

50/600

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

α

(DESTRUCTION OF RECORD RULES, 1990)

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.5

O.A. No. 89/95

Misc. Petn.

C.P. No.

R. Appl:

..... D.K. Bora APPLICANT'S
frs.

..... U.O. 1 RESPONDENT'S

Mr. B.K. Sharma, Mr. B.K. Jha FOR THE APPLICANTS

Mr. S. Ali, Sr. Case FOR THE RESPONDENTS

| OFFICE NOTE | DATE | ORDER |
|-------------|------|-------|
|-------------|------|-------|

This application is in
form and within time.
E. F. of Rs. 50/-
deposited vide
PO/BI No. 88409/
dated

[Handwritten signature]
[Handwritten initials]

1.5.95

Mr B.K.Sharma for the applicant.
Mr S.Ali, Sr.C.G.S.C for the respon-
dents on notice.

Issue notice of admission to the
respondents. The respondents are directed
to produce the ACRs of the applicant for
perusal of this Tribunal pertaining to the
period preceding 5 years to 1993-94 and
also the ACR for the year 1993-94 including
the impugned ACR. These should be produced
at the next hearing for admission.

Returnable and adjourned to 5.6.1995.

[Handwritten signature]
Member

[Handwritten signature]
Vice-Chairman

Requisites are
met & issued pg
v. no. 1987-93 & 9.5.95

4/5

Notice duly served
on A. no. 3 & 4.

[Handwritten signature]

5.6.95

Mr B.K.Sharma for the applicant.

Mr S.Ali, Sr.C.G.S.C for the respondents.

The respondents have not so far complied with the direction dated 1.5.95 for producing the ACRs. Mr Ali states that respondents No.3 has informed him that copies of the application in companion OAs have not ^{been} received by him. We have seen the said ~~xxxx~~ letter. The copy of the instant O.A. has been received by the said respondents. ~~xx~~ We fail to ~~xxxxxxx~~ understand as to what prevented the said respondent from producing the ACRs as that ~~xxx~~ order was passed in the instant O.A. and has been served ~~by~~ upon him. However in the circumstances we request Mr B.K.Sharma to see whether copies in the companion O.As were sent to the respondents or not and to do the needful in the matter with the office if necessary immediately. It is possible that the ACRs are with respondents 5 and 6. Service report of the notice on them is still awaited. It is hoped that the said respondents will comply with the direction given on 1.5.95. Under the circumstances adjourned to 6.7.95.

6.7.95

Adjourned to
11.7.95

Bow

Service Reports ready on
Resps no 3 & 4.

20/7

Member

Vice-Chairman

7/6

OFFICE NOTE

LATE

COURT'S ORDER

11.7.95

.. Mr B.K. Sharma for the applicant.

Mr S. Ali, Sr. C.G.S.C., for the respondents.

Respondents produce the record as directed on 1.5.1995. Since the applicant is seeking relief in respect of entries in the Annual Confidential Record made otherwise than as a measure of penalty the matter is entertainable by Single Bench under the Notification dated 18.12.1991. Hence be placed for admission before the Single Bench on 19.7.1995.

hll
Vice-Chairman

bn
Member

nkm

19.7.95

Mr B.K.Sharma with Mr B.K.Talukdar for the applicant.

Mr S.Ali, Sr.C.G.S.C for the respondents is not present.

Adjourned to 26.7.1995.

hll
Vice-Chairman

pg

Notice duly served on R.W. 1, 3 & 4.

18/7.

*(ACK)
Records submitted vide letter no. B-16/CAT-0A 89/85 dtd. 2-6-95 by Shri S.P. Singh, Supdt. Post Office, Manipure Division Imphal.*

