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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 117/95

R.A/C.P No.

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SECTION OFFICER (Judl.)

Kalish
5.2.18

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

✓ ORIGINAL APPLN.NO. 117 OF 1995
TRANSFER APPLN.NO. OF 1995
CONTEMPT APPLN.NO. OF 1995 (IN OA NO. 116)
REVIEW APPLN. NO. OF 1995 (IN OA NO.)
MISC. PETN. NO. OF 1995 (IN OA NO.)

..... Lankeswar Das APPLICANT(S)

..... H.O. I. E. O. V. RESPONDENT(S)

FOR THE APPLICANT(S)

...MR. B.K. Sharma
MR. M.K. Choudhury
MR. P. J. Choudhury
MR. S. Sarma
...MR. A.K. Choudhury
Adv. Choudhury

FOR THE RESPONDENTS

OFFICE NOTE	DATE	ORDER
<p>This application is in form and within time.</p> <p>E. F. of Rs. 50/- deposited vide</p> <p>IPO/BD No. 885525</p> <p>Dated 29.6.95</p> <p><u>R. P. Choudhury</u> 29/6</p> <p>Requisites are sent on 4.8.95 & issued vide no-2884-82 dt. 7.7.95</p>	30-6-95	<p>Mr.M.K.Choudhury, for the applicant. Mr.A.K.Choudhury, Addl.C.G.S.C. for the respondents.</p> <p>Apparently the memorandum of charge dated 17-1-95 was issued for imposition of minor penalty. However, the impugned order dated 1-5-95 read with order dated 23-2-95 amounts to imposition of a major penalty. The order therefore, is illegal on the face of it. The appeal preferred by the applicant dated 4-4-95 to the Director of Postal services is still pending. In the circumstances issue notice before admission to the respondents to show cause as to why the O.A. be not admitted and the interim order confirmed.</p> <p>Returnable on 3-8-95. Pending Admission the operation of the impugned orders is hereby stayed.</p> <p>Mr.A.K.Choudhury Addl.C.G.S.C. now seeks to appear for the respondents. However the notices should be issued directly to the respondents.</p> <p><u>[Signature]</u> Vice-Chairman</p> <p><u>[Signature]</u> Member</p>

②

O.A.117/95

Office sent on
P.W. 12/3/95.

3-8-95

Mr.A.K.Choudhury Addl.C.G.S.C

for the respondents. No show cause
reply has been filed so far. Mr.Chou-
dhury seeks further time. It appears
that the appeal preferred by the appli-
cant on 4-4-95 has not still being
decided by the Director of Postal
Service? Hence the matter is adjourned
for admission to 9-10-95 by which
date the respondents should file
their show cause if any together with
the decision on the appeal.

Copy of this order be supplied
to Mr.A.K.Choudhury.



order d. 3-8-95

Order no. 3638 d. 14-8-95

4/8

lm

Vice-Chairman

Member

17.10.95

Mr M.Chanda/MR A.K.Choudhury, Addl.
C.G.S.C.

Adjourned to 3.11.1995. Liberty
to the respondents to file show cause
reply in the meantime.

Show cause Reply has
not been filed.

2/11

Member

Vice-Chairman

pg

29.11.95

3.11.95

Mr A.K.Choudhury, the learned Addl.
C.G.S.C prays for further time to file
show cause reply.

Adjourned to 1.12.1995 for admission.
Liberty to file reply.

v/s Intervalled
on behalf of Respondents
No. 1, 2, 3 and 4.

Member

Vice-Chairman

pg

(1-12-95 / For Admission on
11-12-95 . P.O

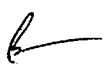
3)
O.A.117/95

11-12-95

Mr. B.K. Sharma for the applicant.
Mr. A.K. Choudhury for the respondents.

Mr. Sharma states that he is awaiting instructions of the applicant. In view of disposal of ^{his} ~~this~~ departmental appeal, ~~Ad~~ adjourned to 4-1-96.


Member


Vice-Chairman

lm

1) Service Ready.

4.1.96

Adjourned to 11.1.1996.

2) w/ statement - has been
billed.


Member


Vice Chairman.

pg

270
1011

11.1.96


11A-16.1.96

16.1.1996

Mr B.K. Sharma for the applicant.
Mr A.K. Choudhury, Addl. C.G.S.C.
for the respondents.

Heard the counsel for the parties.
Judgment delivered. The application is rejected.

Detailed order contained in separate
sheets.


Vice-Chairman


Member

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6/6
Copy of Judgment
issued to the parties
along with the counsel
of the parties vide
D.No. 1198 to 1202 D
6.6.96


6/6

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI-5

O.A.No.117 of 1995

Date of decision 16.1.1996

(AT ADMISSION STAGE)

Shri Lankeswar Das

PETITIONER(S)

Shri B.K. Sharma

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India and others

RESPONDENT(S)

Shri A.K. Choudhury, Addl. C.G.S.C.

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE JUSTICE SHRI M.G. CHAUDHARI, VICE-CHAIRMAN

THE HON'BLE SHRI G.L. SANGLYINE, MEMBER (A)

1. Whether Reporters of local papers may be allowed to see the Judgement? *yes*
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether the Judgement is to be circulated to the other Benches?

yes

No

M.G. Chaudhari
Judgement delivered by Hon'ble Vice-Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.117 of 1995

Date of decision: This the 16th day of January 1996
(AT ADMISSION STAGE)

The Hon'ble Justice Shri M.G. Chaudhari, Vice-Chairman

The Hon'ble Shri G.L. Sanglyine, Member (Administrative)

Shri Lankeswar Das,
Sub-Postmaster,
Chandrapur Sub Post Office,
Guwahati.

.....Applicant

By Advocate Shri B.K. Sharma.

- versus -

1. The Union of India, represented by
Director General, Posts,
New Delhi.
2. The Director of Postal Services,
Office of the Postmaster General,
Assam Circle,
Guwahati.
3. The Chief Postmaster General,
Guwahati.
4. The Sr. Superintendent of Post Offices,
Guwahati Division,
Guwahati.

.....Respondents

By Advocate Shri A.K. Choudhury, Addl. C.G.S.C.

O R D E R

CHAUDHARI.J. V.C.

Mr B.K. Sharma for the applicant.

Mr A.K. Choudhury, Addl C.G.S.C., for the respondents

Under Annexure-2 the Mahila Samriddhi Yojna was launched by the Central Government and operated through all rural post offices. The applicant who was working as SPM, Chandrapur Sub Postoffice was instructed by the Sr. Superintendent of Postoffices, Guwahati, to open the MSY account at his Postoffice. He, however, refused to do so and took up the plea that Chandrapur is an urban area under Guwahati Town Delivery and not a rural post office, and therefore, the scheme did not apply. By Annexure-3 dated 15.11.1994

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the Sr. Superintendent of Postoffices clarified that Chandrapur was under Chandrapur Gaon Panchayat and treated as a rural area and, therefore, his plea cannot be accepted and directed him to open the account at his postoffice. He was also informed that the monthly target of his office was fixed at 100 accounts and that he will be held responsible for achieving that target including arrear since July 1994. He was also warned that any deliation from these instructions will be viewed seriously. Even thereafter, the applicant by Annexure-4 dated 12.12.1994 addressed to the Sr. Superintendent of Postoffices, raised the contention that if he would open the account he would be showing disobedience to the Directorate, New Delhi and the CPMG, Assam as well as to the Government of India and argued that for the reasons given by him Chandrapur could not be treated as a rural postoffice, and therefore, he would not be able to open the account for which he should be excused. This was treated as an act of disobedience, and therefore, a disciplinary proceeding under Rule 16 of the CCS(CCA) Rules, 1965, was commenced. The charge was framed for violation of provision of Rule 3(I)(i), (ii) and (iii) of the CCS (Conduct) Rules, 1964. The applicant raised the same contention as noted above. The Sr. Superintendent of Postoffices negatived that argument and held that the misconduct was proved. He, therefore, imposed the penalty of reduction of pay by 2 stages in the time scale of pay for a period of one year, but the applicant was to earn the increment of pay during the period of reduction and on expiry of the period the reduction was not to have the effect of postponing his future increment of pay. That order was passed on 23.2.1995, Annexure-6. The order of penalty was, however, modified by the Sr. Superintendent of Postoffices by order dated 1.5.1995, Annexure-8, and the period of reduction of pay was reduced from one year to four months. The applicant preferred an appeal to the Director of Postal Services, Assam Circle. By order dated 1.8.1995, Annexure-D to the written statement, the Appellate Authority while confirming that the misconduct was proved took the view that the punishment as imposed was without due consideration of the impact thereof on the pension and.....

led

and other retirement benefits due to the applicant and for that reason and considering the long years of service by the applicant further modified the penalty by directing that the reduction of pay would be only by one stage (instead of 2 stages) and that it will not adversely affect his pension. The direction that the applicant will earn increment during the period of reduction and on expiry of the period of penalty it will not have the effect of postponing the future increments of pay has been maintained.

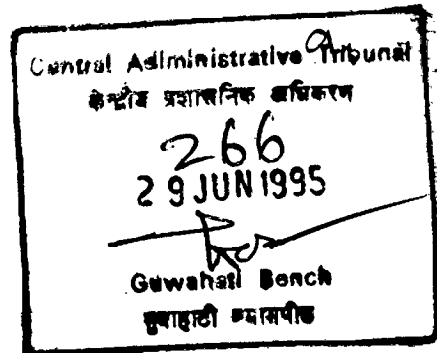
2. It is difficult to appreciate the stand of the applicant. Even if the applicant was of certain opinion as regards the nature of Chandrapur Sub Postoffice and wanted to read the scheme in a particular way and felt that it may not apply to that postoffice it was not open to him to disobey the directions of his superior officers, particularly when his plea was negatived and when he was instructed by Annexure-3 to open the account. This being a case of breach of discipline it will not be possible to interfere with the findings recorded by both the authorities as the enquiry was held in accordance with the prescribed procedure and there is no illegality therein. That apart, the Appellate Authority has taken a very reasonable view and the pensionary benefits of the applicant has now been protected. The penalty has been reduced almost to a nominal penalty. We do not, therefore, see any case disclosed justifying the admission of the O.A.

3. The original application is accordingly rejected.


(G. L. SANGLYINE)
MEMBER (A)


(M. G. CHAUDHARI)
VICE-CHAIRMAN

7/13



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH

Case NO :

O.A. 117 of 1995

Shri Lankeswar Das Applicant

Vs

The Union of India and ors ... Respondents.

I N D E X

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For office use only

Copy served upon
Mr. A.K. Choudhury, Advocate
on 29.6.95
As Mktg
Advocate

Regn.No.

Date of filing

REGISTRAR.

10
Filed by in
apparent copy
for which see
23-6-95

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

O.A. No. 117 of 1995

BETWEEN

Shri Lankeswar Das,
Sub-Postmaster,
Chandrapur, Sub Post Office,
Guwahati-781150.

... Applicant

AND

1. Union of India
represented by Director General, Posts
New Delhi - 110 001.
2. The Director of Postal Services,
Office of the Postmaster General,
Assam Circle, Guwahati-781001
3. The Chief Postmaster General
Meghdoot Bhawan, Guwahati-1.
4. The Sr. Superintendent of Post Offices,
Guwahati Division,
Guwahati-781001.

