receipt is annexed herewith and marked as Annexure-4.

6. That with regard to the statements made in paragraphs 4.8 of the Original Application the answering respondents beg to state that as Md Eakin Ali Sikdar was involved personally in a huge amount of NSC/KVP fraud case and as criminal cases pending against him in Barpeta PS case No.101/04 u/s 468/409 IPC, Baghbar PS case No.42/2005 u/s 409/34 IPC and Barpeta PS case No.130/05 u/s 468/409 IPC in connection with fraud case, so this office obtained suggestion from AD(INV)CO, Guwahati and accordingly this office consulted with a Govt. Pleader, Nalbari and CGSC, CAT, Guwahati respectively. As per clarification/suggestion provided by Govt. Pleader Nalbari and CGSC, CAT Guwahati, the GPF withdrawal as applied for, the release of withdrawal should be awaited till conclusion of the Criminal Proceedings pending against him, which was also intimated to Md Eakin Ali Sikdar for information.

7. That with regard to the statements made in paragraphs 4.9 of the Original Application the answering respondents beg to state that while Md Eakin Ali Sikdar was working as NSC/KVP counter PA, Barpeta HO during the period from 04.04.2000 to 30.6.2002 & 27.9.2002 to 30.6.2003 and 27.2.2004 to 01.03.2004 and as SPM, Barpeta Bazar SO during the period from 01.7.2003 to 06.1.2004 irregularly allowed encashment of lost/stolen KVPs purported to be issued from Barpeta HO putting the name of fictitious persons as payee misappropriating office

39

Answer given
21/9/09

cash to the tune of Rs.2,02,24,212.00 (Rupees two crore two lakh twenty four thousand two hundred twelve only).

Again Md Eakin Ali Sikdar, while working as SPM, Mandia SO during the period from 29.06.99 to 02.09.99 and as PA Barpeta HO from 03.09.99 to 05.03.04 committed fraudulent issue/discharge of 6 NS (VIII Issue) and misappropriated Government money to the tune of Rs.21,35,900 (Rupees twenty one lakh thirty five thousand nine hundred only).

By utilizing the huge amount of money so misappropriated by him, he acquired disproportionate assets such as multi storied building at Barpeta town, big plot of land in his native village Dabaliapara, motor car etc. for which selling, transferring of his property has already been stopped under PAD Act and as an amount of rupees more than 1 crore is yet to be recovered from the applicant and as such no GPF withdrawal could be allowed to him till conclusion of the criminal case.

A copy of order is annexed herewith and marked as Annexure-5.

Alienation landed properties : The Circle Officer, Barpeta Revenu Circle, Barpeta has issued a letter regarding prevention of sale/transfer, mutation, mortgage etc. of the landed properties measuring 2(two) Bighas with house (Patta No.318, dag No. 179) at Village Dabaliapara, Mouza Ghilazar owned by Md Eakin Ali Sikdar and measuring 2 Katha 3 Lessa with Multistoried building (Patta No. 6 Dag No. 68) at Village Sonkuchi (Uttar Barpeta) Mouza Ghilazar owned by Mrs Anjumoni Rahman w/o Md. Eaking Ali Sikdar vide No.BRC/06-07/265 dated 20.7.07.

Jhengswan 8/10/2009
219109

Guwahati Bench
Date: 21/07/2011

Jharkhand Jharkhand
21/07/2011

8. That with regard to the statements made in paragraphs 4.11

of the Original Application the answering respondents beg to state that as Md Eakin Ali Sikdar was involved in a huge amount of NSC/KVP fraud case and as criminal cases pending against him in Barpeta PS case No.101/04 u/s 468/409 IPC, Baghbar PS case No.42/2005 u/s 409/34 IPC and Barpeta PS case No.130/05 u/s 468/409 IPC in connection with fraud case, so this office obtained suggestion from AD(INV)CO, Guwahati and accordingly this office consulted with a Govt. Pleader, Nalbari and CGSC, CAT, Guwahati respectively. As per clarification/suggestion provided by Govt. Pleader Nalbari and CGSC, CAT Guwahati, the GPF withdrawal as applied for, the release of withdrawal should be awaited till conclusion of the Criminal Proceedings pending against him.

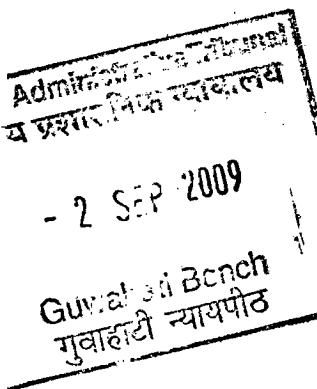
9. That with regard to the statements made in paragraphs 4.13 of the Original Application the answering respondents beg to state that as Md Eakin Ali Sikdar was involved in a huge amount of NSC/KVP fraud case and as criminal cases pending against him in Barpeta PS case No.101/04 u/s 468/409 IPC, Baghbar PS case No.42/2005 u/s 409/34 IPC and Barpeta PS case No.130/05 u/s 468/409 IPC in connection with fraud case, so this office obtained suggestion from AD(INV)CO, Guwahati and accordingly this office consulted with a Govt. Pleader, Nalbari and CGSC, CAT, Guwahati respectively. As per clarification/suggestion provided by Govt. Pleader Nalbari and CGSC, CAT Guwahati, the GPF withdrawal as applied for, the release of withdrawal should be awaited till conclusion of the Criminal Proceedings pending against him.

10. That with regard to the statements made in paragraphs 4.14 of the Original Application the answering respondents beg to state that as Md Eakin Ali Sikdar was involved in a huge amount of NSC/KVP fraud case and as criminal cases pending against him in Barpeta PS case

No. 101/04 u/s 468/409 IPC, Baghbar PS case No. 42/2005 u/s 409/34 IPC and Barpeta PS case No. 130/05 u/s 468/409 IPC in connection with fraud case, so this office obtained suggestion from AD(INV)CO, Guwahati and accordingly this office consulted with a Govt. Pleader, Nalbari and CGSC, CAT, Guwahati respectively. As per clarification/suggestion provided by Govt. Pleader Nalbari and CGSC, CAT Guwahati, the GPF withdrawal as applied for, the release of withdrawal should be awaited till conclusion of the Criminal Proceedings pending against him.

11. That with regard to the statements made in paragraphs 4.15 of the Original Application the answering respondents beg to state that as Md Eakin Ali Sikdar was involved in a huge amount of NSC/KVP fraud case and as criminal cases pending against him in Barpeta PS case No. 101/04 u/s 468/409 IPC, Baghbar PS case No. 42/2005 u/s 409/34 IPC and Barpeta PS case No. 130/05 u/s 468/409 IPC in connection with fraud case, so this office obtained suggestion from AD(INV)CO, Guwahati and accordingly this office consulted with a Govt. Pleader, Nalbari and CGSC, CAT, Guwahati respectively. As per clarification/suggestion provided by Govt. Pleader Nalbari and CGSC, CAT Guwahati, the GPF withdrawal as applied for, the release of withdrawal should be awaited till conclusion of the Criminal Proceedings pending against him.