| OFFICE NOTE | DATE | COURT'S ORDER |
|-------------|---------|--|
| | 26.7.95 | <p>Mr. B.K.Sharma for the Applicant.</p> <p>Mr. S.Ali, Sr. C.G.S.C. for the respondents No. 1,2,4,5 and 6.</p> <p>Report of service on Respondent Nos. 2-7 ^{is} awaited. Mr. Ali has produced the ACRs of the applicant. Perused. Prima facie case ^{for} of consideration is disclosed on the following grounds raised by the learned counsel for the applicant, Mr. B.K.Sharma.</p> <ol style="list-style-type: none"> 1. The applicant has been exonerated in the disciplinary proceeding vide Annexure-4 dated 15.9.94 but that is not reflected in the ACRs. 2. The connotations against devotion to duty, trustworthiness and integrity are recorded adversely without any foundation indicated in the ACRs. 3. As stated in his representation Annexure-9 that the reporting officer who has recorded the ACRs covering the period upto 26.9.93, this question need ^{not} consideration in the light of written statement as may be filed by the respondents. As the admission of the matter will give the opportunity to respondent No. 7, to effectively deal with the personal ^{his} ^{not} allegation made against him it is ^{not} necessary to await its show cause reply and he will be at liberty to file his written statement in answer to the allegations. It is also not necessary to await the service of notice on respondent No. 2 as he is a formal party. <p>The application is admitted. Issue notice to the respondents. Written statement with ⁱⁿ 10 weeks. Requisites to be filed within one week. Adjourned</p> |

OFFICE NOTE

DATE

COURT'S ORDER

26.7.95

to 18.10.95. Liberty to apply for early hearing after the respondents are served. Since notice has already been served on respondents 1,3,4,5 and 6 and Mr. Ali appears for them no fresh notice is required for them. The respondents may however be informed ^{said} ~~later~~ ^{by letter} that the application has been admitted and they may file their written statement within 10 weeks and further that the next date is fixed as 18.10.95. Fresh notice may however be issued to the respondent Nos. 1 and 7.

Mr. Sharma applies for Interim order ;

The respondents are directed not to act upon the impugned adverse connotations while considering the case of the applicant for promotion if such occasion arises during the pendency of this application. Liberty to respondents to seek variation of this order if so advised.

The ACRs be kept in safe custody of the Court Officer.

hell
Vice-Chairman

trd

18.10.95

Notice for the present
Adjourned for hearing
15.11.95. /

Bar

15.11.95

Bar

Mr. B.K. Sharma, learned Advocate for the applicant is present. Notice for the respondent. Adjourn to 29.11.95.

Copy of the order dt.
26.7.95 R. no. 1,3,4,5
& 6 are issued vide
no. 3434-41 dt. 28.8.95.

Notice with application

issued to R. no. 2 & 7
R. no. 3634-35 dt. 11.8.95
copy of applications sent vide
no. 1987-93 dt. 9.5.95.
7/8 as noted in file of 89/95

Notice sent on
R. no. 7.

w/ statement has not
been filed.

by 28/8 28/11

(6) (a)

O.A. 89/95

OFFICE NOTE

DATE

COURT'S ORDER

29.11.95

Agreed to

3.1.96 ✓

By order

w/ statement - has not been
billed

SD
211

12.4.96

Mr.B.K.Sharma for the applicant.
Mr.S.Ali, Sr.C.G.S.C. for the respondents.

By consent hearing adjourned to
23.4.96.

Member

pg

25.4.96

Mr S. Sarma is present for Mr B.K. Sharma, learned counsel for the applicant.

Mr S. Ali, learned Sr. C.G.S.C., is present for the respondents.

By consent adjourned to 7.5.96 for hearing.

Member

nkm

7-5-96

Learned counsel Mr.B.K.Sharma and Mr.P.K.Tiwari for the applicant. Learned Sr.C.G.S.C. Mr.S.Ali for the respondents. Submission of counsel of both sides concluded.

Heard the counsel. Judgment reserved.

Member

lm

24.5.96

Mr P.K.Tiwari for the applicant. Mr S.Ali, Sr.C.G.S.C for the respondents.

Judgment pronounced. Application is disposed of in terms of the direction in the judgment/order. No order as to costs.

Office is to return the ACR File of the applicant containing 38 pages under sealed cover to the counsel of the respondents by obtaining receipt from him.

Member

pg

30/7/96

Copy of order
issued to the
parties vide
D.No - 2396 to 2403
of 7.8.96

30/7

pg

O.A. 89 /1995

3-1-95

By consent adjourned to 28-2-96 as
reply is still to be filed.

19.1.96

[Signature]
Vice-Chairman

*W/s Submitted
by the Respondent No. 1 to 7.*

20.3.96

Mr S. Ali, Sr.C.G.S.C for the
respondents.

List for hearing on 2.4.1996.

29.1.96

for leaving

on 28.2.96 pg

[Signature]
Member

2.4.96

Leave note of Mr S. Ali, Sr.C.G.S.C.