... Respondents

DETAILS OF APPLICATION

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

The application is made against order under No. E 2/CMSY/93-94 dated 23rd Feb. 1995 and office order dated 1.5.95 vide Memo No. E 2/MSY/93-94 issued by the applicant ~~Respondent~~ Respondent No. 4 whereby the pay of the applicant is reduced by 2(two) stages from Rs.1720/- to Rs.1640/- for a period of four months w.e.f. 01.06.95.

2. JURISDICTION OF THE TRIBUNAL :

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

Contd...P/2.

3. LIMITATION :

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

4. FACTS OF THE CASE :

4.1 That the applicant is a citizen of India and permanent resident of Assam and as such, he is entitled to all the rights, protections and privileges guaranteed under the Constitution of India.

4.2 That the applicant is serving as the Sub Postmaster of Chandrapur Sub Post Office, Guwahati.

4.3 That the Chandrapur Sub Post Office is covered by Town Delivery List circulated by the respondents from time to time.

4.4 That a scheme called Mahila Samridhi Yojna has been launched by the Government and operated through all the rural Post Offices. The scheme is for ideal rural women and according to the scheme, the accounts under this scheme can be opened only in a post office having delivery jurisdiction over depositors' village. According to this scheme a depositor desiring to open an account will make an application in a prescribed form.

A copy of the said Yojna is annexed herewith as ANNEXURE-1.

4.5 That pursuant to the said Yojna, the respondent No. 4 issued a circular dated 23.5.94 addressed to all the

Contd...P/3.

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Sub Postmasters and Branch Postmasters of rural areas wherein wherein the circular of the Directorate dated 29.4.94 was forwarded. It was stated there-in that Mahila Samridhhi Yojna (hereinafter referred to as MSY launched by the Central Government and operated through all rural Post Offices is being watched and monitored by the Government. It was stated therein that the Sub Postmasters will open the account in usual course and communicate the account number allotted to the Branch Postmaster/E.D. Sub Postmaster through the B.O. Slip. It contained the other guidelines for the MSY.

A copy of the circular dated 23.5.94 is annexed herewith and marked as ANNEXURE-2.

4.6 That as already stated hereinabove, the Post Offices wherein the applicant is working is not a rural Sub Post Office. The respondent No. 4 issued a circular under No. LI/TD/Sorting List dated 9.2.94 whereby the Town Delivery List of various Post Offices were ~~re~~ circulated. From the list, it is clear that the Chandrapur Sub Post Office and the Chandrapur Mill Branch Post Office (which is a non-delivery branch) are covered by the Town Down List and therefore, these offices do not come under the aforesaid MSY Scheme. The applicant craves the leave of this Hon'ble Tribunal to produce a copy of the circular dated 9.2.94 at the time of hearing.

4.7 That the respondent No. 4 by a communication dated 15.11.94 directed the applicant to open accounts in the Chandrapur Sub Post~~ing~~ Office and the Chandra Mill Branch Post Office under it to reach the target of the scheme. It was alleged in the said letter that the applicant refused to open MSY accounts on the plea that Chandrapur was an urban area under Guwahati Town Delivery. The respondent No. 4 stated

Contd...P/4.

that on enquiry it was found that "Chandrapur is not a town ratteer. It is under Chandrapur Gaon Panchayat and treated as rural area." The respondent No. 4 directed to open MSY account at the office of the applicant and allow the Branch Postmaster, Chandrapur Mill Branch Office to open MSY account right from the next date. It was further stated that the target for the office of the applicant has been fixed at 100 accounts.

A copy of the said letter dated 15.11.94 is annexed herewith as ANNEXURE-3.

4.8 That on receipt of the aforesaid letter dated 15.11.94, the applicant submitted his reply to the respondent No. 4 stating clearly that as per Directorate's letter and as per Town Delivery List of C.P.M.G., Guwahati, the MSY is not required to be opened at Chandrapur Sub Post Office and Chandrapur Mill Branch Post Office and if the MSY accounts are opened it may be treated as disobedience to the Directorate's order. The applicant also referred his ~~xx~~ earlier explanation regarding the same subject. The applicant further stated that there was no local people available in his jurisdiction for the purpose of opening MSY accounts. The area covered by the Post Office of the applicant are inhabited by people mostly from Palasbari, Nalbari, Tamulpur Rangia and also Bangladeshis, and people from other parts of the States. His area covers the residence of A.S.E.B. Project Quarters as well as quarters of Assam State Fertiliser Corporation and National Textile Corporation. He further stated that there are no activities of Gaon Panchayat or

Contd...P/5.

Rural Panchayat in that place and instead the matters are settled by the Sub-Divisional Officer of Pragjyotishpur and Pragjyotishpur Police Out Post. The petitioner also submitted instances where inspite of existence of village Development Committees, the Post Offices of that area have not been entrusted with opening MSY accounts. The applicant further clarified that the Chandrapur Mill Branch Post Office is situated inside a mill which in turn is situated in the heart of the Chandrapur Town. He also stated that all the Sub Postmasters posted in Chandrapur Sub Post Offices were in receipt of B-II class city benefits including H.R.A. since 1981 and therefore, the said Post Office cannot be termed as rural Post Office. The applicant, therefore, intimated that in view of the aforesaid difficulties and factual position, he will not be able to open MSY accounts.

A copy of the aforesaid reply dated 12.12.94 is annexed herewith as ANNEXURE-4.

4.9 That thereafter by a Memorandum under No. E 2/MSY/Misc/93-94 dated 17.1.98, the applicant was informed that it was proposed to take action against him under Rule 16 of the CCS(CCA) Rules, 1965. The applicant was directed to file his representation against the proposed action within 10 days. A statement of imputation of misconduct was also enclosed ~~him~~ to the said Memorandum. In the statement of ^{it} imputation ~~which~~ was alleged that the applicant was directed to open MSY account in his office under several instructions but the applicant did not open any MSY account inspite of clear instructions and by the above acts the applicant failed to obey the instructions issued by his

Contd...P/6.

superior officers violating the provisions of Rule 3(I) (i), (ii) and (iii) of the CCS (Conduct) Rules, 1965.

Immediately on receipt of the aforesaid memorandum, the applicant furnished his representation on the body of the imputation stating his defence. The applicant in order to avoid repetition does not state his reply and reply given by the applicant on 9.2.95 may be treated as a part of this application.

A copy of the memorandum dated 17.1.95 ~~EX~~ along with the statement of imputation and the reply of the applicant are annexed herewith as ANNEXURE-5.

4.10 That thereafter by an order under No. E 2/MSY/93-94 dated 23.2.95 issued by the Respondent No. 4 pay of the applicant was ordered to be reduced by two stages for a period of one year with effect from 1.6.95.

A copy of the aforesaid order dated 23.2.95 is annexed herewith as ANNEXURE-6.

4.11 That the applicant states that the aforesaid order dated 23.2.95 is absolutely illegal and not sustainable in law. The respondent No. 4 had served the memorandum of charges under Rule 16 of the CCS(CCA) Rules, 1965. However, he had imposed penalty under Rule 14 of the said Rules as provided in Rule 11(v) of the said Rules. Therefore, the order of imposition of major penalty is arbitrary, illegal and without jurisdiction.

4.12 That the applicant states that before imposition

Contd....P/7.

of the penalty, the disciplinary authority did not make any enquiry, In the absence of any enquiry, the authority is not empowered to impose any of the penalties specified in Clause (v) to (ix) of Rule 11 and as such, the order dated 23.2.95 is void ab-initio.

4.13 That the applicant submitted an appeal dated 4.4.95 addressed to the respondent No. 2 who is the appellate authority. The applicant in his appeal pointed out the illegality and prayed that the order dated 23.2.95 be set aside and quashed.

A copy of the appeal dated 4.4.95 is annexed herewith as ANNEXURE-7.

4.14 That although the appeal of the applicant is pending before the appropriate authority, in the meantime, the respondent No. 4 issued an order dated 1.5.95 purporting it to be a corrigendum whereby the order of penalty has been substituted and it has been ordered that the pay of applicant be reduced by two stages for a period of four months with effect from 1.6.95.

A copy of the aforesaid order dated 1.5.95 is annexed herewith as ANNEXURE-8.

4.15 That the applicant submitted a number of reminders to the respondent No. 4 praying for disposal of his appeal but till date no order has been passed by the appellate authority.

Copies of two such reminders dated 5.5.95 and 20.5.95 are annexed herewith as ANNEXURES-9 & 10.

Contd...P/8.

4.16 That the applicant states that the order dated 1.5.95 is not an order of the appellate authority since it is passed by the respondent No. 4 who ~~imposed~~ himself passed the earlier order of penalty. Since the appeal has not been disposed of as yet and since the order of penalty is to be made effective from 1.6.95 he has been constrained to approach this Hon'ble Tribunal seeking the relief that the order of penalty has not yet been imposed inasmuch as the salary of the applicant for the month of June 1995 will be due only on 30.6.95.

4.17 That the applicant states that if an interim order as prayed for is not granted, the applicant would suffer irreparable loss and injury. The order of penalty is yet to be imposed and therefore, he prays that an interim order be passed before 30.6.95.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the action of the respondents in imposing penalty on the applicant is arbitrary, illegal and not sustainable in law.

5.2 For that the order dated 23.2.95 is absolutely without jurisdiction and has been passed in colourable exercise of power.

5.3 For that the disciplinary authority having served the memorandum of charges under Rule 16 of the CCS(CCA) Rules, could not have imposed penalty under Rule 14 of the said Rules.

Contd...P/9.

5.4 For that the respondents are not entitled to pass any of the penalty specified in Clause (v) to (ix) of Rule 11 of the CCS(OCA) Rules without making any enquiry. In the instant case, no enquiry whatsoever was made under the Rules and the applicant was deprived of the reasonable opportunity to defend his case. The imposition of major penalty pursuant to a memorandum of charge under Rule 16 of the C.C.S. (C.C.A.) Rules is illegal and liable to be set aside and quashed.

5.5 For that the disciplinary authority has imposed the penalty on the applicant without due process of law and the actions of the respondents are violative of the principles of natural justice and therefore, the impugned order is not sustainable in law.

5.6 For that in any view of the matter, the impugned order is liable to be set aside and quashed.

6. DETAILS OF REMEDIES EXHAUSTED :

That the applicant states that he has filed an appeal against the order of imposition of penalty. However, the appeal is not disposed of by the appellate authority but in the meantime, the order of penalty would be effective from 30.6.95. As such he has no other alternative or efficacious remedy.

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

The applicant further states that he has not filed any application, writ petition or suit regarding the subject

matter against which this application has been made before any authority or any other Court of law or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

On the facts and circumstances, the applicant prays for the following reliefs :

- 8.1 To hold that the order dated 23.2.95 under No. E2/MSY/93-94 issued by the respondent No. 4 (Annexure-6) is illegal.
- 8.2 To hold the order dated 1.5.95 under No. E 2/MSY/93-94 issued by the respondent No. 4 (Annexure-8) is illegal.
- 8.3 To set aside and quash the aforesaid orders dated 23.2.95 and 1.5.95
- 8.4 To grant appropriate cost to the applicant
- 8.5 Any other relief or reliefs to which the applicant is entitled under law and equity.

