

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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B 07/07/2015
SECTION OFFICER (JUDL.)

✓
6.7.2015

1. ORIGINAL APPLICATION No. : 179 / 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) : Sri Prem Ranjan Debnath

Respondent (S) : Union of India v APS

Advocate for the : Mr. A. Dasgupta
{Applicant (S)} Mr. K.M. Haloi

Advocate for the : -----
{Respondent (S)} CGSC.

Notes of the Registry

Date

Order of the Tribunal

09.09.2009

Heard Mr.A.Dasgupta, learned counsel for the Applicant and Mr.M.K.Boro learned Addl. Standing counsel for the Govt. of India (to whom a copy of this O.A. has already been supplied) and perused the materials placed on record.

Mr.A.Dasgupta undertakes to replace the illegible copies of the Annexures by good typed copies. He undertakes to do that by 15.10.2009. Unless the good legible copies are supplied by the date fixed, this case will stand dismissed without any reference to the Bench.

Send copies of this order to the Applicant and all the Respondents (along with copies of this O.A.) requiring them to put up their written statement and connected departmental proceeding records on the date fixed i.e., 15.10.2009. Call on 15/10/09.

Free copies of this order be also supplied to the counsel appearing for both the parties.

(M.K.Chaturvedi)
Member (A)

(M.R.Mohanty)
Vice-Chairman

This application is in form of Section 104/C.F. for Rs. 50/- deposited vide IPC/BB No. 39 G 422851 Dated 3.9.09

8.9.09
Dy. Registrar

8.9.09
5 (Five) copies of Application with envelope received for issue notices to the Responders No 1 to 5. Copy served.

8.9.09
K. Das
Send copies of this order to the Applicant and also Respondents along with copy of O.A.

10/9/09

O.A. 179/2009

15.10.2009

Mr. A. Dasgupta, learned counsel for the Applicant is present. A legible copy of the Annexure-A has already been filed.

Subject to legal pleas to be examined at the final hearing, this case is admitted.

Respondents need file counter by 03.12.2009.

Call this matter on 03.12.2009.

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


(M.K. Chaturvedi)
Member (A)


(M.R. Mohanty)
Vice-Chairman

/bb/


Copies of notices along with order dated 9/9/09 send to D/Sec. for issuing to the respondents by regd. A/D post.

Free copies of this order also handed over issuing to the L/counsel for both the parties.

D/No-11302-11306

15/9/09. D/- 16/9/09

~~14.10.09
Wf and departmental proceeding records not submitted on 12/10/09~~

~~
14/10/09~~

16.10.09

Legible copies of Annexure by order dated 09.09.2009 has been submitted. Wf and departmental proceeding records not submitted.


14/10/09

19.10.09

Send copies of this order to the Applicant and the

P.T. 0
11/10/09

Copies of order dated 15/10/2009 send to D/Sec. for issuing to the applicant and to the respondents by post.

03.12.2009

Enabling the advocates for Respondents to file reply within four weeks time, case is adjourned to 5th January, 2010.

List on 05.01.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

D/Sec. 12282/11/pb/

22/10/09
3-11-2009
05.12.2010

Time is extended to file reply as prayed for.

List the matter on 19.1.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

No. W/S filed.
2/12/09
No. W/S filed.
4.01.2010

19.01.2010
Mr. M.K. Holo, learned counsel for Applicant prays for stating that he has consulted with Mr. M.K. Boro, learned Counsel for Respondents.
No. W/S filed.
18.1.2010

It has been pointed out by Mr M.K. Boro, learned Addl. C.G.S.C that son of Mr A. Dasgupta met with an accident today morning and that's why he is not present in Court. Learned counsel for the respondents is allowed to file reply in the extended period.

List on 19.2.2010.

(Madan Kr. Chaturvedi)
Member (A)

(Mukesh Kr. Gupta)
Member (J)

19.2.2010
W/S filed
respondents
Court. Copy served
19.02.2010
No rejoinder filed.
12.3.2010

Reply has been filed with copy to the applicant, who intends to file rejoinder.

List on 15.3.2010.

(Madan Kr. Chaturvedi)
Member (A)

(Mukesh Kr. Gupta)
Member (J)

15.03.2010

Mr K.M.Haloi, learned counsel for the applicant prays for 3 weeks time to file rejoinder.

List on 6.4.2010.

No rejoinder filed.

5.4.2010

(Madan Kr. Chaturvedi)
Member (A)

pg

6.4.2010

06.04.2010

It is stated that rejoinder has been filed to-day. Pleadings are complete, as the O.A. has already been admitted on 15.10.2009,

List for hearing on 5.5.2010.

*Rejoinder has been filed by the Applicant. Copy served
6/4/2010*

The case is ready for hearing.

/lm/

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

4.5.2010

05.05.2010

Mr. K.M. Haloi, learned counsel for Applicant prays for adjournment stating that he has consulted with Mr. M.K. Boro, learned Addl. Standing Counsel for Respondents.

Adjourned to 21.05.2010

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

21.05.2010

Mr. K.M. Haloi, learned counsel for Applicant prays for adjournment stating that he has already taken consent from Mr. M.K. Boro, learned Addl. CGSC for Respondents, who is not present in court.

In the circumstances, list the matter on

03rd June 2010.

The case is ready for hearing.

2.6.2010


(Madan Kr. Chaturvedi)
Member (A)

(Mukesh Kr. Gupta)
Member (J)

03.06.2010 Earlier; the present case had been handled by Mr M.K. Boro on behalf of the respondents, whose term has expired. IN absence of any representation on behalf of the respondents and in the interest of justice, adjourned to 18.06.2010.

The case is ready for hearing.

M
17.6.2010


(Madan Kumar Chaturvedi)
Member (A)


(Mukesh Kumar Gupta)
Member (J)


nkm

18.06.2010 Mr.M.U.Ahmed, learned counsel enters appearance for respondents. He seeks and allowed 10 days time to obtain appropriate instruction from the respondents.

The case is ready for hearing.

M
29.6.2010

List on 30.06.2010.



(Madan Kumar Chaturvedi)
Member (A)



(Mukesh Kumar Gupta)
Member (J)

/bb/

30.06.2010 It is stated by proxy counsel for Applicant that Mr. A. Dasgupta, learned counsel for Applicant who was to argue the matter is unwell and therefore, prays for adjournment.


List on 9th July 2010.


(Madan Kumar Chaturvedi)
Member (A)


Mukesh Kumar Gupta)
Member (J)

/pb/

09.07.2010 Both sides pray for adjournment. List on 15.07.2010.


(Madan Kumar Chaturvedi)
Member (A)


(Mukesh Kumar Gupta)
Member (J)

/bb/

O.A.No.179 of 2010

15.07.2010

Both sides state that they were not aware of the case is being listed today. We noticed that the order sheet dated 9.7.2010 in specific noticed that both sides pray for adjournment. Thus the impression of counsel however is not in tune with order dated 9.7.2010.


However, matter is adjourned as a last chance to 2.8.2010. It is made clear that no further adjournment will be allowed.


(Madan Kumar Chaturvedi)
Member (A)



(Mukesh Kumar Gupta)
Member (J)

/pg/

The case is ready
for hearing.


9.8.2010

02.08.2010 On the request of Mr A.Dasgupta, learned counsel for the applicant adjourned to 10.08.2010.



(Madan Kumar Chaturvedi)
Member (A)


Mukesh Kumar Gupta
Member (J)

/pg/

10.08.2010


Being Division Bench matter list on 25.8.2010.



(Mukesh Kumar Gupta)
Member (J)

/pg/

25.08.2010

On the request of parties adjourned to 3.9.2010.


(Madan Kumar Chaturvedi)
Member (A)


(Mukesh Kumar Gupta)
Member (J)

/pg/

O.A.179-09

03.09.2010

Mr.M.U.Ahmed, learned counsel for respondents prays for adjournment. List on 07.09.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

07.09.2010

Ms P.K. Zannat appearing as proxy counsel for Mr M.U. Ahmed, learned Addl. C.G.S.C. for the respondents prays for adjournment. Request has not been opposed by Mr K.M. Haloi, learned counsel for applicant.

List on 17.09.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

nkm

17.09.2010

Proxy counsel for Mr.M.U.Ahmed, learned counsel for respondents prays for adjournment on account of his illness. List on 27.09.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

27.09.2010

Heard Mr K.M. Haloi, learned counsel for applicant and Mr M.U. Ahmed, learned Addl. C.G.S.C. for the respondents. For the reasons recorded separately, O.A. is dismissed. No costs.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

nkm

The case is ready for hearing.

16.9.2010

12.11.2010
Judgment/Order -
announced 27.9.2010
sent to Mr. JLS
for using seal -
A - No -

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 179 of 2009

Date of Decision: 27.09.2010

Sri Prem Ranjan Debnath

..... Applicant/s

Mr. K.M. Haloi

..... Advocates for
the Applicant/s

- Versus -

U.O.I. & Ors.

..... Respondents

Mr. M.U. Ahmed, Addl. CGSC

..... Advocate for the
Respondents

CORAM:

HON'BLE SHRI MUKESH KUMAR GUPTA, MEMBER (J)

HON'BLE SHRI MADAN KUMAR CHATURVEDI, MEMBER (A)

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

Judgment delivered by


Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.179 of 2009

Date of Order: This the 27th day of September 2010

The Hon'ble Shri Mukesh Kumar Gupta, Judicial Member

The Hon'ble Shri Madan Kumar Chaturvedi, Administrative Member

Shri Prem Ranjan Debnath,
S/o Shri Pramod Ranjan Debnath,
Resident of East Radhapur,
Via Rajabari, Dharmanagar,
District- North Tripura, Tripura.

..... Applicant

By Advocate: Mr. K.M. Haloi.

- versus -

1. Union of India, represented by the
Secretary to the Government of India
Ministry of Communication
Department of Posts
New Delhi-110001.
2. Director of Postal Services (H.Q.)
North East Circle, Shillong-1.
3. Superintendent of Post Offices
Dharmanagar Division,
Dharmanagar-799250.
4. Chief Post Master General
North East Circle, Shillong-1.
5. Director of Postal Services
Nagaland, Kohima-797001.

..... Respondents

By Advocate Mr. M.U. Ahmed, Addl. C.G.S.C.

ORDER (ORAL)

MUKESH KUMAR GUPTA, JUDICIAL MEMBER:

Prem Ranjan Debnath, Postal Assistant-cum-System Administrator, Department of Posts in this O.A., challenges order dated 18.06.2009 (Annexure-N) with all its consequence.

2. Facts, in nutshell, are that: applicant was proceeded departmentally vide Memorandum dated 22.11.2007 by Superintendent of Post Offices, Dharmanagar, issued under Rule 16 of CCS (CCA) Rules, 1965, which contained three articles of charge namely:

I) While functioning as System Administrator, Dharmanagar Head Office during period from 13.03.2001 to 19.01.2007, he deleted SB Accounts in the Data Base numbering as 273090, 273575, 273250, 272772 and so on, opened long back before inception of computerization of Dharmanagar Head Office, without bringing the matter to the notice of immediate senior officer or the competent authority unauthorizedly suppressing such a serious irregularity and fraudulently.

II) While working as System Administrator and operator of WUMT at Dharmanagar during aforementioned period, took bribe from bona fide customers of WUMT ensuring prompt and better service.

III) During aforementioned period took away some computer accessories like SCSI card, one Scanner, one SCSI HDD, CD writer and one Sound System of Kailashahar MDG from the office to his



residence and on his transfer did not return those accessories and kept in his personal custody.

3. Vide detail representation dated 08.12.2007, submitted in response to aforementioned Memo, plea was raised that he had detected incorporation of few SB Accounts, which existed there erroneously during data entry. Some other personnel were equally responsible for safety and security of computer system and computer accessories as they shared all passwords and software and other responsibilities of System Administrator. Entire WUMT Service was the duty of Post Master, Dharmanagar Head Office and business transactions used to be done in the chamber of Post Master, Dharmanagar Head Office. All computer peripherals were handed over to Shri Rupesh Das at the time of handing over charge of System Administrator. Ultimately, he prayed to be absolved from said charges. On examination of aforementioned explanation, the Superintendent of Post Offices, Dharmanagar Head Office, holding him responsible for said allegations, vide order dated 31.01.2008 imposed penalty of withholding one increment for a period of three years without cumulative effect. Statutory appeal was preferred and the same remained undisposed. Therefore, O.A.No.90/2009 was instituted before this Tribunal challenging impugned penalty order dated 31.01.2008 as well as direction to release current and arrear salary since August 2008. Noticing the fact that his statutory appeal remained undisposed, said O.A. was disposed of vide order dated 20.05.2009 and until then operation of impugned penalty order dated 31.01.2008 was stayed. In purported compliance of said direction, Director, Postal Service (HQ), N.E. Circle, Shillong vide order dated 18.06.2009, disposed of said appeal and holding him not entirely

responsible for taking bribe from customers of WUMT, moderated the penalty from withholding of one increment for a period of three years to withholding of one increment for a period of two year. Said appellate order dated 18.06.2009 has been challenged in present O.A.

4. Mr K.M. Haloi, learned counsel for applicant raised following contentions:

(a) The appellate authority despite directions issued vide order & judgment dated 20th May 2009 passed in O.A. No. 90 of 2009, failed to consider the grounds raised vide representation dated 08.12.2007. It had been explained therein that deletion of the accounts were stored in a backup copy, which was immediately handed over to the Postmaster, Dharmanagar HQ and retained the same in a separate location in the server for necessary action of higher authority. Appellate authority, with regard to findings in relation to charge No.1, failed to appreciate that Applicant had acted in accordance with Rules, and there was no contravention of any Rule. The deposition made by Sri Rupesh Das on 13th Jun, 2009 did not controverted the statement made by Applicant that all peripherals were handed over to him under receipt. There was no evidence that he retained the computer accessories. The findings recorded by appellate authority is perverse.

(b) No departmental enquiry was held. Charges leveled against him were question of facts which can only be

9

established in a full-fledged departmental enquiry and not on the basis of departmental records.

(c) No opportunity to cross examine the witness and the material relied upon was afforded. He had been punished on a prerecorded statement. The procedure adopted by Respondents was illegal, unjust and in violation of Principles of Natural Justice. The order of punishment is arbitrary & whimsical besides violative of Articles 14 & 16 of the Constitution of India.

In above premises, learned counsel for Applicant vehemently contended that appellate authority's order dated 18th Jun 2009, had been passed without any application of mind. Various legal & factual aspects highlighted therein remained unconsidered. As such, he is entitled to relief, as prayed for.

5. By filing reply, claim laid by Applicant was contested, stating that duties of Superuser in Sanchay Post has been to create user, modify user, disable user i.e. user management. Deletion / modification of account number, transaction etc. are done by concerned Supervisor. Whole process of deletion in the instant case was done by him directly by accessing the database using Administrator Password. Unless one has Administrator Password one can not access the database directly. Applicant, unauthorizely deleted the fictitious SB accounts from the data base of Dharmanagar HO. Applicant, while handing over the charge of SA, Dharmanagar HÔ to Kailashahar MDG most cunningly handed over the accessories to Sri Rupesh Das in writing with verbal assurance in

presence of number of staff members to return those after few days, but never returned.

6. Initiating departmental action under Rule - 16 of the CCS (CCA) Rules, 1965, imposing minor penalty, he was afforded enough opportunity to submit his written statement, which opportunity, he indeed availed. Under Rule - 16 of the CCS (CCA) Rules, 1965, it is not mandatory to convene disciplinary proceedings following Rule 14 of CCS (CCA) Rules thereof. Applicant had not demanded convening of full-fledged departmental enquiry. Disciplinary Authority, while passing impugned penalty order dated 31st January 2008, had considered his explanation very objectively. Similarly appellate authority while passing order dated 18th Jun 2009, considered his statutory appeal.

7. Learned counsel appearing for Respondents drew our attention to the orders passed by disciplinary authority as well as appellate authority to drive home the contentions that said orders were detailed, analytical and had noticed his various contentions. Our attention was also drawn to his statutory appeal whereby he had candidly admitted that he "**provisionally deleted those said wrong / incorrect SB accounts from the data base**". It was also emphasized that said categorical & unambiguous stand projected by him is sufficient to establish the charges leveled. Contentions raised by Applicant are baseless & without any substance.

8. We have heard Mr. K.M. Haloi, learned counsel appearing for Applicant and Mr. M.U. Ahmed, learned counsel appearing for Respondents, perused the pleadings and other material placed on

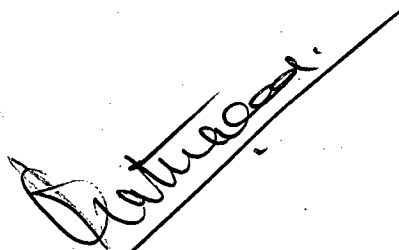
record. The question, which arises for consideration is, whether in given facts and circumstances, this Tribunal is justified to re-appreciate the evidence placed on record or it is unwarranted in judicial review. On examination of Applicant's statutory appeal, we noticed that the basic gravamen of charge had been that he deleted some fictitious SB accounts in data base unauthorizely without approval from the competent authority. In his appeal preferred before Director of Postal Services (Head Quarter), North East Circle, Shillong, he had categorically admitted that he provisionally deleted those said wrong / incorrect SB accounts from data base. His only justification had been that he had taken all back up copy which was handed over to Postmaster, Dharmanagar HO as well as the fact that he retained the same in separate location in the server. Further contention had been that, this fact was brought to the notice of Postmaster, Dharmanagar, as "**immediate precautionary measures**". Said observations, we had noticed from perusal of page 61 of paper book (internal page 3 of the statutory appeal).

9. Order passed by this Tribunal on 20th May 2009 in O.A. No. 90 of 2009, merely noticed various contentions urged by Applicant and had not adjudicated the matter on merits and recorded in final decision thereon, but only required the Respondents (Appellate Authority) to consider Applicant's statutory appeal within time limit prescribed therein. On examination of matter, particularly with reference to disciplinary authority order dated 31st January 2008, as modified by the appellate authority vide order dated 18th Jun 2009, we are of the opinion that his contentions were duly noticed and appropriately considered and dealt with. On the basis of materials placed on record, the findings arrived at in

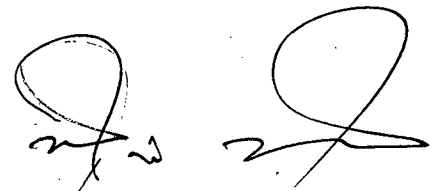
regard to charge No.1, which is basic charge memo against him, has been duly proved by his own admission that he deleted fictitious accounts on 16.10.2006.

10. In this view of candid admission, penalty of withholding one increment for a period of two years without cumulative effect, cannot be termed as either disproportionate or not commensurate with the grave charge proved against him. In our considered view, principles of natural justice were duly observed; he had been given an opportunity of hearing by making representation. Under Rule 16 Proceedings, do not require full-fledged departmental enquiry nor such request was made by him.

Taking a cumulative view of the matter, we hold that there is no merit in O.A. and penalty order requires no judicial interference. In the result, O.A. is dismissed. No costs.



(MADAN KUMAR CHATURVEDI)
Member (A)



(MUKESH KUMAR GUPTA)
Member (J)

/PB/

622 - 8 SEP 2009
8/19/09
Guwahati Bench
Tribunal

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH,

GUWAHATI

Original Application No. 179 /2009

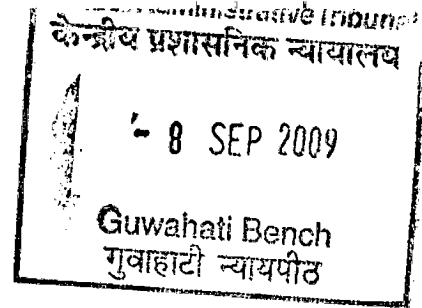
Sri Prem Ranjan Debnath
.....Applicant

-Versus-
Union of India & Ors.
.....Respondents

SYNOPSIS

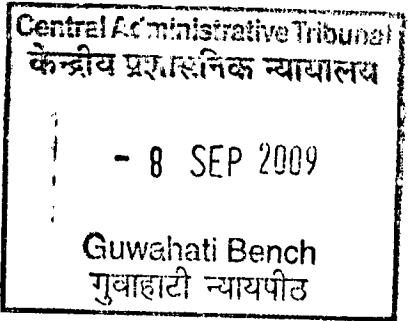
The applicant is an employee in the Postal Department. Initially, he was appointed as Postal Assistant at Dharmanagar Head Office in Tripura. Since 13.03.2001 to 19.01.2007 he had been serving at Dharmanagar. During the course of time the Government of India by a policy decision computerized numbers of Post Offices countrywide. After computerization of post offices, some Postal Assistants having knowledge of computer was entrusted with additional duties of handling the computer networking. These employees are called the System Administrator. The Information Technology Security Guidelines inserted in Schedule II of the Information Technology (Certifying Authority) Rules, 2000 provides for System Administrator. Applicant was also entrusted with additional duties of System Administrator at Dharmanagar Head Office. Till 19.01.2007 he had been serving as System Administrator at Dharmanagar Head Office, on 19.01.2007 the applicant was transferred from Dharmanagar Head Office to Kailashahar MDG in Tripura as Postal Assistant-Cum-System Administrator. On 27.03.2008 he was transferred to Zhuneboto MDG and in the month of July, 2008 he was transferred to Dimapur MDG. When the applicant was serving as System Administrator at Dharmanagar Head Office, he detected some fictitious savings accounts. He informed his superior authority about those fictitious accounts. His superior authority asked him to delete those accounts. Accordingly, he deleted those accounts keeping records in the Error Book.

On 22.11.2007 when the applicant was serving at Kailashahar MDG, a Charge Memo was issued against him by the Superintendent of Post, Dharmanagar Division under Rule 16 of the CCS (CCA) Rules, 1965. In the said charge memo three charges were brought against him. First one is that he deleted some fictitious accounts unauthorisedly when he was serving at Kailashahar MDG. Second one is that he took bribe from the bonafide customers of Western Union Money Transfer (WUMT)



system assuring prompt and better service and he misappropriated the amount meant for refreshment of valued customers of WUMT. The third charge is that when he was serving as System Administrator at Dharmanagar, he took away some computer accessories from the office and kept those as his own. The applicant submitted his written statement denying all the three charges. After submission of the written statement, no formal departmental enquiry was held regarding the charges brought against him. A unilateral proceeding was conducted by the Superintendent of Post, Dharmanagar Division and on 30.01.2008, penalty of withholding one increment of the applicant for a period of three years was imposed upon the applicant. The applicant preferred an appeal before the Director of Postal Services (Head Quarter), North East Circle, Shillong on 04.03.2008 against the penalty dated 31.01.2008. As this appeal was not disposed of for a long period, the applicant preferred an application before the Hon'ble Guwahati Bench of Central Administrative Tribunal which was numbered as O.A. No. 90/2009. This original application was disposed of by this Hon'ble Court by an order dated 20.05.2009 directing the Appellate authority to take up the said appeal of the applicant and to dispose of the same within 120 days from the date of receipt of the order. It was also directed that the appeal should be disposed of considering the grounds taken by the applicant in O.A. No. 90/2009.

The Appellate Authority disposed of the appeal on 18.06.2009 without going through the contents of the order passed by this Hon'ble Tribunal. The Appellate Authority held the applicant responsible on two counts - (1) deletion of fictitious account and non-returning computer accessories like SCSI card, one scanner, one SCSI DD, one sound system to his office at Kailashsahar. So far the allegation of deletion of fictitious accounts are concerned, it is apparent on the face of the record that those deletions were duly entered in the error book with due approval of the Higher Authorities who while acknowledging these deletion duly signed and counter signed in the error book. In such situation holding the petitioner to be responsible for removal of those accounts is not at all reasonable. That apart removal of those accounts, in the situation so indicated, is not even a misconduct. So far the allegation of not returning the computer accessories are concerned it is apparent that the Appellate Authority relied upon the deposition of one Sri Rupesh Das and Sri Partha Sarathi Dutta. Punishment was inflicted without holding any Departmental Enquiry. The applicant had no occasion to cross-examine Sri Rupesh Das and Sri Partha Sarathi Dutta. The applicant while submitting his reply to the charge sheet specifically stated that he wants a Departmental Enquiry. This Hon'ble Tribunal while disposing the application filed by the applicant specifically indicated the contention raised by the applicant and directed the Appellate Authority to consider the same. As the Appellate Authority had not gone through the order passed by this Tribunal, the impugned order came in the form indicated above. The appellate authority by this order modified the



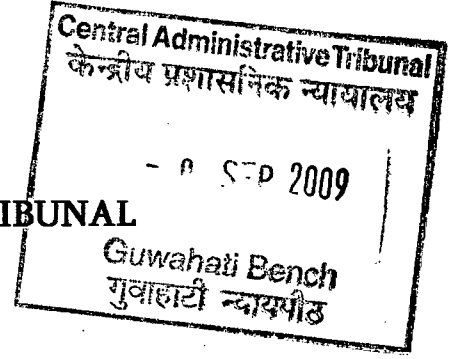
earlier order of penalty and ordered to impose the penalty of withholding one increment of the applicant for two years instead of for a period of three years as imposed earlier by the Disciplinary Authority. This order of appellate authority has caused injustice to the applicant and hence this application challenging this order.

Filed by

Kumar Manoranjan Haloi

Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH,
GUWAHATI



Original Application No. 179/2009

Sri Prem Ranjan Debnath

.....Applicant

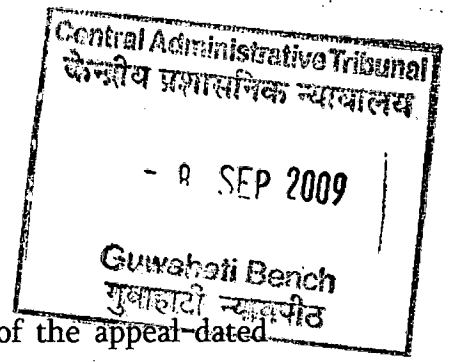
-Versus-

Union of India & Ors.

.....Respondents

LIST OF DATES

<u>DATE</u>	<u>PARTICULARS</u>
13.03.2001	Applicant joined at Dharmanagar Head Office in Tripura as Postal Assistant. After computerization of Dharmanagar Head Office he was entrusted with the additional duties of System Administrator.
19.01.2007	Applicant was transferred from Dharmanagar Head Office to Kailashahar MDG in Tripura as Postal Assistant-Cum-System Administrator.
22.11.2007	A charge Memo was issued by the Superintendent of Post, Dharmanagar Division under Rule 16 of the CCS(CCA) Rules, 1965 against the applicant consisting three charges regarding his service misconduct.
30.11.2007	Applicant received the charge memo dated 22.11.2007.
08.12.2007	Applicant submitted representation against the charge memo.
31.01.2008	Penalty was imposed upon the applicant by a unilateral proceeding withholding his one increment for a period of three years with effect from the date of his next increment due.
04.03.2008	Applicant preferred an appeal before the Director of Postal Services (Head Quarter), North East Circle, Shillong praying for setting aside the order of punishment dated 31.01.2008.
27.03.2008	Applicant was transferred from Kailashahar MDG to Zunheboto MDG in Nagaland.
04.02.2009	Applicant was posted at Dimapur MDG in Nagaland as Postal Assistant-Cum-System Administrator.
13.05.2009	Applicant filed an application being O.A. No. 90/2009 before the Central Administrative Tribunal, Guwahati Bench challenging



the order of penalty and for early disposal of the appeal dated 04.03.2008.

20.05.2009

O.A. No. 90/2009 was disposed of by the Central Administrative Tribunal, Guwahati Bench directing the appellate authority to dispose of the appeal dated 04.03.2008 within 120 days from the receipt of this order.

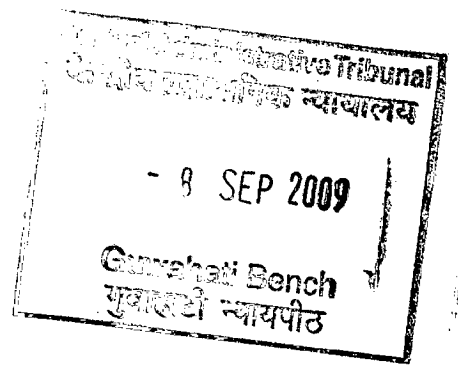
18.06.2009

Appellate authority disposed of the appeal dated 04.03.2008 and ordered to withhold one increment of the applicant for two years.

Filed by

Kumar Manoranjan Haloi

Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH,

GUWAHATI

Original Application No....179/2009

Sri Prem Ranjan Debnath

.....Applicant

-Versus-

Union of India & Ors.

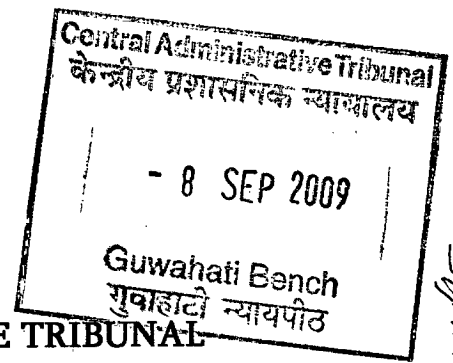
.....Respondents

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N/S
Rejoinder - 109 - 114 Kumar Manoranjan Haloi
Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

Original Application No. 179 /2009

Filed by

Prem Ranjan Debnath

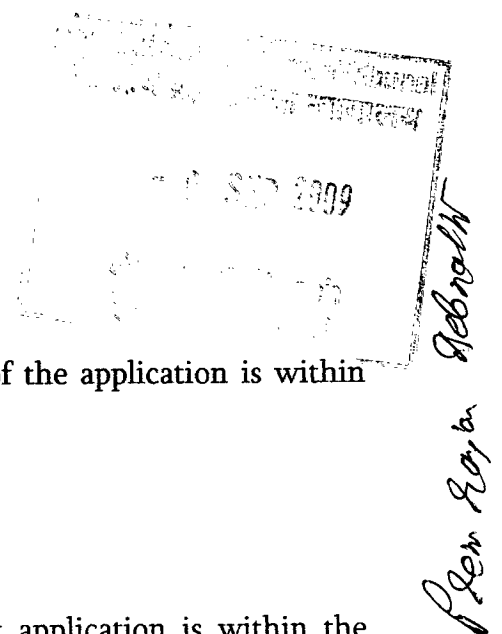
through Manojan Healer
Kumar Advocate
05-09-2009

Particulars of the Applicant: -

Sri Prem Ranjan Debnath,
Son of Sri Pramod Ranjan Debnath,
Resident of East Radhapur,
Via Rajabari, Dharmanagar,
District: - North Tripura, Tripura,

Particulars of the Respondents: -

1. Union of India, Ministry of Communication
(Represented by the Secretary to the Govt. of India),
Department of Post, New Delhi. PIN - 110001
 2. Director of Postal services (H.Q)
North East Circle, Shillong:-1.
 3. Superintendent of Post Offices
Dharmanagar Division,
Dharmanagar: - 799250.
 4. Chief Post Master General,
North East Circle, Shillong:-1.
 5. Director of Postal Services,
Nagaland, Kohima.
PIN - 797001
1. Particulars of the order against which the application is made: -
- Order No. Staff/109-5/2008 passed by the Director of Postal Service (HQ)
N.E. Circle, Shillong (Appellate Authority) on 18.06.09.