12. That with regard to the statements made in paragraphs 4.16 of the Original Application the answering respondents beg to state that as Md Eakin Ali Sikdar was involved in a huge amount of NSC/KVP fraud case and as criminal cases pending against him in Barpeta PS case No. 101/04 u/s 468/409 IPC, Baghbar PS case No. 42/2005 u/s 409/34 IPC and Barpeta PS case No. 130/05 u/s 468/409 IPC in connection with fraud case, so this office obtained suggestion from AD(INV)CO, Guwahati

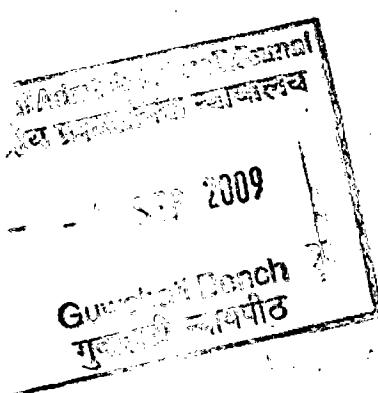


S. K. Chatterjee
219/09
Nalbari
CGSC, CAT
Guwahati
2009

and accordingly this office consulted with a Govt. Pleader, Nalbari and CGSC, CAT, Guwahati respectively. As per clarification/suggestion provided by Govt. Pleader Nalbari and CGSC, CAT Guwahati, the GPF withdrawal as applied for, the release of withdrawal should be awaited till conclusion of the Criminal Proceedings pending against him.

13. That with regard to the statements made in paragraphs 4.17 of the Original Application the answering respondents beg to state that as Md Eakin Ali Sikdar was involved in a huge amount of NSC/KVP fraud case and as criminal cases pending against him in Barpeta PS case No.101/04 u/s 468/409 IPC, Baghbar PS case No.42/2005 u/s 409/34 IPC and Barpeta PS case No.130/05 u/s 468/409 IPC in connection with fraud case, so this office obtained suggestion from AD(INV)CO, Guwahati and accordingly this office consulted with a Govt. Pleader, Nalbari and CGSC, CAT, Guwahati respectively. As per clarification/suggestion provided by Govt. Pleader Nalbari and CGSC, CAT Guwahati, the GPF withdrawal as applied for, the release of withdrawal should be awaited till conclusion of the Criminal Proceedings pending against him.

14. That with regard to the statements made in paragraphs 5.1 of the Original Application the answering respondents beg to state that because of the fact that the Applicant is personally involved in huge amount of NSC/KVP fraud case to the tune of Rs.2,23,60,112.00 (Two crore twenty three lakh sixty thousand and one hundred twelve only) and by utilizing this huge amount of money, he has already acquired so many movable and immovable property for which criminal cases against him are pending, therefore, the withdrawal of money from GPF contribution may be kept with held till finalization of criminal case and as per advice of CGSC CAT Guwahati.



15. That with regard to the statements made in paragraphs 5.2 of the Original Application the answering Respondents beg to state that because of the fact that the Applicant is personally involved in huge amount of NSC/KVP fraud case to the tune of Rs.2,23,60,112.00 (Two crore twenty three lakh sixty thousand and one hundred twelve only) and by utilizing this huge amount of money, he has already acquired so many movable and immovable property for which criminal cases against him are pending, therefore, the withdrawal of money from GPF contribution may be kept with held till finalization of criminal case and as per advice of CGSC CAT Guwahati.

16. That with regard to the statements made in paragraphs 5.4 of the Original Application the answering respondents beg to state that because of the fact that the Applicant is personally involved in huge amount of NSC/KVP fraud case to the tune of Rs.2,23,60,112.00 (Two crore twenty three lakh sixty thousand and one hundred twelve only) and by utilizing this huge amount of money, he has already acquired so many movable and immovable property for which criminal cases against him are pending, therefore, the withdrawal of money from GPF contribution may be kept with held till finalization of criminal case and as per advice of CGSC CAT Guwahati.

17. That with regard to the statements made in paragraphs 5.5 of the Original Application the answering respondents beg to state that because of the fact that the Applicant is personally involved in huge amount of NSC/KVP fraud case to the tune of Rs.2,23,60,112.00 (Two crore twenty three lakh sixty thousand and one hundred twelve only) and by utilizing this huge amount of money, he has already acquired so many movable and immovable property for which criminal cases against him are pending, therefore, the withdrawal of money from GPF contribution

may be kept with held till finalization of criminal case and as per advice of CGSC CAT Guwahati.

18. That with regard to the statements made in para 5.6 of the Original Application the answering respondents beg to state that because of the fact that the Applicant is personally involved in huge amount of NSC/KVP fraud case to the tune of Rs.2,23,60,112.00 (Two crore twenty three lakh sixty thousand and one hundred twelve only) and by utilizing this huge amount of money, he has already acquired so many movable and immovable property for which criminal cases against him are pending, therefore, the withdrawal of money from GPF contribution may be kept with held till finalization of criminal case and as per advice of CGSC CAT Guwahati.

19. That with regard to the statements made in para 7 of the O.A the answering respondents beg to state that an appeal was submitted by the applicant vide his application dated 06.07.2009 to the CPMG, Assam Circle, Guwahati the reply of which is yet to be received by him and as such it is not proper to say that no any application is pending with any other authority.

A copy of appeal is annexed herewith and marked as Annexure-6.

20. That with regard to the statements made in para 8.1 of the O.A the answering respondents beg to state that as the order No.E1/GPF/Class-III/08-09 dated 25.05.2009 was issued as per advice of the CGSC, CAT, Guwahati and in the interest of service, the same should not be set aside and quashed.

21. That with regard to the statements made in para 8.2 of the O.A the answering respondents beg to state the Hon'ble Tribunal may not

Administrative Tribunal
प्रशासनिक न्यायालय

- 2 SEP 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

issue any order to bear the cost of application considering the gravity of the misconduct committed by the applicant.

22. That with regard to the statements made in para 8.3, 10, 11 and 12 of the O.A the answering respondents beg to state that they do not offer any commnt.

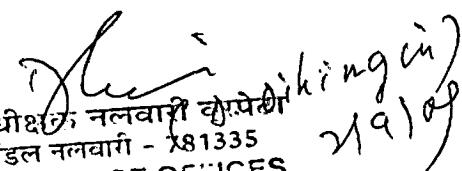
23. That with regard to the statements made in para 9 of the O.A the answering respondents beg to state the Hon'ble Trinunal will not issue any stay order considering the seriousness of the offence and gravity of misconduct committed by the aplicant.

24. That the application is devoid of any merit and deserved to be dismissed.

25. That this written statement has been made bona fide and for the ends of justice and equity.

It is therefore humbly prayed before this Hon'ble Tribunal that the present application filed by the applicant may be dismissed with cost.