9. INTERIM ORDER PRAYED FOR :

The applicant states that prima facie the impugned orders are illegal, therefore, an interim order may be passed staying the operation of the orders dated 23.2.95 (Annexure-6) and 1.5.95 (Annexure-8).

10.

The application is filed through Advocate.

Contd...P/11.

11. PARTICULARS OF THE I.P.O. :

(i) I.P.O. No. : 03 88 5525
(ii) Date : 29-6
(iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

VERIFICATION

I, Shri Lankeswar Das, aged about 57 years, at present working as the Sub Postmaster of Chandrapur Sub Post Office, Guwahati-781150, the applicant, do hereby solemnly affirm and verify that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge ; those made in paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the day of June 1995 at Guwahati.

Lankeswar Das

SALIENT FEATURES OF MAHILA SAMRIDHI YOJNA

- k) ~~2~~
- i) This Scheme is only for adult rural women. The accounts under this scheme can be opened only in a post office having delivery jurisdiction over the depositor's village.
- ii) Only one account can be opened by an adult rural woman of more than 18 years of age.
- iii) A depositor desiring to open an account will make an application in Form A (specimen copy attached) to the concerned post office.
- iv) The deposit will be accepted only in cash.
- v) No account shall be opened with a deposit of less than Rs. 4/- and all deposits should be in a multiple of Rs. 4/-
- vi) The maximum amount that can be deposited in an account is Rs. 300/-
- vii) Every deposit will have a lock-in period of one year from the date of its deposit and would earn an incentive of 25% per annum subject to a maximum of Rs. 75/- per annum.
- viii) Only two premature withdrawals would be allowed during a calendar year. The amount of each such withdrawal not be less than ~~Rs.~~ Rs. 20- and each withdrawal would be in multiples of Rs. 4- (such withdrawals will earn incentive at the rate of 12 per cent per annum. This incentive would be paid for every completed 30 days, ignoring the fractional period). No incentive will ~~be~~ be paid if the withdrawal has been made within 30 days of its deposit.
- ix) On opening an account, the depositor will be issued a pass book bearing an account number, name of post office where opened name and address of the depositor, the first deposit and the amount of incentive payable alongwith date on which it will be paid entered in it.
- x) No transfer of account would be permissible. However, an account can be closed at any time ~~by~~ by the depositor.
- xi) Nomination facility as in Savings Account has been provided in the MSY. In the event of death of the depositor, full deposited amount with 25% incentive on it would be paid to the depositor, full deposited amount with incentive on it would be paid to the nominee/legal heir.
- xii) The Scheme is not covered by ~~EXXIS~~ S.A.S.

- x -

Attested
M.K. Chatterjee
Director

DEPARTMENT OF POSTS INDIA
OFFICE OF THE SR. SUPDT. OF POST OFFICES GH DN,
GUWAHATI: 781001.

To,

- 1) The Sr.P.M. Guwahati G.P.O.
- 2) The P.M. Guwahati University H.O.
- 3) All SPMs (Rural area).
- 4) All BPMs (Rural area).

No.E2/MSY/Rlg/93-94, Dated at Guwahati the 23-5-94.

Sub:-Authorising BPM/ED-Spm to issue Pass books in respect of Mahila Samridhi Yojna.

A copy of Directorate D.O. letter No.35-4/94-SB III dtd 29-4-94 circulated vide OPMG/GH letter No.SB/MSY/Rulings/94 dated 6-5-94 is forwarded herewith for your information, guidance and necessary action.

for Sr.Suptt.of Post Offices,
Guwahati Dn,Guwahati:-781001.

Copy of the letter referred to above

The Mahila Samridhi Yojana (MSY) launched by Central Govt. and operated through all rural post offices, is being closely watched and monitored by Government. On the basis of various reviews conducted, it has been decided that the depositor should be issued MSY Pass Book by the BPM instantly on receipt of deposit from her, after making the relevant entries in it and indicating the P.R. number will be indicated on the reverse of the preliminary receipt, to be given to the depositor. The SPM will open the account in usual course as is being done now and communicate the account number allotted to the BPM/EDSPM through the B.O.slip. On receipt of account number in the Branch office/EDSO, the EDBPM/EDSPM will send an intimation for this to the depositor and on presentation of the preliminary receipt by the depositor he will enter the account number in red ink on the MSY pass book, the preliminary receipt and in the journal. The preliminary receipt will be taken back and the MSY Pass Book would be handed over to the depositor. Except for the change, the existing procedure of opening of account in EDBPO/EDSO will continue to be as it is.

2. The Divl. SSOs would fix a maximum balance of the number of MSY Pass Book which can be kept by the each branch post office. in his jurisdiction and will communicate the same to the SPM, Head Postmaster and the Sub Divl. Inspector. This limit will be fixed depending upon the local circumstances and requirement of each Branch P.O. The SPM will be issued by the Branch Postmaster, A stock register in the following proforma will be maintained by each branch postmaster.

contd-2.

M. K. Choudhary
Advocate

23

-14-

-2-

STOCK REGISTER FOR MSY PASS BOOK OF _____ BRANCH OFFICE

Date	No. of MSY Pass books received	No. of MSY P/B iss- ued.	No. of MSY Pass books issued in lieu of used ones.	No. of MSY Pass books issued in lieu of spoiled one.	Balance in hand.
1	2	3	4	5	6
XXXXXXXXXX					
Preliminary receipt No.	Account No.	Account no. received or	Initial of BPM/EDSPM		
7	8	9	10		

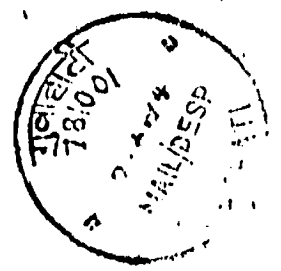
When the account number is communicated/received from the Account office, the same will be entered in the stock register in the relevant column and also in the POSB journal and the signature book. The inspecting officers while carrying out the inspection of the office should ensure that the account number of all the MSY pass books have been received and entered against the relevant entries in the stock register. It may be noted that this special provision is applicable only to MSY and to any other scheme for which pass book is prescribed. It would be the responsibility of the Divl. and sub-Divl officers to ensure that the MSY pass book is not issued by EDBPM/FDSPM for any account other than MSY with fraudulent intention. These instructions should be implemented on top priority basis and provision for MSY pass books in all Ldsub and Branch post offices made immediately.

3. The revised procedure will come into effect from 1-6-94.

Sd/-Promila Ray,
Dy. Director General (SB).

डाक सेवा
ON POSTAL SERVICE

To
The
S.D.M
Chandrapur So
GH 287060



प्रमुख पोस्टाधिकारी, चण्डीपुर
Sr. Superintendent of Post Office,
चण्डीपुर विभाग, गुवाहाटी-781002
General Division, Guwahati-781002

- 15 -

ANN WRE. 3

DEPARTMENT OF POSTS INDIA
OFFICE OF THE SR. SUDT. OF POST OFFICES IN INDIA,
GUWAHATI:-781001.

To,

Shri Lankeeswar Das,
SPM/Chandrapur S.O.

NO.E2/MSY/Miso/93-94, Dated at Guwahati the 15-11-94.

Sub:-Alleged Refusal to open Mahila Samriddhi
Yojana a/c at Chandrapur S.O. and Chan-
drapur Mill B.O.

It is reported that you have refused to open MSY a/c at your office and instructed the BPM Chandrapur Mill B.O. not to open MSY a/c on the plea that chandrapur is an urban area under Guwahati Town Delivery. On enquiry it is found that Chandrapur is not a Town rather it is under Chandrapur Gaen Panchayat and treated as Rural area. Hence your argument is not acceptable.

Please open MSY a/c at your office and allow the BPM Chandrapur Mill B.O. to open MSY a/c right from tomorrow and intimate the no. of MSY a/c so far. Your office monthly target has been fixed at 100 a/c and you will held responsible for achievement of your target including arrear since july'1994.

Any deliation from the above instruction will be viewed seriously.

(I. Panigrahy)
Sr.Sudt.of Post Offices,
Guwahati Dn,Guwahati:-781001.

Attested
M.K. Choudhury
Advocate

No. S/CNP/15-1994-1995 dt. 12.12.94
at Chandrapur, Guwahati-781150.

To

Shri I. Pangernungsang,
Sr. Supdt. of Posts,
Guwahati Division,
Guwahati-1.

Sub : Alleged refusal to open Mahila Samriddhi Yojna
a/c at Chandrapur S.O. and Chandrapur Mill B.O.

Ref : Your No.E2/MSY/Misc/93-94 dated Guwahati the
15.11.94.

Sir,

On your above subject and reference, I beg to state that as per the Directorate letter, the Town delivery list of C.P.M.G. of Guwahati and the MSY Annexure-1 forwarded by you, there should not be opened MSY a/c here at Chandrapur S.O. and Chandrapur Mill B.O. If I open it will be shown disobedience to the Directorate, N. Delhi the C.P.M.G. of Assam as well as to the Govt. of India.

The photostat copies of all these circulars were sent to you along with my explanation on 28.7.94 and again I am enclosing h/w.

That sir, the Reporter of MSY a/c was the Instructor at Sonapur training camp who himself delivered lectures that you (trainees) open the a/c of local Mahila of the local Post Office delivery jurisdiction, not of other villages of other Post Offices areas.

That sir, the local people are not available here. Most of the people are of Palasbari, Nalbari, Tamulpur and Rangia sides etc. Full of Bangladeshi Mia and Mia of Silate and Silchar and some are Biharies and Nepales residing at the Quarters of A.S.E.B. Project, Assam State Fertilizer & Corporation's quarters and National Textile Corporation's quarters etc.

Regarding Gaon Panchayat - I have not seen any activities of Gaon Panchayat or Rural Panchayat here.

Contd...P/17.

*Attested
M.K. Choudhary
Director*

Matters are generally settled by the S.D.O. of Pragjyotishpur and Pragjyotishpur Out post. Pragjyotishpur is the old name of Guwahati. In Chandmari near Chandmari Masjid, Guwahati-21 there is one District Rural Development Agency. But Chandmari is not treated as village. In my Rupnagar village there is one village Development Committee. In Rupnagar Post Office, there is not opened MSY a/c as yet. Hence the Rural Panchayat or Gaon Panchayat should not be the ground for opening the MSY a/c. It will be as per the rules and regulations made by the Deptt. and made by the Government.

That sir, I am not concerned with the Target of 100 a/c. I have not received any Target memo upto this day and also I have not given any demand from my end and no arrear lying in my office.

The reporter concealed the note of my B.O. slip and colouring the note in another ways. The B.O. slip taken from the B.P.M. to show you and to make it Photostat which will be returned after photostat. But not yet returned. In the note, I have not written as "An urban area under Guwahati town delivery". Pl. see enclosure-4 Of course in reply of another letter it was replied as - "My B.O. is non-delivery, it has no delivery jurisdiction and fallen in town area."

