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4  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

Galit  
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. )  
REVIEW APPLN. NO. OF 1995 (IN OA NO. )  
MISC. PETN. NO. OF 1995 (IN OA NO. )

..... Lankeswar Das ..... APPLICANT(S)

..... M.O.S.E.O.V. .... RESPONDENT(S)

FOR THE APPLICANT(S)

... MR. B.K. Sharma  
MR. M.K. Choudhury  
MR. B.M. Choudhury  
MR. S. Sarma

FOR THE RESPONDENTS

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

OFFICE NOTE

DATE

ORDER

30-6-95

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

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, 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.

Returnable on 3-8-95. Pending Admission the operation of the impugned orders is hereby stayed.

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.

*[Signature]*  
Vice-Chairman

This application is in  
form and within time.  
E. F. of Rs. 50/-  
deposited vide  
IPO/BD No. 885525  
dated 29/6/95  
*[Signature]*  
F. D. No. 61/29/6

Replies are due  
on 4-8-95 & issued vide  
no-2884-82 d. 7-7-95

Office Session  
Q.W.12/3/95.



b/19/7

3-8-95

Mr. A.K. Choudhury Addl.C.G.G.S.C for the respondents. No show cause reply has been filed so far. Mr. Choudhury seeks further time. It appears that the appeal preferred by the applicant 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

Arise on 3638 d. 15-8-95.

*ll*  
Vice-Chairman

*ll*  
Member

lm

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.

*ll*  
Member

*ll*  
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.

*ll*  
Member

*ll*  
Vice-Chairman

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

Pg

(1-12-95) for Admission on  
11-12-95. B/10

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 <sup>his</sup> this departmental appeal, Adjourned to 4-1-96.

Member

lm

Vice-Chairman

1) Service Ready.

4.1.96

Adjourned to 11.1.1996.

2) ~~Writ of Sustent - his sum  
billed~~

Member

Vice Chairman.

pg

11.1.96

PLA-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

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

nkm

Member

6/6  
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? *NO*

Judgement delivered by Hon'ble Vice-Chairman

*M.G. Choudhury*

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

*hsl*

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 delation 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

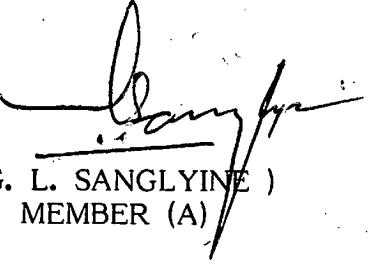
and.....

*hsl*

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.

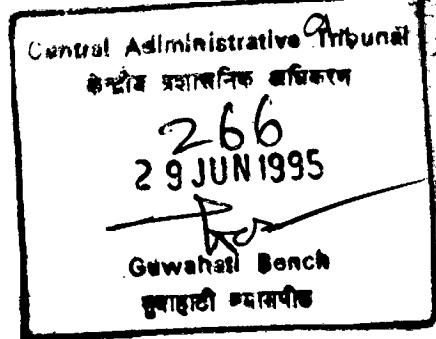
2. It is difficult to appreciate the stand of the applicant. Even if the applicant was of certain opinion as regards the nature of Chandrapur Sub Postoffice and wanted to read the scheme in a particular way and felt that it may not apply to that postoffice it was not open to him to disobey the directions 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

nkm



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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Copy served upon  
Mr. A.K. Choudhury, Advocate  
on 29.6.95  
by Maiti  
Advocate

Regn. No.

Date of filing

REGISTRAR.

S. Singh  
F. I. D. S. C. 26  
F. I. D. S. C. 26  
F. I. D. S. C. 26

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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  
Meghdoott 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 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

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 Samridhi 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 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 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

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, Tamplpur 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

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 17.1.95, 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 ~~to~~ to the said Memorandum. In the statement of <sup>it</sup> 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

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 ~~bx~~ alongwith 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

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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.

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. GROUND 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.

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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(CCA) 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. E~~2~~  
E 2/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 ~~an~~ 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, this an interim order may be  
passed staying the operation of the orders dated ~~23.2.95~~  
23.2.95 (Annexure-6) and 1.5.95 (Annexure-8).