2. Jurisdiction of the Tribunal: -

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

3. LIMITATION: -

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

4. FACTS OF THE CASE: -

4.1. That the applicant is a citizen of India and at present residing at Dimapur, Nagaland. Being a citizen of India he is entitled to all fundamental rights guaranteed under the Constitution of India and other legal rights framed thereunder.

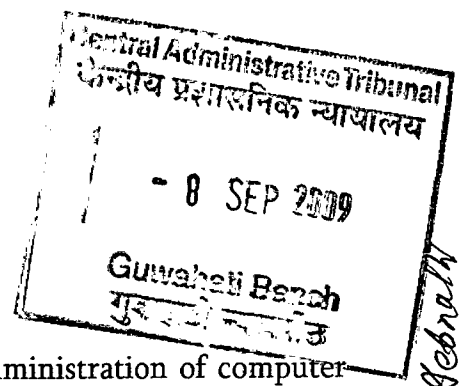
4.2. That the applicant is an employee of Postal Department under the Government of India and serving as Postal Assistant, from 13.03.01 to 19.01.07 at Dharmanagar Head Office at Tripura.

4.3. That the Dharmanagar Post office has been computerized. The applicant was assigned with additional duties of handling of computer network system called as system administrator.

4.4. That when the applicant was serving as System Administrator at Dharmanagar Head office he detected some fictitious savings accounts, which were opened long back before computerization. He informed his immediate superior authority about these fictitious savings accounts. The superior authority then asked the applicant to delete those fictitious accounts. Accordingly, he deleted those accounts keeping its record in the error book. The error book was duly signed by the Post Master of Dharmanagar Head office.

Copies of Error book are annexed as

Annexure: -A.

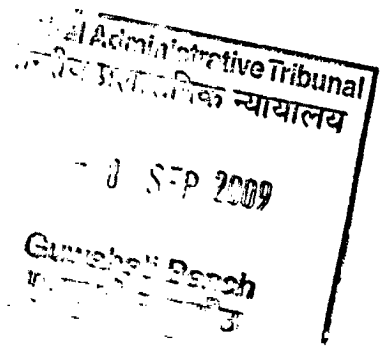


4.5. That the applicant begs to state that administration of computer system in different Establishment and undertaking including the Government Establishment are guided by the provisions of Information Technology Act, 2000 and the rules framed there under – the Information Technology (Certifying Authorities) Rules, 2000. The Schedule 11 of this Rules contains the Information Technology ((IT) Security Guidelines. It interalia stipulates that the system Administrator shall have the responsibility to create, classify, retrieve, modify, delete or archive information. It is also provided in the said guideline that to ensure the procedure security measures of the system there shall be one properly trained system Administrator.

4.6 That as per notification of the Ministry of Information Technology, New Delhi dated 17.10.2000 there should be one System Administrator in every organization. But the Superintendent of Post Offices, Dharmanagar Division in violation of this notification engaged three persons – namely, Rupesh Das, Partha Sarathi Dutta and the applicant. All these three persons were assigned with the duties of System Administrator. This created some problems to work. The applicant, on several occasions, requested the Superintendent to release him from the additional works assigned to him.

A copy of such letter dated 27.10.06 along with forwarding letter dated 30.10.06 are annexed hereto and marked as Annexure: - B & C respectively.

4.7 That the applicant was transferred from Dharmanagar Head Office to Kailashsahar Mukhya Dakghar on 19.01.07. He handed over his charge to one Rupesh Das. Formal handing over was duly held. Apart from this formal handing over, Sri Rupesh Das to whom the charge was handed over had specifically stated that he received all computer peripherals including passwords etc. It was done simply, because the existing format for



Prem Rajan Deb Nath

handing over and taking over of charges does not suit the handing of charges of system Administrator.

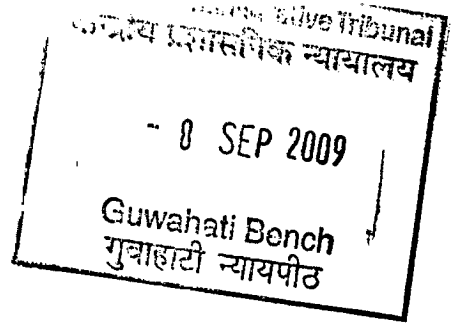
Copies of handing over of charge certificate dated 19.01.07 and letter addressed to the Superintendent of Post Offices on 19.01.07 indicating the details of handing over of charges are annexed hereto and marked as Annexure: - D & E respectively.

4.8 That on 29.05.07, the Superintendent of Post Office, Dharmanagar Division issued a letter stating that the Postmaster, Dharmanagar, H.O. at the time of handing over the charge of System Administrator, Dharmanagar Head Office, the applicant did not hand over some accessories of a computer to Sri Rupesh Das. These accessories are -

1. SCSI Card (Compaq) - 1
2. SCSI HDD (Seagate) - 1
3. Flatbed Scanner (HP) - 1
4. Speaker System of Kailashsahar MDG - 1 (one Set taken from Sri Aditya Sankar Roy Choudhury, the then Postmaster, Kailashsahar).

A copy of the said letter dated 29.05.07 is annexed hereto and marked as Annexure: - E.

4.9 That on receipt of the aforesaid letter dated 29.05.07 the applicant on 02.06.07 informed that he had already handed over all accessories of computers and other peripherals with all responsibilities. Sri Rupesh Ch. Das has signed on the charge reports and other official formalities were maintained during the handing over of charges in presence of the Postmaster, Dharmanagar H.O. By this letter the petitioner requested the Superintendent of Post Offices, Dharmanagar Division to hold an enquiry to absolve the applicant from the baseless allegation lodged against him.



A copy of the said letter dated 02.06.07 is annexed hereto and marked as Annexure: -

G.

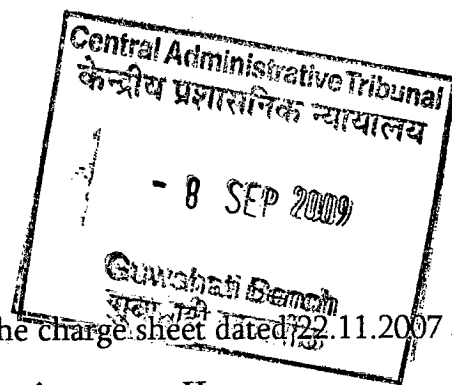
4.10 That on 22.11.2007 when the applicant was serving as postal assistant at Khailashahar MDG, a Charge Memo was issued against him by the Superintendent of Post, Dharmanagar Division under Rule 16 of the CCS (CCA) Rules, 1965. In the said Charge Memo three charges were brought against him relating to his service as System Administrator at Dharmanagar Head office.

The first charge brought against him is that during the period of his service as System Administrator at Dharmanagar Head office he detected the existence of some fictitious SB account in the data base opened long back before the inception of computerization of Dharmanagar Head Office and without bringing the matter to the notice of his immediate superior authority or the competent authority he unauthorizedly deleted the same from the data base suppressing such a serious irregularity and fraudulent activity.

The second charge brought against the applicant is that while he was working as System Administrator and operator of Western Union Money Transfer (WUMT) system at Dharmanagar Head Office during the period from 13.03.2001 to 19.01.2007 he took bribe from the bona fide customers of WUMT ensuring prompt and better service. It has also been alleged that the applicant misappropriated the amount meant for the refreshment of the valued customers of WUMT.

The third charge brought against the applicant is that while functioning as System Administrator at Dharmanagar Head office he took away some computer accessories from the office to his residence with an assurance to return those at the time of his leaving from Dharmanagar Head office to Kailashahar MDG, but he did not return those accessories and kept in his custody.

Prem Raja Deb Nath



A copy of the charge sheet dated 22.11.2007

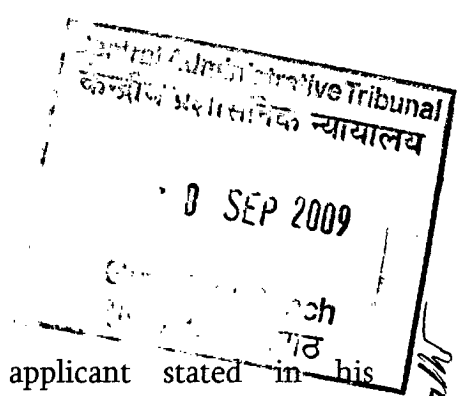
is annexed as Annexure:-H.

4.11. That the applicant received the charge memo on 30.11.2007. In the said Charge Memo he was called upon to submit representation against the charges brought against him within 10 days of receipt of the charge memo. Accordingly, he submitted his representation on 08.12.2007 denying all charges brought against him. He also prayed in the said representation to make him free from the charges.

Regarding Charge No.1, the applicant stated in his representation that after detection of the fictitious SB accounts which might have existed erroneously, he after consultation with the other two System Administrators deleted those provisionally so as to prevent loss of public money. He deleted those accounts from the database after taking backup copy which was immediately handed over to Postmaster, Dharmanagar as an immediate precautionary measure. He also duly kept the record of the existence and deletion of those wrongful accounts in the Error Book and sent it to the Postmaster which was countersigned by the later.

Regarding Charge No. II, the applicant submitted in his representation that the entire WUMT service was exclusive duty of the Postmaster, Dharmanagar Head office. The entire WUMT business transactions were used to be done in the chamber of the Postmaster in the computer meant for the purpose installed in his chamber. The payments to WUMT subscribers were being directly done by Treasurer, Dharmanagar Head office after the Postmaster himself satisfies with the MTCN and identity card of the customers in the computer in his chamber. Thus, no where the System Administrator is connected with the transaction except maintenance of computers etc. as and when required. He denied the allegation of taking bribe from bonafide customers of WUMT and misappropriation of the amounts meant for refreshments of the valued customers.

Prem Royan Rebrah



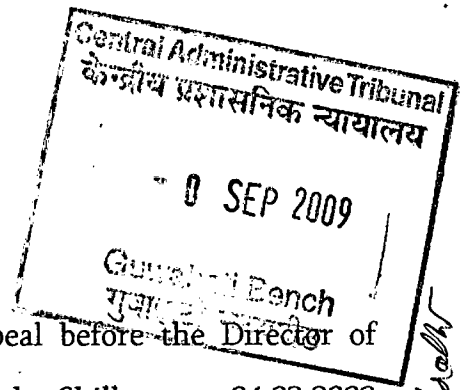
Regarding charge No. III, the applicant stated in his representation that during of his handing over of charge at the time of his transfer from Dharmanagar Head office to Kailashahar MDG, he handed over all the computer accessories to Sri Rupesh Das, another System Administrator, receipt of which was duly acknowledged by the later. Hence he denied taking away the computer accessories. In his reply the applicant specifically requested the Superintendent of Post Office, Dharmanagar to enquire about all the facts, circumstances so that the truth may be brought to book.

A copy of the representation of the applicant dated 08.12.2007 is annexed herewith and marked as Annexure I.

4.12 That the applicant in his reply to the charge sheet specifically stated that an enquiry is required to be done to ascertain the real facts. The matter pertaining to not handing over of some computer accessories. It also to taking bribe. So by any stretch of imagination it cannot be thought of such allegations may be ascertained without holding any enquiry. Rule 16 1(b) specifically states that the disciplinary authority must apply their mind and shall come to an opinion where the enquiry would held and where the same would not be held.

4.13 That after submission of written statement by the applicant no formal departmental enquiry was conducted regarding the charges brought against him. An unilateral proceeding was conducted by the Superintendent of Posts, Dharmanagar division keeping the applicant totally in dark and imposed penalty on 31.01.2008 of withholding one increment of the applicant for a period of three years with effect from the date of his next increment is due without cumulative effect.

A copy of the order dated 31.01.2008 imposing punishment on the applicant is annexed herewith and marked as Annexure:-I.



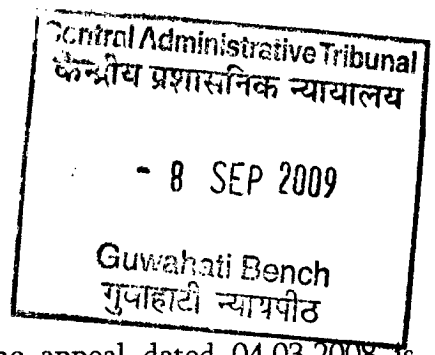
4.14 That the applicant preferred an appeal before the Director of Postal Services (Head Quarter), North East Circle, Shillong on 04.03.2008 against the order of penalty dated 31.01.08 praying for setting aside the order of punishment. But the said appeal was pending for long period before the appellate authority.

The applicant preferred the said appeal on the grounds that the Superintendent of Posts, Dharmanagar Division has passed the impugned order imposing punishment on him arbitrarily without considering the material facts on record. There were three System Administrators including the applicant, which is evident from record. All the three system administrators shared the passwords and security systems of the networking system. But the Superintendent of Posts, Dharmanagar Division overlooked this fact and held the applicant guilty.

It was also stated in the appeal that although the applicant deleted the fictitious accounts in question with prior permission from the superior authority which is evident from the Error Book duly countersigned by the Post Master, the Superintendent of Posts, Dharmanagar Division overlooked the same and held the applicant guilty for unauthorized deletion of the said accounts. The Superintendent of Posts, Dharmanagar Division held the applicant guilty of charge No. II, although the transaction of WUMT was done exclusively by the Post Master in his chamber.

It was also contended in the appeal that the Disciplinary Authority has ignored the plea taken by the applicant that he handed over the computer accessories to Sri Rupesh Das, another System Administrator who had acknowledged the receipt and held the applicant guilty of charge No. III upon verbal deposition of Sri Rupesh Das and Parthasarathi Dutta. The Disciplinary Authority also did not follow the rules and procedures of departmental proceeding. No formal enquiry was held and the applicant was not given the opportunity to examine the witness if any and be examined himself.

Dr. R. Rajan Reddy



A copy of the appeal dated 04.03.2008 is annexed herewith and marked as Annexure:

- K

4.15 That the appellate authority had called for the records and the service book of the applicant was kept in the custody of the appellate authority. As the Service Book of the applicant was not received by the Nagaland Head office, he was not getting his full salary since August, 2008. The Director of Postal Services, Nagaland had duly communicated this fact to the Superintendent of Post offices, Dharmanagar Division, Tripura vide his letter No. B-623 dated 7.10.2008 at Kohima.

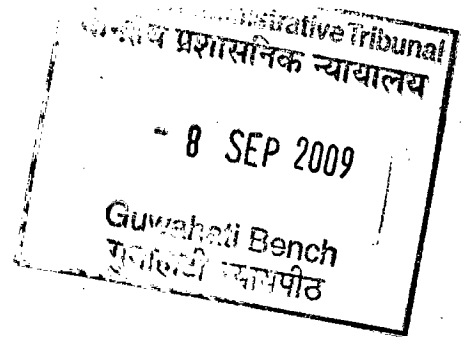
A copy of the letter dated 7.10.2008 issued by the Director of Postal Services, Nagaland is annexed herewith and marked as Annexure: - L.

4.16 That the applicant facing with the situation indicated above preferred an application before the Central Administrative Tribunal, Guwahati Bench, Guwahati. This application was registered as O.A. No. 90 of 2009.

This application was preferred on the following grounds: -

- "A) For that the impugned order dated 31.01.08 was passed without any departmental enquiry and the respondent authority held the allegations to be proved. The charges leveled against the applicant are question of facts which can only be established in a full fledged departmental enquiry and not on the basis of records. Thus the decision making process of the respondent authority suffers from non application of mind and hence the impugned order of punishment dated 31.01.08 is liable to be set aside.
- B) For that while passing the impugned order dated 31.01.08 the Superintendent of Posts had taken into account the written

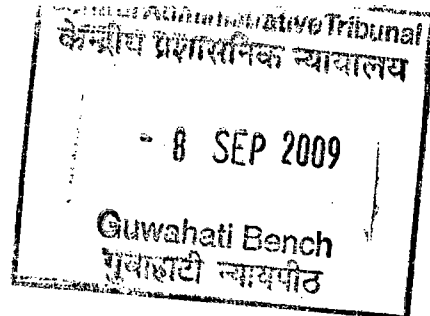
Prem Royan Debnath



deposition of some persons, but those written depositions were not made known to applicant ever. Nothing is mentioned about these written depositions in the statements of imputation of misconduct nor were those annexed in the list of documents. Existence of these written depositions and the fact that those would be issued against the applicant was never informed to the applicant. The applicant was totally in dark about these written depositions. Thus the entire action of the respondents is vitiated for noncompliance of the Principles of Natural Justice as the applicant was deprived of a reasonable opportunity to defend himself.

- C) For that prerecorded statements of persons can be relied in any proceeding only when the delinquent is given the opportunity to cross examine the persons whose statement is sought to be relied in the enquiry. In the instant case the applicant was not only deprived from a copy of such prerecorded statements but also an opportunity to cross-examine those persons. Thus the impugned action of imposing penalty is vitiated for violating the procedure established by law.
- D) For that the respondent authority while passing the impugned order dated 31.01.08 did not consider the plea of the applicant and did not assign any reason for not considering his plea. The applicant pleaded that the deletion of SB accounts were done with prior permission from superior authority and he kept record of deletion in the error book which was countersigned by the Postmaster. The respondent failed to consider this relevant plea of the applicant and did not assign any reason for non consideration of this aspect of the case. Thus the action of the respondent is vitiated for non consideration of relevant facts and hence the impugned order is liable to be set aside.

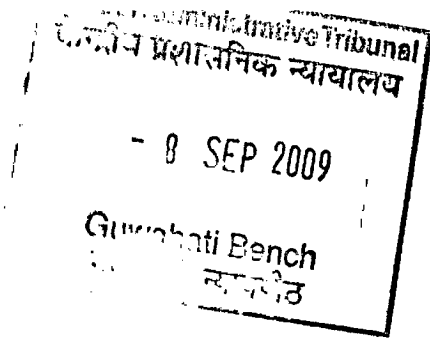
From Rayan Aebal



- E) For that if is settled law that a list of the documents to be relied by the disciplinary proceeding is to be furnished to the delinquent with opportunity to him to inspect such */documents and if required furnish copies of such documents. In the instant case the applicant was not furnished any list of the documents relied by the respondent authority while passing the impugned order. The applicant was kept in dark and was not informed about the documents to be relied by the disciplinary authority. The respondents have thus deprived the applicant from an opportunity of fair hearing. The action of the respondents being violative of the principles of natural justice and the procedure established by law is liable to be quashed.
- F) For that the respondents have passed the impugned order arbitrary & whimsically without following the procedure established by law and hence there action is violative of Article 14 & 16 of the Constitution of India”

4.17 That the Hon'ble Tribunal passes its judgment and order on 20.05.09. By this order the Appellate Authority shall examine the entire matter in exercise of his power under Rule 27(2)(9)(b) and (c) of CCS (CCA) Rules 1965 and pass orders in terms of his power under Rule 27(2)(i)(ii) of the said Rules, 1965. The appellate authority should also take into consideration of the grounds set forth by the applicant in the original application before the Central Administrative Tribunal at Guwahati. It is observed that the applicant submitted his representation on 22.11.07; wherein, apart from putting up his explanations to the allegations level against him the applicant prayed to the Disciplinary Authority to cause an enquiry to all the facts and circumstances of the case. It is stated in the judgment that it has been argued that no enquiry having been caused on the allegation and expiations, there has not only been gross violation of the principles of natural justice, but violative of Rule 16(1)(b) of CCS(CCA) Rules.

Prem Kojan Debnath



A copy of the judgment and order passed on 20.05.09 in O.A. No. 90/2009 is annexed hereto and marked as Annexure: -M.

4.18 That the Appellate Authority passed an order on 18.06.09 holding that the charges of misconduct framed against the applicant were proved except, the Charge of taking bribe from Customers of WUMT and misappropriation of amount meant for refreshment of customers which were not proved. Accordingly, the Appellate Authority interfered with the punishment and reduced to withholding of one increment for a period of 2(two) years.

A copy of the order dated 18.06.09 is annexed as Annexure: - N.

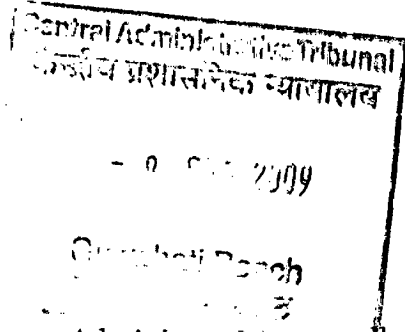
5. GROUND FOR WITH LEGAL PROVISION: -

Being highly aggrieved by the action of the respondents the applicant preferred this application on the following amongst other grounds: -

-G R O U N D S -

- A) For that the vide Judgment & Order dated 20.05.09 passed in O.A. No. 90/09 directed the Appellate Authority to consider the grounds taken in the Original Application while deciding the appeal, but the Appellate Authority did not consider those grounds while passing the order dated 18.06.09 and did not assign any reason for non consideration of the same.
- B) For that the Appellate Authority failed to appreciate the explanation of the applicant given in his representation dated 08.12.07 with regard to Charge No. 1 and did not consider the fact that the deletion of the accounts were stored in a backup copy which was immediately handed over to the Postmaster, Dharmanagar HQ and retained the same in a separate location in the server for necessary action of higher authority as per the

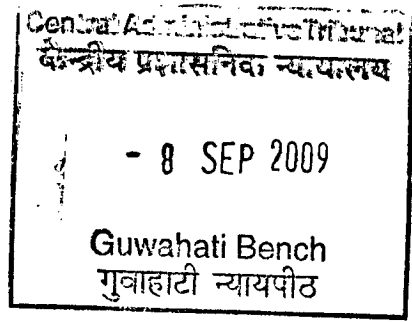
From Eanyon Abrahm



office procedure of System Administrator as well as right conferred to the System Administrator vide letter No. J-1 / Security Guidelines / Computer dated Dharmanagar 29.09.04 in pursuance of CPMG Shillong letter No. MOD/Security/Comp dated 13.08.04 the finding of the Appellate Authority that the applicant admitted the charge of deletion of accounts is totally perverse and liable to set aside.

- C) For that the appellate authority while holding the charge No. 1 to be proved came to a finding that the applicant acted in contravention of Rules, but the Rules which are alleged to be violated have not been mentioned in the appellate order. Thus the appellate authority arbitrarily passed the order without application of mind and hence the impugned order of punishment is liable to be set aside and quashed.
- D) For that the appellate authority came to a finding that the written deposition of Sri Rupesh Das dated 13.06.09 stated only about conversation he had with the applicant about returning of computer accessories and did not challenge the statement of the applicant that all peripherals were handed over to him under receipt. Thus it is clear that there is no evidence that the applicant retained the computer accessories. But the appellate authority came to a finding that the applicant failed to maintain absolute integrity and acted in a manner unbecoming of a Govt. Servant. The reason of the appellate authority to come to such finding is that the applicant failed to produce a copy of handing over of accessories by him to Sri Rupesh Das. This is absolutely a perverse reasoning in as much as the same is against the settled provision of law that the Charges levelled against a delinquent has to be proved by the authority levelling the charges and not to be disproved by the delinquent. the appellate authority acted

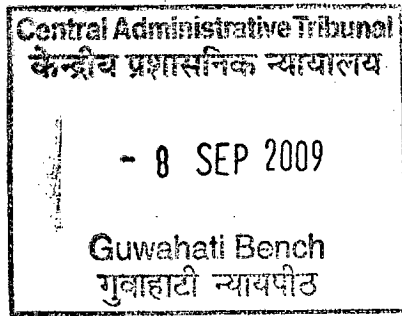
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illegally and as such the order of punishment is liable to be quashed.

- E) For that the order of punishment was passed by the respondents without any departmental enquiry and the respondent authority held the allegations to be proved. The charges levelled against the applicant are question of facts which can only be established in a full-fledged departmental enquiry and not on the basis of records. Thus the decision making process of the respondent authority suffers from non application of mind and hence the impugned order of punishment dated 31.01.08 is liable to be set aside.
- F) For that the respondent authorities while imposing the punishment had taken into account the written deposition of some persons, but those written depositions were not made known to applicant ever. Nothing is mentioned about these written depositions in the statements of imputation of misconduct nor were those annexed in the list of documents. Existence of these written depositions and the fact that those would be used against the applicant was never informed to the applicant. The applicant was totally in dark about these written depositions. Thus the entire action of the respondents is vitiated for noncompliance of the Principles of Natural Justice as the applicant was deprived of a reasonable opportunity to defend himself.
- G) For that prerecorded statements of persons can be relied in any proceeding only when the delinquent is given the opportunity to cross examine the person whose statement is sought to be relied in the enquiry. In the instant case the applicant was not only deprived from a copy of such prerecorded statements but also an opportunity to cross-examine those persons. Thus the impugned action of imposing penalty is vitiated for violating the procedure established by law.



Pran Prayon Aebnalt

- H) For that it is settled law that a list of the documents to be relied by the disciplinary proceeding is to be furnished to the delinquent with opportunity to him to inspect such documents and if required furnish copies of such documents. In the instant case the applicant was not furnished any list of the documents relied by the respondent authority while passing the impugned order. The applicant was kept in dark and was not informed about the documents to be relied by the disciplinary authority. The respondents have thus deprived the applicant from an opportunity of fair hearing. The action of the respondents being violative of the principles of natural justice and the procedure established by law is liable to be quashed.
- I) For that the respondents have passed the order of punishment arbitrarily & whimsically without following the procedure established by law and hence there action is violative of Article 14 & 16 of the Constitution of India.

6. DETAILS OF THE REMEDIES EXHAUSTED: -

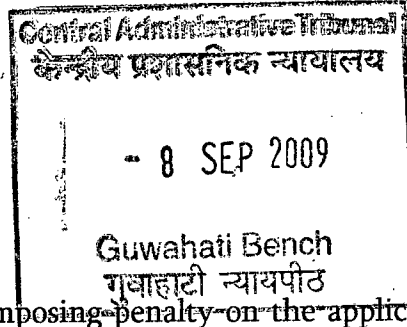
The applicant, by this application, is challenging the order dated 18.06.09 passed by the appellate authority imposing a penalty and as such he is left with no other remedy other than this Original Application.

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

The applicant declares that the subject matter of this application is not pending before any court of law or any other branch of this Hon'ble Tribunal.

8. RELIEF SOUGHT:-

That in the premises aforesaid the applicant prays that Your Lordships may be pleased to call for the records, issue notices upon the respondents to show cause as to why the impugned order dated 18.06.2009 issued by the Director,



Postal Service, HQ N.E. Circle, Shillong imposing ~~penalty on the applicant~~
 (Annexure:-N) shall not be set aside and quashed and upon hearing the
 cause or causes to be shown by the parties your Lordships may be pleased to
 set aside and quash the impugned order dated 18.06.09;

9. INTERIM ORDER IF ANY PRAYED FOR: -

The applicant prays that pending disposal of this original application, Your
 Lordships would be pleased to keep the impugned order dated 18.06.2009
 passed by the Director Postal Service (HQ), N.E. Circle, Shillong (Annexure:
 - N) under suspension.

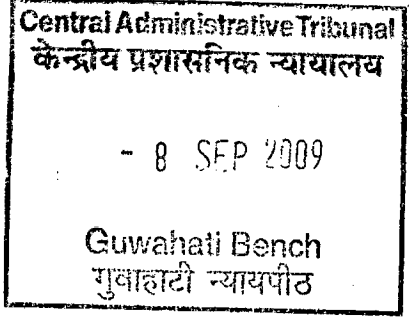
10. PARTICULARS OF POSTAL ORDER: -

I. P.O. No.	:	39 G 422851
Name of issuing post office	:	G.P.O., Guwahati
Date of issue	:	03-09-2009
Payable at	:	G.P.O., Guwahati

11. LIST OF ENCLOSURES: -

As indicated in the index.

Abraham
Prem Rajan



VERIFICATION

I, Sri, Prem ranjan Debnath, son of Sri Pramod ranjan Debnath, aged about 40 years, an employee of Department of Post, working as Postal Assistant-Cum-System Administrator of Dimapur MDG, presently residing at Railway Colony, Dimapur, P.O:- Dimapur, P.S:- Dimapur, Nagaland do hereby state that I am the applicant of this case and am well acquainted with the facts and circumstances of this case. The statements made in paragraphs 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.9, 4.11, 4.12, 4.13 (Part), 4.14, 4.16 and 4.17.....are true to my knowledge and belief and those made in paragraphs 4.8, 4.10, 4.13 (Part), 4.15 and 4.18.....are true to my information derived from records which I believe to be true and rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 22nd day of August, 2009 at Dimapur.

Prem Ranjan Debnath

Signature

was due to failure of generator
 9/9/03. Power SB/RD LAN work for
 the day delayed for 1 (one) hour.
 S/A may kindly be instructed
 to wait for an hour at least
 after 12:00 hrs.

Kind to immediate info.

9/9/03
 9/9/03
 9/9/03
 9/9/03
 9/9/03
 9/9/03

Due to wrong writing of
 104623
 on 5/2/03
 in a bill of Rs 540/- was
 not correct the amount was
 Rs 1080/- by kind Mat.
 S/A is requested to kindly
 delete the no 104623 instead of
 104623 dtd 15/2/03

9/9/03
 9/9/03
 9/9/03

22.19/03

Annex-6
 pag 10

22.19/03, SA.