The Chandrapur Mill B.O. is situated in inside a Mill. The Mill is situated on the heart of the Chandrapur town, as the Chandrapur name is appeared in the town delivery ~~skip~~ list. pl. see Enclosure-2.

That sir, the MSY a/c confined to EPM and ED SPM of delivery offices in interior places. The Chandrapur Sub Post Office is not E.D.S.O. it is a Departmental Sub Post Office and the SPM is also Departmental one. There is a matter of dignity. And hence I cannot open MSY a/c and my B.O. is non-delivery P.O. without having delivery jurisdiction and hence is not allowed to open. Pl. see enclosure - 1 underlined & enclosure-3 underlined.

Contd...P/18.

Handwritten signature:
M.K. Choudhary

That sir, the place Chandrapur is an important one from the time of Raja Chandra Kanta, a man of Mayang of Nowgong District. It was his moving place.

Once it was selected for the capital of Assam by the Assam Government. The late Mrs. Indira Gandhi the Prime Minister of India established 'Adharsilak' for the capital of Assam, Pragjyotishpur by name. But due to high cost of money, it was not conceded.

Chandrapur is a part and parcel of Guwahati city. All sorts of facilities are there like Guwahati city. The same city Buses i.e. A.S.T.C. City services running from morning to evening the staff buses and the school buses are also running in the same way all day long. Schools, College Examination Centre, Industries, Electric supply water supply etc. are also there. And is nothing indifference from Guwahati in shape. Greater areas with larger of population of several races which fitted the town.

The Guwahati - B-2 city fase (HRA) was also paid to all my s previous SPMs from 1981. So it cannot be separated from the Guwahati city. The name appeared in the town delivery list of Guwahati. And hence it is town See Enclosure-2.

That sir, the MSY reporter has set aside the rules of the Government and demanded the SPM, Chandrapur a fullflezed Departmental and single handed Sub Post Office by 100 targets by hook or crook per month with the arrear from July '94 where a single a/c is not justified at all.

This may rightly be called unnecessary harassment.

So in view of the facts stated above, as well as during my period here, I would not be able to open MSY a/c for which you are requested to excuse me - please sir.

Yours faithfully,

Sd/- Lankeswar Das,

SPM, Chandrapur S.P.O.

Enclo :

1. Photostat copy of Director- Guwahati-781150, ate letter. 12.12.94
2. " of 1st page of Town delivery list.
3. MSY Annexure-1
4. B.O. Slip.

...

Attested
M.K. Gogoi
Adm.

ANNEXURE-5

DEPARTMENT OF POSTS INDIA
STANDARD FORM OF MEMORANDUM OF CHARGE FOR IMPOSING
MINOR PENALTIES (Rule 16 of the CCS(CCA) Rules, 1965)

No. E2/MSY/Misc/93-94

GOVERNMENT OF INDIA
MINISTRY/OFFICE OF
Dated 17.1.95.

M E M O R A N D U M

I, Shri Lankeswar Das, Designation - SPM
office in which working Chandrapur is hereby informed
that it is proposed to take action against him under rule
16 of CCS(CCA) Rules 1965. A statement of the imputation
of misconduct or misbehaviour on which action is proposed
to be taken as mentioned above is enclosed.

2. Shri Lankeswar Das is hereby given an
opportunity to make such representation as he may wish to
make against the proposal.

3. If Shri Lankeswar Das, fails to submit his
representation within 10 days of the receipt of this
memorandum it will be presumed that he has no representation
to make and orders will be liable to be passed against Shri
Lankeswar Das ex parte.

4. The receipt of the memorandum should be
acknowledged by Shri Lankeswar Das.

Sd/-

Disciplinary Authority,
Sr. Supdt. of Post Offices,
Guwahati Dn. Guwahati-1.

To :

1. Shri Lankeswar Das, SMP, Chandrapur.
2. Personal file
3. Vigilance file
4. Spare.

Contd...

Attested
M.K. Chatterjee
Secretary

Statement of imputations of misconduct and misbehaviour in which action is proposed to be taken against ^{Shri} Lankeswar Das, SPM, Chandrapur SO under rule 16 of CCS (CCA) Rules, 1965.

--

Shri Lankeswar Das, SPM, Chandrapur was directed to open MSY account in his office under several instructions issued from Divisional Office. Shri Das was lastly instructed under SSPOs Guwahati letter No. E2/MSY/Misc/93-94 dated 15.11.94 to open MSY a/c in his office and fulfill the target of MSY a/c in his office. But Shri Das did not open any MSY a/c in his office inspite of clear instruction issued by his controlling officer.

Shri Lankeswar Das by his above noted act, failed to obey the instruction issued by his superior officer violating the provision of rule 3(1)(i)(ii)(iii) of CCS (Conduct) Rules 1964.

To

SSP/GH

Sir,

The cause of non-opening the MSY a/c is already intimated several times, specially on 28.7.94 and on 12.12.94 with photostat copies of the circulars.

That sir, I have not given any statement of imputation of misconduct or misbehaviour and not violating any rules as raised by you. Rather I have properly and strictly followed the rules of the circulars sent by you your instruction letter also responded and stated the facts of non-opening.

The place Chandrapur is not a village. It is treated as town, recognised by your town delivery list, payment of HRA of Guwahati B-2 city fare and Guwahati Pin Code serial i.e. Chandrapur Guwahati-781150.

Chandrapur, Pragjyotishpur and Guwahati are at the same. Chandrapur is named as Pragjyotishpur by some offices here at Chandrapur. Pragjyotishpur was the previous name of Guwahati and hence it is town.

Contd...

M.K. Chetty
Delivered

If you treat Chandrapur as village, then I should not be posted at village P.O. originally I applied for Guwahati Unit and also appointed in Guwahati accordingly as my resident at Guwahati.

The following are the main cause of non-opening of MSY a/cs in short :

- (1) Directorate letters
- (2) MSY Annexure-1 against Chandrapur non-delivery Mill B.O.
- (3) Town delivery list.
- (4) Chandrapur Guwahati-781150. (5) Payment of HRA at Guwahati B-2 class cityfar
- (6) Chandrapur Departmental S.O.
- (8) The SPM is departmental one.

That sir, I like to work under the jurisdiction of Rules made by the Department and Government and not beyond it. This work is allotted to the BPM, EDBM and EDSPM of delivery offices in rural places only.

It is actually not my works as you have ordered I am carrying out it. Nine (9) MSY a/cs have been opened so far. After that no Mahila has come.

Kindly let me off from the charge sheet.

Sd/- Lankeswar Das,
SPM Chandrapur P.O.
Guwahati-781150.

9.2.95.

M.K. Choudhary
Adm. Secy

Department of Posts : India :
Office of the Sr. Supdt. of POs : Guwahati Division :
Meghdoot Bhawan 3rd floor : Guwahati : 781 001.

.... ..

No III E2/MSY/93-94.

the 23rd Feb., 1995

It was proposed to take action against Shri Lankeswar Das, SPM, Chandrapur SO under Rule 16 of CCS(CCA) Rules, 1965 in this office memo of even no. dated 17.01.95 on the following imputations of mis conduct and mis behaviour.

Shri Lankeswar Das, SPM, Chandrapur was directed to open MSY accounts in his office under several instructions issued from divisional office. Shri Das was lastly instructed under SSPOs., Guwahati letter no. E2/MSY/Misc/93-94 dated 15.11.94 to open MSY accounts in his office and fulfil the target of MSY account in this office. But Shri Das did not open any MSY account in his office inspite of clear instructions issued by his controlling officer.

Shri Lankeswar Das by his above noted act failed to obey the instructions issued by his superior officer, violating the provisions of Rule 3(1)(ii)(iii) of CCS(Conduct) Rules, 1964.

This office memo dated 17.01.95 was received by Shri Lankeswar Das, SPM, Chandrapur on 30.01.95 and he submitted his representation as under.

The ^{cause} ~~causes~~ of non opening of MSY account is already intimated several times, specially on 28.07.94 and 12.12.94 with photocopies of circulars. That Sir, I have not given any statement of imputations of mis conduct or mis behaviour and not violating any rules as raised by you. Rather I have properly and strictly followed the rules of the circulars sent by you. Your instructions letter also responded and stated the facts of non opening. The place Chandrapur is not a village. It is treated as town recognised by your Town delivery list, payment of HRA of Guwahati B-2 city fare and Guwahati Pin code serial that is Chandrapur - Guwahati-781 150. Chandrapur, Pragjyotishpur and Guwahati are all the same. Chandrapur is named as Pragjyotishpur by some offices here at Chandrapur. Pragjyotishpur was the previous name of Guwahati and hence it is town. If you treat Chandrapur as village, then I should not be posted at village PO. Originally I applied for Guwahati unit and also appointed in Guwahati accordingly as my resident at Guwahati. The following are the main cause of non opening of the MSY a/cs in short.

1. Directorate letters
2. MSY Annexure I
3. Town delivery list
4. Payment of HRA of Guwahati B2 ~~sub~~ class city fare
5. Chandrapur-Guwahati-781 150
6. Chandrapur departmental SO
7. The SPM is departmental one.

That Sir, I like to work under the jurisdiction of Rules made by the department and not beyond it. This work is allotted to the BPM, EDBPM, EDSPM of delivery offices in rural places only. It is actually not my work as you have ordered, I am carrying out it, nine MSY a/cs have been opened so far. After that no mahila has come. Kindly let me off from the charge sheet.

Contd...2...

Mr. E. C. Das
Deputy

I have gone through the representation of the official very carefully and found that the reason adduced by him are not at all satisfactory. The Chandrapur SO is not a urban post office under Guwahati town. It is under Chandrapur GP. under Chandrapur Anchalik Panchayat. The official was several times instructed to open MSY account in his office. Even my personal instruction failed to convinced the SPM that he is bound to open MSY account without any argument. The nine MSY account opened at his office was due to persistent request by the ASP(Dn) Guwahati against the willing of the SPM, Shri Lankeswar Das. The official actually ~~deserves~~ deserves severe punishment. However, keeping a lenient view I disposed the case with the following orders.

O R D E R

I, Shri I. Pangernungsang, Sr. Supdt. of Post offices, Guwahati Division, Guwahati ordered that the pay of Shri Lankeswar Das, SPM be reduced by two (2) stages from Rs.1720.00 to Rs.1640.00 in the time scale of pay B. for a period of one year with effect from 01.06.95. It is further directed that Shri Lankeswar Das will earn increment of pay during the period of reduction and that on the expiry of this period the reduction will not have the affect of postponing his future increment of pay.

Regd No

Shri Lankeswar Das
SPM, Chandrapur.

(I. Pangernungsang)

Sr. Supdt. of Post offices
Guwahati Division, Guwahati.

Copy to :-

Copy to :-

1. The Sr. Postmaster, Guwahati GPO
- 2-3. The Chief PMO, Assam Circle, Guwahati
4. Punishment Register
- 5-6. PF/CR file of the official
7. Spare.

(I. Pangernungsang)

Sr. Supdt. of Post offices
Guwahati Division, Guwahati.

.. ..

M. K. Dasgupta
Advocate

To

The Director of Postal Services,
Office of the Post Master General,
Assam Circle,
Guwahati-781001.