Central	Advisory Tribunal
केन्द्रीय व्यापार नियन्त्रण न्यायालय	
- 2 SEP 2009	
Guwahati Bench	
गुवाहाटी न्यायालय	

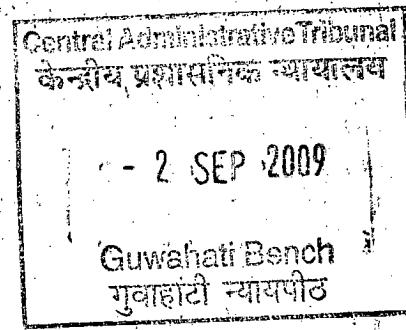

 डाक अधीक्षण नलवारी बूष्पेली
 डाक मंडल नलवारी - 781335
 SUPDT. OF POST OFFICES
 NALBARI BANGLA DIVISION
 NALBARI - 781335
 21/9/09

VERIFICATION

I, Shri Dhanegowar Sihingia
 Son of late Dhanegowar Sihingia aged about 59 years
 years, resident of Toklu Rajbari Jorhat - 78
 working as Supt of Posts, Nalbari-Barpeta Division and
 duly authorized and competent officer of the answering respondents
 to sign this verification, do hereby solemnly affirm and verify that the
 statements made in Paras 1 to 25 are true to my knowledge,
 belief and information and those made in Para 1 to 25 being
 matters of record are true to my knowledge as per the legal advice
 and I have not suppressed any material facts.

And I sign this verification on this 2nd day of August, 2009

at



Shri Dhanegowar Sihingia
 डाक अधीक्षक नलबारी वरपेटा
 डाक मंडल नलबारी - 781335
 SUPDT. OF POST OFFICES
 NALBARI BARPETA DIVISION
 NALBARI - 781335

DEPARTMENT OF POST, INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL, ASSAM CIRCLE,
MEGHDOOT BHAWAN, GUWAHATI.

13

To,
The Supdt of Pos,
Nalbari-Barpeta Division,
Nalbari

No. INV/C-4/04/Part-II

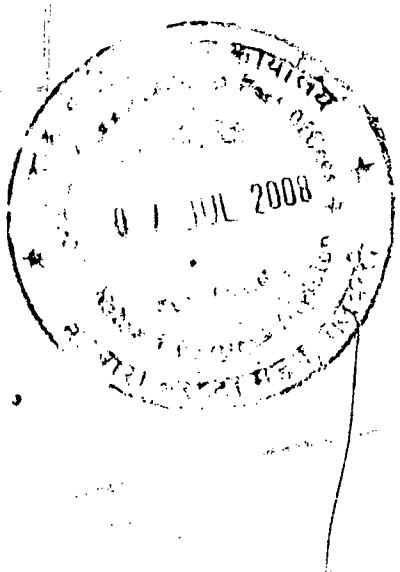
Dated at Guwahati 2/7/2008

Sub:- GPF withdrawal - case of Md Eakin Ali Sikdar, PA Barpeta HO (U/S)

With reference to your letter cited above this is to intimate you that amount due to the Govt. or amount misappropriated by the Govt. servant is not recoverable from the PF final payment to the subscriber. Hence, there is no restriction to sanction final withdrawal of GPF to Eakin Ali Sikdar. However, you may consult a GP/ CGSC to see whether the amount due from GPF of the official can be got attached by order of a court of law in view of the Criminal case pending against him and loss incurred by the Govt.

(R. Biswas)
Asstt. Director (INV)
For the Chief Postmaster General,
Assam Circle, Guwahati -781001.

Accepted
Biswas 2/7/08



To,

-14-

The Superintendent of Post offices,
Nalbari Barpeta Division
Nalbari-781335.

Dated 21st April 2009.

Sub :- Comment on your letter dated 18/2/09 regarding the withdrawal of G.P.F. Money by Md. Eakin Ali Sikdar, postal Assistant Barpeta Head post office (U/S)

Sir,

I have the honour to report that I have gone through the relevant papers sent to me for my comment on the above subject. I have also gone through the relevant provisions of law, i.e. Fundamental Rules and subsidiary Rules & Code of Civil procedure. The photocopy of relevant provisions are also enclosed herewith.

I do comment that you can release him i.e. Md Eakin Ali Sikdar, postal Asstt. Barpeta Head Post office (U/S) as prayed for under the above provisions of law. In as much as a criminal proceeding is continued with suspension against the Md Eakin Ali Sikdar, you should wait till disposal of the Criminal case i.e. judgement.

Further, you can discuss the matter with the Central Govt. Standing Counsel.

Enclosed herewith my bill of Advocate pleading fees.

Central Admin. Admistrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

- 9 SEP 2009

Guwahati Bench

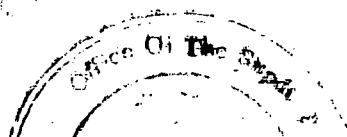
Enclosure : गुवाहाटी न्यायपीठ

Yours faithfully,

Kamal Dev Goswami.

Asstt. Govt. Pleader Nalbari

- 1) Photo copy of fundamental Rules and subsidiary Rules 53 and 54.
- 2) photo copy of code of Civil procedure section 60.
- 3) Bill of Advocate fees.



21.4.09
Nalbari
Barpeta
Division
Post Office
Superintendent
Nalbari
Barpeta
Division
Post Office
Superintendent

To
the Senior Superintendent of Post
office of the SSP Nalbari Barpeta Division
Nalbari.

Sub: Opinion in respect of the withdrawal of GPF of
EAKIM ALI SIKDAR, Barpeta.

Ref: Your letter No. E1/GPF/Glass-III/08-09
dated 6.5.2009

Sir,

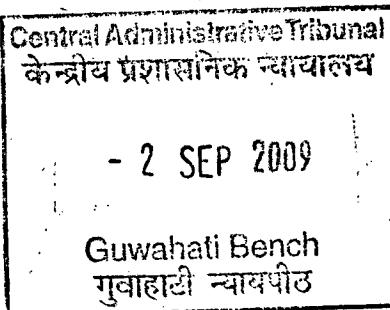
With reference to the subject cited above I have the honour to inform you that I have perused your aforesaid letter dated 6.5.2009. I have gone through the facts of the case as narrated in your letter. There is allegation against the aforementioned incumbent for misappropriation of money involving more than 2 Crores and an FIR has been filed and police investigation is going on against the said incumbent Md. Eakim Ali Sikdar.

You have also brought to the notice of the undersigned about the clarification given by Addl. Director (INV) Office of the GPMC Assam Circle dated 2.7.2008 wherein it has provided that no amount is recoverable from the PF final payment to the incumbent.

But it is settled law that the withholding of the GPF etc. till the conclusion of inquiry proceeding is permissible hence at this stage of enquiry and investigation the release of the aforesaid GPF may be awaited till the disposal of the criminal case etc.

Gautam Baishya

Gautam Baishya
M.Sc., LL.B., Advocate,
Gauhati High Court



डाक अधीक्षक नं. 781335
डाक मंडल नं. 781335
SUPDT. OF POST OFFICES
NALBARI-BARPETA DIVISION
NALBARI-781335

2/9/09

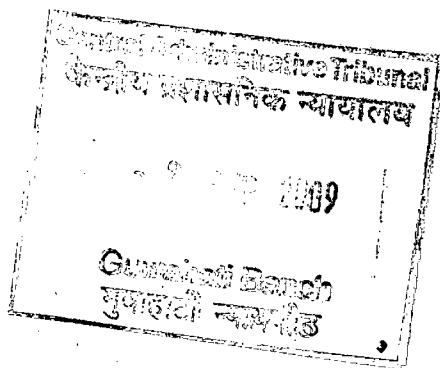
In view of the above fact and circumstances I
hereby opine that this is a fit case wherein payment of
GPF etc. may be withheld till conclusion of the procee-
ding pending against the aforesaid incumbent due to the
involvement of the incumbent in a case of misappropriation
swindle of the money etc. to the tune of more than 2
crores.