SB ME 265793

But wrongly entry
 more correction to
 of Dept. file

24/9/03

Focus 17

22/9/03

Focus 20

9/9/03

Focus 21

Focus 22

Focus 23

Focus 24

Focus 25

22/9/03

22/9/03

22/9/03

22/9/03

22/9/03

22/9/03

22/9/03

22/9/03

22/9/03

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Attested
 Kumar Manoranjan Haaloi
 Advocate

F-3

Err-40-50

MIS A/c no. 105885 R. 1045
Ital 6/12/03 in Economy Entry
So the A/c of Rs 1045 Debit

Err-41

SA in support of

So 6/12/03

6/12/03

SA A/c - 266651 was revised.
but omit other 3 D. P.S. 1. Kindly
Check and enter the work as per
ledger + Pass book

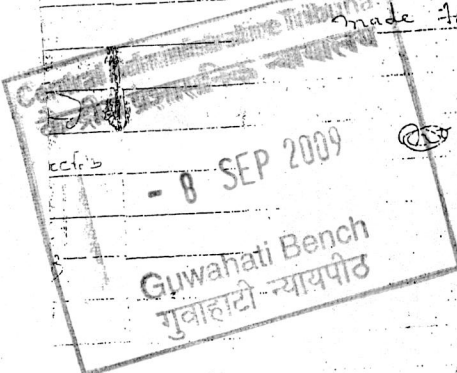
So 6/12/03

Err-42

6/12/03

MIS A/c no. 101662 was opened in
the name of Munot Thum Deb with
operator Ajit Kr. Deb (father) Data entry
made in the name of Thuma Deb
connection of operator name
as Ajit Kr. Deb father is require
to be noted of nomination permission
made to be cancelled.

So 6/12/03



Page - 2

Handwritten notes and scribbles at the bottom left.

Handwritten notes and scribbles at the bottom center.

Page - 4

System Administrator
Date: 06/12/04
200250

ER-88 SA
16/07/09 P/- change the address
of S3 370 27 26/12 name
of Reman (S) Loren
Cno. - 53-3

16/07/09
Duty Postmaster
Dharmine 00230

ER-89 SA
12/11/09 P/- change the address
of S3 370 27 26/12 name
of Reman (S) Loren
Cno. - 53-3

ER 90: RD DB NO 349 57 - in balance
7/9/09 letter of change
11/11/09
Duty Postmaster
Dharmine 00230
This copy was deleted & recreated
again by the system provider
(Free)

ER no 91 of 28/11/09

16/07/09
SAY 28/11/09
Best emergency
entry with details
of work done
of Reman (S) Loren

ER no 92 of 12/11/09

MIS A/T NO 154542 NO - 1 Rs
200 but emergency
entry with details
of work done
of Reman (S) Loren

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Note No 34
25-6-04

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

Department

It is observed on different dates during May 04
and also on 18/04 + today on 25-6-04 that
the checking of SB/ID vouchers relating to
deposit/withdrawal or RD etc. can't not
check. As the first who is responsible who
replied that in absence of another person
the system can't not be under fast or
otherwise. Kindly take action so that
checking vouchers by Supervisor can be done
normally. Any irregularity in voucher work
(SB/RD) happen without checking by Supervisor
who may be refrain on place work of
Supervisor.

SA

Please see the late submission
for any post-incident activities
necessity, it should be expected
SP/DMR this time.

S.S.

25/6/04

This matter already reported in
letter No. D/Computer/DMR
I discussed with SP/DMR
It is also correct
SP/DMR to solve the
info is required for proper
the Supervisor can extend
help to find team that
may be required for
regularity.

SP/DMR note
dated on 24/6/04
for the case of
K. S. Das with
actually made
for the case
observed with SP/DMR
irregularity.

Show your

Signature 25/6/04

System Administrator
Dharmapala S. D.
994250

[Handwritten notes and signatures in the bottom left corner, including 'SP/DMR' and other illegible text.]

- 8 SEP 2009

P-5

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

Signature of JPM necessary

Note - 69

14-8-09

SA is reported to Court
SA is reported to Court

Note 70

14/8/09

SA is reported to Court
SA is reported to Court

Note no. 71

17-8-09

checked
Ribe

SA is reported to Court
SA is reported to Court

Note

20-8-09

checked
Ribe

SA is reported to Court
SA is reported to Court

P-7

Note No. 278059 in the name of
 20/11/04 Subir Kumar Das. The name of depositor
 is Subir Das which may please be
 corrected.
 S/A P. arrange

[Signature]
 Deputy Magistrate
 Dharmanagar, 20/11/04

Note-95

21/9/04 R.D. A/c No. 367761A dtd 13/04/07
 deposited. Please check the
 Passbook is correct. If not
 correct, please arrange to
 correct.
 S/A Please arrange

[Signature]
 Dy. P.O. Dharmanagar
 21/9/04

Note-96

21/9/04 S/A No. 272754. In the name
 of Subir Kumar Das. But computer
 data entry is Subir Kumar
 Das. Please arrange to
 correct the name of
 Subir Kumar Das to
 Subir Kumar Das.
 S/A Please arrange

[Signature]
 Dy. P.O. Dharmanagar
 21/9/04

Administrative Tribunal
 SEP 2009
 Subir Kumar Das
 न्यायपीठ

Central Administrative Tribunal
गुवाहाटी न्यायालय

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P. 2

245

27/05/05 In RD A/c No. 48915, the computer shows one month deposit in name, ~~to~~ whereas in Pass Book, it appears that there is no advance deposit made. So it is necessary to verify this and to delete one month's excess deposit from computer memory. So, SA Please correct it.

fixed

246

27/05/05 MTS A/c No. 103422 is a joint A/c by the name of Anima Sengupta & Chandini Sengupta. But ~~the~~ the computer shows different names. So, SA, Please correct the name of said A/c.

The name of the A/c holder changed. But one factor why it was not rectified for 3 yrs. So, please inform for a name rectification before the year ends. The matter is already done.

By

247

27/05/05 The correction received of size and date of function - for October - 05. The computer or MTD was out of order dt 03/10/05.

ES
27/10/05

Reported to spot

केंद्रीय प्रशासनिक

- 8 SEP 2009

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Guwahati Bench
गुवाहाटी न्यायपीठ

To: P.M.

26/11/05

16/11/05

The Server room was broken on 14/12/2005 but
The server still at a other peripherals was not
shift to another safe place. Now this
server of somehwaypos & meghdoot is still
working at the unsafe place. It is
requested to you to you kindly
arranged to shifting the server to any
secured place immediately otherwise any
kind of damage may be occur in the
server or server database.

Yours faithfully

Phan Kojan Baruah
System Administrator
District Manager H.P.O.

[Handwritten notes and scribbles]

SA

MSIS 01C20 - 10:25:8 on 11/11/05
Handwritten notes and scribbles

By: P. K. Baruah
District Manager, H. O.
North Tripura - 799250

RD ofc 43372 13271 at the
Submitted for the connection in the P.S.D
for the same

[Handwritten signature]

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Wahati Bench
वाहती न्यायपीठ

Page 2

28/6/08
To the P.M. Dharwad
The Server of the Regional
Meghdoot suddenly disconnected from
Net work. The staff who are dependent on
when the financial matters are
going on. The total network are
very critical in sensitive condition.
In this situation could not repair
the problem. I think a fresh new
network is necessary.

Please may please Prem Raja Debnath
report to the design & System Administrator
authorities & suggest the
C.P.M. for early resolution
to the problem.

POSTMASTER HSG-1
DHARWAD NAGAR HO 730260

To the P.M. Dharwad
In regard to No. 44 to 15/06. I understand that
non-regular staff. The main server of Meghdoot
are open position. I would like to know the
security of the server may be affected
down any moment. If some other person
straggle may be happened
Some Another person in the office &
Admission may be very large. In the
matter. I am very sorry for the matter.
Kindly suggest me about the security
problems which may be taken to action.

PTO

Page 2

- 19 -
- 27 -

B.A.C. No 274919 & 274910 Deposite
is 1600/- No. 10/11/00. The same is deleted in ledger
of P. C. account in favour of the B.A.C.
No 274912. Deposite is 1600/- dtd 27/9/00.

11/11/00

To
in Payments
of Rs 1600/- at 40

Sir,
I have received a CD containing
Meghdoot's work with co. d. &
v.s. on 11/11/00 at evening. I have
lost the software & find some
files were corrupted in this CD &
this is not original CD which
was supplied from Binsonal office.
However, I have contact with co
for supplying another original CD of
Meghdoot's work on 6.3. So kindly
refer received the corrupted CD
& duplicate CD of Meghdoot
to Mr. 6.3.

Your
faithfully
Prem Rajan Sengupta
System Admin

RD Account No 1081 - 1081 - 1081
by P. C. account in favour of P. C. account
P. C. account in favour of P. C. account

From 11/11/00
SA PL entry dated 11/11/00 for
Rs 1600/-

But at the time of P.C. computer
& for a balance Rs 1600/-
is shown in P.C. account

SA PL entry dated 11/11/00 for
Rs 1600/-
E.C. 11/11/00

RD A.P.C. No 26427 to P. C. account
in favour of P. C. account
Rs 3600/- but at the time of
P.C. computer shown balance Rs 3600/-
dtd 27/9/00 Rs 360/-

SA PL entry dated 27/9/00 for
Rs 360/-

11/11/00

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Annexure 12 B

Miss A/c No 1024147
Propal Ch. Pal
S.A. de Wle

note 104
S.A. de Wle
for connection & removal
S.A. de Wle to the need to be

W/O
S.A. de Wle
270536
S.A. de Wle
S.A. de Wle

Note 105
S.A. de Wle
S.A. de Wle
S.A. de Wle
S.A. de Wle

Original

Annexure 12C

✓
150 MIS No 105467 Name of Mr. Jinnu
Bhaskar Ch. Mohanta - 30000 - 20000
But date wrong in the report.
Please arrange it. Corrected

151 MIS No 10943 Name of Mr. K. K. Das
30000 - 20000 - 20000
with department
Please arrange it. Corrected

152 MIS No 37785 Name of Mr.
Bhaskar Ch. Mohanta - 30000 - 20000
Name for the same is wrong.
30000 - 20000 - 20000
Please arrange it. Corrected

153 MIS No 102105 Name of Mr. Debanu
- 30000 - 20000 - 20000
Wrong.
SA/ Please correct the name of account. Corrected

154 SA MIS No 269679 Name of Mr. K. K. Das
30000 - 20000 - 20000
with department
SA/ Please arrange it. Corrected

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- 24 -

Annex-12A

SB No. 25009 name of Kona
 result of the exam. Now the
 life will be converted
 to full as per application of
 the defector
 SA (I) make n/a. ~~Final~~

25/9
 27/9

SB No. 107496 107496
 name of [unclear]
 result of the exam. Now the
 life will be converted
 to full as per application of
 the defector
 SA (I) make n/a. ~~Final~~

SB No. 26422 26422
 name of [unclear]
 result of the exam. Now the
 life will be converted
 to full as per application of
 the defector
 SA (I) make n/a. ~~Final~~

27/9

SB No. 26432 26432
 name of [unclear]
 result of the exam. Now the
 life will be converted
 to full as per application of
 the defector
 SA (I) make n/a. ~~Final~~

SB No. 26432 26432
 name of [unclear]
 result of the exam. Now the
 life will be converted
 to full as per application of
 the defector
 SA (I) make n/a. ~~Final~~

The Computer machine is not working
 today after kindly arrange to notify the district
 for small amount of 500 counter of 25/9/09
 SA (I) do
 27/9/09

In person delivery [unclear] SA
 is suggested to look in to
 the process of the process
 in [unclear] [unclear] [unclear]
 [unclear] [unclear] [unclear]
 [unclear] [unclear] [unclear]
 [unclear] [unclear] [unclear]

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Amman, 1. (11/09/09)

14.9.09
 The Bench has received from M/s. BSB
 a letter dated 10.9.09 regarding the
 computer issue.

It is to be noted that the
 above problem
 is being
 dealt with
 by the
 concerned
 authorities.

15.9.09
 The Bench has received from M/s. BSB
 a letter dated 14.9.09 regarding the
 computer issue. It is noted that the
 problem is being dealt with by the
 concerned authorities.

16.9.09
 The Bench has received from M/s. BSB
 a letter dated 15.9.09 regarding the
 computer issue. It is noted that the
 problem is being dealt with by the
 concerned authorities.

17.9.09
 The Bench has received from M/s. BSB
 a letter dated 16.9.09 regarding the
 computer issue. It is noted that the
 problem is being dealt with by the
 concerned authorities.

The Bench has received from M/s. BSB
 a letter dated 17.9.09 regarding the
 computer issue. It is noted that the
 problem is being dealt with by the
 concerned authorities.

18.9.09
 The Bench has received from M/s. BSB
 a letter dated 17.9.09 regarding the
 computer issue. It is noted that the
 problem is being dealt with by the
 concerned authorities.

19.9.09
 The Bench has received from M/s. BSB
 a letter dated 18.9.09 regarding the
 computer issue. It is noted that the
 problem is being dealt with by the
 concerned authorities.

Yours faithfully
 P. M. D. N. R. 10

The P.M. DNR HD

Excer 6
21-13/7/06

Annex 14 page-2

The Online operation was going on as very temporary basis since Dec 05. The server was working in a very risk factor environment from 8 (eight) month. Several correspondences were done previously.

Now the existing Net/Ws were being up for during financial matters work from 15/06 at 4:30 P.M. Very important matter is that the tape drive of server was not working from yesterday due to disk break. So the back up tape is dropped in a condition of the server. As a result of order to take a backup of the server soon a proper skill was in line to take a backup. In the meantime the server was not working. The necessary work was done by the server. The necessary work was done by the server. The necessary work was done by the server.

The matter were discussed with A-B with a view to POS of 27/5, 27/5 25/6 & 30/6/06. It was decided that the rectify restoration of online operation will be done at any cost. It was not decided how much cost will be necessary. However we start the restoration work as per above necessity/requirement.

Pranaya Debbarh
System Administrator
DNR Hd
21/7/06

Copy of
to enclosed
[Signature]

Central Administrative Tribunal
গুৱাহাটী
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গুৱাহাটী

To the Postmaster, DNR HD

I am directed even by your Order No. 141 dated 10/7/06 para 2, Superintendent of Post Office DNR Hd, Belder to - J-1/100/10/06 to be at Beldergarh 10/106 for payment of the rebuilding the whole local area network immediately in DNR Hd, Belder. It is to be noted that the statements may be taken to some extent as stated in the order. The server is not working. The server is not working. The server is not working.

to cover a small short light needed file for covering the sketches.

Yours faithfully
Pranaya Debbarh
System Administrator

M/S 109109 ...

... has maximum limit of report ...

~~Completed~~

Asst. ... 31
DHARA ... 2260

19 ...

SA

... need of date only ...

...

...

...

...

...

...

...

...

...

Abstract of the ...

...

... 5558 RS ...
... Agent ...
... but complete ...
...

... 10/16 ...

...

...

...

...

...

...

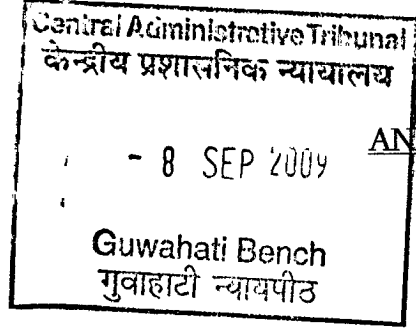
...

...

...

...

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ANNEXURE:-B.

To

The Superintendent of Post offices
Dharmanagar Division
North Tripura - 799250

(Through the Postmaster Dharmanagar HO)

Sub: - Application for relief arrangement for the post of System Administrator,

Ref:- Your Letter No J-1/ SBLAN /DNR

Dated Dharmanagar the 13-03-2001

Respected Sir,

Being compelled by the circumstances, I have the honour to lay before you the following few lines for favour of your kind consideration and sympathetic action.

1) That Sir, I have been working in this Department since March 1998 and engaged in the post of System Administrator, Dharmanagar since computerization of Dharmanagar H.O. (9 years approx).

2) That Sir, from the very beginning of computerization of Dharmanagar H.O I have been working in the post with full satisfaction and integrity, which is known to the Department as well and I have a dream to upgrade to all sub offices in our division to a computerized office like this H.O.

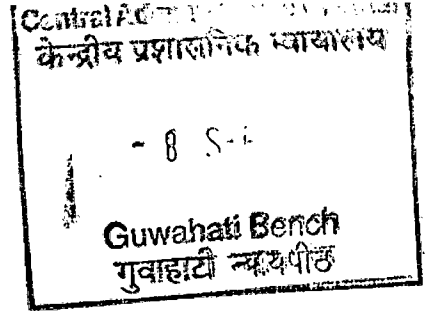
3) That Sir, since some couple of months I have been facing tremendous difficulties to run the office smoothly as the equipment and infrastructure for proper functioning of the office has become gone down, which has been brought to your kind notice every now and then.

4) That Sir, you are aware that in fully computerized office needs some infrastructure and systems for running the office, the lack of which may gone down office and may also collapse the systems, the details facilities and availabilities of which in furnished below once again for your kind information.

- (i) The server should be protected from any body and functioning in bellow 30°C
- (i) It should be protected from any body for securities of passwords handling with various confidential system matters.
- (ii) Totally dust free infrastructure and necessary of fire exuster inside the room.
- (iii) During the period of changing any password or any type of Data-entry no body should be allowed in the server room.
- (iv) A log book should be maintained for noting which official are entered in to the server room.

Attested

Kumar Manoranjan Hazari
Advocate



- (v) The Software CD should be under custody of Postmaster. No body are permitted to handling or analyzing those operating system like windows NT/2000/2003 or Departmental package like Sanchaya Post or Meghdoor for securities / prevention of fraud. But your office has been permitted to other officials to handling those packages vide letter No J-1/MPCM/DNR-III Dated at Dharmanagar the 21.11.2003, which is in contravention of the Directorate letter no 46-5/2004-Tech dated 21-07-2004 / 02-08-2004 of the security guideline in Para 3(b).
- (vi) The UPS is very important parts of computer; it should be placed in a separate area like server room.

5. Moreover, the following position of non-available of accessories also furnished which may kindly be looked into in absence of which is merely possible to run the office as well.

- (i) One trite Vacuum cleaner for cleaning the dust of computer.
(ii) One trifling external HDD for backup
(iii) One insignificant separate room for placing the server.

6. That Sir it is also known to you that the office remained closed as non-transaction day for failure of system and likewise.

As the Department is known to all as full computerized by publicities department and customers become harassed for non-availabilities of service of those days.

Under this circumstance I have the honour to state that it is not possible to continue myself as System Administrator and thus arrange to relief me from the post of System Administrator as your earliest convenience and thus obliged thereby.

I am sorry for failure to fulfill my dream. (Sub office computerization vide my letter no D1 / Computer /DNR Dated at the 10/05/2004).

Kindest

Dated 27-10-06
Dharmanagar- 799250

Yours faithfully
Sd/- Illegible
Dated 27-10-2006
(Prem Rn Debnath)
System Administrator (P /A)
Dharmanagar HO.

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ANNEXURE: - C

DEPARTMENT OF POASTS, INDIA
OFFICE OF THE POSTMASTER DHARMANAGAR HO
DHARMANAGAR- 799250 NE

UR

To
The Superintendent of Post offices,
Dharmanagar Division, Dharmanagar - 799250.

No. A1/Staff/Corr, Dated at Dharmanagar, the 30.10.2006.

Subject: Submission of application-case of Sri Prem Ranjan Debnath, PA (SA),
Dharmanagar HO.

One application, dated 27.10.2006, received from Sri Prem Ranjan Debnath, PA
in charge of SA, seeking exemption from the charge of System Administrator, is
forwarded herewith for favour of kind disposal.

Encl : as above.

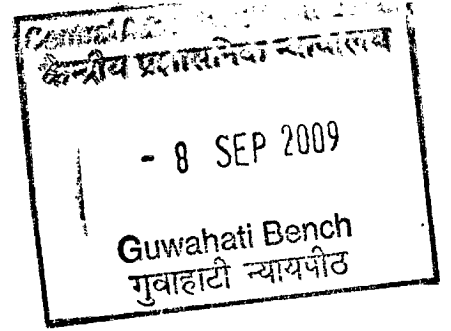
Sd/-
Postmaster, Dharmanagar HO

Copy to : The Concerned official.

Sd/- Illegible
Date:- 30.10.06
Postmaster, Dharmanagar HO.

Attested
Kumar Manoranjan Haloi
Advocate

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ANNEXURE: -D

DEPARTMENT OF POST INDIA
Charge report

Certified that the charge of office of System Administrator was made over by Prem Ranjan Debnath to (name) Rupesh Ch. Das at(place) SA DNR HO on the date 19/01/2007 after noon in accordance with no. B-1 / Rotation / DNR / R-11/2 dated 11-01-2007 from Spost DNR DVN.

Sd/- Prem ranjan Debnath
Relieved Officer

Sd/- Rupesh Ch. Das
Relieving Officer

Forwarded to Self

Attested
Kumar Manoranjan Haloi
Advocate

ANNEXURE: - E.

To
The Superintendent of Post Offices
Dharmanagar Division
North Tripura 799250.

(Through the Postmaster Dharmanagar HO)

No : D1/Computer/DNR Dated Dharmanagar the 19-01-2007
Sub : Hand over the Administrator password to the System Administrator Dnr HO
with all the secure password like SQL server &, Sanchayapost package (All Data-entry & others secure Password) & hand over the all responsibilities of system & databases to the System Administrator Dnr HO.

Ref : Your Letter NoB-1/Rotation/DNR.Pt. II/2 Dated Dharmanagar the 11-01-2007
Respected Sir,

As per your transfer order I Sri Rupesh Ch. Das PA/ASA have been received the all Administrator passwords on 19/01/07 at 1800 hrs. With all responsibilities in the connection of Computer, Computer peripherals, Computer networking, computer data base or computer's Data that was functioning from the beginning of the computerization. The SBCO ledger agreement of SB, MIS, TD, RD etc are not tally with computer's data. So Various irregularities like wrong account holder name, wrong balance, wrong account number etc may be still remaining in the current or old database or database back-up copy. ✓

1. So I have declared that I shall correct / solved the above said irregularities before any final payment or payment or transfer of those accounts and the relieved system Administrator are not liable for those transaction.
2. I also declared that the security passwords are correct and successfully changed by me.
3. Backup of databases as on 19-01-2007, Meghdoot & Sanchay Post were also received and submitted to PM Dharmanagar HQ Supdt. of Post Office Dharmanagar Div & Technology Branch CO Shillong for kept in safe custody.

Sd/- Prem ranjan Debnath
(P.R. Debnath)
Relieved System Administrator
DNR HO

Sd/- Rupesh Ch. Das
(Rupesh Das)
Relieving System Administrator
DNR HO

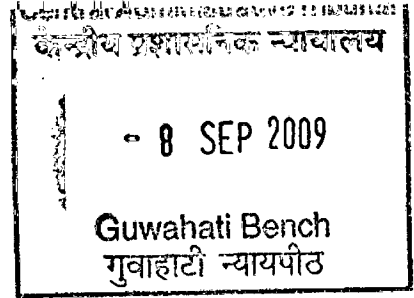
Copy to

- 1) Postmaster, Dharmanagar HO
- 2) Sri Prem Ranjan Debnath
- 3) Sri.....
- 4) Spare

Sd/-Illegible
Date:- 19/1/07
POSTMASTER
DHARMANAGAR H.O.
NORTH TRIPURA-799250.

Attested
Kumar Manoranjan Haloi
Advocate

- 42 -



ANNEXURE:-F

DEPARTMENT OF POSTS: INDIA
OFFICE OF THE SUPDT. OF POST OFFICES
DHARMANAGAR DIVISION, DHARMANAGAR ::: 799250.

To

Sri Prem Ranjan Debnath
PA, Kailashahar MDG
Now on deptyn at SPM, BaburBazar S.O

Regd

B :- 552

Dated at Dharmanagar the 29.05.2007.

Sub:- Non return of Computer Accessories of Dharmanagar H.O.

It is reported by the Postmaster, Dharmanagar H.O that at the time of handing over the charge of System Administrator, Dharmanagar H.O, you did not hand over the following computer accessories to Sri Rupesh Ch Das. You are requested to return the computer accessories immediately under intimation to this office explaining reason for such abnormal delay in returning the items in spite of tephonic reports / assurances.

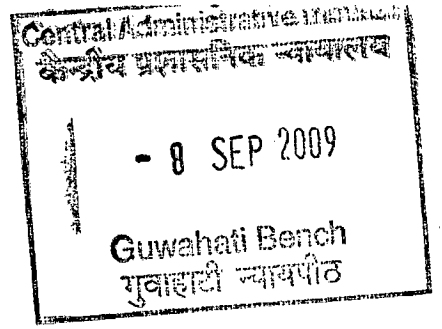
1. SCSI Card (Compaq) - 1
2. SCSI HDD (Seagate) - 1
3. Flatbed Scanner (HP)- 1
4. Speaker System of Kailashahar MDG - 1 (one set)

(Taken from Sri Aditya Sankar Roy Choudhury
the then Postmaster, Kailashahar MDG)

Supdt. of Post Offices.
Dharmanagar Division,
Dharmanagar - 799250

Attested
Kumar Manoranjan Haloi
Advocate

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ANNEXURE:-G

To

The Superintendent of Post offices
Dharmanagar Division
Dharmanagar- 799250

Sub: Non-return of computer accessories of Dharmanagar HO

Ref: Your letter no B 552 dated at Dharmanagar the 29/05/2007

Sir,

With due respect I beg to state that I have already handed over all the accessories of computers and other peripherals with all responsibilities of systems like computers, computer peripherals etc to Sri Rupesh Ch Das at the time of handing over the charge, so returning of computer accessories again does not arise.

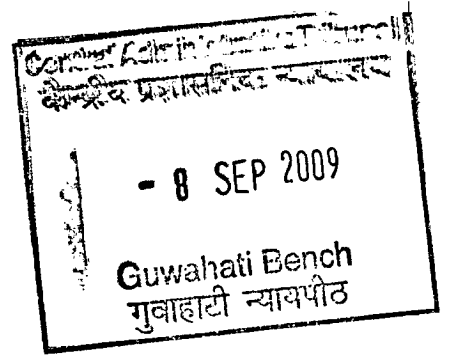
Sri Rupesh Ch Das has signed on the charge reports and other official formalities were maintained during handing over the charge in the presence of respected Postmaster, Dharmanagar HO, (For better references kindly see my letter no D1 / computer / DNR dated at Dharmanagar the 19/01/2007 line no 3 column no 2).

On the other hand the telephonic reports / assurances that was mentioned in your letter, are totally falls and baseless. Kindly enquiry this matter as per as possible and let me free from the baseless and false charges.

Dated 02-06-2007
Place- Kailashahar

Yours faithfully
Sd/- illegible
(PREMRANJAN DEBNATH)
PA, Kailashahar MDG

Attested
Kumar Manoranjan Haloi
Advocate



ANNEXURE: - H.

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE SUPERINTENDENT OF POST OFFICES, DHARMANAGAR
DIVISION
DHARMANAGAR TRIPURA (N) - 799250.

Memo No. SB-I/Misc/Corr

Dated at Dharmanagar the 22nd November, 2007.

Shri Prem Ranjan Debnath, PA Kailashahar MDG is hereby informed that it is proposed to take action against him under Rule - 16 of CCS (CCA) Rules 1965. A statement of the imputations of misconduct or misbehaviour on which action is proposed to be taken as mentioned above is enclosed.

2. Shri Prem Ranjan Debnath is hereby given an opportunity to make such representation as he may wish to make against the proposal.

3. If Shri Prem Ranjan Debnath fails to submit his representation within 10 (ten) days of the receipt of this Memorandum, it will be presumed that he has no representation to make and orders will liable to be passed against Shri. Prem Ranjan Debnath ex-parte.

4. The receipt of this Memorandum should be acknowledged by Shri Prem Ranjan Debnath.

Sd/- Illegible
(B.R. Halder)
Superintendent Posts,
Dharmanagar Division, 799250.

Copy to:

- REGD.A/D 1). Shri Prem Ranjan Debnath, PA. Kailashahar MDG.
2-4). The CR file/ Vig. File./ Personal File of Divisional Office,
3). O C

Sd/- Illegible
Superintendent Posts,
Dharmanagar Division, 799250.

Attested
Kumar Manoranjan Pealoi
Sd/Advocate

Statement of the imputations of misconduct or misbehaviour on which action is proposed to be taken against Shri Prem Ranjan Debnath, former System Administrator, Dharmanagar HO and now PA Kailashahar MDG.

Article-I

That Shri Prem Ranjan Debnath while functioning as System Administrator Dharmanagar HO during the period from 13-03-2001 to 19-01-2007 detected the existence of some fictitious SB accounts in the data base numbering as 273090, 273575, 273250, 272772 and so on, opened long back before the inception of computerization of Dharmanagar HO. The said Shri Prem Ranjan Debnath without bringing the matter to the notice of his immediate superior or the competent authority deleted them from the data base all by himself unauthorizably suppressing such a serious irregularity and fraudulent activity for month and years together till his transfer from Dharmanagar HO in early 2007. He first brought the fact of existence of two such fictitious SB accounts bearing Nos. 272673 and 274160 in the data base of Dharmanagar HO while visiting Dharmanagar HO on 26.05.2007 in connection with attending the monthly meeting of union and that too through Shri Bibhankur Nath PA Rajbari SO. By doing so Shri Prem Ranjan Debnath failed to maintain absolute integrity, devotion to duty and acted in a manner is unbecoming of a Govt. servant as enjoined in Rules 3(1)(i), 3(1)(ii) and 3(1)(iii) of the CCS (Conduct) Rules, 1964. ✓

Article- II

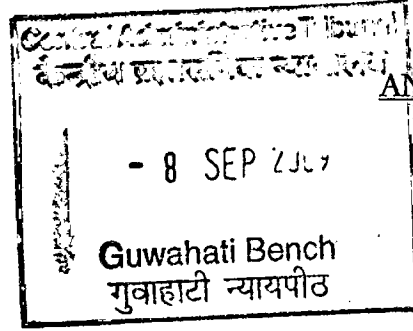
Shri Prem Ranjan Debnath while working as System Administrator and operator of WUMT at Dharmanagar HO during the period from 13-03-2001 to 19-01-2007 took bribe from the bona fide customers of WUMT ensuring prompt and better service. Apart from this he misappropriated the amounts meant for the refreshments of the valued customers of WUMT. ✓

By his above acts the said Shri Prem Ranjan Debnath failed to maintain absolute integrity, devotion to duty and acted in a manner which is unbecoming of a Govt. servant in terms of Rules 3(1)(i), 3(1)(ii) and 3(1)(iii) of CCS (Conduct) Rules, 1964.