Through

The Sr. Supdt. of Post Offices,
Guwahati Division,
Meghdoot Bhawan,
3rd Floor,
Guwahati-781001.

And through SPM, Chandrapur.

SUB : Departmental Appeal under Rule 23 of
the Central Services Classification
Control & Appeal Rules 1965, against
the impugned order dated 23.02.1995

REF : The Impugned order dated 13. 02. 95
communicated under Office Order No.
E2/MSY/93-94 passed by the Sr Supdt
of Post Office Guwahati Division.

Sir,

With reference to the order dated 23.02.95 indicated
in the ~~xxx~~ reference quoted above. I have the honour to
prefer a departmental appeal under the aforesaid Rule
indicated in the subject above challenging the order
under reference.

The case of the appellant in brief is :-

The Mahila Samridhi Yojna, a Central Govt Scheme
has been launched by the Govt and operated through all
the rural Post offices. The Scheme is for adult rural
women and the accounts under this Scheme can be opened ~~ex~~
only in a post office having delivery jurisdiction over
the depositors village.

2 That the Sr Supdt of Post Offices, Guwahati ~~xxxx~~
Division, by his letter No. E2/MSY/93-94 dated 15.11.94
specifically directed the appellant to open account in
the Chandrapur Sub x Post office and the Chandrapur Mill
Branch under it to reach the target of the scheme. The
appellant in his reply dated 12.12.94 to the aforesaid
direction had clarified his position

Contd/2

Attested
M. K. Choudhary
Admnstr

for non-opening of account in the said post office under the scheme.

A copy of the aforesaid reply dated 12.12.94 is annexed hereto as Annexure-A.

3 That the contention of the appellant is that the Chandrapur Sub-Post Office is Covered by Town Delivery list circulated under No. SL/TD Sorting list dated 09.02.94. under the signature of the Sr Supdt of Post Offices, Guwahati division and as such the Chandrapur Sub-Post Office and the Chandrapur Mill Branch Post Office (Which is a non-delivery branch) do not come under the aforesaid scheme.

4 That without convincing the appellant with records and authorities the said Sr Supdt of Post Offices has served Memorandum of charge under the Rule and in the form for imposition of minor punishment, dated 19.03.94 with the charge of Misconduct and Misbehaviour.

5 A copy of the aforesaid Memo of charge dated 19.03.94 is annexed hereto as Annexure 'B'

6 That the appellant had furnished written statements against the Memo of charge on 09.02.95 explaining his position.

A copy of the aforesaid written statements in defence is annexed hereto as Annexure 'C'

7 That the aforesaid Sr Supdt of Post Offices has Passed an order under No. E2/MSY/93-94 dated 23.02.95 and ~~order~~ sent to the appellant per registered post which has been received by the appellant on 02.03.95 imposing a major ~~pen~~ penalty of reduction of pay.

A copy of the aforesaid order dated 23.02.95 is annexed hereto as Annexure- 'D'

8 That the appellant after perusal of the aforesaid

Contd.....3/

Attested
M.K. Choudhary
Admn

impugned order prefers this appeal under provision of the above Rule on amongst other the following GROUNDS :-

a) For that the disciplinary authority had served the Memo of charge under Rule 16 of the CCS/CCARules, 1965 but has imposed penalty under Rule 14 of the said rule as provided in Rule 11 (V) of the said Rules and as such the order of imposition of the major penalty is arbitrary and illegal which is liable to be set aside.

b) For that no order under Rule 14 of the said Rules imposing any penalty specified in clauses (V) to (IX) of Rule 11 shall not be made except after an enquiry etc. In the instant case no enquiry was made under the Rules and as such the order at Annexure- 'D' imposing major penalty of this appeal, being illegal and violative of Rules, is liable to be set aside.

c) For that the disciplinary authority by imposing the said penalty on the appellant without due process of law which is violative of the principle of natural justice and as such the said order at Annexure- 'D' is liable to be set aside.

It is, there fore , respectfully prayed that your honour would be pleased to admit the appeal and after perusal of records and Rules, pass an order setting aside and quashing the aforesaid order dated 23.02.95 (Annexure- 'D') and/or pass such further or other order or orders as to your honour would deem fit and proper to give relief to the appellant.

And for this act of your kindness the humble appellant will remain ever grateful to you.

Yours faithfully

S . D.

(Lankeswar Das)
Sub- Post Master
Chandrapur PO
Guwahati - 781150

Attested
M. K. Chetty
Advocate

Department of Post : India :
Office of the Sr. Supdt. of POs : Guwahati Division :
Meghboot Bhawan 3rd floor : Guwahati : 781 001.

... ..

C O R R I G E N D U M

The following may be substituted in this office memo of even no. dated 23-02-95.

ORDER

I, Shri I. Pangemungsang, Sr. Supdt. of Post offices, Guwahati Division, Guwahati orders that the pay of Shri Lankeswar Das, SPM? Chandrapur be reduced by 2 (two) stages from 1720.00 to Rs. 1640.00 in the time scale of pay of Rs. 1400-2300.00 for a period of four months w.e.f. 01.06.95. It is further directed that Shri Lankeswar Das will earn increment of pay during the period of reduction and that on expiry of this period the reduction will not have the effect of postponing his future increment of pay.

S . . D .

(I. Pangemungsang)

Sr. Supdt. of Post offices
~~Gkwaiaaax~~
Guwahati Division, Guwahati.
the May 1, 1995

No E2/MSY/93-94.

Copy to :

1. Shri Lankeswar Das, SPM, Chandrapur
2. The Sr. PM? Guwahati GPO
- 3-4. Chief PMG (Vig) , Assam Circle, Guwahati
5. Punishment register
- 6-7. PF/CR file of the official

S. D.

(I. Pangemungsang)
Sr. Supdt. of post offices
Guwahati Division, Guwahati.

... ..

*Attended
M.K. Chelley
Adm. Secy*

REMI NDER

To

The Director of Postal Services,
Office of the Chief Postmaster General,
Assam Circle, Meghdoot Bhawan, Guwahati-1.

Through the Proper channel,

Dated Chandrapur the 5th June 1995.

Sub : Appeal against order No.E2/MSY/93-94
dated 23.2.95 of SSP/GH-1 of Guwahati
Division.

Sir,

Kindly refer to my appeal dated 4.4.95 submitted
on 10.4.95 regarding MSY. No result has been received
till today. My pay reduction will be effected from the pay
of June 1995.

Kindly do the needful before payment.

Yours faithfully,

Sd/-

(Lankeswar Das)

SPM, Chandrapur P.O.
Guwahati-781150.

*Noted
M.K. Chatterjee
B. K. Chatterjee*

REMINDER

ANNEXURE-10

To

The Director of Postal Services,
Office of the Postmaster General,
Assam Circle, Meghdoot Bhavan, Guwahati-1.

Through the proper channel

Dated at Chandrapur the 20th May '95.

Sub : Appeal against order No.E2/MSY/93-94 dated
23.2.95 of the Sr. Supdt. of Posts, Guwahati
Division, Guwahati-1.

Sir,

Kindly refer to my appeal dated 4.4.95 submitted
on 10.4.95 regarding above ~~subject~~ subject. No information
received as yet.

Kindly make haste for doing the needful.

Yours faithfully,

Sd/-

20.5.95

(Lankeswar Das)

SPM Chandrapur P.O.

Guwahati-781150

Forwarded to

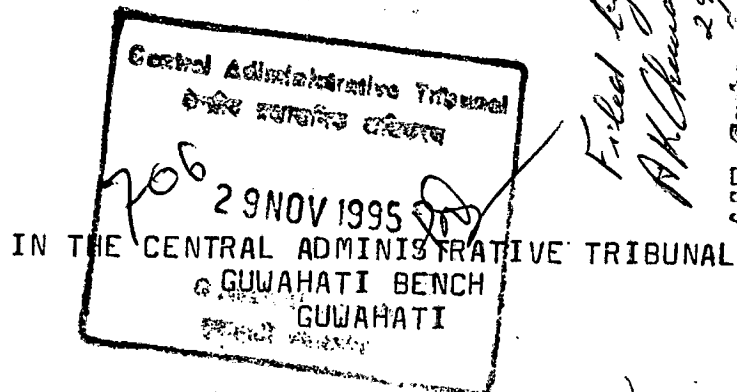
The SSP/GH-1 for favour
of sending to the destination.

Sd/-

Sub-Postmaster,
Chandrapur,
Guwahati-781150.
Dist. Kamrup, (Assam).

...

*Attested
M.K. Choudhary
Deputy*



Sr. Superintendent of Post Off.
গুৱাহাটী মণ্ডল, গুৱাহাটী—781001
Guwahati Division, Guwahati—781001

In the matter of :-

O.A. No.117 of 1995

Shri Lankeswar Das

.... Applicant

- Vs -

Union of India & others

.... Respondents

Written statement for and on behalf of Respondent
Nos.1,2,3, & 4.

I, Sri J. Pangersonungbung Senior Superintendent of
Post Offices, Guwahati Division, Guwahati, do hereby
solemnly affirm and say as follows :-

- 1) That I am the Senior Supdt. of Post Offices, Guwahati
Division, Guwahati and Respondent No.4 in the above case. I am
acquainted with the facts and circumstances of the case. I have
gone through a copy of the application served on me and have
understood the contents thereof. Save and except whatever is
specifically admitted in this written statements, the other con-
tentions and statements made in the application may be deemed to
have been denied. I am competent and authorised to file the written
statement on behalf of respondents Nos.1,2 & 3 also.
- 2) That the respondents beg to state that consequent on
introduction of MSY scheme Sri Lankeswar Das SPM/Chandrapur was
trained in MSY work. He was directed to open MSY accounts in his
office under several instructions issued from D.O. But Sri Das
did not open any MSY accounts in his office. Lastly the SPM was
clearly instructed to open MSY accounts in his office under this
office letter No.E2/MSY/Bisc/93-94, dtd.15-11-94. But Sri Das did
not obey the orders issued from this office. Therefore the official
was chargesheeted under Rule 16 of CCS (CCA) rules 1965 under this
office memo No.E2/MSY/93-94, dtd.17-1-95 since the official could
not satisfactorily defend his case, the official was punished with
the penalty of reduction to lower time-scale of pay by two stage
without cumulative effect under this office memo dtd.23-2-95.

Contd..p/2-

Recd 6/11/95
Branch
Adv. 25/11/95
Jm. B.K. Das

Latter Sri Das appealed to the Director of Postal Services Assam to review his case and on 1-8-95 DPS further reduced his punishment with the penalty of reduction to lower time scale of pay by one stage without cumulative effect.