Thanking you,

yours faithfully

frontier
(Mr. G. Baishya)
Sr. C.G.S.C., CAT

Gautam Baishya
M.Sc., LL.B., Advocate,
Gauhati High Court



DEPARTMENT OF POST, INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL, ASSAM CIRCLE,
MEGHDOOT BHAWAN, GUWAHATI.

52

To, The Supdt of Pos,
Nalbari-Barpeta Division,
Nalbari

No. INV/C-4/04/Part-II

Sub:- GPF withdrawal - case of Md Eakin Ali Sikdar, PA Barpeta HO (U/S)

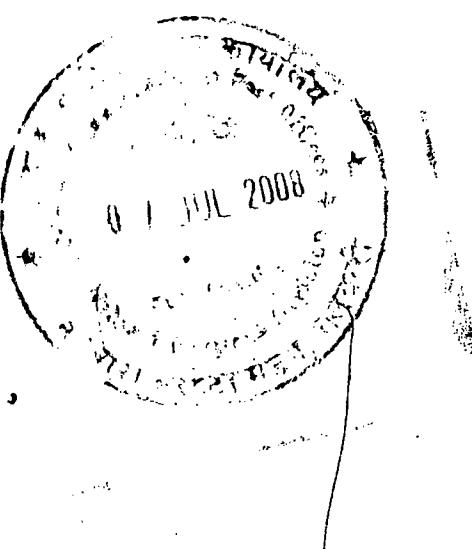
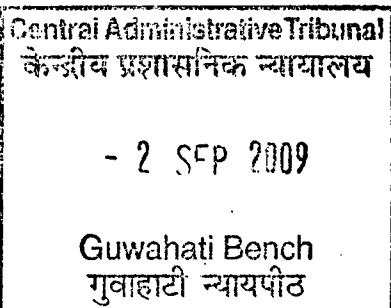
Dated at Guwahati 2/7/2008

With reference to your letter cited above this is to intimate you that amount due to the Govt. or amount misappropriated by the Govt. servant is not recoverable from the PF final payment to the subscriber. Hence, there is no restriction to sanction final withdrawal of GPF to Eakin Ali Sikdar. However, you may consult a GP/ CGSC to see whether the amount due from GPF of the official can be got attached by order of a court of law in view of the Criminal case pending against him and loss incurred by the Govt.

(R. Biswas)

Asstt. Director (INV)

For the Chief Postmaster General,
Assam Circle, Guwahati -781001.



डाक अधिकारी
2 SEP 2008
डाक मंत्री
OFFICES
SUPDT. C. P. A. DIVISION
NALBARIA, 781335
NALBARIA, 781335

To,

The Superintendent of Post offices,
Nalbari Barpeta Division
Nalbari-781335.

-18-

Dated 21st April 2009.

Sub :- Comment on your letter dated 18/2/09 regarding the withdrawal of G.P.F. Money by Md, Eakin Ali Sikdar, postal Assistant Barpeta Head post office (U/S)

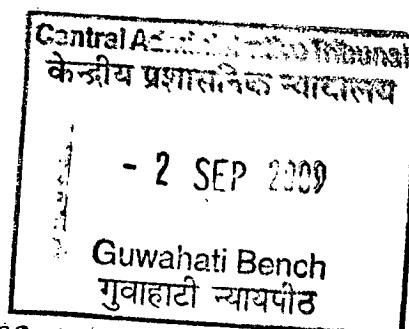
Sir,

I have the honour to report that I have gone through the relevant papers sent to me for my comment on the above subject. I have also gone through the relevant provisions of law, i.e. Fundamental Rules and subsidiary Rules & Code of Civil procedure. The photocopy of relevant provisions are also enclosed herewith.

I do comment that you can release him i.e. Md Eakin Ali Sikdar, postal Asstt. Barpeta Head Post office (U/S) as prayed for under the above provisions of law. In as much as a criminal proceeding is continued with suspension against the Md Eakin Ali Sikdar, you should wait till disposal of the Criminal case i.e. judgement.

Further, you can discuss the matter with the Central Govt. Standing Counsel.

Enclosed herewith my bill of ^{Advocate} pleading fees.



Enclosure :

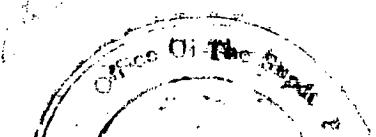
- 1) photo copy of fundamental Rules and subsidiary Rules 53 and 54.
- 2) photo copy of code of Civil procedure section 60.
- 3) Bill of Advocate fees.

Yours faithfully,

21.4.09
Kamal Dev Goswami.

Asstt. Govt. Pleader Nalbari

डाक अधीक्ष
चुक्का पारा
प. 781335
SUPDT. C.
NALBARI BARPETA DIVISION
NALBARI-781335



To
The Senior Superintendent of Police
Office of the SSP Nalbari Barpeta Division
Nalbari.

Sub: Opinion in respect of the withdrawal of GPF of
EAKIM ALI SIKDAR, Barpeta.

Ref: Your letter No. E1/GPF/Class-111/08-09
dated 6.5.2009

Sir,

With reference to the subject cited above I have the honour to inform you that I have perused your aforesaid letter dated 6.5.2009. I have gone through the facts of the case as narrated in your letter. There is allegation against the aforementioned incumbent for misappropriation of money involving more than 2 Crores and an FIR has been filed and police investigation is going on against the said incumbent Md. Eakim Ali Sikdar.

You have also brought to the notice of the undersigned about the clarification given by Addl. Director (INV) Office of the GPMC Assam Circle dated 2.7.2008 wherein it has provided that no amount is recoverable from the PF final payment to the incumbent.

But it is settled law that the withholding of the GPF etc. till the conclusion of inquiry proceeding is permissible hence at this stage of enquiry and investigation the release of the aforesaid GPF may be awaited till the disposal of the criminal case etc.


Gautam Baishya
M.Sc., LL.B., Advocate,
Gauhati High Court

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय
- 2 SEP 2009
Guwahati Bench गुवाहाटी न्यायपीठ

डाक अधिकारी नलचोरी बारपेटा
डाक स्टॉप नलचोरी बारपेटा
NALBARI BARPETA DIVISION
SUPDT. C. P. O. OFFICES
NALBARI - 781335

- 20 -

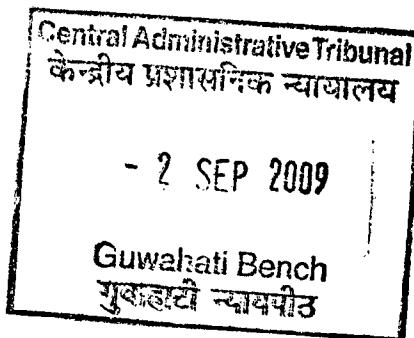
In view of the above fact and circumstances I hereby opine that this is a fit case wherein payment of GPF etc. may be withheld till conclusion of the proceeding pending against the aforesaid incumbent due to the involvement of the incumbent in a case of misappropriation swindle of the money etc. to the tune of more than 2 crores.