Article- III

Shri Prem Ranjan Debnath while functioning as S.A Dharmanagar HO during the aforesaid period took away some computer accessories like SCSI card, One Scanner, one SCSI HDD, CD writer and one Sound System of Kailashahar MDG from the office to his residence with an assurance to return those before his departure to Kailashahar for assuming his duty there as PA Kailashahar MDG on transfer, but did not return those accessories and kept in his personal custody.

Thus the said Shri Prem Ranjan Debnath failed to maintain absolute integrity and acted in a manner which is unbecoming of a Govt. servant violating the provisions of Rules 3(1)(i) and 3(1)(iii) of the CCS (Conduct) Rules, 1964.



To
The Superintendent of Post offices
Dharmanagar Division
Dharmanagar - 799250
North Tripura

(Through the Postmaster Kailashahar MGD)

Ref: SB-I/Misc/Corr

Dated at Dharmanagar the 22nd November, 2007.

Sir

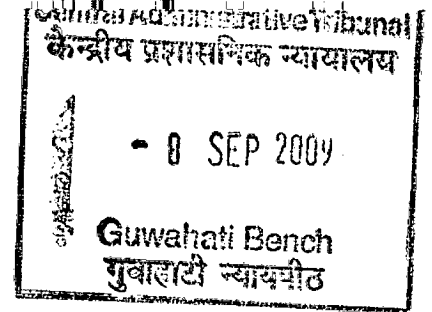
In response to your aforesaid Memo No. SB-I/Misc/Corr Dated at Dharmanagar the 22nd November 2007, I beg to inform you that I received the same on 30/11/2007. I am submitting my representation for favour of kind information please.

That I was appointed as System Administrator, vide letter No. J1/SBLAN/DNR dated at Dharmanagar the 13/03/2001 issued by your predecessor and since my joining as System Administrator I have doing my entrusted duties sencirly, honestly and diligently while I was working as System Administrator vide SPosts. Dharmanagar Division reference No. J-1/MOD/DNR Dated at Dharmanagar 10/07/06 the then Sposts. Dharmanagar Division instructs Postmaster, Dharmanagar H.O to engage three System Administrator namely myself, Sri Rupesh Das of Dharmanagar HO and Sri Parthasarathi Datta of Division office to complete the networking although as per order of the Hon able Sr. DDG (CPT) vide his reference No. D.O. No. 40-34/2000-Tech Dated 26th February 2001 where in there was clear instruction that only one System Administrator should be appointed for the Sanchay Post application and cronically after few days I have been put under so many allegation for the reason not known to me.

As regard article of charges no-1 that Sir, Since my working as System Administrator, Dharmanagar H.O. 13-3-2001 to 19-01-07, after my assumption to the charge of System Administrator, Dharmanagar H.O. on Sept/Oct 2006 from All India Conference of our union at Jawalaji, Himachal Pradesh on Sept 2006. I detected incorporation of few ficitous SB accounts into SB accounts standing open in Dharmanagar H.O. (in the data base/SB software in use in Dharmanagar H.O.) viz, 273090, 273575, 273250, 272772, 272673, & 274160 which existed in the Dharmanagar H.O. earlier either erroneously during data entry or hoaxly by one of the remaining Two System Administrator of Dharmanagar Division, Shri Rupesh Das, Asst. System Administrator and Shri Parthasarathi Datta, PA, Divisional office, who are equally responsible for safty and security of computer system and computer accessories as they shared all passwords & software and other responsibilities of System Administrator vide Sposts letter No J-1/MOD/DNR Dated at Dharmanagar 10/07/2006 (in contravention of Sr. DDG (Posts) complaints letter No. D.O. No. 40-34/2000-Tech Dated 26th February 2001. Thus, on 16/10/07, after consulting other System Administrator (though not mandatory) so as to prevent loss of Govt. money, like automatic credit of Interest or withdrawals and for

Attested

*Kumari Ranjan Haloi
Advocate*



interest of the public, I provisionally deleted those said wrong / incorrect SB accounts from the database after taking backup copy which was immediately handed over to Postmaster, Dharmanagar H.O. (retaining the same in the separate location in the server for n/a by higher authority, if required) duly noting in the Error Book with due information to the Postmaster, Dharmanagar (mandatory) as a immediate precautionary measures, as per the office procedure of System Administrator and also right conferred to the System Administrator vide SPosts, Dharmanagar Letter No. J-1/Security Guidelines/computer dated at Dharmanagar the 29.09.2004 in pursuance of CPMG, Shillong letter No. MOD/Security/ comp dated 13.08.2004 as per Dte's Lr No. 46-5/2004-Tech Dated 21.07.2004/ 02.08.2004 to follow orders issued time to time by Government of India Ministry of Information Technology.

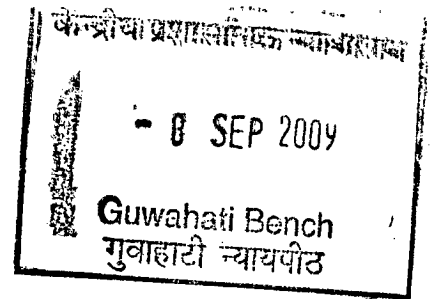
"Government of India, Ministry of Information Technology, New Delhi, the 17th October, 2000 NOTIFICATION G.S.R 789 (E) In exercise of the powers conferred by section 87 of the Information Technology Act, 2000 (21 of 2000).

- Where in under security guidelines (schedule II) Rule 5 clause 3 & 4 specifically sated that.....

- (3) The responsibility to create, classify, retrieve, modify, delete or archive information must rest only with the System Administrator.
- (4) Any password used for the system administration and operation of trusted services must not be written down (in paper or electronic form) or shared with any one."

Sir, it is pertinent mention here that it is not possible on the part of any System Administrator to Sought for permission from higher authorities for deleting /editing etc of all incorrect / wrong SB /RD accounts opened during, data postings or computerization of SB works in any office or settlement /modifying of any wrong accounts. Sir, it is very petty that I submitted my application dated 27/10/06 enlighting some irregularities in securities of Server & software of Dharmanagar HO and thus seeking exemption from the charge of System Administrator, Dharmanagar H.O. through proper channel as because of violation of orders of DDG(Posts) and orders issued by Information and technology time and again but surprisingly neither the Post Master, Dharmanagar H.O. Shri Nirmal Suklabaidya nor SPosts, Dharmanagar Division felt not necessary to asked me either in writing or in personal the reasons for sudden exemption from such responsible posts in the mid term when I was as System administrator, Dharmanagar H.O since my joining the department. That with reference to your letter No B-1 / Rotation /DNR. Pt. II /2 Dated Dharmanagar the 11/01/2007 I was transferred at Kailashahar MDG as PA/ System Administrator and at the time of hand-over the charges of System Administrator, I informed all the happening to the relieving System Administrator, Sri Rupesh Das, that various irregularities like wrong account number, wrong name, wrong balance etc may be till remaining in the computer database which was communicated to you vide reference No D1/Computer/DNR Dated Dharmanagar the 19/01/07 through Postmaster Dharmanagar HO.

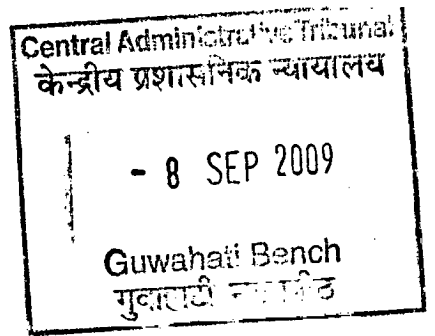
However, on 26/5/07 during my visit to Dharmanagar H.O In c/w attending monthly meeting of union, suddenly Shri. ParthaSarathi Datta, System Administrator,



Dharmanagar H.O charged me to return 3(three) Nos computer accessories, I was shocked and as I have not taken any computer accessories. By the way I for greater interest of Department beg to bring to your kind notice one such instance of opening of incorrect SB accounts in Dharmanagar H.O. through Shri. Bibhankur Nath, PA, Rajbari S.O. if re-opened and bring notice the illegalities of System Administrator, Dharmanagar H.O. Thus, I affirm your good-self to ponder over the charges leveled against me under article-I of the memo dated 22/11/07 and set me free of the charges as because no way I am responsible for any illegalities & violation of any rules regulation.

Regarding the charges in article No-II of your memo I beg to inform you that the entire WUMT Service was exclusive duty of the Post Master, Dharmanagar H.O. not my as System Administrator Dharmanagar H.O during 13-3-2001 to 19-01-2007. The entire WUMT business transactions used to be done in the chamber of the Post Master, Dharmanagar H.O. in the computer meant for the purpose installed in his chamber. The payments to WUMT subscribers were being directly done by treasurer, Dharmanagar H.O. after the Post Master himself satisfies with the MTCN & identity card of the customers in the computer in his chamber. Thus, no where in the above activities the System Administrator is connected with the transaction except maintenance of computers etc as and when required. Thus, question of taking bribe from bonafide customers of WUMT and misappropriation of the amounts meant for refreshments of the valued customers is not correct. The above allegations against me has been brought to the kind notice of SPosts just to remove me from the dual charge of System Administrator and Secretary NFPE which could be done only by stationed at Dharmanagar H.O. (Avoidance of rotational transfer of PAs as three System Administrator stationed at the same place and duty is not permissible as per Dte's order). This allegation made against me after elapsed of 10(ten) months when I am not in that chair or office.

Regarding charges in article III, that before my transfer from Dharmanagar H.O to Kailashahar MDG, Shri Rupesh Das, Asst. System Administrator, and Shri. Parthasarathi Datta, PA, Divisional office, who were equally responsible for computer accessories and other responsibilities of System administrator vide SPosts letter No J-1/MOD/DNR Dated at Dharmanagar 10/07/2006. It is kind reference is invited to your letter No B:- 552 Dated at Dharmanagar the 29.05.2007 in which I was specifically asked to return 4(four) numbers of computer accessories viz-1) one SCSI Card, 2) one Scanner, 3) one SCSI HDD, 4) one set Sound system. But in the articles III, I have been charged of taking away to my residence 5(five) Nos of computer accessories viz-1) one SCSI Card, 2) one Scanner, 3) one SCSI HDD, 4) one set Sound system and 5) CD writer. Sir, in my representation dated 02-06-2007 where in I categorically stated that all the computer peripherals were handed over to Sri Rupesh Das under receipt (though not mandatory) at the time of my handing over the charges of System Administrator. And ever since then Shri Rupesh Das, System Administrator, Dharmanagar H.O. did not either enquired for any missing computer peripherals/ accessories but after five months from the date my relieve Shri Parthasarathi Datta, System Administrator, Dharmanagar H.O. who took over the charge from Shri. Rupesh Das, System Administrator, Dharmanagar H.O charged me to return 3(three) Nos



computer accessories viz-1) one SCSI card, 2) one Scanner,3) one set Sound system on 26/05/07.

I beg to submit some of the events for your kind perusal. Shri. Parthasarathi Datta, System Administrator, Dharmanagar H.O. former PA, Divisional office, Stock branch received the new version of Software package from circle office time to time for supply to System Administrator of head office but he used to corrupt some files in the software CD/CDs before supply it to the head office so as to unable me to use the packages for departmental purposes. The original copy of the software package used to be kept in his custody (which is in contravention of orders from IT Act.) to shows monopoly over the matter of the technical work than actual System Administrator. As he later on installed the sub office modules of Meghdoot ver 6.2 package in 2006, Meghdoot package ver 6.3 in 2007 at Kailashahar MDG with out receiving or collecting the software from me or Postmaster so it is clear that the original software CDs were kept in his custody.

I requested to Amir Kharkongar, System Administrator, Circle office, Shillong through telephone for supply of the software directly to the head office but he deny. The entire matter described above was also noted in the ERROR BOOK duly signed by Post Master, Dharmanagar.

That as per order of the Hon able DDG(CPT) vide his reference No D.O. No. 40-34/2000-Tech dated 26/02/2001 where in there was clear instruction that the System Administrator should be asked in writing not to give the password of SQL Server to any other person but keep it to himself.

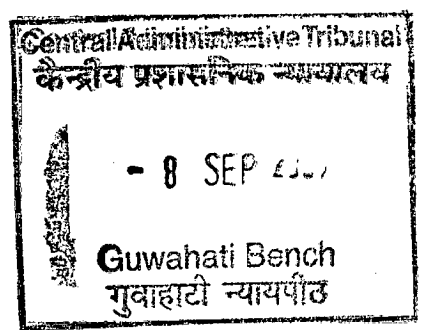
That as per order of the Hon able DDG(Technology) vide his reference No D.O. No. 40-44/98-CPT New Delhi Dated Dated 16/08/99 where in there was clear instructed that it must be ensure that the System Administrator password is not known to any body else in the office.

But vide SPosts, Dharmanagar Division reference No J-1/SBLAN/DNR dated at Dharmanagar 31/10/2006 your predecessor instructed me to handover all administrative passwords (window 2003 Server, SQL Server & Sanchay Post) to Postmaster, Kailashahar MDG. I acted likewise.

It is pertinent to mentioned here that the notification of the Ministry of information Technology, New Delhi Dated 17 October 2000, the information certifying Authority rules (IT act 2000) published with reference to Section 87 of the Information Technology Act, 2000(21 of 2000) where in security guide lines (Schedule-II) Rules 5 clause 1 & 2 specifically stated that

“(1) Each organization shall designate a properly trained “System Administrator” who will ensure that the protective security measures of the system are functional and who will maintain its security posture. Depending upon the complexity and security needs of a system or application, the System Administrator may have a designated System Security Administrator who will assume security responsibilities and provide physical, logical and procedural safeguards for information.

(2) Organisations shall ensure that only a properly trained System Security Administrator is assigned the system security responsibilities.”



In view of above circumstances sharing of the passwords, securities & responsibilities in the connection of computer system in Dharmanagar Division I felt cause break-down total system and consequent easy fraud in future and thus I submitted my exemption from the charge of System administrator.

Whatever done and caused to be done for benefit of the department from which I am earning my livelihood for my family and myself and unfortunately I became the victim of the circumstances.

I beg to submit to enquire about all the facts, circumstances so that the truth may be brought to book and to find out if I actually responsible for any illegalities. My fault is that I disclosed something, which cause problem to some one and I have been put in some false allegation for which I became the victim.

I have not done any illegalities during the period mentioned above as unbecoming of a System Administrator under the provision of rule 3(1)(i), 3(1)(ii) and 3(1)(iii) of the CCS(Conduct) Rules, 1964.

Now, I Therefore deny entire charges and prayed to your kind honour that you would be kind enough to pass an order for absolve me from the alleged charges and obliged thereby.

Dated :- 08/12/2007
Place: - Kailashahar

Yours faithfully
Sd/- Prem ranjan Debnath
Dt; - 8/12/07
(PREM RANJAN DEBNATH)
Former System Administrator
and now PA. Kailashahar
MDG.

- 51 -

8 SEP 2009

Guwahati Branch
গুৱাহাটী শাখা

ANNEXURE:-I

DEPARTMENT OF POSTS, INDIA
OFFICE OF THE SUPERINTENDENT POSTS, DHARMANAGAR DIVISION,
DHARMANAGAR, NORTH TRIPURA: 799250.

Memo No. SB-I/Misc/Corr

Dated at Dharmanagar the 31-01-2008.

Sri Prem Ranjan Debnath, former System Administrator, Dharmanagar HO and now PA, Kailashahar MDG was proceeded against under Rule-16 of the CCS (CCA) Rules 1965 vide this office memo of even no. dated 22-11-2007. The statement of imputations of misconduct or misbehaviour on which action was proposed to be taken against Sri Prem Ranjan Debnath is as follows:-

Article-I

That Shri Prem Ranjan Debnath while functioning as System Administrator Dharmanagar HO during the period from 13-03-2001 to 19-01-2007 detected the existence of some fictitious SB accounts in the data base numbering as 273090, 273575, 273250, 272772 and so on, opened long back before the inception of computerization of Dharmanagar HO. The said Shri Prem Ranjan Debnath without bringing the matter to the notice of his immediate superior or the competent authority deleted them from the data base all by himself unauthorizedly suppressing such a serious irregularity and fraudulent activity for months and years together till his transfer from Dharmanagar HO in early 2007. He first brought the fact of existence of two such fictitious SB accounts bearing Nos 272673 and 274160 in the data base of Dharmanagar HO while visiting Dharmanagar HO on 26-05-2007 in connection with attending the monthly meeting of union and that too through Shri Bibhankur Nath PA Rajbari SO. By doing so Shri Prem Ranjan Debnath failed to maintain absolute integrity, devotion to duty and acted in a manner which is unbecoming of a Govt. servant as enjoined in Rules 3(1)(i), 3(1)(ii) and 3(1)(iii) of the CCS (Conduct) Rules, 1964.

Article -II

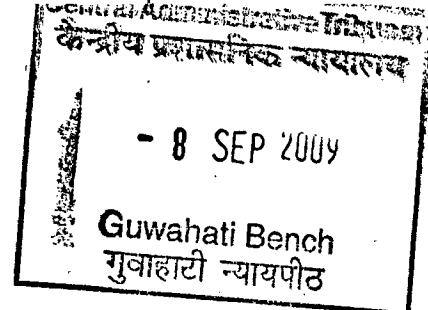
Shri Prem Ranjan Debnath while working as System Administrator and operator of WUMT at Dharmanagar HO during the period from 13-03-2001 to 19-01-2007 took bribe from the bona fide customers of WUMT ensuring prompt and better service. Apart from this he misappropriated the amounts meant for the refreshments of the valued customers of WUMT.

By this above acts and said Shri Prem Ranjan Debnath failed to maintain absolute integrity, devotion to duty and acted in a manner which is unbecoming of a Govt. servant in terms of Rules 3(1)(i), 3(1)(ii) and 3(1)(iii) of CCS (Conduct) Rules, 1964.

Article - III

Shri Prem Ranjan Debnath while functioning as S.A Dharmanagar HO during the aforesaid period took away some computer accessories like SCSI card, One Scanner, one SCSI HDD, CD writer and one Sound System of Kailashahar MDG from the office to his residence with an assurance to return those before his departure to Kailashahar for assuming his duty there as PA Kailashahar MDG on transfer, but did not return those accessories and kept in his personal custody.

Attested
Kumar Manoranjan Haloi
Advocate



Thus the said Shri Prem Ranjan Debnath failed to maintain absolute integrity and acted in a manner which is unbecoming of a Govt. servant violating the provisions of Rules 3(1)(i) and 3(1)(iii) of the CCS (Conduct) Rules, 1964.”

2. In this said memo. Sri Prem Ranjan Debnath was given an opportunity to make such representation as he may wish to make against the proposal within 10 days of receipt of the memorandum. The above memo was received by Sri Prem Ranjan Debnath on 30-11-2007. He then submitted his written representation vide his letter No. nil dated 08-12-07, the text of which is read as under:

“Sir,

In response to your aforesaid Memo. No.SB-I/Misc/Corr Dated at Dharmanagar the 22nd November 2007, I beg to inform you that I received the same on 30/11/2007. I am submitting my representation for favour of your kind information please.

That I was appointed as System Administrator, vide letter No. JI/SBLAN/DNR dated at Dharmanagar the 13/03/2001 issued by your predecessor and since my joining as System Administrator I have doing my entrusted duties sencirly, honestly and diligently while I was working as System Administrator vide SPosts. Dharmanagar Division reference No. J-I/MOD/DNR Dated at Dharmnagar 10/07/06 the then Sposts. Dharmanagar Division instructs Postmaster, Dharmanagar H.O to engage three System Administrator namely myself, Sri Rupesh Das of Dharmanagar HO and Sri Parthasarathi Datta of Division office to complete the networking although as per order of the Hon'ble Sr.DDG(CPT) vide his reference No. D.O. No. 40-34/2000-Tech Dated 26th February, 2001 where in there was clear instruction that only one System Administrator should be appointed for the Sanchay Post application and cronicaly after few days I have been put under so many allegation for the reason not known to me.

As regards article of charges no-1 that Sir, Since my working as System Administrator, Dharmanagar H.O. 13-3-2001 to 19-01-07, after my assumption to the charge of System Administrator, Dharmanagar H.O. on Sep/Oct 2006 from All India Conference of our Union at Jawalaji, Himachal Pradesh on Sept 2006. I detected incorporation of few fictitious SB accounts into SB accounts standing open in Dharmanagar H.O.(In the data base/ SB software in use in Dharmanagar H.O.) viz, 273090,273575,273250,272772, 272673 & 274160 which existed in the Dharmanagar H.O. earlier either erroneously during data entry or hoaxly by one of the remaining Two System Administrator of Dharmanagar Division, Shri Rupesh Das, Asstt. System Administrator and Shri Parthasarathi Datta, PA, Divisional office who are equally responsible for safty and security of computer system and computer accessories as they shared all passwords & software and other responsibilities of System Administrator vide SPosts letter No. J-I/MOD/DNR dated at Dharmanagar10/07/2006 (in contravention of Sr. DDG(posts) complaints letter No. D.O. No. 40-34/2000-Tech Dated 26th February 2001. Thus, on 16/10/06, after consulting other System Administrator (though not mandatory) so as to prevent loss of Govt. money like automatic credit of Interest or withdrawals and for interest of the public, I provisionally deleted those said wrong/incorrect SB accounts from the data base after taking backup copy which was immediately handed over to Postmaster, Dharmanagar H.O. (retaining the same in the separate location in the server for n/a by higher authority, if required) duly noting in the Error Book with due

information to the Postmaster, Dharmanagar (mandatory) as a immediate precautionary measures, as per the office procedure of System Administrator and also right conferred to the System Administrator vide Spots. Dharmanagar letter No. J-I/Security Guidelines/computer Dated at Dharmanagar the 29.09.2004 in pursuance of CPMG, Shillong letter No. MOD/Security/comp dated 13.08.2004 as per Dte's Lr No. 46-5/2004-Tech Dated 21.07.2004/02.08.2004 to follow orders issued time to time by Government of India, Ministry of Information Technology.

"Government of India, Ministry of Information technology, New Delhi, the 17th October, 2000 NOTIFICATION G.S.R 789 (E) In exercise of the powers conferred by section 87 of the Information Technology Act, 2000 (21 of 2000).- Where in under security guidelines (schedule II) Rule 5 clause 3 &4- specifically sated that....

(3) The responsibility to create, classify, retrieve, modify, delete or archive information must rest only with the System Administrator.

(4) Any password used for the system administrator and operation of trusted services must not be written down (in paper or electronic form) or shared with any one"

Sir, it is pertinent to mention here that it is not possible on the part of any System Administrator to Sought for permission from higher authorities for deleting/editing etc of all incorrect/ wrong SB/RD accounts opened during, data postings or computerization of SB works in any office or settlement/modifying of any wrong accounts. Sir, it is very petty that I submitted my application dated 27.10.06 enlighting some irregularities in securities of Server & software of Dharmanagar HO and thus seeking exemption from the charge of System Administrator, Dharmanagar H.O. through proper channel as because of violation of orders of DDG(Posts) and orders issued by Information and technology time and again but surprisingly neither the Postmaster, Dharmanagar H.O. Shri Nirmal Suklabaidya nor SPosts, Dharmanagar Division felt not necessary to ask me either in writing or in personal the reasons for sudden exemption from such responsible posts in the mid term when I was as System administrator, Dharmanagar H.O since my joining the department. That with reference to your letter No. B-I/Rotation/ DNR. Pt. II/2 Dated Dharmanagar the 11/01/2007 I was transferred at Kailashahar MDG as PA/ System Administrator and at the time of hand-over the charges of System Administrator, I informed all the happening to the relieving System administrator, Sri Rupesh Das, that various irregularities like wrong account number, wrong name, wrong balance etc may be till remaining in the computer data base which was communicated to you vide reference No. DI/Computer/DNR Dated Dharmanagar the 19/01/07 through Postmaster Dharmanagar HO.

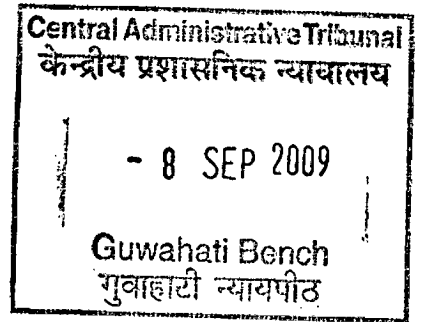
However, on 26/05/07 during my visit to Dharmanagar H.O in c/w attending monthly meeting of union, suddenly Shri ParthaSarathi Datta , System Administrator , Dharmanagar H.O charged me to return 3 (three) Nos computer accessories, I was shocked and as I have not taken any computer accessories. By the way I for greater interest of Department beg to bring to your kind notice one such instance of opening

of incorrect SB accounts in Dharmanagar H.O through Shri Bibhankur Nath, PA, Rajbari S.O. if re-opened and bring notice the illegalities of System Administrator, Dharmanagar H.O. Thus, I affirm your good- self to ponder over the charges leveled against me under article- I of the memo dated 22/11/2007 and set me free of the charges as because no way I am responsible for any illegalities & violation of any rules regulation.

Regarding the charges in article No-II of your memo I beg to inform you that the entire WUMT Service was exclusive duty of the Postmaster, Dharmanagar H.O. not my as System Administrator Dharmanagar H.O. during 13.3.2001 to 19.01.2007. The entire WUMT business transactions used to be done in the chamber of the Postmaster, Dharmanagar H.O in the computer meant for the purpose installed in his chamber. The payments to WUMT subscribers were being directly done by treasure, Dharmanagar H.O. after the Postmaster himself satisfies with the MTCN & identity card of the customers in the computer in his chamber.

Thus, no where in the above activities the System Administrator is connected with the transaction except maintenance of computers etc as when required. Thus, question of taking bribe from bonafide customers of WUMT and misappropriation of the amounts meant for refreshments of the valued customers is not correct. The above allegations against me has been brought to the kind notice of SPosts just to remove me from any dual charge of System Administrator and Secretary NFPE, which could be done only by stationed at Dharmanagar H.O (Avoidance of rotational transfer of Pass as three System Administrator stationed at the same place and duty is not permissible as per Dte's order). This allegation made against me after elapsed of 10(ten) months when I am not in the chair or office.

Regarding charges in article III, that before my transfer from Dharmanagar H.O. To Kailashahar MDG, Shri Rupesh Das, Asst. System Administrator and Shri Parthasarathi Datta, PA, Divisional office, who were equally responsible for computer accessories and other responsibilities of System Administrator vide SPosts letter No. J-I/MOD/DNR Dated at Dharmanagar 10.07.2006. it is kind reference is invited to your letter No. B-552 Dated at Dharmanagar the 29.05.2007 in which I was specifically asked to return 4 (four) numbers of computer accessories viz.-1) one SCSI Card, 2) one Scanner, 3) one SCSI HDD, 4) one set Sound system. But in the articles-III, I have been charged of taking away to my residence 5(five) Nos of computer accessories viz-1) one SCSI Card,2) one Scanner, 3) one SCSI HDD, 4) one set Sound system and 5) CD writer. Sir, in my representation dated 02-06-2007 where in I categorically stated that all the computer peripherals were handed over to Sri Rupesh Das under receipt (though not mandatory) at the time of my handing over the charges of System Administrator. And ever since then Shri Rupesh Das, System Administrator, Dharmanagar H.O. did not either enquired for any missing computer peripherals/accessories but after five months from the date of my relieve Shri Parthasarathi Datta, System Administrator, Dharmanagar H.O. who took over the charge from Shri Rupesh Das, System Administrator, Dharmanagar H.O. charged me to return 3(three) Nos computer accessories viz-1) one SCSI card, 2) one Scanner, 3) one set Sound System on 26/05/07.



I beg to submit some of the events for your kind perusal.

Shri Parthasarathi Datta, System Administrator, Dharmanagar H.O. former PA, Divisional office. Stock branch received the new version of software package from circle office time to time for supply to System Administrator of head office but he used to corrupt some files in the software CD/CDs before supply it to the head office so as to unable me to use the packages for departmental purposes. The original copy of the software package used to be kept in his custody (which is in contravention of orders from IT Act.) to shows monopoly over the matter of the technical work than actual System Administrator.

As he later on installed the sub office modules of Meghdoot ver 6.2 package in 2006, Meghdoot package ver 6.3 in 2007 at Kailashahar MDG without receiving or collecting the software from me or Postmaster so it is clear that the original software CDs were kept in his custody.

I request to Amir Kharkongar, System Administrator, Circle office, Shillong through telephone for supply of the software directly to the head office but he deny. The entire matter described above was also noted in the ERROR BOOK duly signed by Post Master, Dharmanagar.

That as per order of the Hon ble DDG(CPT) vide his reference No. D.O. No. 40-34/2000-Tech dated 26/02/2001 where in there was clear instruction that the System Administrator should be asked in writing not to give the password of SQL Server to any other person but keep it to himself.

That as per order of the Hon ble DDG(Technology) vide his reference No. D.O. No. 40-44/98-CPT New Delhi Dated 16/8/99 where in there was clear instructed that it must be ensure that the System Administrator password is not known to any body else in the office.

But vide SPosts, Dharmanagar Division reference No. J-I/SB LAN/DNR dated at Dharmanagar the 31/10/2006 your predecessor instructed me to hand over all administrative passwords (window 2003 Server. SQL Server & Sanchay Post) to Postmaster, Kailashahar MDG. I acted likewise.

It is pertinent to mention here that the notification of the Ministry information Technology , New Delhi Dated 17 October 2000, the information certifying Authority rules (IT act 2000) published with reference to Section 87 of the Information Technology Act, 2000(21 of 2000) where in security guide lines (Schedule-II) Rules 5 clause 1 & 2 specifically stated that

“(1) Each organization shall designate a properly trained “System Administrator” who will ensure that the protective security measures of the system are functional and who will maintain its security posture. Depending upon the complexity and security needs of a system or application, the System Administrator may have a designated System Security Administrator who will assume security responsibilities and provide physical, logical and procedural safeguards for information”.

(2) Organizations shall ensure that only a properly trained System Security Administrator is assigned the system security responsibilities.”

In view of above circumstances sharing of the passwords, securities & responsibilities in the connection of computer system in Dharmanagar Division I felt cause break-down total system and consequent easy fraud in future and thus I submitted my exemption from the charge of System administrator.

Whatever done and caused to be done for benefit of the department from which I am earning my livelihood for my family and myself and unfortunately I became the victim of the circumstances.