- 2) That with reference to the statements made in paragraph 1,2,3 & 4.1 of the application the respondents have no comments.
- 3) That the statements made in paragraph 4.2 of the application are admitted.
- 4) That with reference to the statements made in paragraph 4.3 of the application the respondent beg to state that Chandrapur is not a town-delivery office under greater Guwahati
- 5) That the statements made in paragraph 4.4 and 4.5 of the application are admitted.
- 6) That with reference to the statements made in paragraph 4.6 of the application the respondent beg to state that Chandrapur is a rural post office. The circular No.LI/TD/Sorting list,dtd. 9-2-94 is a fdding letter of "town delivery list" but the name of Chandrapur donot appear in the % "Town delivery List".
- 7) That with reference to the statements made in paragraph 4.7 of the application the respondents beg to state that Chandrapur is under Chandrapur Gaon panchayet and treated as rural area the target of MSY for each sub post office is 1000 and for each branch post office is 500.
- 8) That with reference to the statements made in paragraph 4.8 of the application the respondents beg to state that, but it is not agreed on the point that Chandrapur is a town. There is Chandrapur gaon panchayet office and the BDO Chandrapur and both the offices are located at Chandrapur. The sub post master Chandrapur is not being paid B-II class city allowances including H.R.A.
- 9) That with reference to the statements made in paragraph 4.9 of the application the respondents have no comment.
- 10) That the statements made in paragraph 4.10 of the application are admitted.
- 11) That with reference to the statements made in paragraph 4.11 of the application the respondents beg to state that the official was charge sheeted under rule-16 of CCS (CCA) Rule 1965 and punishment was awarded under the same rule "minor penalty".

31
31
S. Superintendent of Post Offices
Guwahati, Jaintia - 781001
Guwahati Division, Guwahati - 781001

- 12) That with reference to the statements made in paragraph 4.12 of the application the respondents beg to state that since the penalty imposed was a minor one it was not necessary to make any further enquiry. Previously it was a part of major penalty but with effect from 25-8-90 it became minor penalty vide Dte's No. 12-3/91-VP, dtd. 28-10-91.
- 13) That with reference to the statements made in paragraph 4.13 and 4.14 of the application the respondents have no comments.
- 14) That with reference to the statements made in paragraph 4.15 of the application the respondents beg to state that the prayer of the applicant was fdd. to the DPS GHY and appellate authority already modified the punishment order on 1-8-95.
- 15) That with reference to the statements made in paragraph 4.16 of the application the respondents beg to state that the order of punishment given by the disciplinary authority and the same of appellate authority are effective w.e.f. 1-6-95.
- 16) That with reference to the statements made in paragraph 4.17 of the application the respondents have no comments.
- 17) That the statements made in paragraph 5.1, 5.2 and 5.3 of the application not admitted and are incorrect.
- 18) That with reference to the statement made in paragraph 5.4 of the application the respondents beg to state that the Rule-II of the CCS (CCA) rule amended with effect from 25-8-90 and it treated as minor penalty.
- 19) That the statements made in paragraph 5.5 of the application not admitted and are incorrect.
- 20) That with reference to the statements made in paragraph 5.6 of the application the respondents have no comments.
- 21) That with reference to the statements made in paragraph-6 of the application the respondents beg to state that the appeal of the applicant has already been disposed by the appellate authority after reducing the punishment.
- 22) That with reference to the statements made in paragraph-7 of the application the respondents have no comments.
- 23) That with reference to the statements made in paragraph 8, 9 & 10 of the application the respondents have no comments.

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(4)

24) That the applicants are not entitled to any relief sought for in the application and the same is liable to be dismissed with costs.

25) That the Respondents ~~xxx~~ crave leave of filing addl. written statement if situation so demands.

V E R I F I C A T I O N

I, Sri N Pangermursung Senior Superintendent of Post Offices, Guwahati Division, Guwahati, do hereby declare that the statements made in this written statement are true to my knowledge derived from the records of the case.

I sign this Verification on this the 11th day of October, 1995 at Guwahati.

DEPOSED
वरिष्ठ अधीक्षक डाकघर
Sr. Superintendent of Post Offices
गुवाहाटी मंडल, गुवाहाटी—781001.
Guwahati Division, Guwahati—781001

34
44
5 & Annexure A 42

DEPARTMENT OF POSTS INDIA
OFFICE OF THE SR. SUPDT. OF POST OFFICES GU. DN.,
GUWAHATI:-781001.

To,

Shri Lankeswar Das,
SPM/Chandrapur S.O.

NO.E2/MSY/Misc/93-94, Dated at Guwahati the 15-11-94.

Sub:-Alleged Refusal to open Mahila Samridhi
Yojana a/cs at Chandrapur S.O. and Chan-
drapur Mill B.O.

It is reported that you have refused to open MSY
a/c at your office and instructed the BPM Chandrapur Mill
B.O. not to open MSY a/cs on the plea that Chandrapur is
an urban area under Guwahati Town Delivery. On enquiry
it is found that Chandrapur is not a Town rather it is
under Chandrapur Gaon Panchayat and treated as Rural
area. Hence your argument is not acceptable.

Please open MSY a/c at your office and allow the
BPM Chandrapur Mill B.O. to open MSY a/c right from
tomorrow and intimate the no. of MSY a/cs so far. Your
office monthly target has been fixed at 100 a/cs
and you will held responsible for achievement of your
target including arrear since July 1994.

Any deliation from the above instruction will be
viewed seriously.

(I. Pangpang),
Sr. Supdt. of Post Offices,
Guwahati Dn, Guwahati:-781001.

Attended -
A. Chandra

6 1. 34 23 37/45
Annexure B

DEPARTMENT OF POSTS INDIA

STANDARD FORM OF MEMORANDUM OF CHARGE FOR IMPOSTING
MINOR PENALTIES (Rule 16 of the CCS(CCA) Rules 1965)

No. E2/Msy/Misc 193-74

GOVERNMENT OF INDIA

MINISTRY/OFFICE OF _____

DATED:- 17.1.95

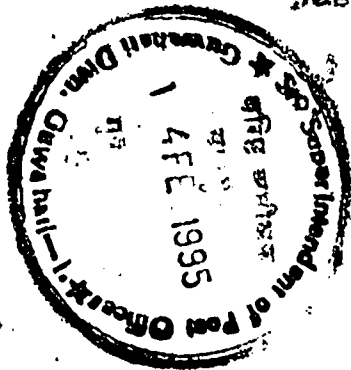
MEMORANDUM

1. Shri Lankeswar Das Designation
SPM (office in which working Chandrapur)
_____ 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 mis-
behaviour on which action is proposed to be taken as
mentioned above is enclosed.

2. Shri Lankeswar Das is hereby
given an opportunity to make such representation as he may
wish to make against the proposal.

3. If Shri Lankeswar Das fails to
submit his representation within 10 days of the receipt
of this memorandum it will be presumed that he has no
representation to make and orders will be liable to be
passed against Shri Lankeswar Das ex parte.

4. The receipt of the memorandum should be acknowledged
Shri Lankeswar Das.



Disciplinary Authority,
Sr. Supdt. of Post offices,
Guwahati Bn, Guwahati:-1.

To,

Shri Lankeswar Das SPM, Chandrapur

- Regd A/P.
2. Personal file.
 3. Vigilance file.
 4. Spare.

Attended
A/C Chandra
Addl. Chief Cof
Standing Council

P.T.O. Next Page -

7 35 30
Annex B 1
W

Statement of imputations of misconduct and misbehaviour
in which action is proposed to be taken against Shri
Lankeswar Das, SPM, Chandrapur SO under rule 16 of CCS
(CCA) Rules, 1965.

Shri Lankeswar Das, SPM, Chandrapur was directed to open MSY account in his office under several instruction issued from Divisional office. Shri Das was lastly instructed under SSPOs Guwahati letter no. E2/MSY/Misc/93-94 dated 15-11-94 to open MSY a/c in his office and fulfill the target of MSY a/c in his office. But Shri Das did not open any MSY a/c in his office inspite of clear instruction issued by his controlling officer.

Shri Lankeswar Das by his above noted act failed to obey the instruction issued by his superior officer violating the provision of rule 3(1)(i)(ii)(iii) of CCS (Conduct) Rules, 1964.

..

P. K. Choudhary
M. K. Choudhary

**Addl. Central Govt.
Standing Counsel.**

8 & Annexure B2A 36

Statement of imputations of misconduct and misbehaviour in which action is proposed to be taken against Shri Lankeswar Das, SPM, Chandrapur SO under rule 16 of CCS (CCA) Rules, 1965.

Shri Lankeswar Das, SPM, Chandrapur was directed to open MSY account in his office under several instruction issued from Divisional office. Shri Das was lastly instructed under SSPOs Guwahati letter no. E2/MSY/Misc/93-94 dated 15-11-94 to open MSY a/c in his office and fulfill the target of MSY a/c in his office. But Shri Das did not open any MSY a/c in his office inspite of clear instruction issued by his controlling officer.

Shri Lankeswar Das by his above noted act failed to obey the instruction issued by his superior officer violating the provision of rule 3(1)(i)(ii)(iii) of CCS (Conduct) Rules, 1964.

To SSB/GH-1

Sir

The cause of non-opening the MSY a/c is already intimated several times, specially on 28/7/94 and on 12/12/94 with photostat copies of circulars.

That sir, I have not given any statement of imputations of misconduct or misbehaviour and not violating any rules as raised by you. Rather I have properly and strictly followed the rules of the Circulars sent by you. Your instruction letter also responded and stated the facts of non-opening.

The place Chandrapur is not a village. It is treated as town recognised by your town delivery list, payment of HRA of Guwahati - B-2 city fare and Guwahati Guwahati Pin code serial i.e. Chandrapur - Guwahati-781150.

Chandrapur, Pragjyotshpur & Guwahati are at the same. Chandrapur is named as Pragjyotshpur by some officers here at Chandrapur. ~~Pragjyotshpur~~ Pragjyotshpur was the previous name of Guwahati and hence it is town.

If you treat ~~the~~ Chandrapur as village, then I should not be posted at village-SO. Originally I applied for Guwahati unit and also appointed in Guwahati accordingly as my resident at Guwahati.

P.T.O. reverse —

Q The followings are the main cause of non-opening the MSY a/c in short —

① Directorate letter

② MSY Annexure-I against Chandrapur non-delivery till 80

③ Town delivery list

④ Payment HRA of Guwahati - 8-2 class city fire

⑤ Chandrapur - Guwahati - 78/150

⑥ Chandrapur departmental - 50

⑦ The SPM is departmental one

That sir, I like to ~~work~~ work under the jurisdiction of Rules made by the Department and Government and not beyond delivery officers in Rural places only. It is actually not my work as you have ordered I am carrying out it. Nine (9) MSY a/c's have been opened so far. After that no Mahila has come.

Kindly let me off from the Charge sheet.

Lakshmi Das
SPM, Chandrapur-80
Guwahati - 78/150

9/2/95

Attached
for
the
controlling
authority

10 7 Annexure 15 37

Department of Posts : India :
Office of the Sr. Supdt. of POs : Guwahati Division :
Meghdoot Bhawan 3rd floor : Guwahati : 781 001.

No E2/MSY/93-94.

the 23rd Feb., 1995

It was proposed to take action against Shri Lankeswar Das, SPM, Chandrapur SO under Rule 16 of CCS(CCA) Rules, 1965 in this office memo of even no. dated 17.01.95 on the following imputations of mis conduct and mis behaviour.

Shri Lankeswar Das, SPM, Chandrapur was directed to open MSY accounts in his office under several instructions issued from divisional office. Shri Das was lastly instructed under SSPOs., Guwahati letter no. E2/MSY/Misc/93-94 dated 15.11.94 to open MSY accounts in his office and fulfil the target of MSY account in this office. But Shri Das did not open any MSY account in his office inspite of clear instructions issued by his controlling officer.