Thanking you,

Yours faithfully,

Gautam Baishya
(Mr. G. Baishya)
Sr. C.G.S.C., CAT

Gautam Baishya
M.Sc., LL.B., Advocate.
Gauhati High Court



डाक अधीकार नं. 731335
डाक संग्रहालय
SUPDT. OFFICE, NALBARI DIVISION
NALBARI - 731335

20.

Ameswe-4.2⁵⁷

—18—

DEPARTMENT OF POSTS, INDIA

डाक-तार वित्त स्थिति के नियम 8, 154, 159 और 160 तथा डाक-तार वित्त स्थिति व्यवस्था III (भाग 1) द्वारा संस्करण के नियम 106 देखें। प्रथम संस्करण (पुस्तिका) —

पुस्तक संख्या Book No. CA268187 रिचीप संख्या Receipt No. 905

Received from Ebrahim Ali Sileh P/A Bawali under
Suspension of
Rs. 1,00,000/- One lac only

on account of... Below the seal is the name of the demander
KVP/NSE Committee Bangalore/Bengaluru
Bom. 1/16/16

निल
Nalbari

दिनांक Date 19/5/05

• 100 •

2010-11 अक्टूबर/NOVEMBER 2010 संस्कृत विषय
20-1-97-18-41-21-14.000 रुपये

3. *U. S. Fish Commission, Report for the Year 1877, Part I, Fishes, by G. Brown Goode, and T. H. Allen, 1880, pp. 111-112.*

Sig. Kultur.

1915.03
四

Designation

4-4/44

1

Central Administrative Institute केन्द्रीय प्रशासनिक व्यावस्था

- 2 SEP 2009

Guwahati Bench
Date 24. 1. 1955

मुमुक्षु वरपता
नालवडी नालवडी
दाक अधीक्षण नालवडी - ७८१३३५
दाक अधीक्षण नालवडी - ७८१३३५
SUPD.T.O. NALVAD
NALBAKALI NALVAD
N.M. 781335

-29-

Annexure-4.3

भारतीय डाक विभाग

DEPARTMENT OF POST, INDIA

भारतीय डाक विभाग
154. 159 तर
150 तथा डाक-तार विभाग 154. 159 तर
वित्तीय वस्तुरण के लिए 154. 159 तर
(प्राप्तिक्रिया)
See Rules 4, 154, 159 and 160 of the Post and Telegraphs Financial
and Handbook, Volume I, Second Edition, and Rule 159 of
P. & T. Financial Handbook, Volume I, First Edition
Date & Receipt:

स्वेच्छा संख्या 52
Book No.

राज्य पंजीय
Recd. No.

0.97

Received from M.D. Calcutta Ali Sikder
P. & T. Telegraph No.
50/25. 30/10/05
On account of Dr. Kamal Chandra Nalbari
Cash at Barpeta Ho / Bazar 30

नाम
Name Nalbari

पदार्थ
Designation

30/10/05

दिनांक
Date 30/10/05

प्राप्ति संख्या/मास/वर्ष: 52/1/2-144
प्राप्ति संख्या/मास/वर्ष: 52/1-57, 10-11-05 - 10,000/-

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

- 2 SEP 2009

Guwahati Bench
गुवाहाटी न्यायालय

डाक अधीक्षक नं. 11 - 781335
डाक मंडल नं. 11 - 781335
SUPDT. OF P.T.T. DIVISION
NALBARI B.A. - 781335

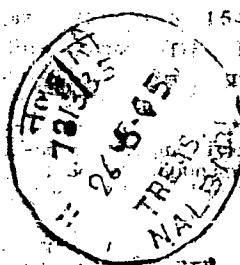
1/9/05

- 25 -

प्राप्ति-65
A.C. 1-67संस्था
संस्थानीकानूनी विवर
कानूनी विवर

दाह-नाम जित 152 153 154 155 आ०
 156 तक तात्पुरता दिल्ली निवासी ना० (मिली १)
 दिल्ली विवर के प्रथम विवरण
 (दूसरे विवर)

सं. Rules १, 154, 155 आ०
 दी. Handbook
 २, ३, ४, ५, ६, ७, ८, ९, १०, ११, १२, १३
 १४, १५, १६, १७, १८, १९, २०, २१, २२, २३

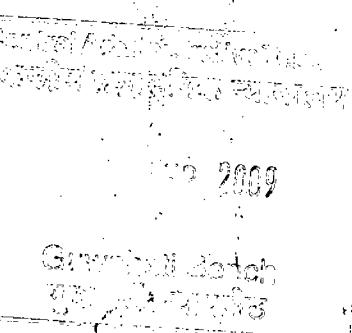


सं. नं. 1208/18 ००८

दाह-नाम Eakim Ali Sikder PA Bapda Ho Und
 Suspension 1,50,000/- One Lakh Five Thousand/-
 Being the refund of Refund Admit
 KRP/NSE Compt at Bap Ho/Bap Bar 2 Month

Nalba

26/5/85



26/5/85

Gyaneshwar Dattah
TREASURERTREASURER
26/5/85

52

150 रु. 12.12.1967 रु. 100.00 रु. 50
देशी रुपये 100 रु. 50 रु. 25
पुरुष-स्त्री

150 rupees 12/12/1967 Telegraphic Transfer
to Bank of India, Secong Branch, Rupnagar
P. & C. Financial Hqrs, New Delhi, Vol. 101, Part 1, Date 10/12/67
Ref. Reference

Book No. 6A268187 Recd. No. 601

Received from Pakim Ali Sikdar 2/2

Bank of India, Suspension Pay
115.00/- rupees. The Darbar Room of
on account of the Darbar Room of
Eleven rupees fifty Rehbari Room of NSC
Name: Chander Bapeti / Bapeti
Signature: Bapeti / Manlio Bapeti
Date: 10/5/05

Date: 10/5/05
Signature:

Signature:

Signature:

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

- 2 SEP 2009

Guwahati Bench
गुवाहाटी न्यायालय

डाक अधीक्षक नलबाकी - 781335
डाक संडिल नलबाकी - 781335
SUPDT. C. P. POST OFFICE DIVISION
NALBARI BAKARI - 781335
NALBARI

- 23 -

Annexwei-4,7

ए० सी० जी०-६७
A.C.G. - ६७

मूल
Original

भारतीय डाक विभाग
DEPARTMENT OF POST INDIA.