10. ....

The application is filed through Advocate.

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

(i) I.P.O. No. : 03 88 5525  
(ii) Date : 27-6  
(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

- ii) **X**
- 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 (speciman 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. 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 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 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 ~~XXX~~ S.A.S.

Attested  
M. K. Cleer  
P.M.C.

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 CPMG/GH letter No. SB/MSY/Rulings/94 dated 6-5-94 is forwarded herewith for your information, guidance and necessary action.

for Sr. Supdt. 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 review 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 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 Br P.O. The SPM will issued by the Branch Postmaster. A stock register in the following proforma will be maintained by each branch post master.

contd-2.

M.K. Chakraborty  
Advocate

## STOCK REGISTER FOR MSY PASS BOOK OFFICE

BRANCH OFFICE

Date No. of MSY Pass books P/B iss- No. of MSY Pass books Balance in  
 received used issued in issued in hand.  
 used ones, spoiled one.

1 2 3 4 5 6

Qukunmxx

Preliminary receipt No. Account No. Account no. Initial of  
 received or FDBPM/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 FDBPM/EDSPM 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 EDsub 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).

-2-

दाक सेवा

ON POSTAL SERVICE

To

The

5.00

Chandrapur So

G4 287050



मुख्य अधिकारी, दाकाधारी

Mr. Superintendent of Post Offices  
 दाकाधारी विभाग, गुजराती-961008  
 Ahmedabad Division, Ahmedabad-380 008, India

ANM 70/HF. 3

DEPARTMENT OF POSTS INDIA  
OFFICE OF THE SR. BUNDT. OF POST OFFICES AT DR.  
GUWAHATI:-781001.

To,

Shri Lankeswar 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 ratteer 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/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. Pande)  
Sr. Bundt. of Post Offices,  
Guwahati Dr, Guwahati:-781001.

1/1  
M. K. Chaturvedi  
Advised

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 Samridhhi 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 photo stat 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 Nepalies residing at the Quarters of A.S.E.B. Project, Assam State Fertiliser 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.

*Altered  
M. K. Chetia  
P.D.M.*

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 ~~list~~ list. pl. see Enclosure-2.

That sir, the MSY a/c confined to BPM 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 of M.K. Chetan*

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 'Adharsila' 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 6 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,

Enclo :

SPM, Chandrapur S.P.O.

1. Photostat copy of Director- Guwahati-781150,  
late letter. 12.12.94

2. " of 1st page of  
Town delivery list.

3. MSY Annexure-1

4. B.O. Slip.

...

*Attested  
M. K. Chetry  
Jd*

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, SPM, Chandrapur.
2. Personal file
3. Vigilance file
4. Spare.

Contd...

*Attested  
M. K. Chetry  
Postmaster*

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 SSPD's 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...

*Attested  
M. K. Chetry  
P.D.W.C.P.*

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.
- (7) 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, EDERM 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. Chetia  
D.M.W.L.*

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~~ The 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 ~~not~~ 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...?...

*After 6th  
M. K. Chet  
Dutta*

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 ~~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.

*for record*

✓ 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 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.

.. ..

*Attested  
M. K. Chawdhury  
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,  
Meghdoott 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 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 only  
in a post office having delivery jurisdiction over  
the depositors village.

2 That the Sr Supdt of Post Offices, Guwahati Division,  
by his letter No. E2/MSY/93-94 dated 15.11.94  
specifically directed the appellant to open account in  
the Chandrapur Sub 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. Chetry  
Advocate

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. SI/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'

5 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'

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

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

7 That the appellant after perusal of the aforesaid

Contd.....3/

*Noted  
M. K. Choudhury  
Dwarka*

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, therefore, 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 a 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.

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

*Attested  
M. K. Chetry  
Advocate*

Department of Post : India :  
Office of the Sr. Supdt. of POs : Guwahati Division :  
Meghdoct Bhawan 3rd fdoor : 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~~2~~ 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 reduct-  
on 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  
Guwahati  
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.