Shri Lankeswar Das by his above noted act failed to obey the instructions issued by his superior officer, violating the provisions of Rule 3(1)(ii)(iii) of CCS(Conduct) Rules, 1964.

This office memo dated 17.01.95 was received by Shri Lankeswar Das, SPM, Chandrapur on 30.01.95 and he submitted his representation as under.

The ^{cause} ~~cause~~ of non opening of MSY account is already intimated several times; specially on 28.07.94 and 12.12.94 with photocopies of circulars. That Sir, I have not given any statement of imputations of mis conduct or mis behaviour and not violating any rules as raised by you. Rather I have properly and strictly followed the rules of the circulars sent by you. Your instructions letter also responded and stated the facts of non opening. The place Chandrapur is not a village. It is treated as town recognised by your Town delivery list, payment of HRA of Guwahati B-2 city fare and Guwahati Pin code serial that is Chandrapur - Guwahati-781 150. Chandrapur, Pragjyotishpur and Guwahati are all the same. Chandrapur is named as Pragjyotishpur by some offices here at Chandrapur. Pragjyotishpur was the previous name of Guwahati and hence it is town. If you treat Chandrapur as village, then I should not be posted at village PO. Originally I applied for Guwahati unit and also appointed in Guwahati accordingly as my resident at Guwahati. The following are the main cause of non opening of the MSY a/cs in short.

1. Directorate letters
2. MSY Annexure I
3. Town delivery list
4. Payment of HRA of Guwahati B2 ~~2nd~~ class city fare
5. Chandrapur-Guwahati-781 150
6. Chandrapur departmental SO
7. The SPM is departmental one.

That Sir, I like to work under the jurisdiction of Rules made by the department and not beyond it. This work is allotted to the BPM, EDBPM, EDSPM of delivery offices in rural places only. It is actually not my work as you have ordered, I am carrying out it, nine MSY a/cs have been opened so far. After that no mahila has come. Kindly let me off from the charge sheet.

Contd...2...

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I have gone through the representation of the official very carefully and found that the reason adduced by him are not at all satisfactory. The Chandrapur SO is not a urban post office under Guwahati town. It is under Chandrapur GP. under Chandrapur Anchalik Panchayat. The official was several times instructed to open MSY account in his office. Even my personal instruction failed to convince the SPM that he is bound to open MSY account without any argument. The MSY account opened at his office was due to persistent request by the ASP(Dn) Guwahati against the willing of the SPM, Shri Lankeswar Das. The official actually ~~deserves~~ deserves severe punishment. However, keeping a lenient view I disposed the case with the following orders.

O R D E R

I, Shri I. Pangernungsang, Sr. Supdt. of Post offices, Guwahati Division, Guwahati ordered that the pay of Shri Lankeswar Das, SPM be reduced by two (2) stages from Rs.1720.00 to Rs.1640.00 in the time scale of pay Rs. for a period of one year with effect from 01.06.95. It is further directed that Shri Lankeswar Das will earn increment of pay during the period of reduction and that on the expiry of this period the reduction will not have the affect of postponing his future increment of pay.

Shri Lankeswar Das
SPM, Chandrapur.

(I. Pangernungsang)
Sr. Supdt. of Post offices
Guwahati Division, Guwahati.

Copy to :-

1. The Sr. Postmaster, Guwahati GPO
- 2-3. The Chief PMG, Assam Circle, Guwahati
4. Punishment Register
- 5-6. PF/CR file of the official
7. Spare.

(I. Pangernungsang)
Sr. Supdt. of Post offices
Guwahati Division, Guwahati.

.. ..
Addl. Central Govt.
Standing Council

39
Annexure 2/1
49

Department of Post : India :
Office of the Sr. Supdt. of POs : Guwahati Division :
Meghdoot Bhawan 3rd floor : Guwahati : 781 001.

... ..

C O R R I G E N D U M

o/c

The following may be substituted in this office memo of even no. dated 23-02-95.

O R D E R

I, Shri I. Pangernungsang, Sr. Supdt. of Post offices, Guwahati Division, Guwahati orders that the pay of Shri Lankeswar Das, SPM, Chandrapur be reduced by 2(two) stages from 1720.00 to Rs.1640.00 in the time scale of pay of Rs.1400-2300.00 for a period of four months w.e.f. 01.06.95. It is further directed that Shri Lankeswar Das will earn increment of pay during the period of reduction and that on expiry of this period the reduction will not have the effect of postponing his future increment of pay.

(I. Pangernungsang)
Sr. Supdt. of Post offices
Guwahati Division, Guwahati.

No ■ E2/MSY/93-94.

the May 1, 1995

Copy to :

1. Shri Lankeswar Das, SPM, Chandrapur
2. The Sr. PM, Guwahati GPO
- 3-4. Chief PMG (Vig), Assam Circle, Guwahati
5. Punishment register
- 6-7. PF/CR file of the official

(I. Pangernungsang)
Sr. Supdt. of Post offices
Guwahati Division, Guwahati.

Attested
H. H. Chandra
Addl. Control Officer
Standing Committee

13 2 Annexure D 40

Department of Post, India
Office of the Chief Postmaster General, Assam Circle,
Meghdoot Bhawan, 4th Floor, Guwahati-781 001.

process of law was not observed and the disciplinary authority imposed a major penalty No. 2/MSY/93-94 against the appellant. The order dated 4.4.95. In the charges under Rule 16 of CCS (CCA) Rules, 1965. It is further directed that the appellant shall earn increment of pay during the period of suspension and that on the expiry of this period the reduction of pay shall be removed. Order appeal- No. E2/MSY/93-94 dtd. 23.2.95.

1. Introduction:
The appellant, Shri Lankeswar Das, SSPO, Guwahati Division, appealed against the order dated 4.4.95. In the appeal, the appellant requested that the pay of the appellant be reduced by 2 (two) stages from Rs. 10,000/- to Rs. 8,000/- in the time scale of pay for a period of 1 (one) year from 1.6.95. It is further directed that the appellant shall earn increment of pay during the period of suspension and that on the expiry of this period the reduction of pay shall be removed. Order appeal- No. E2/MSY/93-94 dtd. 23.2.95.

1.4. The disciplinary authority, Sr. Supdt. of Post Offices, Guwahati Division, Guwahati, Rule 11 therein stipulated the minor penalty which was imposed against the appellant.

1.5. Appellate authority: Director of Postal Services, Assam Circle, Guwahati-781001.

- (i) Withholding of promotion;
2. The undersigned being the appellate authority read the following relevant documents and manuals in this case pecuniary loss caused by him to the Government by negligence or breach of orders;
2.1. SSPOs, Guwahati Memo. No. E2/MSY/93-94 dated 17.1.95 containing the articles of charge against the appellant under Rule 16 of CCS (CCA) Rules, 1965. at cumulative effect and not adversely affecting his pension;
2.2. Statement of defence by the official dated 9.2.95;
(iv) in response to Memo cited above of pay;

2.3. The impugned order dated 4.4.95 at para. 1.3 above. stage is deemed to be a minor penalty under two conditions -

2.4. The appeal cited at Para. 1.1 above.
(1) Reduction of pay for a period of three years;

(1A) 2.5. Other relevant manuals and documents of the official punished.

3. Observations:

The punishment imposed by SSPOs, Guwahati Division, the first co-Regarding the content of the charge made against the appellant, that he failed to open MSY Accounts, despite due repeated instructions from the SSPOs, Guwahati, no detailed and discussion is necessary here since it is obvious that the appellant deliberately disobeyed his controlling officer's instructions, citing unnecessary and irrelevant grounds for his failure to carry out the orders. I also find from the perusal of relevant documents that before the SSPOs took the step of initiating disciplinary action, they gave the appellant several chances of clarifying the relevant rules and provisions for opening of MSY Accounts. But the appellant for refused to take heed of the guidelines and instructions issued by the SSPOs, Guwahati, of pensionary benefits due to him on superannuation on 31.7.95.

Contd...2...



Regarding the appellant's contention that due process of law was not observed and the disciplinary authority imposed a major penalty after serving a Memo. of charges under Rule 16 of CCS(CCA) Rules, 1965, I feel that this point requires detailed examination. The relevant portion of the SSPOs Memo. dated 23.2.95 states the following:-

"I, Shri I. Pangernungsang, SSPOs, Guwahati Dn., Guwahati order that the pay of Shri Lankeswar Das, SPM be reduced by 2(two) stages from Rs.1720/= to Rs.1640/= in the Time Scale of pay for a period of 1(one) year WEF 1.6.95. It is further directed that Shri Lankeswar Das will earn increment of pay during the period of reduction and that on the expiry of this period the reduction will not have the effect of postponing his future increment of pay."

The appellant has contended that the above punishment is a major penalty. Now as per CCS(CCA) Rules, 1965, Rule 11 therein stipulates the minor penalties which are as follows:-

- (i) Censure;
- (ii) Withholding of promotion;
- (iii) Recovery from pay of the whole or part of any pecuniary loss caused by him to the Government by negligence or breach of orders;
- (iv) (a) Reduction to a lower stage in the Time Scale of pay not exceeding 3 years, without cumulative effect and not adversely affecting his pension;
- (iv) Withholding of increments of pay;

From the above, it appears that reduction to a lower stage is deemed to be a minor penalty under two conditions -

- (i) reduction should not be for more than three years;
- (ii) reduction should not adversely affect pension of the official punished.

The punishment imposed by SSPOs, Guwahati satisfied the first condition. Regarding the second, from the service particulars of the official, it is seen that the official is due to retire on 31.7.96. It now has to be seen whether the imposition of the above penalty will adversely affect the pensionary benefits of the official subsequently. As per provisions laid down in Rule 33 & 34 of Central Civil Services(Pension) Rules, 1972, the pensionary benefits due to a government servant is computed on the basis of average emoluments w.r.t. the emoluments drawn by a Government servant during the last 10(ten) months of his service. In this case, it is seen that the punishment imposed w.e.f. 1.6.95 will clearly affect the emoluments for the last ten months of service of the appellant which in turn will directly affect the amount of pensionary benefits due to him on superannuation on 31.7.96.

Contd...3...

15 1 7 42 52
Departments... 3.4. Post, India
Office of the Chief Postmaster General, Assam Circle,
Guwahati, 781 001.

In view of what has been discussed above, it is clear that the punishment imposed by SSPOs, Guwahati is in violation of the provisions laid down in Rule 11 of CCS(CCA) Rules, 1965 to the extent that the punishment has been imposed without due consideration of the impact that the said order will have on the pension and other retirement benefits due to the appellant. In view of what has been discussed above and considering the long years of service rendered by the appellant the following is ordered: dated 2.4.75

1.2. Appellant: Shri Lankeswar Das,
4. ORDER PA, Guwahati Division.

1.3. I, Ms. M. Jawphniaw, Director of Postal Services, Assam Circle, Guwahati, in exercise of the powers vested to me as appellate authority do hereby reduce the punishment awarded by the SSPOs, Guwahati vide his Memo. No. E2/MSY/93-94 dated 23.2.95 and modify the order that the pay of Shri Lankeswar Das, PA, Guwahati Dn. is to be reduced by one stage from Rs. 1720/- to Rs. 1680/- WEF 1.6.95 for a period of 4 (four) months. It is further directed that Shri Das will earn increment of pay during the period of reduction and that on expiry of this period the reduction will not have the effect of postponing his future increments of pay and it will not adversely affect his pension. In respect of documents and records in this case.