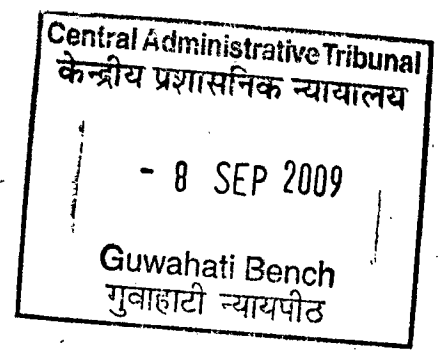
I beg to submit to enquire about all the facts, circumstances so that the truth may be brought to book and to find out if I actually responsible for any illegalities. My fault is that I disclosed something, which cause problem to some one and I have been put in some false allegation for which I became the victim.

I have not done any illegalities during the period mentioned above as unbecoming of a System Administrator under the provision of rule 3(1) (i), 3(1)(ii) 3(1)(iii) of the CCS(Conduct) Rules, 1964.

Now, I therefore deny entire charges and prayed to your kind honour that you would be kind enough to pass an order for absolve me from the alleged charges and obliged thereby.”

3. OBSERVATION :-

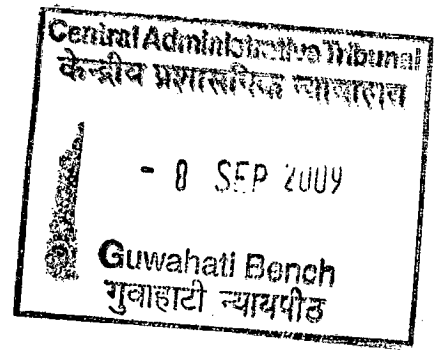
I have gone through the articles of charges, the written representation of the charged official and other related records, documents and rulings thoroughly and carefully. Shri Prem Ranjan Debnath, charged official was entrusted with the duties of System Administrator of SBLAN newly termed as Sanchay Post of Dharmanagar HO vide SP.DNR memo. No. J-I/SBLAN/DNR dated 13.03.2001. Subsequently an instruction was issued to the Postmaster Dharmanagar HO vide Divl. Office memo. No. J-I/MOD/DNR dated 10.07.2006 to get the networking of Dharmanagar HO done by three System Administrators viz. Shri P.R. Debnath, Shri Rupesh Das and Shri Parthasarathi Datta. The term System Administrator was used as all of them were trained as System Administrator by the Department. The letter was addressed to the Postmaster, Dharmanagar and not to Shri P.R. Debnath. Apart from this there was no instruction of either handing over or sharing the Passwords of System Administration of Sanchay Post and Meghdoot with Shri Rupesh Das or Shri Parthasarathi Datta. There was no documentary evidence of handing over or sharing the passwords of System Administration of Sanchay Post and Meghdoot with Shri Rupesh Das and Shri Parthasarathi Datta. Shri P.R. Debnath was the only and sole System Administrator of Sanchoy Post & Meghdoot. Shri Rupesh Das was there in Dharmanagar HO to assist Shri P.R. Debnath in addition to his assigned duties. Virtually there was no documentary evidence to the effect that the passwords of System Administration were ever shared by Shri P.R. Debnath and Shri Rupesh Das before release of Shri P.R.



Debnath from Dharmanagar HO on 19-01-2007. Shri P.S. Datta was P.A. Divl. Office and in addition he was looking after computer System of Divl. Office as System Administrator of Divisional Office. Evidently enough that there had been no deviation to the instructions issued by the Sr. DDG (Posts) vide his DO letter No. 40-34/2000-Tech dated 26-02-2001.

There is no option in any version of Sanchay Post Software so far released by Datanet Corp. either to detect or delete any account number, transaction by the System Administrator i.e. Superuser. The duties of the Superuser in Sanchay Post has been to create user, modify user disable user i.e. user management. Deletion / modification of account number, transaction etc. are done by the concerned Supervisor through Dataentry module, not by Superuser i.e. System Administrator. So it is clear that the whole process of deletion in the instant case was done directly by accessing the database using Administrator Password. Unless one does not have Administrator Password one cannot access the database directly. But there was no record or documentary proof of usage of Administrator Password for deletion of so called fictitious accounts. Obviously this is clear violation of Clause 5.1. (4) of Schedule II of Information Technology Act 2000 (21 of 2000). Moreover, the responsibility of detection of any account opened in contravention of rule, any transaction made in contravention of rule is assigned to Savings Bank Control Organisation of the concerned HO. So, if any unusual occurrence is observed by any user of Savings Bank in respect of any account, transaction, it is incumbent on his part to bring it to the notice of the SBCO. The SBCO on its part is to compile the irregularities noticed and put up before the management for decision. If any deletion is to be done, this is to be done by the concerned Supervisor i.e. DPM for HO and APM SOSB for SOs. Thus the deletion of so called fictitious accounts by the said Shri Prem Ranjan Debnath as S.A. without permission of the management was clear violation of rule.

It is evidently enough from the written deposition of Shri Subhas Sen of Kalibari Road, Dharmanagar dtd. 28-06-07 and the letter of complaint dated 13-02-06 of Md. Abdul Malik of Kalaganger par (Kadamtala) both customers of Western Union Money Transfer as well as from the written statements of number of staff members of Dharmanagar like Sri Abhijit Bhattacharjee, Smt. Sukla Ghosh, Sri Bimalendu Dey Kanongoe, Sri Samir Bhattacharjee and others that the said P.R. Debnath took bribes from the WUMT customers when he was entrusted with the job of operation of the System on behalf of the Postmaster and visible in the relevant records like TRM forms, register and vouchers in ACG-67 prepared in his own hand writing. It is also apparently clear from the written deposition of the charged official dtd 16-06-07 that there was no allegation against him when Rs.50/- per transaction of WUMT were being charged as entertainment cost since 2002. But the problem cropped up as soon as Sri N. Suklabaidya took over the charge of the office of Postmaster Dharmanagar HO as the said Sri Suklabaidya wanted to have the lion share of the surplus amount saved after meeting the nominal expenditure actually incurred for offering tea, biscuits etc. Thus it is but an admitted fact that prior to joining of Sri N. Suklabaidya as Postmaster Sri P.R. Debnath himself enjoyed the whole surplus amount. Hence the article II of the charge sheet has been empty established.



Similarly the fact of taking away some computer accessories like SCSI Card, one Scanner, One SCSI HDD, CD writer and one Sound System of Kailashahar MDG from the office to his residence by the said Sri P.R. Debnath is reasonably proved from the written depositions of Sri Rupesh Das PA/SA Divl. Office dtd. 13-06-07, Sri Partha sarathi Datta PA/SA Dharmanagar HO dtd. 19-06-07 and other reliable sources. The plea of the official that he handed over the accessories to Sri Rupesh Das under receipt is quite significant as he suppressed the fact of taking away those accessories with verbal assurance in presence of number of staff members to return those after few days. Shri Rupesh Das enquired about those accessories over phone on several occasions, but those were not returned and ultimately denied to have taken them. From the manner of handing over the accessories under receipt though not mandatory as stated by Shri Debnath appears to be a preplanned action with some ulterior motive.

From the above discussion it is clear like anything that the articles of charges leveled against the said Sri Prem Ranjan Debnath have been established both by records/documents as well as circumstances and the offence committed by him is very grave in nature involving doubtful integrity leaving no scope of show leniency in disposing the case. However, the undersigned decides the case with order as under:

ORDER

4. I Shri B.R. Halder, Supdt. of Posts, Dharmanagar Division, Dharmanagar and the disciplinary authority in the case do hereby impose the penalty of withholding of one increment of Sri Prem Ranjan Debnath P.A. Kailashahar MDG for a period of 3(three) years with effect from the date his next increment is due without cumulative effect.

Sd/- illegible
(B.R. Halder),
Superintendent Posts,
Dharmanagar Division, 799250.

Copy to:-

- REGD. AD**
1. Shri Prem Ranjan Debnath, PA, Kailashahar MDG.
 2. The Postmaster, Dharmanagar HO for information and necessary action.
 3. DA (P), Shillong (through the Postmaster, Dharmanagar HO).
 4. The Chief PMG (Inv), N E Circle, Shillong-1 (through monthly statement)
 - 5-7. C R file/Personal file of Official / Vig file, Divnl. Office, Dharmanagar.
 - 8-9. O/C and Spare.

Sd:- illegible
Superintendent Posts,
Dharmanagar Division, 799250.

-59-

ANNEXURE: - K.

BEFORE THE

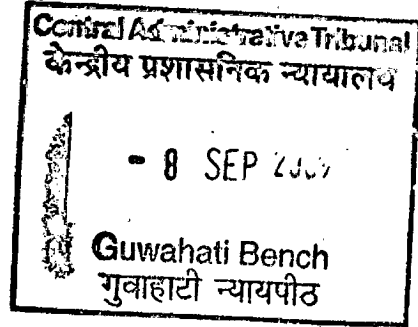
DIRECTOR OF POSTAL SERVICES (HEAD QUARTER)
N.E. CIRCLE, SHILLONG.THROUGH PROPER CHANELLIN THE MATTER OF

The Memo of Appeal against the order dated 31-01-2008 passed in c/w Memo No. SB-1/Misc/Corr by Sri B.R. Halder Superintendent of Post, Dharmanagar Division and the disciplinary authority imposing the penalty of withholding of one increment of Sri Prem Ranjan Debnath P.A. Kailashahar MDG for a period of 3 years w.e.f. the date his next increment is due without cumulative effect.

AND

IN THE MATTER OFSri Prem Ranjan Debnath.
P.A. Kailashahar.MDG.C.O/ APPELLANT

The Appellant (Charge Officer) Most
Respectfully State as Follows:-



1. That, the appellant is an employee under your kind control and supervision and now is performing his duty under the capacity of P.A. Kailashahar MDG. Since his joining serving he has been doing his entrusted duties honestly, sincerely and diligently.

2. That Sir, while he was working as P.A. Kasilashahar he has been issued a Memo No. SB-1/Misc/Corr dated 22nd November 2007 where in he has been informed that, an action against him under Rule 16 of CCS (CCA) Rule 1965 was proposed to be taken for imputation of misconduct or misbehavior enclosing copy of charge being Article-I, Article -II, Article-III and asked him to submit his representation within 10 days.

The Article of Charge as follows:-

Statement of the imputation of misconduct or misbehavior on which action is proposed to be taken against Sri. Prem Ranjan Debnath, former System Administration, Dharmanagar HO and now PA Kailashahar MDG.

Article-I

That Sri Prem Ranjan Debnath while functioning as System Administrator Dharmanagar HO during the period 13-03-2001 to 19-01-2007 detected the existence of some fictitious SB accounts in the date base numbering 273090, 273575, 273250, 272772 and so on, opened long back before the inception of computerization of Dharmanagar HO. The said Sri Prem Ranjan Debnath without bring the matter to the notice of his immediate superior or the competent authority deleted them from the data base all by himself

Attested
Kumar Manoranjan Haloi
Advocate

unauthorizedly suppressing such a serious irregularity and fraudulent activity for months and years together till his transfer from Dharmanagar HO in early 2007. He first brought the fact of existence of two such fictitious SB accounts bearing Nos 272673 and 274160 in the data base of Dharmanagar HO while visiting Dharmanagar HO on 26-05-2007 in connection with attending the monthly meeting of union and that too through Shri Bibhankur Nath PA Rajbari SO. By doing so Shri Prem Ranjan Debnath failed to maintain absolute integrity, devotion to duty and acted in a manner which is unbecoming of a Govt. servant as enjoining in Rules 3(1)(i), 3(1)(ii), and 3(1)(iii) of the CCS (Conduct) Rules 1964.

Article-II

Shri Prem Ranjan Debnath while working as System Administrator and operator of WUMT at Dharmanagar HO during the period from 13-03-2001 to 19-01-2007 took bribe from the bona fide customers of WUMT ensuring prompt and better service. Apart from this he misappropriated the amounts meant for the refreshment of the valued Customers of WUMT.

By his above acts the said Shri Prem Ranjan Debnath failed to maintain absolute integrity, devotion to duty and acted in a manner which is unbecoming of a Govt. servant in terms of Rules 3(1)(i), 3(1)(ii), and 3(1)(iii) of the CCS (Conduct) Rules 1964.

Article-III

Shri Prem Ranjan Debnath while functioning as S.A. Dharmanagar HO during the aforesaid period took away some computer accessories like SCSI card, One Scanner, One SCSI HDD, CD writer and one Sound System of Kailashahar MDG from the office to his residence with an assurance to return those before his departure to Kasilashahar for assuming his duty there as PA Kailashahar MDG on transfer, but did not return those accessories and kept in his personal custody.

Thus the said Prem Ranjan Debnath failed to maintain absolute integrity and acted in a manner which is unbecoming of a Govt. servant violating the provisions of Rules 3(1)(i), and 3(1)(iii) of the CCS (Conduct) Rules 1964.

3. That Sir, being the recipient of the said charges the appellant submitted his representation denying all allegations as follows:-

To

The Superintendent of Post Office
Dharmanagar Division
Dharmanagar 799250
North Tripura

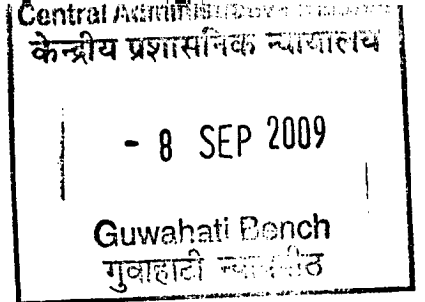
(Through the Postmaster Kailashahar MGD)

Ref:- SB-1/Misc/Corr

Dated at Dharmanagar the 22nd November 2007

Sir,

In response to your aforesaid Memo No. SB-1/Misc/Corr dated at Dharmanagar the 22nd November 2007, I beg to inform you that I received the same on 30-11-2007. I am submitting my representation for favour of kind information please.

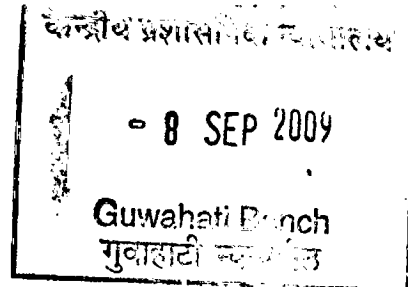


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"Government of Indian, Ministry of Information Technology, New Delhi, the 17th October 2000 NOTIFICATION G.S.R. 789 (E) In exercise of the powers conferred by section 87 of the Information technology Act 2000. (21 of 2000).- Where in under security guidelines(schedule II) Rule 5 clause 3&4-specifically stated that.....

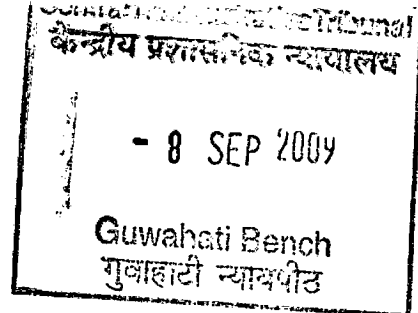
(3) The responsibility to create, classify, retrieve, modify, delete or archive information must rest only with the System Administrator.



(4) Any password used for the system administration and operation of trusted services must not be written down (in paper or electronic form) or shared with any one.”

Sir, it is pertinent to mention here that it is not possible on the part of any System Administrator to Sought for permission form higher authorities for deleting /editing etc of all incorrect/wrong SB/RD accounts opened during, data posting or computerization of SB works in any office of settlement/modifying of any wrong accounts. Sir, it is very petty that I submitted my application dated 27-10-2006 enlighting some irregularities in securities of Server & software of Dharmanagar HO and thus seeking exemption from the charge of System Administrator, Dharmanagar HO through proper channel as because of violation of orders of DDG (post) and orders issued by information and technology time and again but surprisingly neither the Postmaster, Dharmanagar HO Shri Nirmal Suklabaidya nor S.Posts, Dharmanagar Divison felt necessary to ask me either in writing or in personal the reasons for sudden exemption from such responsible posts in the mid term when I was as System Administrator, Dharmanagar HO since my joining the department. That with reference to your letter No.B-1/Rotation/DNR.Pt.II/2 Dated Dharmanagar the 11-01-2007 I was transferred at Kailashahar MDG as PA/System Administrator and at the time of hand-over the charges of System Administrator, I informed all the happening to the relieving System Administrator, Sri Rupesh Das, that various irregularities like wrong account number, wrong name, wrong balance etc may be till remaining in the computer database which was communication to you vide reference No. DI/Computer/DNR dated Dharmanagar the 19-01-2007 through Postmaster Dharmanagar HO. However on 26-05-2007 during my visit to Dharmanagar HO in c/w attending monthly meeting of union, suddenly, Sri Parthasarathi Datta System Administrator, Dharmanagar HO charged me to return 3(three) Nos. computer accessories, I was shocked and as I have not taken any computer accessories. By the way I for greater interest of Department beg to bring to your kind notice one such instance of opening of incorrect SB accounts in Dharmanagar HO through Sri Bibhakur Nath, PA, Rajbari S.O. if re-opened and bring notice the illegalities of System Administrator, Dharmanagar HO. Thus I affirm your good self to ponder over the charges leveled against me under article - I of the memo dated 22-11-2007 and set me free of the charges as because no way I am responsible for any illegalities & violation of any rules regulation.

Regarding the charge in article -II of your memo I beg to inform you that the entire WUMT Service was exclusive duty of the Post Master, Dharmanagar HO not my as System Administrator Dharmanagar HO during 13-03-2001 to 19-01-2007. The entire WUMT business transaction used to be done in the chamber of the Post Master, Dharmanagar HO in the computer meant for the purpose installed in his chamber. The payment to WUMT subscribers were being directly done by treasurer, Dharmanagar HO after the Post Master himself satisfies with the MTCN & identity card of the customers in the computer in his chamber. Thus nowhere in the above activities the System Administrator is connected with the transaction except maintenance of computers etc as and when required. Thus question of taking bride from bonofide customers of WUMT and misappropriation of the amounts meant for refreshments of the valued customers is not correct. The above allegation against me has been brought to the kind notice of S. Posts just to remove me from the dual charge of System Administrator and Secretary NFPE which could be done only by stationed at Dharmanagar HO (Ad voidance of rotational transfer of PAs as three System Administrator stationed at the same place and duty is not permissible as per Dte's order). This allegation made against me after clasped 10(ten) months when I am not in that chair of office.



Regarding charge in Article-III, that before my transfer from Dharmanagar HO to Kailashahar MDG, Sri Rupesh Das, Asstt. System Administrator and Sri Parthasarathi Datta, PA, Divisional Office, who were equally responsible for computer accessories and other responsibilities of System Administrator vide S. Posts letter No.J-1/MOD/DNR dated at Dharmanagar 10-07-2006. It is kind reference is invited to your letter No. B-552 dated at Dharmanagar the 29-05-2007 in which I was specifically asked to return 4(four) numbers of computer accessories viz-1) one SCSI Card-2) one Scanner, 3) one SCSI HDD, 4) one set Sound System. But in the articles-III, I have been charged of taking away to my residence 5(five) Nos. of computer accessories viz-1) one SCSI Card, 2) one Scanner, 3) one SCSI HDD, 4) one set Sound System and 5) CD writer. Sir, in my representation dated 02-06-2007 where in I categorically stated that all the computer peripherals were handed over to Sri Rupesh Das under receipt (though not mandatory) at the time of my handing over the charges of System Administrator. And ever since then Sri Rupesh Das, System Administrator, Dharmanagar HO did not either enquired for any missing computer peripherals /accessories but after five months from the date of my relieve Sri Parthasarathi Datta, System Administrator Dharmanagar HO who took over the charge from Sri Rupesh Das, System Administrator, Dharmanagar HO charged me to return 3(three) Nos. computer accessories viz-1) one SCSI card, 2) one Scscanner, 3) one set Sound system on 26-05-2007.

I beg to submit some of the events for your kind perusal.

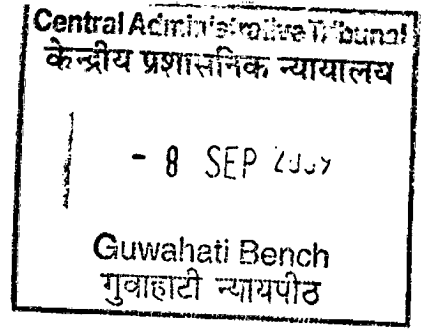
Sri Parthasarathi Datta, System Administrator, Dharmanagar HO former PA, Division Office, Stock branch received the new version of Software package from circle office time to time for supply to System Administrator of head office but he used to corrupt some files in the software CD/CDs before supply it to the head office so as to unable me to use the packages for departmental purposes. The original copy of the Software package used to be kept in his custody (which is in contravention of orders from IT Act.) to show monopoly over the matter of the technical work then actual System Administrator. As he later on installed the sub office modules of Meghdoot ver 6.2 package in 2006, Meghdoot package ver 6.3 in 2007 at Kailashahar MDG without receiving or collecting the software from me or Postmaster so it is clear that the original software CDs were kept in his custody.

I request to Amir Kharkongar, System Administrator, Circle Office, Shillong through telephone for supply of the software directly to the head office but he deny. The entire matter described above was also noted in the ERROR BOOK duly signed by Post Master Dharmanagar.

That, as per order of the Hon'ble DDG(CPT) vide his reference No. D.O. No. 40-34/2000-Tech dated 26-2-2001 where in there was clear instruction that the System Administrator should be asked in writing not to give the password of SQL Sever to any other person but keep it to himself.

That, as per order of the Hon'ble DDG (Technology) vide his reference No. D.O.No. 40-44/98-CPT New Delhi dated 16-08-1999 where in there was clear instructed that it must be ensure that System Administrator password is not known to any body else in the office.

But vide S. Posts, Dharmanagar Division reference No. J-1/SBLAN/DNR dated at Dharmanagar 31-10-2006 your predecessor instructed me to handover all administrative password (window 2003 Server, SQL Server & Sanchay Post) to Postmaster, Kailashahar MGD. I acted likewise.



It is pertinent to mention here that the notification of the Ministry of information Technology, New Delhi dated 17th October 2000, the information certifying Authority rules (IT act 2000) published with reference to Section 87 of the Information Technology Act. 2000 (21 of 2000) where in security guide lines (Schedule-II) Rules 5 clause 1&2 specifically stated that.....

“(1) Each organization shall designate a properly trained “System Administrator” who will ensure that the protective security measures of the system are functional and who will maintain its security posture. Depending upon the complexity and security need of a system or application, the System Administrator may have a designated System Security Administrator who will assume security responsibilities and provide physical, logical and procedural safeguards for information.

(2) Organization shall ensure that a properly trained System Security Administrator is assigned the system security responsibilities.”

In view of above circumstances sharing of the passwords, securities, & responsibilities in the connection of computer system in Dharmanagar Division I felt cause break-down total system and consequent easy fraud in future and thus I submitted my exemption from the charge of System Administrator.

Whatever done and caused to be done for benefit of the department from which I am earning my livelihood for my family and myself and unfortunately I became the victim of the circumstances.

I beg to submit to enquire about all the facts, circumstances so that the truth may be brought to book and to find out if I actually responsible for any illegalities. My fault is that I disclosed something, which cause problem to some one and I have been put in some false allegation for which I became the victim.

I have not done any illegalities during the period mentioned above as unbecoming of a System Administrator under the provision of rule 3(1)(i), 3(1)(ii) and 3(1)(iii) of the CCS (Conduct) Rules 1964.

Now, I therefore deny entire charges and prayed to your kind honour that you would be kind enough to pass an order for absolve me from the alleged charges and oblige thereby.

Dated:- 08-12-2007

Place :- Kailashahar.

Yours faithfully

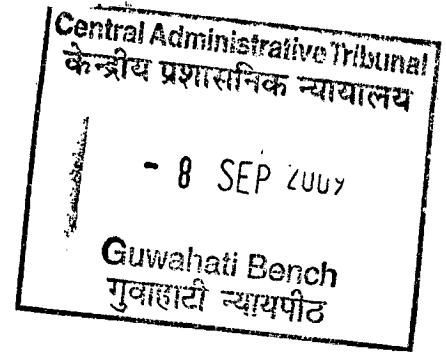
Sd:- Illegible

(PREM RANJAN DEBNATH)

Former System Administrator

and now PA. Kailashahar MDG.

4. That, receiving the representation the Ld. Superintendent of Post was pleased enough to pass order to “... impose the penalty of withholding of one increment of Sri Prem Ranjan Debnath PA. Kailashahar MDG for a period of 3(three) years with effect from the date his next increment is due without cumulative effect” vide his order dated 31-01-2008.



Being aggrieved with and dissatisfied by the aforesaid order dated 31-01-2008 passed by Ld. Superintendent of Post Dharmanagar Division the appellant begs to prefer these Memo of Appeal on the following grounds.

G-R-O-U-N-D-S

i. For that, the order passed by Ld. Superintendent of Post Dharmanagar Division being disciplinary Authority imposing of the C.O without considering the actual facts, evidence and records of Dharmanagar Post Office and order has been passed most arbitrarily. He observes in para 3 of his order "there was no documentary evidence of handing over of sharing the passwords of System Administrator of Sanchay Post and Meghdoot with Sri Rupesh Das and Sri Parthasarathi Datta. Sri P.R. Debnath was the only and sole System Administrator of Sanchoy Post and Meghdoot. Sri Rupesh Das was there is in Dharmanagar HO to assist Shri P.R. Debnath....."

In this regard it is submitted that vide letter No. J-1/MOD/DNR dated at Dharmanagar 10-07-2006 issued by Superintendent of Post Office Dharmanagar addressed to the Post Master Dharmanagar HO following order has been passed.

"engage 3(three System Administrator namely Sri Prem Ranjan Debnath, Sri Rupesh Das of Dharmanagar HO and Sri Parthasarathi Datta of Division Office to complete the NETWORKING of Dharmanagar HO immediately....."

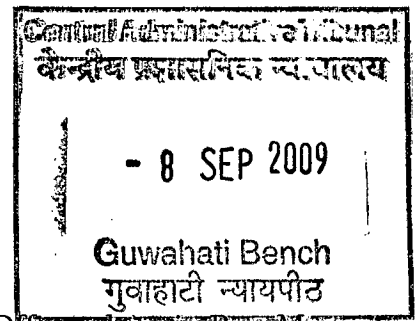
Vide letter No. J-1/MPCM/DNR-111 dated 22-11-2003 the superintendent of Post Office asked the Post Master to

"arrange to sand the Windows 2000 Server with Service Pack, Sanchay Postto Sri P.S. Datta....."

From the aforesaid letter/orders it is very much clear that the CO was not only the System Administrator. Moreover it is pertinent to mention here that it is not the CO but the other System Administrator namely Sri Rupesh Das and Sri Parthasarathi Datta has been send for training for that purpose. On the other hand the CO is not trained for System Administrator or Meghdoot software but he was asked to work for this in addition to his own duties.

ii. For that the Ld. Superintendent of Post Dharmanagar most arbitrarily beyond the evidence and records hold that the password of System Administrator were not shared by the CO with Sri Rupesh Das before 19-01-2007 and Parthasarathi Datta was only looking after computer system of Divisional Office as System Administrator and there was no deviation to the instruction issued by Sr. DDG(Post) dated 26-02-2001. But as a matter of fact it is very much clear that the CO is not the only System Administrator but he had to work with two System Administrator as such it was very necessary to share the password with others for NETWORKING. Moreover in time of any leave he had to provide password for interest of public service. The letter of CO dated 10-07-2006 is very much explicit for that matter.

iii. For that, the Ld. Superintendent of Post most arbitrarily and without applying judicial mind make the CO responsible for deletion and modification of account nos. including factious account without permission of the management leading to violation of Rule as because the deletion of fictitious account was made with the permission of the authority and



it would be very much from the error books lying with the Post Office where in Post Master, Deputy Post Master duly put their respective signature but the Superintendent of Post Office without going through the records which is lying in his kind custody has most illegally made the CO responsible for the reason not know to the CO and the CO has been made the victim of circumstances. It is pertinent to mention here that the CO vide his letter dated 26-12-2007 made prayer for copy of the error books and backup CD to the authority but the authority with vested interest have not supply the same and if it is taken into consideration the matter would be other wise.

iv. For that, the Ld. Superintendent of Post most mechanically hold that, Article-II of the charge has emply been established on the written deposition of one Subash Sen and others without being heard of the CO and mysteriously in the charge no statement of any of the witnesses has been enclosed so that the CO could have no the actual allegation and to defend him properly and the charge has been decided against the CO on the basis surmise and untenable evidence in law where in the Superintendent of Post decided the Article of charge observing that, it is clear from the written deposition on the charge official dated 16-06-2007 and most arbitrarily observes that, the CO "himself enjoyed the whole surplus amount".

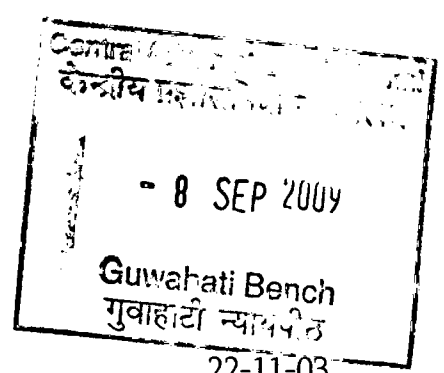
v. For that, regarding the allegation of taking away some computer accessories like SCSI card, one Scanner, One SCSI HDD, CD writer and some sound system the Ld. Superintendent of Post i.e. the disciplinary authority most mechanically hold that it has proved from the deposition of Sri Rupesh Das, Sri Parthasarathi Datta and other reliable sources ignoring the plea of the CO that, he handed over the accessories to Sri Rupesh Das with observation that, said CO suppressed the fact of taking over accessories with verbal assurances. It is submitted that the , Ld. Superintendent of Post most illegality observes that, as handing over the accessories under receipt is not mandatory and as such it was a pre-planned- action, which is the beyond of law.

vi. For that, the Ld. Superintendent of Post i.e. disciplinary authority conducted the inquiry and imposes the penalty violating the mandatory provision of CCS (CCA) Rules 1965 without providing opportunity of being heard of the CO.

vii. For that, the disciplinary authority conducts that enquiry violating Rules of natural justice. At the time of giving Article of Charge the statement of witness on which the authority is relied has not been given to the CO and he was in dark so that he cannot get the scope of rebuttal of allegations. Moreover the disciplinary authority only gave much weight to the witnesses with whom the CO has some allegations.

viii. For that , the CO has to done all works with other System Administrator appointed by the disciplinary authority (Superintendent of Post) and password had to handed over as per direction of the Superintendent of Posts, disciplinary authority and Post Master and as such enquiry has been conducted without proper evidence on records. The CO begs to refer some of the relevant correspondence and order for your kind perusal.