दाक-तार वित्त प्रस्तिकाल स्पष्ट । के नियम 8, 154, 159 और 160 तथा दाक-तार वित्त प्रस्तिकाल स्पष्ट ।।। (भाग ।) द्वितीय संस्करण के नियम 100 देखें । प्रथम संस्करण (पुनर्मिति)

[See Rules 8, 154, 159 and 160 of Posts and Telegraphs Financial Handbook, Volume I Second Edition and Rule 100 of P. & T Financial Handbook, Vol. III (Part I) First Edition (Reprint)]

पुस्तक संख्या GH रसीद संख्या Receipt No. 98
Book No. 640

640
Mal Eshkiai Ali Sekkeri

Received from 69975 of Six Lakhs Nine Rupees for Rs. of One thousand only on account of only Reimbursement of amount of MIS place Crossed and by Md. Esa Khan Ali Sekher at Burdwan H.C. date 1/1/12 Dr. Designation

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय

Guwahati Bench
গুৱাহাটী ব্যাধিষোড়

19/59
नालबारी अधीक्षक
नालबारी - 781335
डाक दाता कार्यालय
SUPDT. O. C. D. T. OFFICES
NALBARIBAHERA DIVISION
NALBARI - 781335

- 29 -

ए० सौ० जी०-६७

ACG-67

भूते ।

भारतीय डाक विभाग
DEPARTMENT OF POST INDIA

[दाक-तार कित्त पुस्तिका लग्ड 1 के नियम ६, १३४, १५९ और १६० तथा दाक-तार कित्त पुस्तिका लग्ड 111 (सामाजिक) द्वितीय संकरण के नियम 100 देखें । प्रथम संस्करण अनुमति]

[See Rules 8, 154, 159 and 160 of Posts and Telegraphs Financial Handbook, Volume I Second Edition and Rule 100 of P & T Financial Handbook, Vol. III (Part I); First Edition (Reprint)]

पुस्तक संख्या Book No. GH

रसीद संख्या

Book No. 64 Receipt No. 90
Met. Egakim Atik-Sikder -

Date 11.01.2016 By Post Master T2105

Parrot H.O. 12

71301

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
- 2 STD 970
Guwahati Bench
गुवाहाटी बैच

त्राक अग्रिधार - ७८१
OFFICES
त्राक पट्टा - KETA DIVISION
SUPDT. C. KETA DIVISION
NALBARI BANGLA - 781335
NALBARI

१९७१

261

Amrepuce - 4:10

Original

मार्गीकरण विभाग
DEPARTMENT OF POST, INDIA

प्राचीन वित्त विभाग के नियम ५, १५४, १५९ और
विधा डाक और वित्त विभाग के विधान III (भाग 1)
विधिवाल्यकरण द्वारा विधान १०० द्वारा विधान संस्करण

Rules 8, 154, 159 and 160 of Posts and Telegraphs' Financial Handbook, Volume I, Second (1916) and Rule 100 of the 4th Financial Handbook, Vol. III (Part 1) | First Edition | Reprint

210075 052
E A K M Ali S. K. 1955-66
Rs. 64431.00 (Rs. Sixty four thousand
and four hundred and one rupees only)
An amount of voluntary credit
from account on customer of K. P. S.
Committed by Sri E A K M Ali S. K. 1955-66
at Bapraen Bgr. S. and Bapraen Ht. Signature

A circular library stamp with the text "STATE LIBRARY NEW SOUTH WALES" around the perimeter and "SYDNEY" at the bottom. In the center, it says "50214" and "10-1-1974".

Chad Designation
1/24/84
SP 1205
BBB - Pipe Master
Barrett & Bassett S. G.

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय

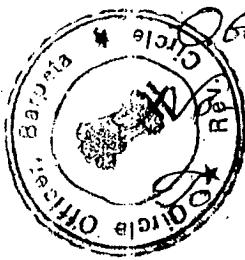
- 2 SEP 2009

Guwahati Bench
গুৱাহাটী বেঞ্চ

TRAKHAR DIVISION
TRAKHAR DISTRICT
SUPJT. O. - TA DIVISION
NALBARI EA - 781352
NALLI

Government of Assam

- 27 - 31 - 6



Office of the Circle Officer, Darrang Revenue Circle Barpeta
DRC 32/06-07/265

Dated. 20/7/07

The Superintendent of Post Offices, Nalbari Barpeta
Division, Nalbari.

Sub:- Regarding alienation of landed properties.

Re:- your letter No. FI-01/KVR/DPHO/03-04 Dated 17-4-07

Sir:

With reference to the subject cited above, it is informed that, the sale, transfer, mutation, mortgage etc. of following landed properties is banned as per letter No. ORSCA AG/2002/226 (A) Dated 13-08-04 communicated by Addl. Deputy Commissioner, Barpeta.

1. Name of Patta - Md. Eakin Ali Sikdar s/o Md. Hazarat Ali Sikdar

Patta No. 318 (P.P)

Dag No - 179

Area - 2 (Hectare) Bigha

Vill - Gabala para

Mouza - Gholaghat

2. Name of Patta - Mrs. Anjuman Rahman w/o Eakin Ali Sikdar.

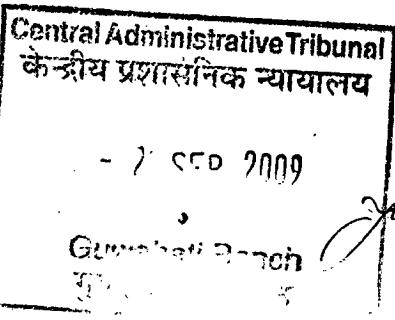
Patta No. 6 (P.P)

Dag No - 68

Area - 0B-1K-7L (Zero Bigha one Katha, Seven and half Leora)

Vill - Sankuchi town

Mouza - Gholaghat



डाक अधीक्ष
डाक अधीक्ष
Supt. C.
NALBARI - 781335
NALBARI - 781335
OFFICES
DIVISION

21/7/07
21/7/07

Circle Officer

INDIAN POSTS AND TELEGRAMS DEPARTMENT
OFFICE OF THE SR. SUPERINTENDENT OF POST OFFICES
KAMRUP DIVISION: GAUHATI-781001

Letter No.B/A-28/Darbhanga

Dated Gauhati the 15-2-79

The following out-sider trainees after completion of theoretical training at Darbhanga will join as temporary clerks, Kamrup Division in the time scale of pay Rs.260-8-300-EB-8-340-10-260-12-420 EB-12-480/- P.M. plus usual allowances as admissible from time to time with effect from the date of joining.

The trainees will join as T.S. clerks in the post as shown against each.

The officials will furnish the requisite security as prescribed for P.O clerks and also sign the declaration and other allegiances.

1. Shri Fakir Ali Siqdar, out-sider trainee at Darbhanga will join as T.S. Clerk, Sarupeta relieving Shri Sa Jay Kr. Das, R.C. vice on relief will remain attached at Sartheli S.O.

2. Shri Hemendra Kumar Nath, out-sider trainee at Darbhanga will join as T.Clerk Sartheli S.O relieving Shri Chandra Kanta Das vice on relief will join as clerk, Gauhati H.O vice vacant post.

3. Shri Chandra Kanta Palha, out-sider trainee at Darbhanga will join as T.Clerk, Darpeta H.O.

Sc/- (U. Bhattacharjee.)
Sr. Superintendent of Post Offices
Kamrup Division, Gauhati-781001

Others:-

1. The Principal, Postal Engg. Centre, Darbhanga.
2. The Postmaster (G), Gauhati H.O.
3. The Postmaster, Darpeta H.O.
4. E.S.P.Os, Sarupeta/Sarkhola/Sartheli.
5. Shri Fakir Ali Siqdar, Trainee at Darbhanga.
C/O Principal, P.T.C, Darbhanga.
6. Shri Hemendra Kumar Nath, Trainee at Darbhanga.
C/O Principal, P.T.C, Darbhanga.
7. Shri Hemendra Nath Palha, Trainee at Darbhanga.
C/O Principal, P.T.C, Darbhanga.
8. Shri Sarjay Kr. Das, R.C at Sarupeta.
9. Shri Chandra Kanta Das, clerk, Sartheli.
10. Spare.