2.1. SSPOs, Guwahati Memo. No. 22/MSY/93-94 containing the charges under Rule 15 of CCS(CCA) Rules, (Ms. M. Jawphniaw), Director of Postal Services, Assam Circle, Guwahati-781001.

2.2. Statement of defence in response to Memo. cited above.

Copy to:- The impugned order, noted cited at para 1.3 above.

- 49
1. Shri Lankeswar Das, PA Guwahati, Dn./Guwahati.
 - 2-3. The Sr. Supdt. of Post Offices, Guwahati Division, Guwahati-781 001.
 4. The Sr. Postmaster, Guwahati GPO-781 001.
 5. O/C, Post Office :
6. Space.

Regarding the content of the charges against the appellant, that he failed to open M. Jawphniaw (Ms. M. Jawphniaw), Director of Postal Services, Assam Circle, Guwahati-781001, instructed him to open the same. I also find from the statement of defence that before the SSPOs took any disciplinary action, he gave several excuses explaining the relevant rules and provisions for opening of MSY Accounts. But the appellant refused to take heed of the guidelines and instructions issued by the SSPOs, Guwahati.

(2) 16 Annexe 'E' 36
7 43 53

DEPARTMENT OF POSTS INDIA
OFFICE OF THE SR. SUPDT. OF POST OFFICES GH DN,
GUWAHATI:-781001.

To, 1-2) The Sr.P.M.Guwahati /P.M.G.U. H.O.
3-37) The SPMs- A.Sachivalaya, Beltola, Amerigog,
Kahilipara, Hengrabari, Satgaon, Maukhuli,
Narengi, Noonmati, Zoo-road, Dispur, Rehabari,
Ulubari, Bamunimaidan, Silpukhuri, Gopinath-
nagar, Fatasil Ambari, Kharghuly, Bharalumukh,
Athgaon, Kamakhya, Maligaon, Pandu, Garchuk,
Jalukbari, Guwahati Airport, Azara, Indrapur,
Khanapara, Odalbakra, Gotanagar, Binovanagar,
Chandrapur, Dharapur.

NO.LI/TD Sorting List, Dated at Guwahati the 9-2-94.

Sub:-Town Delivery list.

Copy of town deliver list is enclosed herewith
for information guidance and necessary action.

Encl-
As above.

(Signature)
for Sr. Supdt. of Post Offices,
Guwahati Dn, Guwahati:-781001.

(Signature)
Attested
for Sr. Supdt. of Post Offices,
Guwahati Dn, Guwahati:-781001.

Annexure L 1
44-50

List of delivery Post Offices in Guwahati
(Arranged in Alphabetical order)

Sl. No.	Name of delivery Post Offices	Pincode
1.	Ambari Fatasil	781025
2.	Amerigog	781023
2.	Assam Sachibalaya	781006
4.	Azara	781017
5.	Bamunimaidan	781021
6.	Beltola	781028
7.	Bharalumukh	781009
8.	Binovanagar	781018
9.	Dispur	781005
10.	Gopinath Nagar	781016
11.	Gotanagar	781033
12.	Guwahati Air Port	781015
13.	Guwahati H.O.	781001
14.	Guwahati University H.O.	781014
14.	Inchapur	781032
16.	Jhalukbari	781013
17.	Kahilipara	781019
18.	Kamakhya	781010
19.	Khanapara	781022
20.	Kharghuli	781004
21.	Maligaon Rly. Hed Quarter.	781011
22.	Maukhuli	781171
23.	Narengi	781026
24.	Noonmati	781020
25.	Pandu	781012
26.	Rehabari	781008
27.	Rupnagar	781029
28.	Satgaon	781027
29.	Silpukhuri	781003
30.	Ulubari	781007
31.	Zoo Road	781024

Contd....2/

List of No delivery Post Offices with their offices of delivery

Sl. No.	Name of no delivery Post Offices	Name of delivery P.Os, through which served	Pincode
1.	Assam Engineer Institute	Silpukhuri	781003
2.	Assam Tribune	- do -	781003
3.	Athgaon	Guwahati H.O.	781001
4.	Fancy Bazar	Guwahati H.O.	781001
5.	Paltan Bazar	Guwahati H.O. Rehaban	781008
6.	Pandu Rly. Colony	Pandu	781012
7.	Uzanbazar	Guwahati H.O.	781001.

List of BOs attached to town Sub Offices.

Sl. No.	Name of B.Os.	Name of A/C Office	Pincode
1.	Amgaon	Narengi	781026
2.	Assam Congress	Silpukhuri	781003
3.	Bouda	Narengi	781026
4.	Damabil	Rehabari	781008
5.	Dehangarigaon	Pandu	781012
6.	Dhirenpara	Ambari Fatasil	781025
7.	Japarigoo	Dispur	781005
8.	Kumarpara	Bharalumukh	781009
9.	Sadilapur	Pandu	781012
10.	Santipur	Bharalumukh	781009
11.	Saokuchi	Binovanagar	781018
12.	Sarania	Ulubari	781007.

Contd....3/

Attested
AKH
 Maj. General Govt
 Standing Council

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
14	Chandrapur Circle	—	5508	5508	30376	16752	13624	5608	2890	2718	3062	2755	1165	1026	9180	5145
110	Chandrapur Block	—	5508	5508	30376	16752	13624	5608	2890	2718	3062	2755	1165	1026	9180	5145
1	Rajabari Grant	—	200	200	1100	633	467	194	102	92	23	17	133	93	244	68
2	Panchkuta, P.	—	127	127	757	444	309	147	70	97	27	17	133	93	244	68
3	Khanker	—	104	104	654	350	304	124	70	97	27	17	133	93	244	68
4	Hajobari	—	6	6	21	11	10	3	2	1	55	4	—	—	—	—
5	Borchapari	—	224	224	1310	697	613	217	97	118	447	32	17	25	473	319
6	Tatimara	—	272	272	1541	907	634	245	114	131	382	77	10	12	414	245
7	Chandrapur No.2	—	105	105	628	395	233	97	46	51	—	—	66	33	221	34
8	Chandrapur Gaon	—	1211	1211	5333	2953	2380	947	55	445	450	140	107	997	1807	1194
9	Chandrapur Bagicha	—	28	28	191	114	77	27	15	12	—	—	—	—	89	44
10	Kajali Chowki	—	86	86	568	304	264	98	52	46	45	45	44	35	172	112
11	Mikirpam	—	342	342	1882	965	917	398	214	184	271	269	—	—	371	284
12	Hatibagra	—	208	208	1140	558	582	224	105	119	412	432	—	—	231	131
13	Gobordhan Grant	—	95	95	604	293	311	132	59	73	35	27	3	2	156	126
14	Ghorajant par	—	41	41	217	118	99	45	27	18	36	28	—	—	66	46
15	Ghobali	—	46	46	257	135	122	43	17	26	—	—	5	5	95	53
16	Dhankhunda No.1	—	115	115	673	351	322	130	62	68	4	4	—	1	262	182
17	Kamarpur Pahar	—	144	144	912	501	411	133	73	60	316	263	—	—	262	151
18	Kamarpur	—	85	85	605	336	269	148	84	64	312	251	—	—	97	29
19	Dhankhunda No.2	—	230	230	1580	847	733	348	183	165	682	586	—	—	373	199
20	Dipuji Pathar	—	21	21	114	65	49	14	4	10	—	—	—	—	53	25
21	Dipujijan Pam	—	96	96	560	289	271	101	48	53	6	11	156	154	229	156
22	Missamari No.2	—	39	39	323	157	166	51	26	25	—	—	10	9	107	76
23	Thakurkuchi Gaon	—	28	28	130	69	61	28	12	16	—	—	34	32	39	20
24	Thakurkuchi No.2	—	140	140	798	432	366	90	50	40	32	17	11	8	245	152
25	Missamari Gaon	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
26	Niz-Panbari Gaon	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
27	Kurkuria Gaon	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
28	Jwai No.2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
29	Ghogra No.2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
30	Niz-Panbari No.2	—	23	23	125	71	54	24	13	11	7	3	—	1	34	22
31	Ahorigog	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
32	Hajobari No.2	—	62	62	395	220	175	86	45	41	—	—	10	4	119	73

** N.I.C U.P. State Unit **

RURAL PRIMARY CENSUS ABSTRACT

46

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
33	Khankar No.2	—	84	384	450	246	2214	97	149	348	—	—	28	19	37	12
34	Panikhati No.2	—	66	666	359	198	161	56	31	35	1	—	4	6	99	48
35	Kharguli No.2	—	210	210	1512	925	587	243	116	123	220	218	24	20	405	154
36	Bonda No.2	—	290	290	1547	886	661	316	164	152	36	26	144	120	550	264
37	Bonda Gaon	—	291	291	1678	927	751	311	167	154	2	1	91	91	626	342
38	Birkuchi No.2	—	60	60	316	186	130	64	441	23	—	—	1	1	123	59
39	Nankepathar Area															
40	Borbilabil															
								Un-Inhabited								
								Un-Inhabited								

19

[Signature]

[Signature]

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20 50 Annamur F 47
Department of Posts - India
o/o the Chief RMG, Assam Circle, Guwahati

No. Vig/4-1/Rlg
Dt., Guwahati, the 11-11-91

To

SSG 610
All Heads of
Divisions/units
Assam Circle.

Sub : Amendment of Rule-11 of CCS(CJA) Rules, 1965.

Ref : Dte's letter No. 12-3/91-VP dt. 28-10-91

I have been directed to forward herewith a copy of the notification No. 11012/4/86 Estt(A) dt. 13-7-90 issued by DCP & lrg. amending Rule-11 of CCS(CJA) Rules, 1965. This notification has been published in the Official Gazette on 25-8-90. Since the notification was to come into force from the date of its publication in the Official Gazette, the amendment to Rule-II ibid has already come into force from 25-8-90.

This may please be brought to the notice of all concerned.

Am 12/11
See 11/11/91
(R.P. Sen)
Asstt. Director (Vig)
Chief RMG, Assam Circle, Guwahati.

Copy of the letter.

S.O. No. In exercise of the powers conferred by the provisional to article 309 and clause (5) of article 148 of the Constitution, and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Classification, Control and Appeal) Rules, 1965, namely:-

1. (1) These rules may be called the Central Civil Services (Classification, Control and Appeal) Amendment Rules 1990.
- (2) They shall come into force on the date of their publication in the official Gazette.
2. In rule 11 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 under the heading "Minor penalties" after clause (iii), the following clause shall be inserted, namely :-

"iii a) reduction to a lower stage in the time scale of pay for a period not exceeding 3 years, without cumulative effect and not adversely affecting his pension."

sd/-
(M.V. Kesavan)
Deputy Secretary to the Government
of India

This may be
circulated
soon among the
govt. authorities

Attended
M. V. Kesavan