Hearing adjourned to 9.4.96.

Mr P.K.Tiwari has no objection.

28.2-96

*for leaving
on 29.3.96*

[Signature]
Member

pg

9.4.96

Mr P.K.Tiwari prays for adjournment to
12.4.96. Mr S. Ali, Sr.C.G.S.C for the
respondents., has no objection.

Hearing adjourned to 12.4.96.

[Signature]
Member

pg

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI-5.

O.A. NO. 89 of 1995
T.A. NO.

DATE OF DECISION 24.5.1996

Shri D.K. Bora

(PETITIONER(S))

Shri B.K. Sharma and Shri P.K. Tiwari

ADVOCATE FOR THE
PETITIONER (S)

VERSUS

Union of India and others.

RESPONDENT (S)

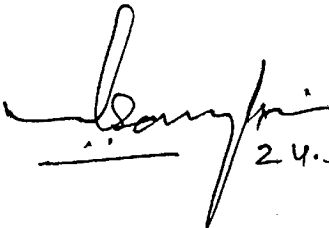
Shri S. Ali, Sr. C.G.S.C.

ADVOCATE FOR THE
RESPONDENT (S)

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

1. Whether Reporters of local papers may be allowed to see the Judgment ? Yes.
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ? No.
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Member (A)


24.5.96

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.89 of 1995

Date of decision: This the 24th day of May 1996

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

Shri D.K. Bora,
Sub-Divisional Inspector of Post Offices,
Kakching Sub-division,
Manipur Division.Applicant

By Advocate Shri B.K. Sharma and Shri P.K. Tiwari.

- versus -

1. Union of India,
Represented by the Secretary,
Department of Posts,
New Delhi.
2. The Director General, Posts,
New Delhi.
3. The Chief Post Master General,
North Eastern Circle,
Shillong.
4. The Post Master General,
North East Circle, Shillong.
5. The Director of Postal Services,
Manipur Division, Imphal.
6. The Superintendent of Post Offices,
Manipur Division, Imphal.
7. Shri K. Ramachandirann,
Ex-Director of Postal Services,
Manipur, Imphal.
At present Director of Accounts(Postal),
Tamilnadu Circle, Madras.Respondents

By Advocate Shri S. Ali, Sr. C.G.S.C.

.....

O R D E R

SANGLYINE, MEMBER(A)

The applicant was working as Sub Divisional Inspector of Post Offices, Kakching Sub Division, Manipur, during the year 1993-94. In his Annual Confidential Report (ACR for short) for that year adverse remarks were

24.5.96

12

recorded as under:

| <u>"Col.No.</u> | <u>Particulars</u> | <u>Remarks</u> |
|-----------------|--|--|
| 14.(i) | Devotion to duty | : Not devoted |
| (v) | Trustworthiness | : Not trustworthy |
| 17. | Has the official been reprimended for indifferent work or for other causes during the period under report? If so, please give brief particulars. | : The official is in the habit of submitting false diary and T.A. bill without visiting B.Os. Charge sheet under Rule-14 has been issued to him. |
| 19. | Integrity | : Doubtful" |

2. It has been disclosed that these remarks were recorded by Shri K. Ramachandirann, the then Director, Postal Services, Manipur, Imphal and that they pertain to the period from 1.4.1993 to 26.9.1993. The adverse remarks were communicated to the applicant by the office of the Reporting Officer vide letter dated 25.7.94 (Annexure-2). Thereupon the applicant submitted a representation dated 20.8.1994 (Annexure 9) to the Chief Post Master General, N.E. Circle, Shillong against the adverse remarks. This representation was disposed of by the Post Master General, N.E. Circle, Shillong on 30.1.1995 confirming the above mentioned adverse remarks.