... . . . .

Attested  
M. K. Doley  
Adm. No. 10

REMINDER

To

The Director of Postal Services,  
Office of the Chief Postmaster General,  
Assam Circle, Meghdoott 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/-

(Lakeswar Das )  
SPM, Chandrapur P.O.  
Guwahati-781150.

M. K. Chetry  
Delivered

REMINDER

ANNEXURE-10

To

The Director of Postal Services,  
Office of the Postmaster General,  
Assam Circle, Meghbot 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

(Lakeswar Das )

SPM Chandrapur P.O.  
Guwahati-781150

Forwarded to

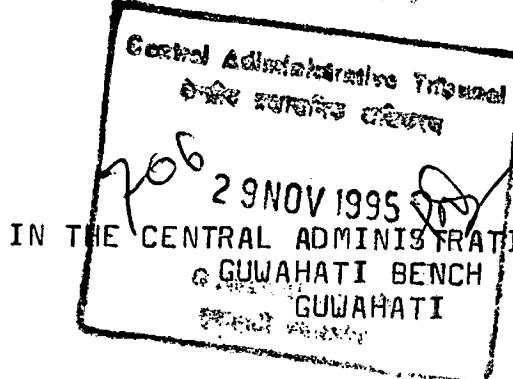
The SSP/GH-1 for favour  
of sending to the destination.

Sd/-

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

\*\*\*

*M.K. Devalia*



Filed by  
A.K. Choudhury  
29/11/95

Adv. G.C.  
Stanford

मुद्रित दस्तावेज़

Sr. Superintendent of Post Off.  
Guwahati, गुवाहाटी - 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. Pangeriungbung 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 contentions 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/8isc/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.

Read Copy  
Banchi  
29/11/95  
Sri P.K. Das

Contd.. p/2-

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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 inclbding 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 chargeheeted under rule-16 of CCS (CCA) Rule 1965 and punishment was awarded under the same rule "minor penalty".

Sr. Superintendent, Guwahati-781001.

Divisional Officer, Post Offices

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 fwd. 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.

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

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v  
( 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 ~~ex~~ crave leave of filing addl. written statement if situation so demands.

#### VERIFICATION

I, Sri B. Pangerwong, 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.

DEPOSITION

करित अधीक्षक दाकधर  
Sr. Superintendent of Post Offices  
गुवाहाटी मंडल, गुवाहाटी—781001,  
Guwahati Division, Guwahati—781001

44  
34  
Annexure A  
12

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

To,

Shri Lankeswar Das,  
SPM/Chandrapur S.O.

NC.E2/MSY/Misc/93-94, Dated at Guwahati the 15-11-94.

Sub:-Alleged Refusal to open "ahila Samriddhi  
Joyona 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 ratteer 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. Pang (Pangsang),  
Sr. Supdt. of Post Offices,  
Guwahati Dn, Guwahati:-781001.

Attested  
R.K. Choudhury

6 34 23  
1. Annexure B  
Recd. 3/7/65

DEPARTMENT OF POSTS INDIA

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

No. E2/Msy/Misc/93-94

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 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.



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

To,

Shri Lankeswar Das SPM, Chandrapur

2. Personal file.
3. Vigilence file.
4. Spare.

Regd A/P:

*Attested by  
P.K.Chandrapur  
Addl. Central Govt.  
Contingency Council.*

4-4

P.T.O. Next page -

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.

*Attested  
P. K. Chawla*

Addl. Central Govt.  
Standing Counsel.

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 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 H.R.A of Guwahati-B-2 city fare and Guwahati Pin code serial i.e. Chandrapur-Guwahati-781150.

Chandrapur, Pragjyotishpur & Guwahati are at the same. Chandrapur is named as Pragjyotishpur by some offices here at Chandrapur. ~~Pragjyotishpur~~ Pragjyotishpur 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-P.D. Originally I applied for Guwahati unit and also appointed in Guwahati accordingly, as my resident at Guwahati.

P.T.O. reverse -



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 ~~fail~~ 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 <sup>cause</sup> 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 ~~ex~~ 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...