<u>SL. No.</u>	<u>SENDER</u>	<u>ADDRESSESED To</u>	<u>DATE</u>
a)	P.R Debnath	Post Master DNR HO	10-06-03



b)	Supdt. Of Post Offices	- Do-	22-11-03
c)	P.R. Debnath	Supdt. DNR HO	13-06-05
d)	Narayan Chakraborty P.M	Mani Choudhury P.M (handing over Charge)	30-06-05
e)	Supdt. Of Post Offices	P.M. DNR engagement of Rupesh Das, P.Datta as System Administrators	10-07-07
f)	P.R. Debnath	Supdt. Of Post Offices (prayer for relief)	27-10-06
g)	Supdt. Of Post Offices	P.R. Debnath(for handing over password)	31-10-06
e)	P.R. Debnath	Supdt. Of Post Offices (narrating problems of sharing passwords with R. Das & P. Datta)	30-08-06 & 13-10-06
f)	-Do-	-Do-(for handing over PW)	09-11-06
g)	-Do-	P.M DNR for supply of copy of error book and data base backup CD	26-12-07

It is submitted that the CO have been become the victim of circumstances and the enquiry was conducted with malafide intention and official bias without observing mandatory provision of law and as such it is liable to set-aside. The CO begs to submit the actual truth may be revealed.

The CO has not violated any provision of law as alleged in the Articles of Charges and no way responsible for my misconduct misappropriation of money, taking of accessories for which charges has been lablled against him any enquiry has been conducted with oblique motive just to impose penalty of the CO for which the CO has been compelled to file this Memo of Appeal for setting aside of imposing penalty without any fault misconduct, misappropriation on behalf of the CO.

viii. For that the CO appellant received the order dated 31-01-2008 on 04-02-2008 and as such the appeal is being filed within time.

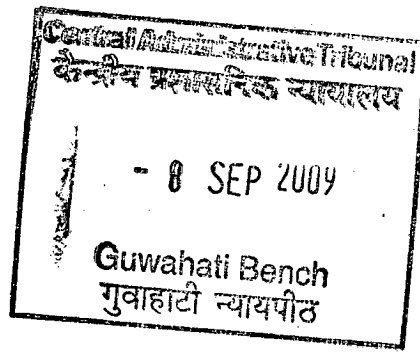
ix) For that, the rest will be submitted at the time of hearing.

It is therefore prayed that your honour may be kind enough to admit the appeal, call the records, relevant papers, documents which is lying under the custody of the Superintendent of Post, Dharmanagar and others to find out the actual truth and on hearing be pleased to set aside the order dated 31-01-2008 passed by Superintendent of Post Office, Dharmanagar Division(The Disciplinary Authority) in c/w Memo Mo. SB-1/Misc/Corr dated Dharmanagar the 31-01-2008 imposing the penalty of with holding of one increment of Sri Prem Ranjan Debnath PA Kailashahar MDG for a period of 3(three) years w.e.f. the date his next increment is due without cumulative effect or pass such other order / orders as your honour may deem fit and proper.

VERIFICATION

I Sri Prem ranjan Dabnath appellant of the instant Memo of Appeal do hereby declare that the statement made in this Memo of Appeal in para 1 to 4 are true to my best of my knowledge and rest are my humble submission before this Honour and I sign this 4th day of March 2008 at Kailashahr.

Sd:- Prem Ranjan Debnath.



ANNEXURE: - L.

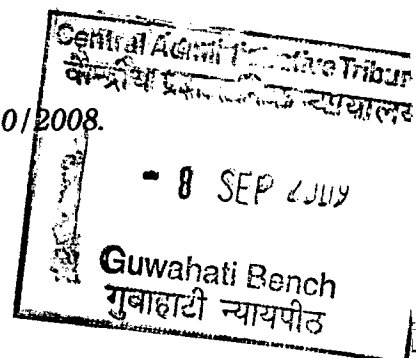
DEPARTMENT OF POSTS : INDIA
OFFICE OF THE DIRECTOR POSTAL SERVICES
NAGALAND : KOHIMA - 797 001

No.B-623

Dated at Kohima 07/10/2008.

To

Superintendent of Post Offices
Dharmanagar Division
Dharmanagar - 799250.



Sub : *Non receipt of Service Book of Shri Prem Ranjan Debnath, PA Dimapur MDG, & the then System Manager Dharmanagar.*

Shri Prem Ranjan Debnath has been transferred to Nagaland Division under Rule-37, vide CPMG N.E. Circle memo No. Staff/155-1/2008 dated at Shillong 27/03/2008, but till today the Service Book of the above mentioned official is not received by Kohima H.O.

The Official is pressing hard for non-payment of 6th CPC arrear, TA bill maintaining of leave record etc, but due to non-availability of Service Book, this office is facing difficulty in considering the matter.

You are therefore requested to do the needful at the earliest.

Sd/-
(Kekhrievor Kevichiisa)
Director Postal Services
Nagaland : Kohima 797001

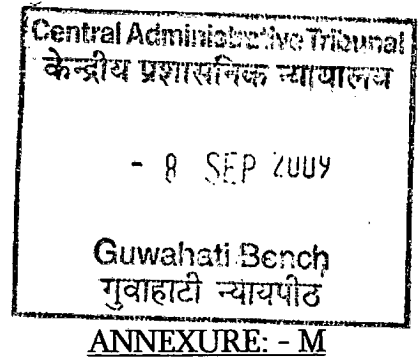
Copy to :

1. Shri Prem Ranjan Debnath P/A Dimapur MDG 797 112, w.r.t his letter No Nil dated 29/09/2008 for information.

Sd/- Illegible
(Kekhrievor kevichiisa)
Director Postal Services
Nagaland : Kohima 797 001.

Attested
Kumar Manoranjan Hazari
Advocate

- 70 -



CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, RAJGARH ROAD,
BHANGAGARH, GUWAHATI- 5.

O.A. NO. 90 OF 2009.

Prem Ranjan DebnathApplicant.
Versus
Union of India & OrsRespondents.

Memo. No. 3337

Dated: -19-6-09

To

1. Sri Prem Ranjan Debnath, S/o Sri Pramod Ranjan Debnath, Resident of East Radhapur, Via Rajabari, Dharmanagar, Dist. North Tripura, Tripura.
2. The Secretary to the Govt. of India, Department of Post, New Delhi-1.
3. The Director of Postal Services (H.Q) North East Circle, Shillong -1.
4. The Superintendent of Post Offices, Dharmanagar Division, Dharmanagar - 799250.
5. The Chief Post Master General, North East Circle, Shillong - 1.
6. The Director of Postal Services, Nagaland, Kohima, Pin - 797001.
7. Mr. A. Dasgupta, Advocate, Gauhati High Court.
8. Mr. G. Baishya. Sr. C.G.S.C., C.A.T.

Please find enclosed herewith a copy of the order dated 20.5.2009 passed in O.A. No. 90/2009 by this Tribunal and do needful.

By Order

Encl : As above and
copy of application
in O.A. No. 90/09.

Sd/- Illegible
Date:- 27/5/09
SECTION OFFICER (J)
Date:- 27/5/09

Attested
Kumar Manoranjan Haloi
Advocate

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 90 of 2009

Date of Order : This the 20th day of May 2009

The Hon'ble Shri M.R. Mohanty, Vice-Chairman

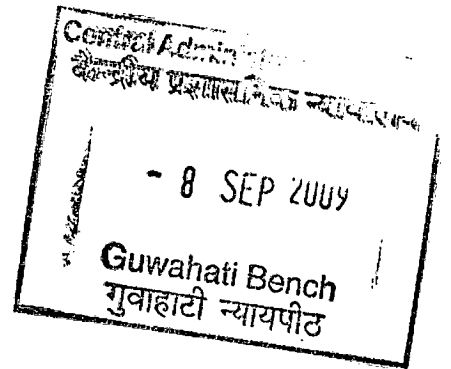
The Hon'ble Shri N.D. Dayal, Administrative Member

Sri Prem Ranjan Debnath,
Son of Sri Pramod Ranjan Debnath,
Resident of East Radhapur,
Via Rajabari, Dharmanagar,
District- North Tripura, Tripura. Applicant

By Advocates Mr. A. Dasgupta and
Mr. Kumar Manoranjan Haloi.

-Versus-

1. Union of India, Ministry of Communication,
(Represented by the Secretary to the
Government of India),
Department of Post, New Delhi -1.
2. Director of Postal Services (H.Q.)
North East Circle, Shillong-1.
3. Superintendent of Post Offices
Dharmanagar Division,
Dharmanagar- 799250.
4. Chief Post Master General
North East Circle, Shillong-1.
5. Director of Postal Services
Nagaland, Kohima,
Pin-797001. Respondents.

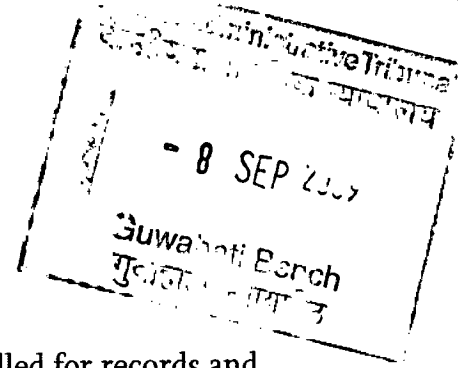


By Advocate Mr. Gautam Baishya, Sr. C.G.S.C.

ORDER (ORAL)

M.R. MOHANTY, VICE-CHAIRMAN

In a Departmental Proceeding under Rule 16 of the CCS (CCA) Rules, 1965, the Applicant was imposed with a Penalty (of "withholding one increment for a period of three years without cumulative effect") on 31.01.2008. As against the said penalty, the Applicant has preferred an Appeal on 04.03.2008. The said Appeal is stated to be still



pending undisposed. It is also stated that the Appellate Authority called for records and the Service Book of the Applicant is still in the custody of the Appellate Authority; as a result of which, it has been alleged, the Applicant is not getting full salary since August 2008 and the benefits of Pay Revision, TA and Leave etc. In this background, the Applicant has approached this Tribunal with the present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985; wherein he has prayed as under:-

- i) to set aside and quash the impugned order dated 31.01.2008, and
- ii) to release the current and arrear salary of the applicant in full which is irregular since August 2008.

2. The Applicant has, in this Original Application, also made the following interim prayers:

- i) to keep the impugned order dated 31.01.2008 under suspension, and
- ii) to direct the Respondent No. 5 to release the arrear salary and current salary of the applicant.

3. Following grounds have been set forth by the Applicant this Original Application:-

"A) For that the impugned order dated 31.01.08 was passed without any departmental enquiry and the respondent authority held the allegations to be proved. The charges leveled against the applicant are question of facts which can only be established in a full fledged departmental enquiry and not on the basis of records. Thus the decision making process of the respondent authority suffers from non application of mind and hence the impugned order of punishment dated 31.01.08 is liable to be set aside.

B) For that while passing the impugned order dated 31.01.08 the Superintendent of Posts had taken into account the written deposition of some persons, but those written depositions were not made known to applicant ever. Nothing is mentioned about these written depositions in the statements of imputation of misconduct nor were those annexed in the list of documents. Existence of these written depositions and the fact that those would be issued against the applicant was never informed to the applicant. The applicant was totally in dark about these written depositions. Thus the entire action of the respondents is vitiated for noncompliance of the Principles of Natural Justice as the applicant was deprived of a reasonable opportunity to defend himself.

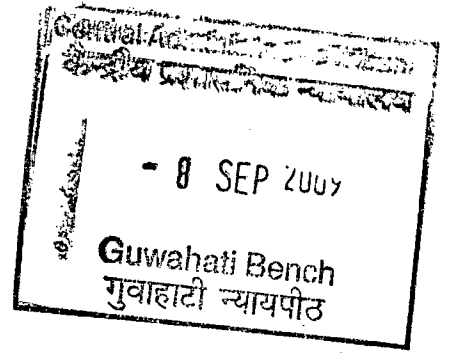
C) For that prerecorded statements of persons can be relied in any proceeding only when the delinquent is given the opportunity to cross examine the persons whose statement is sought to be relied in the enquiry. In the instant case the applicant was not only deprived from a copy of

such prerecorded statements but also an opportunity to cross-examine those persons. Thus the impugned action of imposing penalty is vitiated for violating the procedure established by law.

- D) For that the respondent authority while passing the impugned order dated 31.01.08 did not consider the plea of the applicant and did not assign any reason for not considering his plea. The applicant pleaded that the deletion of SB accounts were done with prior permission from superior authority and he kept record of deletion in the error book which was countersigned by the Postmaster. The respondent failed to consider this relevant plea of the applicant and did not assign any reason for non consideration of this aspect of the case. Thus the action of the respondent is vitiated for non consideration of relevant facts and hence the impugned order is liable to be set aside.
- E) For that if is settled law that a list of the documents to be relied by the disciplinary proceeding is to be furnished to the delinquent with opportunity to him to inspect such */documents and if required furnish copies of such documents. In the instant case the applicant was not furnished any list of the documents relied by the respondent authority while passing the impugned order. The applicant was kept in dark and was not informed about the documents to be relied by the disciplinary authority. The respondents have thus deprived the applicant from an opportunity of fair hearing. The action of the respondents being violative of the principles of natural justice and the procedure established by law is liable to be quashed.
- F) For that the respondents have passed the impugned order arbitrary & whimsically without following the procedure established by law and hence there action is violative of Article 14 & 16 of the Constitution of India.

4. We have heard Mr. A. Dasgupta, learned Counsel appearing for the Applicant and Mr. G. Baishya, learned Sr. Standing Counsel for Government of India (to whom a copy of this O.A. has already been supplied) and also perused the materials placed on record.

5. It has been argued on behalf of the Applicant that, under Annexure-A to the O.A., a proceeding under Rule 16 of CCS (CCA) Rules, 1965 was initiated against the Applicant asking him to submit his representation (as against the proposed action) within 10 days and, on receipt of the said communication (dated 22.11.2007) on 30.11.2007, the Applicant submitted his representation on 22.11.2007; wherein, apart from putting up his explanations to the allegations leveled against him (under Annexure-4 dated 22.11.2007), the Applicant prayed (to the Disciplinary Authority) to cause an enquiry in to all the facts and circumstances of the case. It has been argued that no enquiry having been caused on the allegations and explanations, there has not only been gross violation of the principles of natural justice but violation of Rule



16(1)(b) of CCSS (CCA) Rules, 1965. In course of arguments, learned counsel for the applicant also reiterated the grounds set forth in the Original Application.

6. On the other hand, Mr. G. Baishya, learned Sr. Standing Counsel for the Government of India, argued that this case is a premature one; for the Appeal is stated to be still pending with the Appellate Authority. He also stated that all the grounds set forth by the Applicant (in this O.A. and in the arguments of the learned Counsel for the Applicant) can be taken care of by the Appellate Authority, while passing final order in the Appeal. He has taken us through the provisions of Rule 27(2) of CCS (CCA) Rules, 1965, which reads as under :-

“27. Consideration of appeal

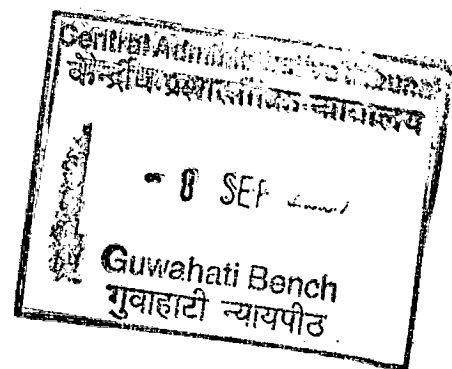
(2) In the case of an appeal against an order imposing any of the penalties specified in Rule 11 or enhancing any penalty imposed under the said rules, the Appellate Authority shall consider-

- (a) whether the procedure laid down in these rules has been complied with and if not, whether such non-compliance has resulted in the violation of any provisions of the Constitution of India or in the failure of justice;
- (b) whether the findings of the Disciplinary Authority are warranted by the evidence on the record; and
- (c) whether the penalty or the enhanced penalty imposed is adequate, inadequate or severe;

and pass orders-

- (i) confirming, enhancing, reducing, or setting aside the penalty; or
- (ii) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of these cases;”

7. Since it is the positive case of the Applicant that his Appeal, dated 04.03.2008 is still pending with the Appellate Authority, who has, as stated, already called for the records and who has got full powers to examine all aspects of the matter this case is, without any waste of time, disposed of and remitted to the Respondents/Appellate Authority with direction to take up the Appeal of the Applicant examine the entire matter in exercise of his powers under Rule 27(2)(a)(b) and (c) of CCS (CCA) Rules 1965 and pass orders in terms of his powers under Rule 27(2) (i) (ii) of the said Rules of 1965 expeditiously (unless the same has been disposed of in the meantime) and, while considering the matter (in Appeal) the Appellate Authority should also take into consideration the grounds set forth (by the Applicant) in the present Original Application (noted in para 3 above) and the arguments advanced before us (noted para 5 above) by the learned Counsel for the Applicant. Entire exercise need be completed by the Appellate Authority within 120 days from the date of receipt of a copy of this order.



8. While parting with this case, we grant liberty to the Applicant to make an interim prayer (by way of filing a petition within 31.05.2009) before the Appellate Authority to keep the penalty order dated 31.01.2008 under suspension till disposal of his Appeal, which should also be taken into consideration (orders need be passed thereon) by the Appellate Authority. Until then, the operation of order dated 31.01.2008 (imposing penalty) shall remain stayed, unless the same has been worked out in the meantime.

9. The Service Book of the Applicant, which may not be necessary for disposal of the Appeal, need expeditiously be translated (by the Respondents) to appropriate authority, so that expeditious steps can be taken to grant him (Applicant) benefits under new pay scale following the 6th CPC : in terms of letter No. B-623 dated 07.10.2008 of the Director of Postal Services (Nagaland) Kohima addressed to Superintendent of Post Offices of Dharmanagar Division.

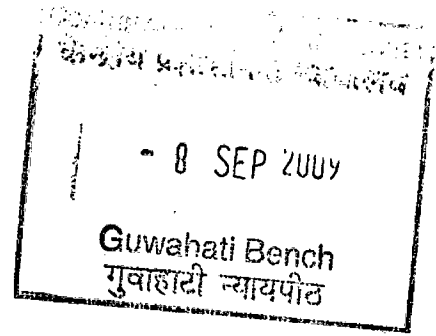
10. Subject to above observations and directions, this case is disposed of.

11. Send copies of this order to the Applicant and to all the Respondents (alongwith the copies of this Original Application) by Registered Post: and free copies of this order be supplied to the learned Advocates for both parties.

Sd/-
M.R. Mohanty
Vice-Chairman

Sd/-
N.D. Dayal
Member(A)

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ANNEXURE: -N

DEPARTMENT OF POSTS; INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL
N.E. CIRCLE: SHILLONG-793001

No. Staff/109-5/2008

Dated at Shillong, the 18-6-2009

1. Sri Prem Ranjan Debnath, Kailashar MDG preferred an appeal against the order of SPOs, Dharmanagar issued vide memo No. SB-I/Misc/Corr dated 31.1.08, which punished him with withholding of one increment for a period of three years.

2. The chronology of events in the case is as follows;

(1) The charges framed against Shri Prem Ranjan Debnath under Rule-16 of CCS(CCA) Rule, 1965 on 22.11.2007 by the SPO Dharmanagar are as follows:

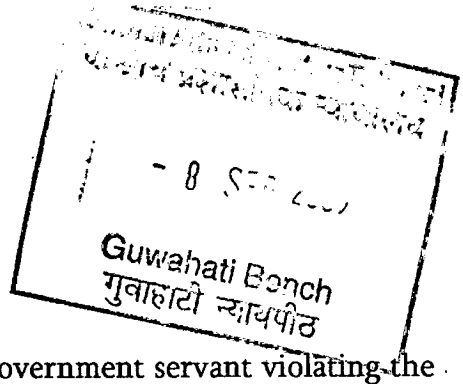
(i). That Shri Prem Ranjan Debnath, PA while functioning as System Administrator, Dharmanagar HO, during the period from 13-3-2001 to 19-1-2007, detected the existence of some fictitious SB accounts in the data base opened long back before the inception of computerization of Dharmanagar HO. And that Shri Prem Ranjan Debnath without bringing the matter to the notice of his immediate superior authority, deleted all by himself suppressing of such irregularity in fraudulent activity for months and years together till his transfer from Dharmanagar HO in early 2007. He first brought the fact of existence of two such fictitious SB accounts bearing Nos. 272673 and 274160 in the data base of Dharmanagar HO while visiting Dharmanagar HO on 26-5-2007 in connection with attending the monthly meeting of union and that too through Shri Bikankar Nath, PA, Rajbari SO. By doing so, Shri Prem Ranjan Debnath failed to maintain absolute integrity, devotion to duty and acted in a manner which is unbecoming of a Govt. Servant in violation of the provisions of Rule 3 (I) (i), (ii) and (iii) of CCS (Conduct Ruls 1964.

(ii) That Shri Prem Ranjan Debnath, while working as System Administrator, and operator of Western Union Money Transfer at Dharmanagar HO, during the period from 13-3-2001 to 19-1-2007, took bribe from bona fide customers of WUMT on the plea of providing prompt and better service and has misappropriated the amount meant for refreshment of customers of WUMT. By the above acts, Shri Prem Ranjan Debnath, acted in a manner which is unbecoming of a Govt. Servant in terms of Rule 3 (I) (i), (ii) and (iii) of CCS (Conduct Ruls 1964.

(iii) And that Shri Debnath, while working as SA, took away some computer accessories, like SCSI Card, one scanner, one SCSI HDD, CD Writer, and one sound system of Kailashahar MDG from office to his residence with an assurance to return before his departure to Kailashahar from assuming his duty, but did not return those accessories and kept in his personal custody, whereby he failed to maintain absolute

Attested

Kumar Manoranjan Haloi
Advocate



integrity and acted in a manner of unbecoming of a Government servant violating the provisions of Rule 3 (I) (i) and (iii) of CCS (Conduct Ruls 1964.

(II) The CO was given an opportunity to make such representation, which was submitted by the CO on 8.12.07, the Disciplinary authority after considering the representation of the CO, issued punishment order of withholding of one increment for a period of three years, with effect from the date of his next increment is due without cumulative effect on 31-1-08.

3. Shri Prem Ranjan Debnath, in his appeal dated 4-3-2008, stated that the SPO, Dharmanagar appointed three System Administrators viz. Shri Prem Ranjan Debnath, Shri Rupesh Das of Dharmanagar HO, and Shri Partha Sarathi Dutta of Divisional office to complete the networking of Dharmanagar HO. Therefore, it is not only the charged official, but the other system administrators, who shared the password with each other for networking. Moreover, any time, when one of the System administrators proceeded on leave, the password was shared for the interest of service. But the Disciplinary authority arbitrarily and without applying judicious mind, made only the charged official responsible for deleting and modification of account numbers including fictitious number without permission of the competent authority, where as he had taken permission from the Postmaster and DPM after noting down in the error book of the HO.

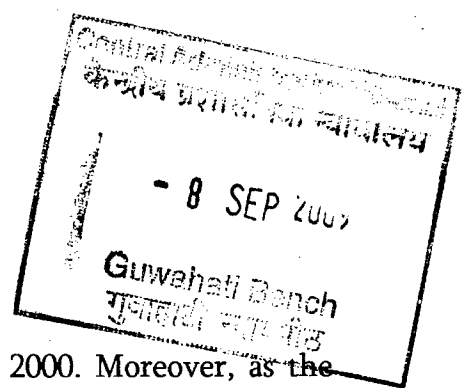
The record of allegation of taking bribe in WUMT customer and for misappropriating money meant for refreshment of customers, he stated that the Disciplinary authority taken decision on the basis of statement of witness without being heard of the CO and not enclosing the statement of the witness to the CO.

He further stated with regard to charges of taking away the computer accessories that it was proved from deposition from Shri Partha Sarathi Dutta, that the disciplinary authority proved the CO guilty from the deposition Shri Rupesh Das, Parthasarathi Datta and other reliable sources ignoring the plea of the CO that he handed over the accessories to Shri Rupesh Das.

He therefore alleged that the action of the Disciplinary authority is illegal, preplanned and beyond law. He further stated that the SPO imposed penalty without providing opportunities of being heard of the charged official which violates natural justice. Moreover, the Disciplinary authority keep more weight age to the witnesses, who brought allegations against the charged official, and therefore, denied the charges leveled against him.

4. I have carefully gone through the appeal along with all relevant documents obtained from the disciplinary authority with findings as appended below.

(i). In his representation dated 8.12.07 in response to SPO Dharmanagar's charge sheet under Rule-16 of CCS (CCA) Rule, 1965 dt. 22.11.2007, Shri Prem Ranjan Debnath stated that he deleted the fictitious accounts on 16.10.06. The charges framed in Article I against Shri Prem Ranjan Debnath are for deletion of the fictitious account by himself which can only be deleted by the supervisor and not system administrator. Deleting the fictitious accounts by System Administrator is not only irregular but in the process, he accessed data base using Administrator's password, which is violation of



clause 5.1 (4) of Schedule II of Information Technology act 2000. Moreover, as the accounts are fictitious that cannot be taken as a routine mistake which should have been reported in written to the controlling authority before deletion and such irregularities which are in contravention of Rules are to be brought to the notice of SBCO, which will be brought to the notice of competent authority by SBCO for further necessary action. Thus the charges framed against the official are proved even by his own admission that he deleted the fictitious accounts on 16.10.06.

(ii) Regarding charges framed against him in Article-II of taking bribe from customers of WUMT and misappropriation of amount meant for refreshment to the customers, the disciplinary authority concluded that Shri B.R. Debnath, who was entrusted to the operation of the system of the WUMT on behalf of the Postmaster charged Rs. 50/- per transaction from the customer for ensuring prompt and better service and refreshment has been amply established from the written deposition of the Shri Subhas Sen and Md. Abdul Malik and number of staff of Dharmanagar HO. As per instruction of the Department issued vide No. 95-14/2001-SB dated 25.6.2002, it is the duty of Postmaster, who is doing the transaction of WUMT to offer a cup of coffee/tea to the customers as per instruction of the department. Therefore, taking Rs. 50/- from customer by PM Dharmanagar is highly irregular. Moreover, as per findings of the disciplinary authority, the problem cropped up on joining of Shri N. Suklabadia as PM, Dharmanagar HO who wanted to take his share from the amount collected and before joining of the new PM, Shri Debnath himself enjoyed the whole surplus amount. Such an irregular and unprofessional conduct was going on at Dharmanagar HO for a long time, which should have been checked by the disciplinary authority and the Postmaster who was supposed to attend the work WUMT should have been booked for entrusting his duty to others. In fact, Postmaster facilitated Shri Debnath to indulge in such a highly irregular practice. Moreover, taking bribe cannot be proved only on the complaint of one party unless there is clear evidence. Therefore, in absence of solid evidence of bribery, I do not agree with the findings of the disciplinary authority that Shri Debnath is to be charged for bribery when the PM is supposed to be actually responsible as all transaction were done in his chamber and regrettably who wanted lion share of irregular amount collected. As a transaction of WUMT is the duty of the Postmaster if he had entrusted the work to any other person, it is the duty of the Postmaster to ensure that the transaction is done in the proper manner.

(iii) With regard to the charges framed in the Article- III, Shri B.R. Debnath stated in his representation dated 22-11-2007 that he had handed over the computer accessories to Shri Rupesh Das under receipt at the time of handing over of charge of Dharmanagar HO. Had the handing over and taking over being done under receipt, there would had been no difficulty for the CO and Shri Rupesh Das to produce a copy of the charge of taking over and handing over to support his contention that he had actually handed over the accessories to his successor under receipt. The disciplinary authority concluded his observation that taking away of computer accessories like SCSI Card, one scanner, one SCSI DD, CD whiter and sound system of Kailashar MDG from office to his residence is reasonably proved from written deposition of Shri Rupesh Das PA/SA DO dated 13.6.07 and Shri Partha Sarathi Datta PA/SA Dharmanagar HO dated 19.6.07. However, in the deposition of Shri Rupesh Das dated 13.6.09, stated only about

8 SEP 2007
Guwahati Branch
গুৱাহাটী ব্ৰাঞ্চ

conversation he had with Shri Prem Ranjan Debnath about returning the computer accessories that Debnath had taken home and never challenged the statement of Shri Debnath that all peripherals were handed over to him under receipt. Similarly, Shri Partha Sarathi Datta also referred only verbal discussion he and other staff has with Shri Debnath to return the accessories. The issue is very contentious in view of claims and counter claims. However, as Shri Debnath had stated in his representation dated 22-11-2007 that he had handed over the computer accessories to Shri Rupesh Das under receipt at the time of handing over of charge of Dharmanagar HO, he could have easily produced copy of handing over of accessories by him to Shri Rupesh Das but he failed to do so. Therefore, I give the benefit of doubt to Shri Rupesh Das agreeing with the disciplinary authority that the manner in which the computer peripherals were handed over to Shri Rupesh Das under receipt (though not mandatory) as stated by Shri Debnath that his intention was with some ulterior motive, thereby he failed to maintain absolute integrity and acted in a manner which is unbecoming of a Govt. servant as charged.

5. Thus I find that the charges of misconduct framed against the official are proved. However, I cannot hold him entirely responsible for taking bribe from customers of WUMT and misappropriation of amount meant for refreshment to the customers as it was the duty of PM, who not only entrusted the work to the CO but he failed to effectively monitor the performance of the CO and even wanted lion share of the highly irregular collection of money from the customer.

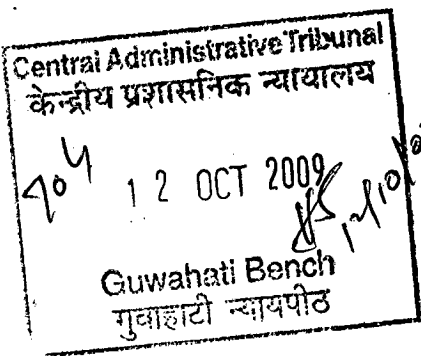
Therefore, I, Shri I. Pangernungsang Director Postal Services HQ and appellate authority order that the penalty of withholding of one increment of Shri Prem Ranjan Debnath, Kailashar MDG (now PA, Dimapur MDG) for a period of 3 (three years) ordered by the disciplinary authority is reduced to withholding of one increment for a period of 2(two years).