3. In this application under section 19 of the Administrative Tribunals Act, 1985 the applicant has assailed the action of the Reporting Officer as well as the action of the Post Master General, N.E. Circle, Shillong who, it is seen, is the Reviewing Officer in the case of the applicant. The applicant is of the view that Respondent No. 7, Shri K. Ramachandirann, who had left Imphal for good on 20.8.1993, had illegally written the Annual Confidential Report of the applicant for the period from 1.4.1993 to 26.9.1993 as he is not competent to write the report because of the fact tht this period under

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24.5-96

report is less than the period of 6 months prescribed in Office Order No. 27-3/79.Disc. 1, dated 11.9.1981 issued by the Director General, P & T as quoted in page 16 of Swamy's Compilation on Confidential Reports of Central Government Employees (Corrected upon 1.4.1993). Thus respondent No. 7 had violated this order by writing the Annual Confidential Report of the applicant for the aforesaid period. Moreover, the ACR was written without following the prescribed guidelines. The adverse remarks were recorded without even giving the applicant a warning or advice to make improvement during the relevant period before such adverse entries were recorded in his ACR. There was also delay in recording the ACR by Respondent No. 7 as revealed by the fact that the adverse entries were communicated only in July, 1994. The procedure for recording remarks against Col.19, INTEGRITY, had not also been followed. Further, the applicant has attributed malafide against Respondent No. 7. According to the applicant the adverse remarks made by Respondent No. 7 are cryptic and not substantiated by facts. They were not objective but subjective remarks. Respondent No.7 had made such remarks intentionally and deliberately with bad motive in order to avenge his personal grudge against the applicant and to spoil scope of better service career of the applicant. In order to fulfil this desire respondent No.7 even recorded irrelevant entries against Col.17 of the ACR. It has been submitted on behalf of the applicant that the facts leading to this malafide action of the respondent No.7 have been recorded in para 4(v) to (xiii) of the O.A. and the respondent No.7 has not refuted the contentions of the applicant that he had acted with malafide. The applicant has serious grievances against respondent No.4

also.....

24.5.96

also. According to the applicant respondent No.4 has no authority to dispose his representation which he addressed to the respondent No.3. Further respondent No.4 had disposed of the representation arbitrarily, whimsically and without any application of mind. As a Reviewing Officer respondent No.4 was to give his independent view on the adverse entries communicated to the applicant but he did not do so. While disposing of the representation he did not even notice the fact that the basis of the irrelevant remarks made against Col.17 no longer existed as on 30.1.1995, the date of disposal of the representation, due to the fact that the applicant was exonerated of the charge on 15.9.1994 as communicated by the office of respondent No.3. Respondent No.4 did not also apply his mind to the fact that entries made by the Reporting Officer against Col.19 was in violation of the Rule in this regard. In the light of these contentions, the applicant has prayed that the order dated 30.1.1995 rejecting his representation be set aside and quashed and the adverse remarks expunged.

4. The learned counsel of the applicant has relied on a number of decisions in order to show that the reliefs sought by the applicant are justified. These are, (1) 1987(4) SLJ (CAT) 527, (2) 1996(1) GLT CAT 1, (3) 1994(3) SLJ 95 and (4) AIR 1986 SC 875. He also refers and relies on Swamy's Compilation on Confidential Reports of Central Government Employees (corrected upto 1.4.93) in support of the various allegations of violation of rules and procedure prescribed for writing of ACR by the respondent No.7 and respondent No.4.

5. The respondents have contested this application by filing written statement. Mr S. Ali, the learned Sr. C.G.S.C., has made submission in support of the contention

of.....

24.5.96

of the respondents. Mr Ali has submitted that both respondent No.7 and respondent No.4 had acted within their powers. According to Rule 174(3) of P & T Manual Vol.III only three months time for overseeing the work of the officer reported upon is required for the reporting officer to enable him to write the ACR when the reporting officer was transferred during the year. In this case the respondent No.7 had three months time to watch the works of the applicant and he had written the ACR on the basis of his knowledge and based on the records such as fortnightly diaries and T.A. bills of the officer reported upon. He also submitted that under Rules 174(13)(ii) of the same Manual the Post Master General, N.E. Circle, Shillong, was competent to dispose of the representation of the applicant.

6. The applicant has impugned the order of the PMG, N.E. Circle, Shillong, confirming the aforesaid adverse remarks as conveyed vide Memo No.Staff/109-Misc./5/94 dated 30.1.1995. According to the applicant the respondent No.4 being a Reviewing Officer in respect of the ACR of the applicant was not competent to dispose of his representation dated 20.8.1994 submitted to the Chief Post Master General, N.E. Circle, Shillong, requesting him to expunge the adverse remarks. It is the contention of the applicant that the representation could only be disposed of by the respondent No.3 being the competent authority. As already mentioned above Mr Ali resisted this contention of the applicant. He submits that the PMG, N.E. Circle, Shillong, was competent to dispose of the representation as he is the immediate superior to the Reporting Officer. He has referred to the Posts and Telegraphs Manual Vol.III (as corrected upto 1.11.1980) in support of this contention. Rule 174(13)(ii) of this

Manual.....