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 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 :-  
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.

*Attended  
PK Choudhury*  
Addl. Central Govt.  
Standing Council

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12 Annexure 2/49

Department of Post : India :  
Office of the Sr. Supdt. of POs : Guwahati Division :  
Meghdoott 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.

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.

Attended  
A. K. Choudhury  
Addl. Commr. GPO  
Guwahati

~~Grand~~  
Department of Post, India  
office of the Chief Postmaster General, Assam Circle,

Meghdoott Bhawan, 4th Floor, Guwahati-781 001.

process of law was not observed and the disciplinary authority imposed a major penalty. <sup>Shri/Appeal/Lankeswar Das/93-94</sup> of charges under Rule 16 of CCS(CCA) Rules, 1965. It is further directed that this point requires detailed examination. <sup>Dated Guwahati, August 1, 1995.</sup> A portion of the SSPoS Memo. dated 23.2.95 states the following :-

1. Introduction :  
Gauhati, 1.2.95. The undersigned, SSPOs, Guwahati Division, Guwahati, ordered that the pay of Shri Lankeswar Das, be reduced by 2 (two) stages from Rs. 100/- to Rs. 75/- per month. In the Time Scale of pay for a period of one year from 1.6.95. It is further directed that Shri Lankeswar Das, earn increment of pay during the period of punishment and that on the expiry of this period, the reduced pay shall be the basis of payment for future increments of pay.

1.4. The Disciplinary authority, Sr. Supdt. of Post Offices, Guwahati Division, Guwahati, Assam Circle, Guwahati, Rule 11 therein stipulates the major penalties which are as follows :-

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

(ii) Discretion : -

(iii) Withholding of promotion :  
2. The undersigned being the appellate authority read the following relevant documents and manuals in this case :-  
occupancy 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 (iii) 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 cited at para. 1.3 above, stage is deemed to be a minor penalty under two conditions :-

(i) Reduction in pay, not more than three years ;

(ii) Exclusion of other irrelevant manuals and documents of the official punished.

### 3. Observations :

The punishment imposed by SSPOs, Guwahati satisfied the first condition. 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 discussion is necessary here since it is obvious that the said Appellant deliberately disobeyed his controlling officers by not carrying out the orders. I also find from examination of relevant documents that before the SSPOs took the one <sup>final</sup> step of initiating disciplinary action, he gave the Appellant several chances clarifying 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, of penalty benefit due to him on separation on 31.7.94.

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 :-

...will have on the official concerned. The memo. dated 23.2.95, "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 W.E.F 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** :- directed that Shri Das will not be eligible to enjoy the benefits of a pension or any other gratuity.
- (ii) **Withholding of promotion** ; when the official is not fit for 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.

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Report No. 3, 5, Part 1, India

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:

1.2. Appellant: Shri Gurudever Das

4. **ORDER** **PA, Gunholt Division,**

2.1. S.S.P.G.2, Gurkha 1422, No. 22/83/7-1 of Saighnay, containing the articles of charge under Rule 15 of G.O.S.(G.O.A). Notes. (Ms. M. Lawpniaw). Director of Postal Services.

2.2. Statement of data of Assam Circle, Guwahati-781001, in response to Memo. cited above.

Copy to: - The designated order, which is set out para 13 above.

1. 2. Shri. Lankeswar Das, PA Guwahati, Dn./Guwahati.

2-3. The Sr. Supdt. of Post Offices, Guwahati Division,

4. 4.5. Guwahati-781 001. Guwahati and Dibrugarh  
4. The Sr. Postmaster, Guwahati GPO-781 001.

5. 2. **O/C. operations:**

SUGAR-14C

(2)

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Annexure 'E'

36  
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DEPARTMENT OF POSTS INDIA  
OFFICE OF THE SR.SUPDT.OF POST OFFICES GH DN,  
GUWAHATI:-781001.

To, 1-2) The Sr.P.M.Guwahti /P.M.G.U. H.O.