Sd/- Illegible
(I. Pangernungsang)
Director Postal Services (HQ)
N.E. Circle, Shillong

Copy to,

1. Shri Prem Ranjan Debnath, PA, Dimapur MDG, Nagaland
2. DA(P) N.E. Circle, Shillong.
3. Postmaster, Kohima HO, Nagaland
4. DPS, Nagaland, DN, Kohima.
5. Office Copy.

Sd/- Illegible
Director Postal Services (HQ)
N.E. Circle, Shillong.



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

Original Application No. 179/2009

In the matter of: -

Sri Prem Ranjan Debnath,

Son of Sri Pramod Ranjan Debnath,

Resident of East Radhapur,

Via Rajabari, Dharmanagar,

District: - North Tripura, Tripura,

.....Applicant

- Versus-

1. Union of India,
Ministry of Communication
(Represented by the Secretary to the
Govt. of India),
Department of Post, New Delhi.
2. Director of Postal services (H.Q)
North East Circle, Shillong:-1.
3. Superintendent of Post Offices
Dharmanagar Division,
Dharmanagar: - 799250.
4. Chief Post Master General,
North East Circle, Shillong:-1.
5. Director of Postal Services,
Nagaland, Kohima.

.....Respondents

-AND-

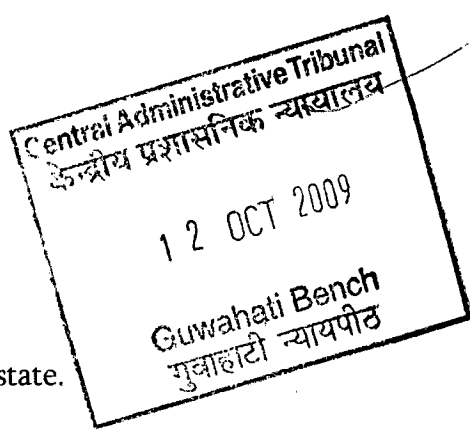
In the matter of: -

Submission of legible copies of Annexure in
terms of the order passed by this Tribunal
on 09.09.2009.

Filed by the applicant
By

Prem Ranjan Debnath
through
Kumar Manojan Haloi
Advocate
12-10-2009

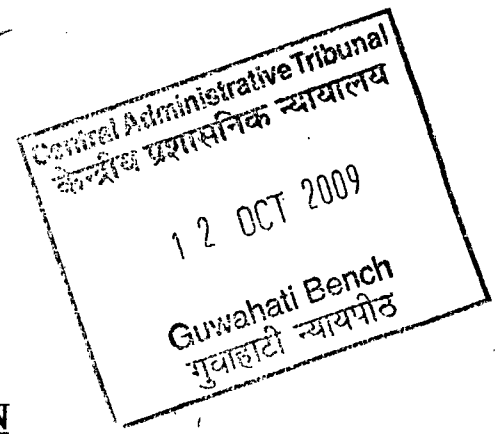
2-81-



The applicant above named most respectfully begs to state.

1. That the applicant preferred an original application, being O.A. No. 179/09 before this Hon'ble Tribunal which was moved on 09.09.09. This application contains 14 nos. of annexure marked as Annexure - A to N. Annexure B to N are typed copies. Annexure - A is a photocopy which is not very clear. In course of argument this Hon'ble Tribunal pointed out that the Annexure - A is not legible. The counsel appearing for the applicant made a submission that the applicant would file legible copy of this Annexure on or before 15.10.09. Accordingly, this Hon'ble Tribunal directed the applicant to file legible copies in this regard.
2. That the counsel informed the applicant to type out the copies of Annexure - A which was a photo-stated one. Accordingly, the applicant himself typed out the copies of Annexure: - A which is enclosed herewith in this application and marked as Annexure: - A.
3. That the Annexure - A of the Original Application No. 179 /09 is being filed by the applicant on 12.10.2009 in terms of the order passed by this Hon'ble Tribunal on 09.09.2009.

Prem Ranjan Debnath



VERIFICATION

I, Sri, Prem ranjan Debnath, son of Sri Pramod ranjan Debnath, aged about 40 years, an employee of Department of Post, working as Postal Assistant-Cum-System Administrator of Dimapur MDG, presently residing at Railway Colony, Dimapur, P.O:- Dimapur, P.S:- Dimapur, Nagaland do hereby state that I am the applicant of this case and am well acquainted with the facts and circumstances of this case. The statements made in paragraphs 1 is true to my knowledge derived from my counsel and the statement made in paragraph 2 & 3 are true to my knowledge.

And I sign this verification on this the 11th day of October, 2009 at Guwahati. *Dimapur*

Prem Ranjan Debnath

Signature

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Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
12 OCT 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

Error no 16, Dated 09/09/2003

Due to failure of generator power SB/RD LAN work for the day delayed for 1(one) hour, S.A.(System Administrator) may kindly be instructed to wait for an hour at least after 1700 Hrs.

Fdd to Postmaster.

Dy. Postmaster
Dharmanagar HO

To System Administrator,
Asked to wait till completion of day's work on
09/09/2003 after 5 PM.

Postmaster
Dharmanagar HO

Error No 17, Dated 13/09/2003

Due to wrong writing of MIS a/c no 104623, the holder has written a/c no 104628 on 15/07/03 and amount of Rs 380 was withdrawn but actually the amount was taken from a/c no 104623 by Sindhu Nath SA is requested to kindly deleted a/c no 104628 instead of 104623 dated 15/07/03.

Dy. Postmaster
Dharmanagar HO

Error no 18, Dated 22/09/2003

SA,

SB a/c no 265793, withdrawal Rs 200 but wrongly entered Deposit Rs 200. Make correction to the withdrawal instead of Deposit. Please delete the entry of deposit.

Dy. Postmaster
Dharmanagar HO

Error no 19, Dated 26/09/2003

On 08/09/03 MIS a/c no 105626 has withdrawn 320/- but wrongly entered in transaction list as 105625 please make correction 105626 instead of 105625.

Dy. Postmaster
Dharmanagar HO

Error no 20, Dated 27/09/2003

To SA

MIS a/c no 104677 has withdrawal Rs 190/- but erroneously entry Rs 380/- please make correction to withdrawal instead of Rs 190/-

Dy. Postmaster
Dharmanagar HO

Error no 21, Dated 29/09/2003

MIS a/c no 102837 has withdrawal Rs 540/- but erroneously entry Rs 1080/- so please make correction the withdrawal instead of Rs 540/-

Dy. Postmaster
Dharmanagar HO

Prem ranjan Deb Nath

Certified to be True Copy

[Signature]
Advocate

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Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
12 OCT 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

Error no 40, Dated 06/12/2003

MIS a/c no 103885 Rs 1045 dated 06/12/03 is erroneously entry so the amount of Rs 1045 delete.

(counter PA)

SA is requested to delete

Dy. Postmaster

Dharmanagar HO

Error no 41, Dated 03/12/2003

SB a/c no 266654 was revived but amount shows 0. SA kindly check and enter the amount as per ledger + passbook. (Written by counter PA.)

Dy. Postmaster

Dharmanagar HO.

Error no 42, Dated 10/12/2003

MIS a/c no 101662 was opened in the name of minor Jhuma Deb with operator. Ajit kr. Deb (father) Data entry made in the name of Jhuma Deb. .. Operator's name as Ajit kr. Deb. Farther, it is require to be noted the nomination previously made to be cancelled. (Written by counter PA.)

Dy. Postmaster

Dharmanagar HO.

Error no 88 Dated 16/04/2004.

SA, please change the address of SB a/c no 272612 name of Ranabir Goswami (name is not clear) enclose SB-3

Dy. Postmaster

Dharmanagar HO.

Error no 89, Dated 17/04/2004

SA, please arrange PFC (pre mature final close) of RD a/c no 38421 due computer cannot send PFC.

Dy. Postmaster

Dharmanagar HO.

Error no 90, Dated 17/04/2004

RD passbook no 34957 is balance differ please arrange.

Dy. Postmaster

Dharmanagar HO.

This a/c was deleted and recreated again for software problems.

System Administrator

Dharmanagar

Error no 91, Dated 28/04/2003

A/c no 273171, SB depositor name Rana Das but erroneously Data entry a/c depositor name Ram Das please make correction Rana Das instead of Ram Das

Prem ranjan Deb Nath

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Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
12 OCT 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

Dy. Postmaster
Dharmanagar HO.

Name deletion of the a/c no 273471 instead of 273171 has done

System Administrator
Dharmanagar

Error no 92 Dated 29/04/2004

MIS a/c no 104562 withdrawal Rs 380 but erroneously send withdrawal Rs 760 so please make correction withdrawal Rs 380/- instead of Rs 760/-

Dy. Postmaster
Dharmanagar HO.

Error no 34, Dated 25/06/2004

To

The postmaster

It is observed on difference dated during May/2004 and also on 18/06/2004 & today on 25/06/2004 that the checking of voucher relating to deposit/withdrawal of RD list of transaction cannot check. The fact was reported to SA who replied that absent of another server the System cannot be made fast or otherwise. Kindly take action so that checking works by Supervisor cannot be done normally. Any irregularities in counter work (SB RD) happen with out checking by Supervisor who may be re frame the share work of Supervisor.

Dy. Postmaster
Dharmanagar HO.

SA

Please see the note submitted by Dy. Postmaster. Take action necessarily, if possible, otherwise the matter should be reported to the Superintendent of Post, Dharmanagar Division for farther necessary action.

Postmaster
Dharmanagar HO.

This matter already reported to the Superintendent of Post offices, Dharmanagar Division vide letter No D-1/Computer/DNR-1 Dated 24/06/2004 & discussed with Supdt/DNR on May-June 04, It is also requested to you kindly consult with Supdt/DNR to solve the problems. Actually another machine (Server) is requiring for proper performance. However the Supervisor can execute the form with the help of exit form that was discussed with Dy. Postmaster & verifies the voucher to prevent any irregularities.

System Administrator
Dharmanagar

DPM

Kindly see the note submitted by SA & take action accordingly

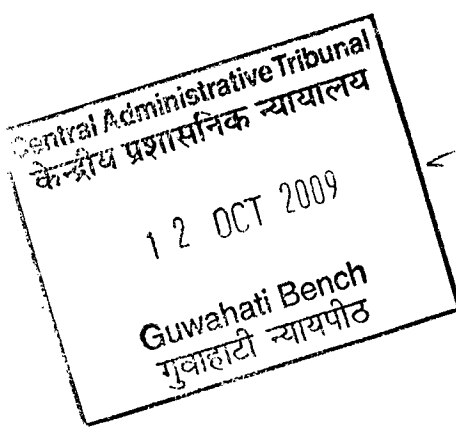
Postmaster
Dharmanagar HO.

PM

Seen, but this is not proper as per guideline of online service.

Dy. Postmaster
Dharmanagar HO.

Prem Ranjan Deb Nath



Error no 68, 13/07/2004

The a/c no 41499 is discontinued SA please make correction (continued) for farther continuation.

Counter Clerk

Signature of Dy.Postmaster is necessary.

System Administrator
Dharmanagar

Error no 69, Dated 14/08/2004

SB a/c no 270159 in the name of N.cd Bhattacharji but data entry made Sunit Neli Bhattacharjee, SA is requested to correct the name.

Dy. Postmaster
Dharmanagar HO.

Error no 70, Dated 14/08/2004

RD a/c 36446 in the name of Pranabenda Nath but data entry made Pranbandu, SA is requested to correction the name.

Dy. Postmaster
Dharmanagar HO.

Error no 71 Dated 17/08/2004

MIS a/c no 104902 the name of holder is Jagadish Chakrabarty but data entry made as Jagadish Nath, SA is requested to correct the title.

Dy. Postmaster
Dharmanagar HO.

Error no 72, Dated 20/08/2004

RD a/c no 39376 the name of holder is Ranjan Kanti Choudhury but data entry made as RanRj Kanti choudhury SA is requested to correct the name only.

Dy. Postmaster
Dharmanagar HO.

Error no 94, Dated 20/09/2004

SB a/c no 273059 in the name of Subir Kr Das; the name of depositor is Subir Das which may please be corrected. (Written by Counter Clerk)

SA please arrange

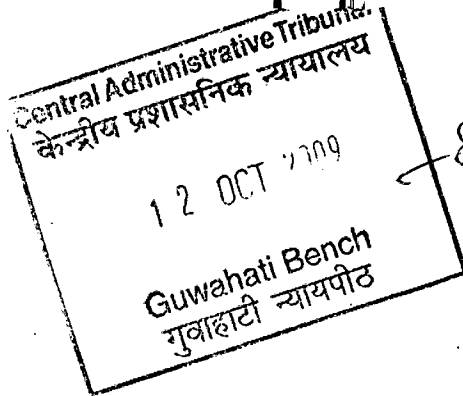
Dy. Postmaster
Dharmanagar HO.

Error no 95, Dated 21/09/2004

RD a/c no 367761 Dated 13/04/02 deposited Rs 125 erroneously as per passbook/schedule which should be not data entry in computer. SA please arrange

Dy. Postmaster
Dharmanagar HO.

Prern Ranjan Deb Nath



Error no 96, Dated 21/09/2004

SB a/c no 272754 holder name Gitarani Bhowmik but computer data entry Sita Bhowmik. SA please make correction the name Gita Rani Bhowmik instead of Sitarani Bhowmik.

Counter Clerk

Correction is not possible without DPM's Signature

System Administrator
Dharmanagar

Error no 245, Dated 27/09/2005

In RD a/c no 48915, the computer shows one month deposit in advance whereas in passbook, it appear that there is no advance deposit made. So it is necessary to verify this and to delete one-month access deposit from computer. So SA please correct it

Counter Clerk

Error no 246, Dated 27/09/2005.

MIS a/c 103422 is a joint a/c by the name of Anima Sengupta & Chandra Sengupta. But the computer shows difference name. SA please corrects the name of said a/c.

Counter Clerk

The name of the a/c holder changed but one question, why it was not rectify in last 3 years. So please inform for name rectification before one year of the maturity date.

System Administrator
Dharmanagar

Error no 247, Dated 04/10/2005

The computer machine of SBLAN not function from October 05computer or surp are out of order dated 03/10/05.

Dy. Postmaster
Dharmanagar HO

Reported to the Superintendent of Post offices

System Administrator
Dharmanagar

Error no 262, Dated 16/12/2005

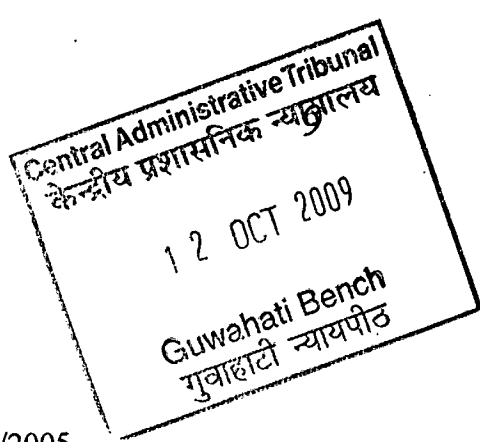
The Server room was broken on 14/12/2005 but the Server & its other peripherals were not shift to another safe place. Now the Server of Sanchayapost & Meghdoot is still working at the unsafe place. It is requested to you, kindly arrange to shifting the Server to any secured place immediately other wise any kind damage/ mishandling may be occur in the server or server database.

You're faithfully

System Administrator
Dharmanagar.

Error abstract may please be forwarded to the S.Post for taking early necessary action

Prem Ranjan Deb Nath



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Error no Nil Dated 23/12/2005

Postmaster
Dharmanagar HO

MIS a/c no 105258, name of the depositor Haripada Bhattacharjee expired, please make it Single a/c in the name of S. Bhattacharjee. Death certificate enclosed.

Dy. Postmaster
Dharmanagar HO

Error no Nil Dated 28/12/2005

RD a/c no 43772, 43871 at Dharmanagar HO submitted for verify/correction.....pfc.....

Counter Clerk

Error no 4, Dated 28/06/2006.

To the Postmaster, Dharmanagar HO

The Server of Sanchayapost and Meghdoot suddenly disconnected from network. The Hub are disconnected when the financial Mart's works going on. The total network are very critical and unscientific condition. In this situation I could not repair the problems. I think a fresh new network is necessary.

Prem Ranjan Debnath
System Administrator

Matter may please be report to the higher authorities eg S.Post and CPMG for early restoration the problems.

Postmaster
Dharmanagar HO

To the Postmaster, Dharmanagar HO

In regarding Error no 4 Dated 28/06/2006, I noted some irregularities, Sir, the main Server and meghdoot Server are open in ground floor. The security of the Server may be breaking down any moment others irregularities may be happened. Some another person of the office and divisional office very much interested in this matter, I anxious for the matter kindly suggest me about the security problems which may perhaps break down..

Prem Ranjan Debnath
System Administrator

Error no 24, Dated 02/11/2006

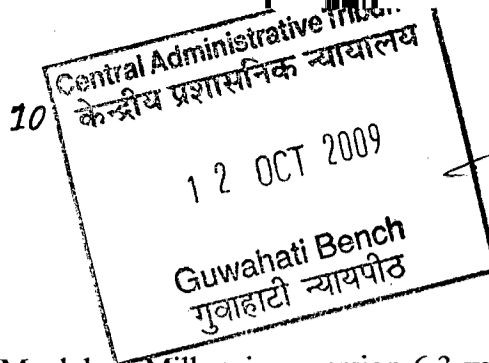
SB a/c no 274919 dated 27/09/06 deposit Rs 1600-wrongly. The same a/c delete anda/c no 274912. SA please make correction the SB a/c no 274912 deposite Rs 1600/- dated 27/09/06

Dy. Postmaster
Dharmanagar HO

Error no 25, Dated 13/11/2006

To the Postmaster, Dharmanagar HO
Sir,

Prem Ranjan Debnath



89-

I have received a CD containing Meghdoot Millennium version 6.3 with CC Bridge and V2SBCO on 11/11/06 at evening. I have test the software and find some files were corrupted in the CD and this is not original CD, which was supply from Divisional office. However I have contact with circle office for supplying another original CD of Meghdoot Me ver 6.3. So kindly received this corrupted and duplicate CD of Meghdoot Me Ver 6.3.

Yours faithfully

Prem Ranjan Debnath
System Administrator

Seen

Postmaster
Dharmanagar HO.

Error no 26, Dated 20/11/2006

RD a/c no actually holder name Priyati D/nath instead of Biyati Nath please correction....

Dy. Postmaster
Dharmanagar HO

Error no 27, Dated 24/11/2006

RD a/c no 41931 holder name Patima Dhar (Ray) balance Rs 15000/- but at the time of final close the computer shows balance Rs 14500/-----11/12/01 and 09/01/02 date amount wanting

Counter Clerk

SA please make entry (data entry) the date 11/12/01 and 09/01/02

Dy. Postmaster
Dharmanagar HO

Error no 28 Dated 29/11/2006

RD a/c no 26429 the holder name Dipa Chowdhury balance Rs 36000/- but at the time of final close computer shows balance Rs 35700/- date 28/06/02 Rs 300/- wanting.

Counter Clerk

SA please entry dated 26/06/02 for Rs 300/-

Dy. Postmaster
Dharmanagar HO

Error no 88 Dated 08/09/04

MIS a/c no 102532,102533 was joint a/c but Binay Kr Bhattacharjee is expire on 10/06/04.SA please convert joint to single a/c with the name of Biswajit Bhattacharjee the 2nd holder.

Dy. Postmaster
Dharmanagar HO

Error no 89, Dated 09/09/04

Prem Ranjan Debnath

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
12 OCT 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

← 90 -

RD a/c no 41319 deposit made on 29-03-02, 29-04-02 as above but computer entry was not made. Agent's LOT also indicate deposit made. SA may sow if deposit is there, data entry require to be made.

Dy. Postmaster
Dharmanagar HO

Error no 90, Dated 10/09/2004

SB a/c no 272741 holder name is Mira Chakrabarty but data entry name Mina Chakrabarty. SA please makes correction Mira Chakrabarty instead of Mina Chakrabarty.

Dy. Postmaster
Dharmanagar HO

Error no 103, Dated 04/10/2004

MIS a/c no 104467 holder name Gopal Ch Pal amount Rs ... erroneously sending the computer. SA please deletes the entry.

Dy. Postmaster
Dharmanagar HO

Error no 104, Dated 04/10/2004

SB a/c no 269927, 257170 and 270526 is forwarded here with for correction and revive SA is requested to do the needful.

Dy. Postmaster
Dharmanagar HO

I make the data entry of above a/c but a/c no 270526 and 269927 will be updated by interest posting of previous financial year 00-04 and it was necessary to data entry again.

System Administrator
Dharmanagar

Error no 105, Dated 04/10/2004.

MIS a/c no 101961 holder name ... Smt Anita Chowdhury. Mis interest paid from .. /07/96 to 22/03/01 total months of interest 32 nos but computer data entry 34 nos. SA please make the correction 32 no's instead of 34 no's.

Dy. Postmaster
Dharmanagar HO

Error no 150 Dated 31/02/2005.

MIS a/c no 105467 name of Sri Janardhan Ch Debnath and Sam... Debnath but data entry is wrong please arranging it.

Counter Clerk

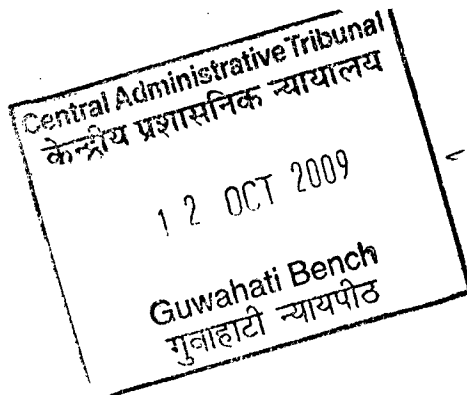
Error no 151, Dated 01/02/2005.

SB a/c no 270943 was withdrawal Rs 1400/- but I was wrongly shown ... withdrawn deposit. Please arrange it.

Counter Clerk.

Prem Sanjiam Debnath

12



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Error no 152, Dated 08/02/2005

RD a/c no 37985 name of Sri Ch Nath balance 5 differ due to data entry is wrong. SA please arrange it.

Counter Clerk.

Error no 153, Dated 10/02/2005

MIS a/c no 106168 name of Sri Debasish Shome but data entry is wrong. SA please correct the name/arrange it

Counter Clerk

Error no 154, Dated 11/02/2005.

SB a/c no 269619 name of Sri K.R. Dasgupta single a/c holder deposited excess with out interest. SA please arranges it.

Counter Clerk

Error no 196, Dated 31/05/2005.

As per application Sri Manoj Kr Nath has RD a/c no 46013 and 48848 convert to HO RD PRSS lot. SA please arranges it.

Counter Clerk

Error no 197, Dated 31/05/2005.

RD a/c no 42733 name of Sri Sulekha Rani Nath is balance differ. SA please arrange it.

Counter Clerk

Error no 198, Dated 02/06/2005.

Four SB a/c no 260572,269737,265834,259061 is deleted through data entry, Supervisor should check the a/c of deletions.

Prem Ranjan Debnath
System Administrator

Dy. Postmaster
Dharmanagar HO

Error no 199 Dated 04/06/2005.

One a/c no is created today against the strength of revival order from SBCO.

System Administrator

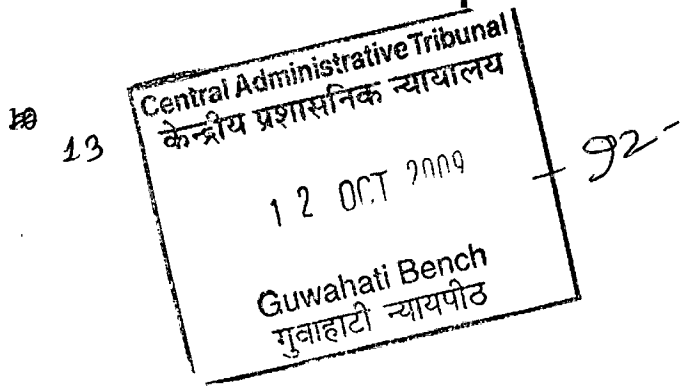
Error no 200, Dated 07/06/2005.

Total SO passbook for final close and 65 RD passbook for pre mature final close are pending since 30/05/05 resulting public is disturbing for their FC/PFC cases due to non posted in ledger card. Postmaster is requested to depute the staff to avoid the public complains.

Dy. Postmaster
Dharmanagar HO

Error no 252, Dated 21/10/2005.

Prem Ranjan Debnath



SB a/c no 23003 name of Kanu Prasad Sinha Choudhury. Now said a/c will be converted to joint B a/c as per application of the depositor. SA please makes n/a

Counter Clerk

Error no 253, Dated 21/10/2005.

RD a/c no 39763 name of Anjan Dhar but computer entry in Anjana Devi. SA please correct it

Counter Clerk

Error no 254, Dated 24/10/2005

SB a/c no 259445, 269422, 269432 along with ledger card for data entry as revival sanction.

Counter Clerk

Data entry complete with the balance Rs 139.20, 2203.50, 3795.20

P. Debnath
System Administrator

Error no 255, Dated 24/05/2005.

The computer machine of SB counter is not working from today afternoon. Kindly arrange to rectify the defect for smooth running of SB counter on 25/10/05

Dy. Postmaster
Dharmanagar HO

SA Please do the needful arrangement

Postmaster
Dharmanagar HO

Error no 256, Dated 27/10/2005.

MIS a/c no 107444, 107496, name of Banamali Chakrabarty and Kalpana Chakrabarty the a/c are joint 'B' type. As per application of depositor it is shown that Banamali Chakrabarty no more today, so the said a/cs are to be single a/c ie Kalpana Chakrabarty. SA please makes necessary action.

Error no 257, Dated 09/11/2005.

The computer of SB counter is not working properly at the time of withdraw, the machine working very slowly and due to the problems arise, waiting time of customer in SB counter is increasing. Kindly arrange necessary step to rectify the machine.

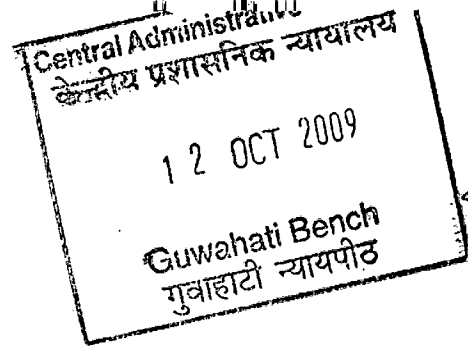
Counter Clerk

Postmaster/SA

Very slow machine. SA is requested to do the needful please/ Postmaster for information.

Dy. Postmaster
Dharmanagar HO

Prem Ranjan Debnath



Sri Prem Debnath ... of SA is requested to look in to the matter if the problems is not resolve matter may please be reported to the S.Post for farther necessary action.

Postmaster
Dharmanagar HO

Error no 21, Dated 14/10/2006.

To SA. In Sanchayapost software , APM HOSB computer is not working properly in the certificate issue. So lake of vrs are pending for above problems.

Asst. Postmaster HOSB
Dharmanagar HO

Error no 22 Dated 16/10/2006.

Postmaster, Dharmanagar HO
Online functioning of MPCM-I counter has been stopped since few days resulting inconvenience of smooth and speedy counter work for which customers are not satisfied. Indian Postal orders are sold manually. Treasury function with MPCM-I is also suffered. Please arrange needful as earliest.

Dy. Postmaster
Dharmanagar HO

SA, please look in to the fact and immediately take needful action for restoration the....

Postmaster
Dharmanagar HO

Error no 23 Dated 16/10/2006.

Postmaster, Dharmanagar HO

It is inform to the Postmaster Dharmanagar HO that some false SB a/c bearing no 272772,273575,273250,273090,274160 and 272673 is found in computer database. So I deleted those a/c after daily backup. The backup is handed over to the Postmaster Dharmanagar HO for safe custody and regarding error no 22 dated 16/10/06 the cash submitting to treasury (automatic) was disconnect due to some technical software problem. It will be rectify if a fresh database is created but whether we attempt to create a fresh database the old data of MPCM-I will be lost. However the same problems was occurred last 2-3 years and various problems are happened due to not available of computer data (lost database). So if you permit me to rectify the problems with out taking the previous data I have try my level best.

Yours faithfully

Prem Ranjan Debnath
System Administrator

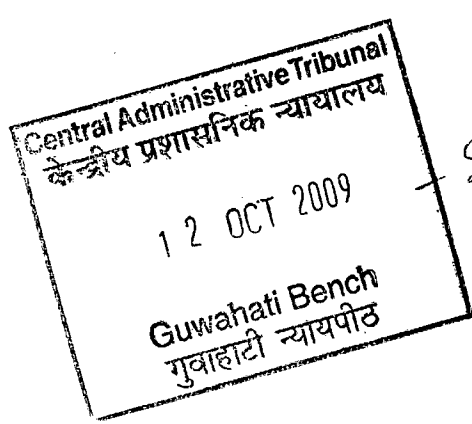
GCC

Abstract of the note of SA may please be forwarded to the Superintendent of Post Dharmanagar Division for his necessary guideline.

Postmaster
Dharmanagar HO

Prem Ranjan Debnath

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Error no Nill, Dated 09/12/2005.

MIS a/c no 102701 one depositor expired please delete one name and make it single a/c.
MISa/c no 108558, 107947, 106166, 107393, 103895, 104833, 103894, 105824, 106733, 105825,
And SB a/c no 261361 please convert in joint a/c as earliest possible.

Dy. Postmaster
Dharmanagar HO

The a/c no 261361, 103895, 103894, are already joint 'B' a/c it cannot convert.

System Administrator

Error no Nill Dated 12/12/2005.

DPM,
SB cash is not available in SB counter kindly arrange to install this

Counter Clerk

PM/SA

As the SB cash is not in SB counter machine it is difficult to send or receive cash. SA is requested to do the needful as earliest

Dy. Postmaster
Dharmanagar HO

SB cash install to SB counter.

System Administrator

Error no Nil Dated 15/12/2005

RD a/c 43982, 44014 at Dharmanagar HO submitted for balance verification/correction into passbook and premature balance.

Counter Clerk

Error no 262, Dated 16/12/2005

The Server room was broken on 14/12/2005 but the Server & it's other peripherals were not shift to another safe place. Now the Server of Sanchayapost & Meghdoot is still working at the unsafe place. It is requested to you, kindly arrange to shifting the Server to any secured place immediately other wise any kind damage/ mishandling may be occur in the server or server database.