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24.5-96

Manual reads as under:

174(13)(ii). Representation against adverse remarks will lie to the authority immediately superior to the countersigning authority, if any or to the reporting officer. If the immediate superior authority has already reviewed the confidential report in question and has also expressed his view either agreeing or disagreeing with the adverse remarks recorded and accepted by the countersigning authority, the representation should, in that event, lie to the next higher authority."

This is same with item 22 appearing in page 25 of the aforesaid ~~Swamy's~~ ~~Compilation~~ ~~relied on by the learned~~ ~~counsel for the applicant and the Postal Manual Vol.III~~ (corrected upto 1.7.1986). Thus the contention of the respondents is that in the absence of countersigning authority the representation against the adverse remarks would lie to the authority immediately superior to the reporting officer, namely, the PMG, N.E. Circle, Shillong, and that the PMG is competent to dispose of the representation especially as he has not already reviewed the confidential report of the applicant and had not also expressed his view either to agree or to disagree with the remarks reported by the reporting officer in the ACR. There is no dispute that the PMG is the reviewing officer in respect of the ACR of the applicant recorded by the Director Postal Services, Manipur. On perusal of the form of ACR in respect of the applicant it shows that there are four parts and Part IV is provided for comments to be made by the reviewing officer. There is no part provided for the countersigning authority. As evident from the ACR, the reviewing officer had not in this case reviewed the entries recorded in the ACR of the applicant. He had not also expressed any view against Col.21 which reads,

"21. Do you agree with the remarks of the reporting officer in part III above? If not, indicate the extent of your disagreement",

24.5.96

before the adverse entries were communicated to the applicant. He had expressed his view only in his order disposing of the representation of the applicant by confirming the adverse remarks thereby agreeing with the reporting officer in respect of the adverse remarks communicated to the applicant. Rule 174(12) of the Manual provides that adverse remarks should be communicated to the officer concerned by the countersigning authority when one is prescribed and by the reporting officer in other cases. In the case of the applicant the adverse remarks were communicated under the letter head of the Office of the Director Postal Services, Manipur, Imphal, though the same was signed by the Superintendent of Post Offices, Manipur Division, Imphal. Thus it shows that it was not the reviewing officer who had communicated the adverse remarks. This further shows that there was no countersigning authority in respect of the ACR of the applicant. In view of the facts of the case the respondent No.4 had, therefore, acted within his powers in disposing of the representation of the applicant.

7. The other objection of the application is that the respondent No.7 was not legally competent to write the Annual Confidential Report of the applicant for the period from 1.4.1993 to 26.9.1993 as he was transferred from Manipur during the year because the period under report is less than the period of 6 months prescribed in the letter No.27-3/79-Disc.1 dated 11.9.1981 issued by the Director General, P & T, as mentioned at item 6 of page 16 of the aforesaid Swamy's Compilation. The respondents on the other hand submit that respondent No.7 was competent to write the ACR of the applicant for the aforesaid period and rely on Note 1 below Rule 174(4) of

Postal.....

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24.5.96

Postal Manual Vol.III (corrected upto 1.7.1986) which reads:

"On the transfer of the Reporting Officer or the officer to be reported upon, the Reporting Officer should write a report, provided he had an opportunity to watch the work and conduct of the officer for a period of more than three months."

According to the applicant respondent No.7 left Imphal on 20.8.1993. The Postal Manual as corrected upto 1.7.1986 is a later authority than the letter dated 11.9.1981 of the Director General, P&T. Therefore, it has to be accepted that as far as the Postal Employees are concerned this later position would be applicable to them and consequently the contention of the applicant is not acceptable.

8. The respondents have submitted that this application is liable to be dismissed as the applicant did not avail all the departmental remedies. Technically they are correct because after rejection of the representation against the adverse remarks the affected officer concerned is entitled to submit an appeal within a period of six months. The applicant had not availed of this remedy within the prescribed period but instead came before this Tribunal before the expiry of the period. I am not however inclined to dismiss the application on this ground because of the confusion apparently faced by the applicant in this matter of his ACR. It may not be hazardous to guess that the applicant might have a notion that the adverse remarks were communicated to him by the Superintendent of Post Offices, Manipur Division only after the remarks were reviewed and accepted by the Reviewing Officer. Therefore, he had submitted the representation to an authority next superior to the

Reviewing.....