3-37) The SPMs- A.Sachivalaya, Beltola, Amerigog,  
Kahilipara, Hengnabari, Satgaon, Maukhuli,  
Narengi, Noonmati, Zoo-road, Dispur, Rehatari,  
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 pf town deliver list is enclosed herewith

for information guidance and necessary action.

Enct-  
As above.

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

*Alfredo  
AA Choudhury*

20-2-94  
20-2-94

Structure L 1

L4-50

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

| SL<br>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  |
| 15.       | 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/

- 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 surveyed | 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. <i>Rehabari</i>                 | 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/

Al. Meetei  
M. D. Central  
Standing Council

17. *Chandrapur E2/10*

| (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   | Khanker            | —   | 123  | 123  | 2572  | 1444  | 1000  | 512  | 271  | 278  | 243  | 215  | 197  | 274  | 341  | —    |
| 3   | Hajobari           | —   | 104  | 104  | 654   | 350   | 304   | 124  | 70   | 554  | 360  | 293  | 243  | 215  | 341  | —    |
| 4   | Borchapari         | —   | 6    | 6    | 21    | 11    | 10    | 3    | 2    | 1    | 53   | 44   | —    | —    | —    | —    |
| 5   | Tatimara           | —   | 224  | 224  | 1310  | 697   | 613   | 217  | 99   | 118  | 447  | 32   | 17   | 125  | 473  | 319  |
| 6   | Chandrapur No.2    | —   | 272  | 272  | 1541  | 907   | 634   | 245  | 114  | 131  | 282  | 77   | 310  | 122  | 414  | 245  |
| 7   | Chandrapur Gaon    | —   | 105  | 105  | 628   | 395   | 233   | 97   | 446  | 51   | —    | —    | 56   | 33   | 221  | 34   |
| 8   | Chandrapur Bagicha | —   | 1211 | 1211 | 5333  | 2953  | 2380  | 947  | 55   | 445  | 450  | 140  | 107  | 297  | 1807 | 1194 |
| 9   | Kajali Chawki      | —   | 28   | 28   | 191   | 114   | 77    | 27   | 15   | 12   | —    | —    | —    | —    | 89   | 44   |
| 10  | Mikirpan           | —   | —    | —    | —     | —     | —     | —    | —    | —    | —    | —    | —    | —    | —    | —    |
| 11  | Hatibagra          | —   | 86   | 86   | 568   | 304   | 264   | 98   | 52   | 46   | 45   | 45   | 44   | 35   | 172  | 112  |
| 12  | Gobordhan Grant    | —   | 342  | 342  | 1882  | 965   | 917   | 398  | 214  | 184  | 271  | 269  | —    | —    | 371  | 284  |
| 13  | Ghorajant par      | —   | 208  | 208  | 1140  | 558   | 582   | 224  | 105  | 119  | 412  | 432  | —    | —    | 231  | 131  |
| 14  | Ghobali            | —   | 95   | 95   | 604   | 293   | 311   | 132  | 59   | 73   | 35   | 27   | 3    | 2    | 156  | 126  |
| 15  | Dhankhunda No.1    | —   | 41   | 41   | 217   | 118   | 99    | 45   | 27   | 18   | 36   | 28   | —    | —    | 66   | 46   |
| 16  | Kamarpur Pahar     | —   | 46   | 46   | 257   | 135   | 122   | 43   | 17   | 26   | —    | —    | 5    | 5    | 95   | 53   |
| 17  | Kamarpur           | —   | 115  | 115  | 673   | 351   | 322   | 130  | 62   | 68   | 4    | 4    | —    | 1    | 262  | 182  |
| 18  | Dhankhunda No.2    | —   | 144  | 144  | 912   | 501   | 411   | 133  | 73   | 60   | 316  | 263  | —    | —    | 262  | 151  |
| 19  | Dipuji Pathar      | —   | 85   | 85   | 605   | 336   | 269   | 148  | 84   | 64   | 312  | 251  | —    | —    | 97   | 29   |
| 20  | Dipujian Pam       | —   | 230  | 230  | 1580  | 847   | 733   | 348  | 183  | 165  | 682  | 586  | —    | —    | 373  | 199  |
| 21  | Missamari No.2     | —   | 21   | 21   | 114   | 65    | 49    | 14   | 4    | 10   | —    | —    | —    | —    | 53   | 25   |
| 22  | Thakurkuchi Gaon   | —   | 96   | 96   | 560   | 289   | 271   | 101  | 48   | 53   | 6    | 11   | 156  | 154  | 229  | 156  |
| 23  | Thakurkuchi No.2   | —   | 39   | 39   | 323   | 157   | 166   | 51   | 26   | 25   | —    | —    | 10   | 9    | 107  | 76   |
| 24  | Missamari Gaon     | —   | 28   | 28   | 130   | 69    | 61    | 28   | 12   | 16   | —    | —    | 34   | 32   | 39   | 20   |
| 25  | Niz-Panbari Gaon   | —   | 140  | 140  | 798   | 432   | 366   | 90   | 50   | 40   | 32   | 17   | 11   | 8    | 245  | 152  |
| 26  | Kurkuria Gaon      | —   | —    | —    | —     | —     | —     | —    | —    | —    | —    | —    | —    | —    | —    | —    |
| 27  | Jwai No.2          | —   | —    | —    | —     | —     | —     | —    | —    | —    | —    | —    | —    | —    | —    | —    |
| 28  | Ghogra No.2        | —   | —    | —    | —     | —     | —     | —    | —    | —    | —    | —    | —    | —    | —    | —    |
| 29  | Niz-Panbari No.2   | —   | 23   | 23   | 125   | 71    | 54    | 24   | 13   | 11   | 7    | 3    | —    | 1    | 34   | 22   |
| 30  | Ahorigog           | —   | 62   | 62   | 395   | 220   | 175   | 86   | 45   | 41   | —    | —    | 10   | 4    | 119  | 73   |
| 31  | Hajobari No.2      | —   | —    | —    | —     | —     | —     | —    | —    | —    | —    | —    | —    | —    | —    | —    |
| 32  |                    | —   | —    | —    | —     | —     | —     | —    | —    | —    | —    | —    | —    | —    | —    | —    |