You're faithfully

System Administrator
Dharmanagar.

Error abstract may please be forwarded to the S.Post for taking early necessary action

Postmaster
Dharmanagar HO

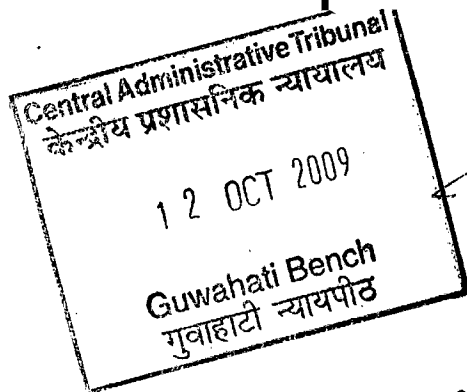
Error no Nil Dated 23/12/2005

MIS a/c no 105258, name of the depositor Haripada Bhattacharjee expired, please make it Single a/c in the name of S.Bhattacharjee. Death certificate enclosed.

Dy. Postmaster
Dharmanagar HO

Error no Nil Dated 28/12/2005

Prem Sanjam Deb Nath



RD a/c no 43772, 43871 at Dharmanagar HO submitted for verify/correccion.....pfc.....

Counter Clerk

Error no 5 Dated 01/07/2006.

The online operation was going on as very temporary basis since Dec 05. The Server was working in a very risk factor environment from 8(eight) months. Several correspondences were done previously.

Now the existing network were hang up during financial mart's work from 27/06/2006 at 4:30 PM. Very important matter that the Tape drive of server was not functioning from yesterday due to full of dust. In this condition if the server is out of order, no data will be recovered. The server room is not prepared till now in this office. So kindly arrange to shifting the server to a specify server room very early and a fresh network is necessary with proper servicing of server and some nodes.

This matter were discussed with A.B. Dtta, Supdt of Post offices, dated 27/06,28/06,29/06, and 30/06 via telephone and it was decided that the restoration of online operation will be done at any cost. It was not decided how much cost will be necessary. However we start the restoration work as per above necessity/ requirement.

Prem Ranjan Debnath
System Administrator.

S/M

Copy of error may please be forwarded to all concern

Postmaster
Dharmanagar HO

Error no 6 Dated 13/07/2006

To the Postmaster, Dharmanagar HO.

I am directed even your order no 141 dated 10/07/2006 pursue by Supdt of Post offices, Dharmanagar Division letter no J-1/MOD/aDNR Dated at Dharmanagar the 10/07/06 for completing or rebuilding the whole local area network immediately in Dharmanagar HO other wise written statement may be obtained.

So we have complete the client/node connectivity with RJ-45 shocked but 'where we installed the server and net switch' was not mentioned. So I therefore requested to you kindly inform the appropriate place to connect the client server base network system with server.

More over a small short high wooden table is necessary for coupling the switches.

Prem Ranjan Debnath
System Administrator.

Seen, please install western corner side for time being.

Dy. Postmaster
Dharmanagar HO.

Error no 24, Dated 29/09/2006

MIS 109109 holder Sri P.. Kr Baraihis...maximum limit....hence A.T is cancelled. Please arrange needful at your end.

Dy. Postmaster
Dharmanagar HO.

Error no 25 Dated 19/10/2006

Prem Ranjan Debnath

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Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
12 OCT 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

96--

To SA,

The SB a/c no 267200 is need of fresh data entry for final close. Depositor always press for the above no of a/c so please needful action.

Dy. Postmaster
Dharmanagar HO.

The online is running since 6 year so who will make the data entry for silent a/c

System Administrator

It is inform to the Postmaster, Dharmanag HO that I did not find any a/c of the false a/c which I deleted on 16/10/06 (a/c no 272772,273575,273250,273090,274160,272673) in the previous interest statement 'but why?' It may be software problems but I do not know actually what was happened in my absent. Kindly, look in to the matter.

Yours faithfully

Prem Ranjan Debnath
System Administrator

Sri R. Das worked as SA against absent of P.Debnath, SA. Therefore Sri R. Das should explain the fact for farther necessary action.

Postmaster
Dharmanagar HO

As per my knowledge we weren't yet any such type of software for this solution.

Rupesh Das
Asst. System Administrator

GCC

Abstract of the note and remark may please be forwarded to the Superintendent of Post, Dharmanagar Division for his kind information and necessary instruction.

Postmaster
Dharmanagar HO

Error no 26, Dated 20/10/2006

3 no's RD a/c 51556-51558 Rs, MPKBY agent Anuradha Bhattacharjee bulk acceptance assigning but computer bulk a/c not open. SA please solve the problems

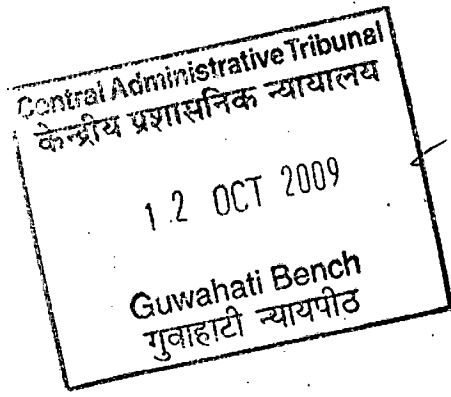
Dy. Postmaster
Dharmanagar HO.

Error no 27 Dated 27/10/2006

Service charge has been deducted from SB a/c 271391 instead of 271379. Please correct accordingly by making the transaction on a/c no 271379 and also delete the s/c from a/c no 271391.

Dy. Postmaster
Dharmanagar HO

Prem Ranjan Debnath



Error no 28 Dated 30/10/2006

To SA,

The SB a/c no 26700 is in need of data entry for final close applicant always press for the a/c so please needful action.

Dy. Postmaster
Dharmanagar HO.

A Fresh data-entry completed.

System Administrator.

Prem Ranjan Debnath

File in Court on... 19/2/10
Court Office

DISTRICT:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
GUWAHATI BENCH AT GUWAHATI

(An Application Under Section 19 of Administrative Tribunal, m Act 1985)

Filed by the Respondents
through me,
Mural Kumar Barua
Addl C.S.C.
19/2/10

O.A No. 179/2009

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
195 19 FEB 2010
Guwahati Bench
19/2/2010

IN THE MATTER OF:

Sri Prem Ranjan Debnath

.....Applicant.

-VS-

Union of India and others

.....respondents.

-AND-

IN THE MATTER OF:

A written statement on behalf of the

Respondents.

Copy received

Md. (K.M. Haloi)
Advocate for applicant
19. 2. 2010

MOST RESPECTFULLY SHEWETH:

1. That I am... I.e. Ashok Kumar, Asstt. Postmaster General,
of Chief Postmaster General North - Serai Circle,
Shillong
have gone through the instant O.A No. 179/2009 served on the
Respondents and have understood the contents thereof. Being well
conversant with the facts and circumstances of the case and I am

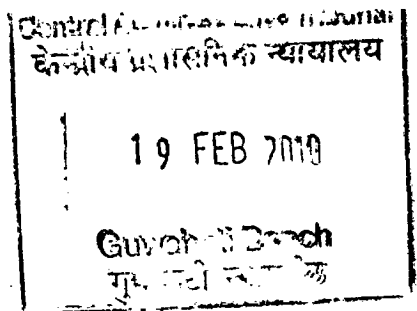
सहायक पोस्टमास्टर जनरल (स्टाफ/सर्कल)
Asstt. Postmaster General (Staff)
कृते मुख्य पोस्टमास्टर जनरल
For Chief Postmaster General
इ पू. परिमंडल, शिलांग
N.E. Circle, Shillong

Supervisor through are entry module, not by Superuser i.e. System Administrator . So it is clear that the whole process of deletion in the instant case was done directly by accessing the database using Administrator Password . Unless one does not have Administrator Pass word one can nor access the database directly . But there was no record or documentary proof of usage of Administrator Password for deletion of so called fictitious accounts. Obviously this is clear violation of clause 5.1.(4) of Schedule II of Information Technology Act 2000 (21 of 2000).

Thus it is crystal clear that the Applicant unauthorized deleted the fictitious SB accounts from the data base of Dharmanagar HO.

7. That with regards to the statements made Paragraph No.- 4.5 of the O.A. the answering respondent begs to state that the applicant was formally appointed as the SA , Dharmanagar HO vide this office memo no. J-I / SBLAN/DNR dated 13-03-2001 . The applicant underwent the required training of S.A. at C.O. Shillong from 05-09-2000 to 08-09-2000 vide this office order no. BB / Staff / SBLAN / DNR dated 01-09-2000 . He was also trained in Meghdoot software at PTC, Mysore from 01-03-1999 to 27-03-1999 vide this office order no. BB / Staff / SB LAN / DAR dated 09-02-1999 . He attended the workshop of System manager at C.O. Shillong w.e.f. 17-07-2003 to 18-07-2003 vide this office order No. BB / Staf / SB LAN / DNR / Pt-II dated 14-07-2003 . He also attended the workshop at PTC , Saharanpur w.e.f. 07-08-2003 to 09-08-2003 vide this office order No. BB / Staf / SB LAN / DNR / Pt-II dated 01-08-2003 . Apart from this , he participated in various trainings on system Administrator and others at Shillong , Mysore , Darbhanga time to time .

सहायक निदेशक (सिस्टम मॅनेजर)
 इलेक्ट्रॉनिक्स विभाग, शिल्लिंग
 For Chief Postmaster General
 इ.पु. पोस्टमैन्स, शिल्लिंग
 N.E. Circle, Shillong



8. That with regards to the statements made Paragraph No.- 4.6 of the O.A. the answering respondent begs to state that the applicant , was appointed System Administrator , Dharmanagar HO vide SP/DNR letter No. J-I/SBLAN/DNR dated 13-03-2001 and during his incumbency he was there in Dharmanagar HO to assist the applicant . On the other hand , Sri P.S. Datta , P.A. Divisional office was performing his duties as SA , Divisional Office , Dharmanagar by looking after the computer system of the Office .

9. That with regards to the statements made Paragraph No.- 4.7 of the O.A. the answering respondent begs to state that the back up CDS provided by the applicant to Shri Rupesh Das was forwarded to CO , Shillong by the later after taking over the charge of SA , Dharmanagar HO.

10. That with regards to the statements made Paragraph No.- 4.8 of the O.A. the answering respondent begs to state that Firstly , taking away some important computer peripherals like SCSI Card , Scanner , SCSI HDD , CD writer , Sound system etc. from the office to residence without prior permission from the competent authority and secondly , not returning the same to the office in tact are grave offence in nature which were committed by the applicant during his incumbency as SA , Dharmanagar HO. The applicant while handling over the charge of SA , Dharmanagar HO to **Kailashahar** MDG most cunningly handed over the accessories to Sri Ruipesh Das in writing with verbal assurance in presence of number of staff members to return those after few days , but those were not practically returned and ultimately denied to have taken them .

11. That with regards to the statements made Paragraph No.- 4.9 of the O.A. the answering respondent begs to state that taking away

सहायक पोस्टमैस्टर (जयपुर)
 कृपे मुखे पोस्टमास्टर (जयपुर)
 For Chief Postmaster General
 डी. ए. परिमल, शिलांग
 N.E. Circle, Shillong

19 FEB 2010

Gwalahati Branch
गुवाहाटी न्यायापीठ

some important computer peripherals like SCSI Card , Scanner , SCSI HDD , CD writer , Sound System etc. from the office to residence without prior permission from the competent authority and secondly , not returning the same to the office intact are grave offence in nature which were committed by the applicant during his incumbency as SA , Dharmanagar HO. The applicant while handing over the charge of SA , Dharmanagar HO to Kailashahar MDG most cunningly assurance in presence of number of staff members to return those after few days , but those were not practically returned and ultimately denied to have taken them . The applicant might have some concealed motive and it is quit evident from the manner of handling over the accessories under receipt though not mandatory.

12. That with regards to the statements made Paragraph No.- 4.10 of the O.A. the answering respondent begs to state that the applicant, (former SA , Dharmanagar HO), was proceeded against under Rule -16 of the CCS (CCA) Rules , 1965 for non- observance of Rules and procedures in performance of official duty vide this office memo. Of even no. dated 22-11-2007

13. That with regards to the statements made Paragraph No.- 4.11 of the O.A. the answering respondent begs to state that the applicant was allowed reasonable opportunity during the inquiry conducted by the ASP(HQ) , Dharmanagar Division who obtained his written statements in connection with the instant case . It is not mandatory to hear the charge office after obtaining the written representation against the proposed action under Rule -16 of the CCS (CCA) Rules , 1965 . Here in the instant case Sri Debnath , the appellant , was given a chance to submit his written deposition within 10 days from the receipt of the memo of charge - sheet as required under Rule -16 of the CCS (CCA) Rules , 1965 .

केन्द्रीय प्रशासनिक न्यायालय (स्थापना संरक्षकता)
Director General of Central Services (V)
इसे महा प्रशासनिक न्यायालय
Chief Postmaster General
इ. प्रशासनिक, शिलांग
N. B. Circle, Shillong

19 FEB 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

14. That with regards to the statements made Paragraph No.- 4.12 of the O.A. the answering respondent begs to state that the plea of the applicant that the statements of witnesses were not enclosed along with the articles of charges framed against him under rule-16 can not be acceded to , as it is not mandatory to enclose such statements along the articles of charges framed against the applicant for some malpractices were appropriates enough and the punishment awarded to him w as quitz nominal in nature keeping in view of the natural justice to the charged official .

15. That with regards to the statements made Paragraph No.- 4.13 of the O.A. the answering respondent begs to state that The Asst. Post Master general (vigilance) being the disciplinary authority of the instant case has most properly concluded the disciplinary proceedings against the charged official under Rule -16 of the CCS (CCA) Rules , 1965 keeping in opportunity and natural justice . The various correspondence referred by the appellatnt in the instant par of his appeal seemed to be a futile effort to extenuate the fact and circumstances .

16 That with regards to the statements made Paragraph No.- 4.14 of the O.A. the answering respondent begs to state that the appeal dated 04-03-2008 was disposed of on 18-06-2009 and all the points raised in this paragraph have been discussed at length in the proceedings dated 18-06-2009.

17. That with regards to the statements made Paragraph No.- 4.15 of the O.A. the answering respondent begs to state that the service Book was returned to the DPS , No. 5 and Division on 22-06-2009 after done with .

सहायक पोस्टमास्टर जनरल (सहायक जनरल)
Asst. Postmaster General (Asst. Genl.)
कृते मुख्य पोस्टमास्टर जनरल
For Chief Postmaster General
ड.पू. परिमंडल, शिलांग
N.E. Circle, Shillong

19 FEB 2010
Guwahati Branch
असम पोस्टाधिकार विभाग

18. That, with regards to the statements made Paragraph 4.16 the deponent beg to offer no comments and the deponent does not admit anything which is contrary to and / or in consistence with the records.

18.(I) That with regards to the statement made in paragraph 16(A) of the original Application the answering respondent beg to state that the charge sheet framed against the applicant , the then SA/PA , Dharmanagar HO under Dharmanagar Division vide this office memo of even no. dated 22-11-2008 was not only for the alleged manipulation of Sanchay Post data but because of alleged involved in taking bribe from the customers of WUMT and taking away and not retuning the computer peripherals from harmanagar HO as a result of which he was awarded the penalty of withholding of one increment for a period of three years without cumulative effect on conclusion of the disciplinary proceeding under Rule -16 vide this office case mark SB-1.MISC/Corr

18.(II) That with regards to the statement made in paragraph 16(B) of the original Application the answering respondent beg to state that the written deposition date 16-06-2007 of the Applicant was obtained by the ASP (HQ), Dharmanagar in C/W inquiry against the said official for asking bribe from the WUMT customers . From this statement dated 16-06-2007 , it was apparently clear that the allegation of taking bribe from the bona fide customers of WUMT cropped up since 2002 on wards when Shri N.K. Suklabaidya , Post master , Dharmanagar HO wanted to have the lion share of Rs. 50/- charged as entertainment cost for offering tea , biscuits etc. to the WUVT customers.

18.(III) That with regards to the statement made in paragraph 16(C) of the original Application the answering respondent beg to


असम पोस्टाधिकार विभाग (सहायक सचिव) का कार्यालय
कृते मुख्य पोस्टमास्टर जनरल
For Chief Postmaster General
ड. प. परिमंडल, शिलांग
District Circle, Shillong

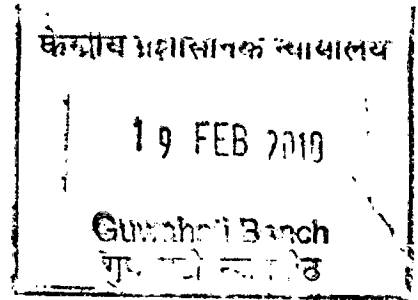
18.(VI) That with regards to the statement made in paragraph 16(F) of the original Application the answering respondent beg to state that the Chef Post Master General being the disciplinary authority of the instant case has most property concluded the disciplinary proceedings against the charged official under Rule - 16 of CCS (CCA) Rule , 1965 keeping in view all the relevant records of the case and the applicant was given full opportunity as per the principles of natural justice .

19. That the statements made Paragraph No.- 4.17 of the Original Application are untrue allegations and are denied by the deponent . The deponent begs to state that that the provision of the Rules referred to were taken into account by the appellate authority while disposing the appeal and as such there is neither violation of any law nor of the principles of natural justice

20. That, with regards to the statements made Paragraph 4.18, 6, 7, 10 & 11 the deponent beg to offer no comments and the deponent does not admit anything which is contrary to and / or in consistence with the records.

21. That with regards to the statement made in paragraph 5(A) , 5(B) , 5(C) , 5(D) , 5(E) , 5(F), 5(G),5(H) and 5(I) of the original Application and the grounds taken therein are vehemently denied by the answering respondents. The answering respondent beg to state that the action taken by the respondent authorities are legal and were as per the statutory provision governing them . Hence there is neither violation of nature justice and Article 14 and 16 of the Constitution of India nor any arbitrary , illegal and / or whimsicality committed by the respondent authorities


महासचिव पोस्टमास्टर जनरल (सहायक कर्ता)
द्वारे हस्त: पोस्टमास्टर जनरल
For Chief Postmaster General
ए.पू. परिबंधक, शिलांग
N.E. Circle, Shillong




22. That with regards to the statement made in paragraph 8 and 9 of the original Application and the prayer made therein by the applicant is unjust, unreasonable and unsustainable in the eye of law. and as such the Original application should be dismissed with exemplary cost.

23. That the answering respondent begs to state that the application is filed not in bonafide and the same should be dismissed with cost.

24. That the deponent beg to submit that the application is not maintainable in facts as well as in law and as such the same should be dismissed with cost.

25. That the deponent beg to submit that the application is filed unjust and unsustainable both in facts & law and as such the same should be dismissed with cost.


उप-पोस्टमास्टर जनरल (स्थापना समर्कित)
कृते कृते पोस्टमास्टर जनरल
C. F. Postmaster General
उप-परिमंडल, शिलांग
N.E. Circle, Shillong

Central Board of Secondary Education
 केन्द्रीय माध्यमिक शिक्षा बोर्ड
 19 FEB 2010
 Guwahati Branch
 गुवाहाटी शाखा

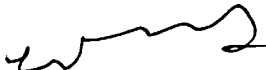
VERIFICATION

I, K. Ananta Kumar, Son of K. Anantadas
 _____, aged about 56 years, working as APMG in
 the office of Chief P.M.G., N.E. Circle, Shillong
 resident of Shillong

_____ do hereby verify that the contents
 of paragraph _____ to _____ are true my
 personal knowledge and paras _____ believed
 to be true on legal advice and that I have not suppressed any
 material facts.

Place: Shillong

Date 19/2/10


 Deponent

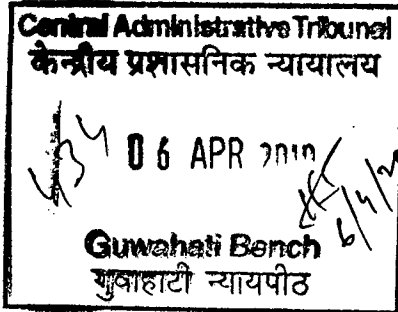
परीक्षा नियंत्रक जनरल (स्था. प्रशा. वि.)
 कृते मुख्य परीक्षा नियंत्रक जनरल
 Chief Inspector General
 उ.पू. परिमंडल, शिलांग
 N.E. Circle, Shillong.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

GUWAHATI



O.A. No. 179/2009

In the matter of: -

Sri Prem Ranjan Debnath

.....Applicant

-VERSUS-

The Union of India and Ors

.....Respondents

-AND-

In the matter of: -

Rejoinder filed on behalf of the applicant.

Filed by

Prem Ranjan Debnath
through
Kumar Navarajan Haloi
Advocate 6/4/2010

Reviewed.
Minal K. Bho.
Addl. C.G. Sec.
6/4/10

I, Sri Prem Ranjan Debnath, Son of Sri Pramod Ranjan Debnath, aged about 40 years, applicant in this instant original application do hereby beg to state as follows: -

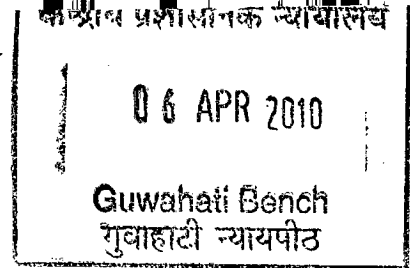
1. That I am the applicant in the instant original application and as such I am well acquainted with the facts and circumstances of the case.
2. That I have gone through the written statements filed by the respondent and I have understood the contents thereof.
3. That save and except those statements made in the written statement, which are specifically admitted herein below, rests may be treated to have been denied by the applicant and the applicant does not admit anything which is contrary to and inconsistent with the record of the case.
4. That the paragraph 6 of the written statement deals with the matter relates to deletion of some fictitious savings accounts which were opened long before computerization. The applicant, a System Administrator statutory post under the Information Technology Act, 2000 duly informed his superior who asked him to delete the account which is evident from the

06 APR 2010

Guwahati Bench
गुवाहाटी न्यायपीठ*Prem Ranjan Gohain*

Error Book where these deletions were recorded which was signed and countersigned by the applicant and concerned superior officials. This fact indicates that the deletion was with due approval of the higher authorities. The applicant had not violated any provision of the Information Technology Act, 2000. Whatever he had done was within the ambit of the Information Technology Act, 2000 which empowers the System Administrator to perform some duties as stipulated therein. I specifically deny the averment that there is no option in any version of Sanchay Post Software to delete any account number. The contradictory averment that the deletion/modification of account number are to be done by the concerned supervisor is also not correct. It is emphatically denied that there is no record or documentary proof of deletion of some fictitious accounts. These deletions are apparent on the Error Book.

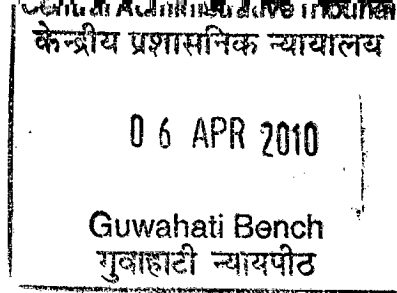
5. That the averment made in paragraph 7 of the written statement with reference to the applicant's statement made in paragraph 4.5 of the original application are out of context. In this regard the applicant further reiterate that there shall be one properly trained system administrator.
6. That with reference to statement made in paragraph 8 of the written statement, it is apparent that other system administrator was appointed in addition to the applicant. The applicant never prayed to his higher authorities to appoint any other system administrator to assist him.
7. That the averment made in paragraph 9 of the written statement with reference to applicant's averment in paragraph 4.7 of the original application clearly indicates that the applicant duly handed over the charge to Sri Rupesh Das, another system administrator, when he was transferred from Dharmanagar Head Office to Kailashahar Mukhya Dakghar.
8. That the averments made in paragraph 10 of the written statement are absolutely incorrect and the same are totally after thought. The applicant while handing over his charge to Sri Rupesh Das had specifically indicated what are those computer accessories he handed over to Sri Rupesh Das. The



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applicant never brought any computer accessory to his residence nor he promised anybody for returning such computer accessories. The disciplinary authority relied upon some written depositions made by some employees against the applicant. The applicant repeatedly asked the authority concerned to hold a departmental enquiry. It is also indicated in the reply to the charge memo. But, for the reasons best known to them, no, enquiry was held. For this reason only the applicant approached this Hon'ble Tribunal by filing an original application, being O.A. No. 90/2009, wherein it was, inter alia, contended that the disciplinary authority had not initiated any departmental enquiry providing due opportunity to the applicant to defend his case against the allegation lodged against him. Specific grounds were also incorporated in the said original application for not holding departmental enquiry. This Hon'ble Tribunal vide Judgment and order dated 20.05.2009 directed the appellate authority to consider the contention of the applicant by quoting the grounds on which the appeal was structured. The Judgment and order was communicated to the respondent authority by this Tribunal on 19.06.2009. But before this communication authority passed its order on 18.06.2009 without referring anything about the Judgment and order passed by this Hon'ble Tribunal, why the disciplinary authority avoided the regular departmental enquiry is best known to them. Finding that the applicant had not delivered all computer accessories to Sri Rupesh Das on his transfer is contrary to the handing over of charges notes. It is based on deposition of some employees. The applicant had no opportunity to cross examine those employees. Even the copies of these depositions were not handed over to him. So, by any stretch of imagination it cannot be presumed that the authority concerned had acted with due compliance of natural justice while imposing punishment on applicant.

9. That the averment made in paragraph 11 of the written statement is a clear admission that the applicant handed over the computer accessories and obtained receipt in this regard. In order to implicate the applicant an averment has been made that the applicant most cunningly assured, in



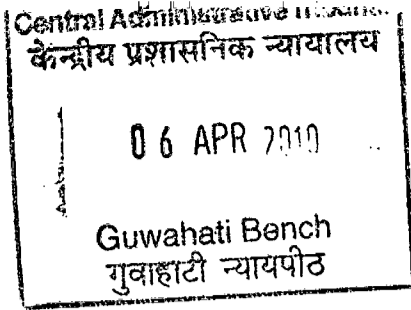
From Sanjay Debbarh

presence of number of staff members, to return some computer accessories after few days which were not allegedly returned. This is an after thought averment. To assess this factual situation to the effect whether these computer accessories were in fact handed over or not an enquiry is sine qua non. Without any enquiry it cannot be assessed. The applicant on several occasions requested the disciplinary authority to hold an enquiry, but, unfortunately, for obvious reason enquiry has not been held. The conduct of the Respondents in bypassing the Judgment and order passed by this Hon'ble Tribunal on 20.05.2009, communicated on 19.06.2009, is an unfair one.

10. That the statements made in paragraph 12, 13, 14 and 15 of the written statement are not tenable. Basic case of the applicant is that he has been inflicted with the impugned punishment was in gross violation of the principles of Natural Justice. Two charges are against the applicant. The first charge relates to deletion of some fictitious account from the computer. Applicant's stand is that it was deleted with due approval of the supervisor and entered into the Error Book.

The second allegation relates to non supply of computer accessories when the petitioner was transferred from Dharmanagar to Kailashahar. Though there is a clear indication of handing over of those computer accessories when the charge was handed over. The respondent came with an averment though the handing over and taking over of charges indicates that the computer accessories were handed over by the applicant, but, in fact it was not handed over and the applicant assured to hand over the same. This stand was specifically denied and the applicant requested the disciplinary authority to cause a regular departmental enquiry. The concerned authority did not hold the same and came to a conclusion that the computer accessories were not handed over. Entire disciplinary proceeding was vitiated for non compliance of the principles of natural justice.

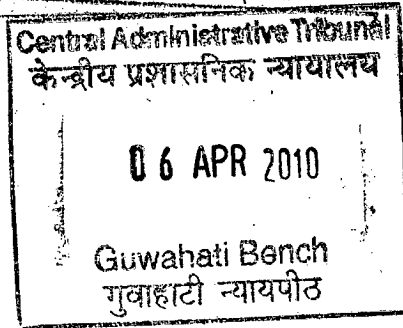
11. That the statements made in paragraph 16 and 17 of the written statement which is in return of the averment made by the applicant in paragraph 4.14



of the original application relates to the departmental appeal preferred by the applicant against the order of penalty dated 31.01.2008 on the ground that the disciplinary authority arbitrarily imposed punishment on him without considering the material facts. No formal enquiry was held. The disciplinary authority relied upon the verbal deposition of Sri Rupesh Das to whom the computer accessories were handed over. They also relied upon the deposition of Sri Partha Sarathi Dutta. The applicant was deprived of due opportunity to examine those persons. During pendency of this departmental appeal the applicant approached before this Hon'ble Tribunal. The Tribunal directed the appellate authority to consider grounds set forth in the original application. But nothing has been done.

12. That with regard to the statement made in paragraph 18 of the applicant begs to state that he approached this Hon'ble Tribunal for necessary direction to the disciplinary authority so that the principles of natural justice may be complied with. In support of his case he formulated certain grounds compliance whereof is essential for due compliance of natural justice. This Hon'ble Tribunal being satisfied with the grounds set forth directed the appellate authority to consider those grounds by quoting the contention raised by the applicant under caption A, B, C, D, E, and F at paragraph 3 of the Judgment and order dated 20.05.2009; None of those grounds was considered by the appellate authority. Now, the respondent authority in the paragraph 18 of their written statement have stated that grounds are not tenable. This stand of the respondent authority is not only a very sorry state of affairs but also a willful disobedience of the order passed by this Hon'ble Tribunal on 20.05.2009.
13. That the contentions raised in paragraph 19 and 21 are not at all tenable and the applicant reiterates his contention incorporated in the present original application.
14. That the applicant is entitled to have the relief sought for in the present original application.

Prem Roy on Behalf



VERIFICATION

I, Sri, Prem ranjan Debnath, son of Sri Pramod ranjan Debnath, aged about 40 years, an employee of Department of Post, working as Postal Assistant-Cum-System Administrator of Dimapur MDG, presently residing at Railway Colony, Dimapur, P.O:- Dimapur, P.S:- Dimapur, Nagaland do hereby state that I am the applicant of this case and am well acquainted with the facts and circumstances of this case. The statements made in paragraphs 1, 2, 3, 4, 5, 6, 7, 8 (Part), 9, 10 and 11 are true to my knowledge and belief and those made in paragraphs 8 (Part) and 12
.....are true to my information derived from records which I believe to be true and rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 7th day of March, 2010.

Prem ranjan Debnath