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24.5.96

Reviewing Officer. When this representation was disposed of by the Reviewing Officer instead of by the next superior officer the applicant became confused and did not accept the legality of the disposal of his representation by respondent No.4.

9. After crossing over the above hurdles it is now to be seen whether the applicant is correct in his view that the respondent No.4 had mechanically and without application of mind disposed of his representation confirming the adverse remarks. Respondent No.4 had obtained the comments of the Reporting Officer upon the representation of the applicant. He perused both the comments and the representation and confirmed the adverse remarks as he did not feel the necessity to intervene in expunging the remarks recorded by the Reporting Officer who was the then direct controlling officer of the applicant. He has not disclosed in his order dated 30.1.1995 what are ^{the} contents of the comments of the respondent No.7 and he has not also placed them before this Tribunal for perusal. In his order he has not dealt with any point raised by the applicant in his representation. The matter is now before this Tribunal. It is incumbent on him to let this Tribunal know supported by evidence why none of the issues raised by the applicant in his representation was found unacceptable to him. His failure to do so would lend support to the contention of the applicant that the representation was whimsically and arbitrarily rejected. Add to this, he has not written a word in Part IV of the relevant

Confidential.....

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24.5.96

Confidential Report which is a clear indication of the extent of non-application of mind of the Reviewing Officer in respect of the ACR of the applicant. It may be true that respondent No.4 was not a direct Controlling Officer of the applicant in the relevant period but it was his duty as a Reviewing Officer to know about the applicant and his work. At least, it must have crossed his mind that the entries at Col.14 and 19 could have been prompted by the entries made in Col.17. If so, whether it could not be considered that the alleged facts at Col.14 and 19 did not exist ab initio when the basis had gone away with the exoneration of the applicant from the charges. The charges were proved wrong before the date of disposal of the representation. The respondent No.4 could have thought on the basis thereof whether such remarks as recorded in Col.17 could still be confirmed. The respondent No.4 could have also examined whether the entries against Col.17 are relevant to the query embodied therein or redundant or superfluous to it. At least, it cannot be doubted that ~~he~~ he was not aware of the guidelines of writing ACR in respect of the Col.19, Integrity, when the Reporting Officer is in doubt about the integrity of an officer reported upon. All these go to show that there had been lack of application of mind by respondent No.4 to the facts of the case while disposing of the representation of the applicant vide his order dated 30.1.1995. This order itself is not a speaking order. The documents on the basis of which the adverse remarks were recorded have not also been submitted by the respondents before the Tribunal.

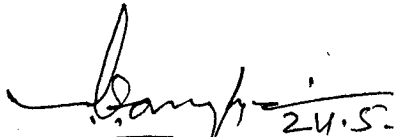
10. In view of the facts and circumstances discussed in the preceding paragraph, I have come to the conclusion that the impugned order dated 30.1.1995 is not sustainable and is liable to be set aside. At this stage

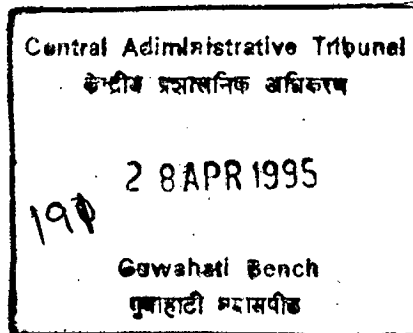
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24.5.96

I consider that it is not necessary to go into the merit of the action of respondent No.7 ~~but~~ would rather leave it to the respondent No.4 to reconsider the matter. I therefore, hereby set aside the impugned order dated 30.1.1995 and I direct respondent No.4 to consider the representation dated 20.8.1994 of the applicant afresh on merit and in accordance with the relevant rules and communicate his decision to the applicant. This shall be completed by him within one month from ~~the~~ the date of his receipt of a copy of this order. If the applicant is aggrieved with the fresh order of respondent No.4, he shall, if he desires, submit a representation to the next higher authority within one month from the date of his receipt of the copy of the order of respondent No.4. The next higher authority shall dispose of the representation of the applicant within one month from the date of his receipt of the representation from the applicant. If he is still aggrieved, the applicant is at liberty to approach this Tribunal.