Sr. Superintendent of Post Offices
Kamrup Division, Gauhati-781001

A.C.G.-61 INDIAN POSTS AND TELEGRAPHS DEPARTMENT

(देविए नियम 267, डाक-तार विभाग युक्ति का, १९७४) (द्वितीय संस्करण)
(See Rule 267, Posts and Telegraphs Final Handbook, Volume I) (Second Edition)

चार्ज को बदली पर चार्ज फ्रैंस्टिंग और नकदी और मोहरों को रखें।

Charge Report and Receipt for cash and stamps on transfer of charge
प्रशाखित किया जाता है कि

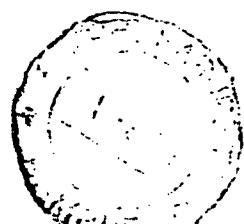
Certified that the charge of the office of Clerk/Sarenpeta S.O.

मर्यादा (नाम) ने
was made over by (name) Sri Sanjay Kumar Das.

(नाम) द्वारा

१० (name) Md. Faruk Ali Sirdare at (place) Sarenpeta.

प्रतोदा को दूर्धाहु अपराह्न से

On the (date). 15.3.79 fore
after noon in accordance with memo.

दो

No.

तारीख

Dated

B/A-28/Darbhanga at-15.2.79

के अनुसार दे दिया

from SS P/GH

भारमुक्त अधिकारी 15/3/79
Relieved Officerभारमुक्त अधिकारी
Relieving Officer(रु ५० ३०)
(P. T. O.)Central Administrative Museum
भारतीय प्रशासन नियम लक्ष्यालय

2009

2009

DEPARTMENT OF POSTS :: INDIA
Office of the Superintendent of Post Offices : Nalbari Barpeta Division
Nalbari-781335

Memo No : F1-01/KVP/BPHO/03-04

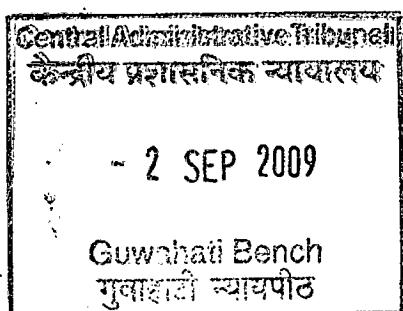
Date :: 8.3.04

ORDER

WHEREAS, a disciplinary proceeding against Md. Eakin Ali Sikdar, PA, Barpeta HO is contemplated.

NOW, therefore, the undersigned, in exercise of the power conferred by the sub rule (1) of Rule 10 of the Central Civil Service(CCA) Rules, 1965, hereby places the said Md. Eakin Ali Sikdar under suspension with immediate effect.

It is further ordered that during the period that order shall remain in force the headquarters of Md. Eakin Ali Sikdar, PA Barpeta HO, should be Barpeta and the said Md. Eakin Ali Sikdar shall not leave the headquarters without obtaining the previous permission of the undersigned.



SS/-

(S. DAS)

Superintendent of Post Offices
Nalbari Barpeta Division
Nalbari-781335

Copy to:-

1. Md. Eakin Ali Sikdar, PA, Barpeta HO for information. Orders regarding subsistence allowance admissible to him during the period of his suspension will be issued separately.
2. The PM, Barpeta HO for information and necessary action.
3. The SDI(P)/Barpeta/Pathsala for information.
4. OC

डाक अधीक्षण
डाक मंडल
POST OFFICES
SUPDT. OF POST DIVISION
NALBARI-781335

Superintendent of Post Offices
Nalbari Barpeta Division
Nalbari-781335

DEPARTMENT OF POSTS :: INDIA
Office of the Superintendent of Post Offices Nalbari Barpeta Division
Nalbari-781335

Memo No. FJ-01/KVP/BPHO/EA Sikdar/03-04

Date :: 19.7.2004

Md. Eakin Ali Sikdar who had been placed under suspension vide this office memo No. FJ-01/KVP/BPHO/03-04 dated 8.3.2004 with effect from 5.8.2004 will draw subsistence allowance equal to the amount of leave salary which he would have drawn had he been on leave on half average pay and dearness allowance admissible on the basis of such leave salary till further order.

He will also draw the compensatory and other allowances as may be admissible under the provision of rules as on the day of suspension.

The official is to stay in the HQ to be eligible for subsistence allowance and he should also furnish a non-employment certificate for the period of suspension to the DDO who will make sure of the condition.

Copy to -

- ✓ 1. Md. Eakin Ali Sikdar, PA Barpeta HO (u/s) for information.
2. The Postmaster, Barpeta HO for information and necessary action.
3. O/C

SD/-
(D. Dehingia)
Superintendent of Post Offices
Nalbari Barpeta Division
Nalbari-781335

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्याया
- 2 SEP 2009
Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

Superintendent of Post Offices
Nalbari-Barpeta Division
Nalbari-781335

নালবারী বারপেটা ডিভিশন
সুপ্রিম অধিদপ্তর নথি নং ১
নালবারী পোস্ট অফিস
নালবারী-৭৮১৩৩৫
NALBARI BARPETA DIVISION
SUPDT. OF POST OFFICES
NALBARI-781335

OFFICE OF THE DEPUTY DIRECTOR OF ACCOUNTS (POSTAL), GUWAHATI - 781001

ANNUAL STATEMENT OF GENERAL PROVIDENT FUND ACCOUNTS

Year of Account 2001-02

Rate of Interest..... 9.5% P. A.

Missing/Credit/Debits (Rs)	Name of Subscriber (1)	Account Number (2)	Opening Balance (Rs) (3)	Deposits (Rs) (4)	Interest (Rs) (5)	Withdrawals (Rs) (6)	Balance (Rs) (7)
Eckin Ali Sikdar							
		9/24235	48357	36000	64446	141	95503

Note :-

(1) Details of missing credits/debits are given in col 1. In case these amounts of the voucher subscriptions/refunds/withdrawals were actually received, the subscriber may give the Particulars if amount, voucher No., date of encashment, name of the treasury, head of account and the net amount of the voucher. In the case of Non-Gazetted Government Servants, these particulars may be furnished by the Head of Office.

(2) If the subscriber desires to make any alteration in the nomination already made a revised nomination may be sent forthwith in accordance with the rules of the fund.

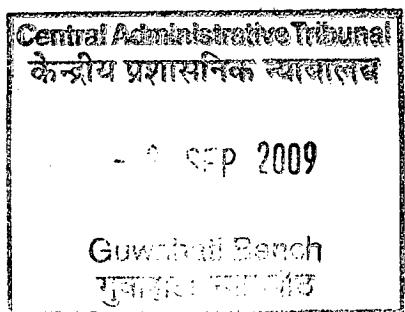
(3) Subscribers, who nominated a person/persons other than a members of his/her family, and has subsequently acquired a family, should submit a nomination in favour of a member/members of his/her family.