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

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| (1)          | (2)              | (3) | (4) | (5) | (6)  | (7) | (8)  | (9) | (10) | (11) | (12) | (13) | (14) | (15) | (16) | (17) |
|--------------|------------------|-----|-----|-----|------|-----|------|-----|------|------|------|------|------|------|------|------|
| 33           | Khankar No.2     | —   | 84  | 84  | 460  | 246 | 1214 | 97  | 149  | 48   | —    | —    | 28   | 19   | 37   | 12   |
| 34           | Panikhati No.2   | —   | 66  | 66  | 359  | 198 | 161  | 56  | 31   | 35   | 1    | —    | 4    | 6    | 99   | 48   |
| 35           | Kharguli No.2    | —   | 210 | 210 | 1512 | 925 | 1587 | 243 | 1116 | 123  | 220  | 218  | 24   | 20   | 405  | 154  |
| 36           | Bonda No.2       | —   | 290 | 290 | 1547 | 886 | 661  | 316 | 184  | 152  | 336  | 26   | 444  | 120  | 550  | 264  |
| 37           | Bonda Gaon       | —   | 291 | 291 | 1678 | 927 | 751  | 311 | 157  | 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

  
 L.D. Chakraborty  
 Sanctioned

20 50 Annexure F  
Department of Posts - India  
o/o the Chief PMG, Assam Circle, Guwahati

47  
80

To

SSG 6/10

No. V16/4-1/R1G  
Dt., Guwahati, the 11-11-91

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 Ett(A) dt. 13-7-90 issued by DPL & frg. 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 ioid has already come into force from 25-8-90.

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

Am 10/11

Dec 11/11/91

(R.P. Sen)

Asst. Director (Vig)

for Chief PMG, 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."

3/-  
(M.V. Kesavan)  
Deputy Secretary to the Government  
of India

Attested  
M.V. Kesavan

Shri M.V. Kesavan  
Deputy Secretary to the Government  
of India  
for Central Civil Services  
Circular Letter  
out of his  
office  
Date  
10/11/91