11. The respondents are directed that they shall not act upon the aforesaid adverse remarks while considering the service career prospects of the applicant during the pendency of their consideration of his representation dated 20.8.1994.

12. The original application is disposed of as indicated above. NO order as to costs.


(G. L. SANGLYINE)
MEMBER (A)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
AT GUWAHATI

CASE NO. O.A. 89 OF 1995.

An application Under Section 19 of the Central Administrative Tribunal Act, 1985.

Shri D.K. Bora ... Applicant.
Vs.
Union of India & Ors. ... Respondents.

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| 4. | Annexure-3 | Order dt. 2.7.93 ... | 18-20 |
| 5. | Annexure-4 | Order dt. 15.9.94 ... | 21-22 |
| 6. | Annexure-5 | Representation dt. 21.7.93 ... | 23-29 |
| 7. | Annexure-6 | Statement dt. 13.8.93 ... | 30-37 |
| 8. | Annexure-7 | Letter dt. 30.7.93 ... | 38-42 |
| 9. | Annexure-8 | Letter dt. 28.7.93 ... | 43 |
| 10. | Annexure-9 | Rep. dt. 20.8.94. ... | 44-47 |

For the use in Tribunal's office.

Date of filing :

Malafide

27

- ① The applicant had in earlier occasion filed OA. before this CAT against illegal and unjust order allegedly personal bias -
(OA. 43193
1999)
- ② Resp. no. 7 took action under rule 14 of CCS(CCA) Rules 1965 against the applicant on 2-7-93 - exonerated on 15-9-94
and discriminatory treatment
- ③ one to harassment of R-7 a joint Rep. was submitted against the R-7 and gave evidence against the R-7 on 13-8-93
- ④ As ~~joint~~ against Secy of AIA of 1 Pos Division on 30-7-93 to write against him
Circle Secy of AIA POS
- ⑤ The Secy AIA also took up the matter and wrote to R-7 on 28.7.93

23

Filed by
A.K. Sankar
28-4-95

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:GUWAHATI BENCH
AT GUWAHATI

An application Under Section 19 of
the Central Administrative Tribunal
Act, 1985.

O.A.No.

OF 1995.

Shri D.K.Bora,
Sub-Divisional Inspector of Post
Offices, Kakching Sub-Division,
Manipur Division.

... Applicant.

- VERSUS -

1. Union of India,
Represented by the Secretary,
Department of Posts,
New Delhi.
2. The Director General, Posts,
New Delhi.
3. The Chief Post Master General,
North Eastern Circle,
Shillong.
4. The Post Master General,
North East Circle, Shillong.

5. The ...

Received Copy
Sae 28/4/95
(MD. SHAUKAT ALI)
Central Govt. Secy. to Govt. Council
GAUHATI

5. The Director of Postal Services,
Manipur Division, Imphal.

6. The Superintendent of Post Offices,
Manipur Division, Imphal.

Referring Officer

7. Shri K. Ramachandirann,
Ex-Director of Postal Services,
Manipur, Imphal.
At present Director of Accounts (Postal),
Tamilnadu Circle, Madras.

... Respondents.

DETAILS OF APPLICATION :

1. Particulars of the Order against which the application is made :

The application is directed against the illegal rejection order passed by the Post Master General, N.E. Circle, Shillong on the representation submitted by the applicant to the Chief Post Master General, N.E. Circle, Shillong communicated Under Memo No. Staff/109-Misc./5/94, dated at Shillong, the 30.1.95 which was received by the applicant on 9.2.95 (Annexure-1) and to expunge the malicious adverse remarks made in the applicant's Annual Confidential Report for the year 1993-94 by the Respondent No. 7 communicated to the applicant under No. CR/93-94 dated at Imphal 25.7.94 (Annexure-2) by the Respondent No. 6.

2. Jurisdiction of the Tribunal :

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Hon'ble Tribunal.

3. Limitation :

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

4. Facts of the case :

(i) That the applicant is a citizen of India and as such he is entitled to all the rights and protections as guaranteed by the Constitution of India.