(4) The subscriber is requested to satisfy himself / herself as to the correctness of the statement and to bring errors, if any, to the notice of the Accounts Officer within three months from the date of its receipt.

*This also includes Rs..... received in earlier years as detailed below, but brought to account of the subscriber this year. (Includes interest on credits relating to earlier periods.)

Signature

Accounts Officer: ASSTT. SECRE.
O/O The DDA (P) O/o E. B. S.
Guwahati



62-03
63-04
64-05
65-06
66-07
19/1/61
NALBARI DIVISION
SUDHIBANGLA
NALBARI-781335

FORM 59

See Para 12, 67

OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL), GUWAHATI - 781003
ANNUAL STATEMENT OF GENERAL PROVIDENT FUND ACCOUNTS

Year of Account..... 1.03.2007

Rate of Interest..... 8% P.A.

Missing Credit/Debits	Name of Subscriber	Account Number	Opening Balance (Rs.)	Deposits (Rs.)	Interest (Rs.)	Withdrawals (Rs.)	Balance (Rs.)
1	2	3	4	5	6	7	8
	Ali	094235	266091	12	88	12	287382

Note :-

- (1) Details of missing credits/debits are given in col. 1. In case these amounts of the voucher subscriptions/refunds withdrawals were actually made, the subscriber may give the Particulars of amount, voucher No. date of encashment, name of the treasury, head of account and the net amount of the voucher. In case of Non-Gazetted Government Servants, these particulars may be furnished by the Head of office.
- (2) If the subscriber desires to make any alteration in the nomination already made a revised nomination may be sent forthwith in accordance with the rules of the fund.
- (3) Subscribers, who nominated a person/persons other than a member of his/her family, and has subsequently acquired a family, should submit a nomination in favour of a member/members of his/her family.
- (4) The subscriber is requested to satisfy himself / herself as to be correctness of the statement and to bring errors, if any, to the notice of the **Accounts Officer within three months from the date of its receipt.**

* This also includes Rs..... received in earlier years as detailed below, but brought to account of the subscriber this year. (Includes interest on credits relating to earlier periods)

Central Govt. Employees Fund
Annual Statement of Account

1.03.2007

Central Govt. Employees Fund
Annual Statement of Account

Signature

Asstt. Accounts Officer (Postal)
Guwahati

- 38 -

Post & Telegraph Office, NALBARI
Name of the Supdt of Post Office, Nalbari Barpeta Division
Nalbari 781335

Rasid

Mr. Eakin Ali Sikdar,
P.A. Barpeta H.O(U.S)

MR E1 GPF Class-III 08-09

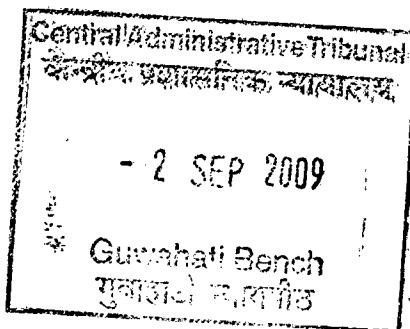
Dated at Nalbari the 25-05-2009

Sub: GPF Withdrawal -- Case of Mr. Eakin Ali Sikdar, P.A. Barpeta H.O(U.S)

Ref: Your GPF application dated 23-05-08

With reference to your application for withdrawal from GPF account, it is
for your information that as per legal advice received from CGSC, CAT,
Guwahati, you are not entitled to withdraw the amount from GPF account till
conclusion of the criminal proceedings pending against you.

✓
Supdt of Post Offices
Nalbari Barpeta Division
Nalbari-781335



JL
ডাক অধীক্ষক নতুন নালবারী - 781335
ডাক সভা পোস্ট অফিস
SUPDT. OF POST DIVISION
NALBARI BARPETA NALBARI-781335

Date: 06.07.09

To.

The Chief Postmaster General,
Assam Circle, Panbazar,
Guwahati- 1.

Sub: - An appeal under Rule 23 of the CCS (CCA) Rules, 1965.

Sir.

With due deference and profound submission I beg to lay the following few lines for your kind consideration and necessary action thereof:

1. That after training at Drabhanga joined the Kamrup Division of the department of posts vide order dated 15.02.1979 in the pay scale of Rs. 260-8-300-EB-8-340-10-360-12-420-EB-12-480/- p.m. plus usual allowances. Thereafter, pursuant to an order dated 15.02.1979 the applicant joined as T.S. Clerk, Sarupeta Division on 01.03.1979.

2. That while I was serving as Postal Assistant, Barpeta H.O., an order was served upon me under Memo No. F1-O1/KVP/BPHO/03-04 dated 08.03.2004 by which I was placed under suspension with immediate effect under Rule 10(1) of CCS (CCA) Rule, 1965 in contemplation of a departmental proceeding.

3. That sir, from the date of my initial appointment I have regularly contributed in my GPF Account and as on 2008-09 my total contribution in the GPF Account is Rs. 3,35,202/- (Three lacks thirty five thousand two hundred and two only).

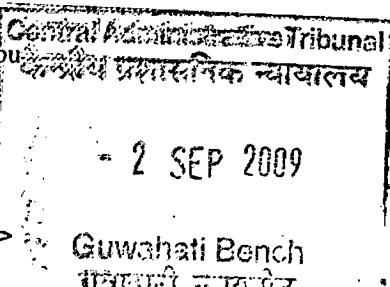
4. That sir, on 23.05.08, I submitted an application for withdrawal of Rs. 2, 50,000/- (two lacks fifty thousand only) from my GPF Account due to the marriage of my daughter and renovation of my dwelling house. However, for a long period my aforesaid application was not taken into consideration.

5. That sir, after a lapse of one year the Superintendent of Post Officer, Nalbari- Barpeta Division issued a communication under No. E1/GPF/Class-III/08-09 dated 25.05.09 stating that as per the advice of the CGSC, CAT, I am not entitled to withdraw amount from my GPF Account till conclusion of the criminal proceeding.

6. That sir, as per the service rules the subscription made to the GPF Account by a Government Servant is the individual contribution of the servant in the account. The amount deposited in the GPF Account solely belongs to the Government Servant and the rules provide for the various grounds for withdrawal of the said amount. The employer can not hold up the amount deposited in the GPF Account by any reason. The amount deposited in the GPF Account of a Government Servant does not come under the heading of retirement benefits. Therefore, there is no valid reason on the part of the department to hold up my deposits in the GPF Account. The department and criminal proceedings are pending and if the result of the proceeding carries something adverse against me, in such an eventuality Your Honor may take any action.

7. That sir, the marriage of my daughter is forthcoming and due to the non release of the amount of GPF I am unable to start the proceedings. Therefore, on humanitarian ground I pray before your Honor to allow my GPF application dated 23.05.08 and allow me to withdraw the amount from the GPF Account.

Thanking you



Sincerely Yours

Md. Eakin Ali Sikdar
Postal Assistant (under suspension),
Barpeta H.O., Nalbari-Barpeta Div.

डाक अधिकारी
SUPDT. OF
NALBARI BARPETA
DIVISION
335
The Superintendent of Post offices
Nalbari-Barpeta Division, Nalbari- 781335.