(ii) That the applicant entered into the services as Clerk of the Postal Department in the year 1973. Ever since his entry into the services, he has

been working with due diligence and to the full satisfaction of the authority. The applicant was promoted as Inspector in the year 1980 and presently he has been working as Sub-Divisional Inspector of Post Offices, Kakching Sub-Division in Manipur Division.

(iii). ...

(iii) That the Respondent No.6 by his letter No.CR/93-94 dated 25.7.94 has brought to the applicant's notice about the adverse remarks made in the applicant's Annual Confidential Report for the year 1993-94 (Recorded by the then DPS/Imphal, Shri K. Ramachandirann for the period from 1.4.93 to 26.9.93).

The applicant was shocked to see the vindictive, biased, motivated, malicious and vague remarks recorded by the Respondent No.7 in violation of the Office Order and the Rules. On perusal of the adverse remarks it is crystal clear that the impugned remarks are not at all objective but subjective, and the Respondent No.7 has intentionally, deliberately and with bad motive recorded those remarks in order to avenge his previous grudge borne by him against the applicant and to spoil the service career of the applicant for future prospect and promotion without any consideration about the applicant's excellent 22

? years of past service. It is apparent on the fact of the record that against Col.17, the remarks recorded are irrelevant in as much as the same are not furnished in compliance of the requirements of the said column. Office order and the Rules were not at all followed in recording remarks against Col.No.19.

(iv) That Shri K.Ramachandirann, the then DPS/Imphal left Imphal on 20.8.94 for good and he never

returned ...

93-94 FY

1-4-93 } less than
1. } months
26-9-93 }

20.8.93 } not in
26.9.93 } Imphal

Write on July, 1994.

20-8-93

to Imphal. As per office order vide DG, P&T, letter No.27-3/79.Disc.1, dated the 11th September, 1981 the reporting period should be at least 6 month's time and as such, Sri Ramachandirann did not write the character Rolls in prescribed time and left Imphal with bags and baggages. It is strange to note that how could he write the Annual Confidential Reports in the month of July, 1994 sitting in Madras, the present place of his posting, covering the period from 20.8.93 to 26.9.93 during which period, he was not the DPS/Imphal, Manipur.

(v) That while Shri Ramachandirann was DPS/Imphal, Manipur, the applicant had to prefer 2(two) cases in this Hon'ble Tribunal against his illegal and unjust orders making the allegation of personal bias. He had also filed contempt petition against the said respondent. The applicant instead of repeating the contentions made in those cases, craves leave of the Hon'ble Tribunal to refer to the said case at the time of hearing of this case. The said cases were registered and numbered as O.A.No.206/91, O.A.No.43/93 and C.P.No.1./92.

(vi) That the then DPS/Imphal, Shri Ramachandirann vide his Memo No. IP-14/(for DPS)Thamlapokpi BO/ dt. Imphal 2.8.93 proposed to take action against the

applicant ...

applicant under Rule 14 of CCS(CCA) Rules, 1965 which also reflected in the impugned adverse remarks.

A copy of the said Memo dated 2.7.93 is annexed hereto and marked as Annexure-3.

(vii) That the applicant submitted a representation to the Chief Post Master General, N.E. Circle, Shillong against the aforesaid Memo dated 2.7.93 issued by the then DPS/Imphal, Shri K. Ramachandirann.

(viii) That the Director of Postal Services, Shillong by his order communicated under Memo No. Vig/14/9/85 dated 15th September, 1994 exonerated the applicant from the charges levelled against the applicant. Thus the Rule 14 Charge sheet could not have been made the ~~lie~~ basis for recording the adverse remarks.

Disct.

A copy of the order dated 15.9.94 is annexed hereto as Annexure-4.

(ix) That the Respondent No.7, Shri Ramchandirann not only gave intentional harassment and discriminatory treatment to the applicant but also to some other Inspectors of the Manipur Division and as such, they submitted a joint representation to the Post Master General, N.E. Circle, Shillong bringing allegations against him. Such a position is also born

on record of aforesaid cases filed by the applicants.

A copy of the said representation dated 21.7.93 is annexed hereto as Annexure-5.

(x) That never before he was communicated any adverse remarks and he did not do anything so as to warrant such adverse remarks except the displeasure he attracted by making the allegation of personal bias against the Respondent No.7.

(xi) That the applicant appeared before the Enquiry Officer who enquired the joint complaint dated 21.7.93 and gave his statement on 13.8.93.

A copy of his statement dated 13.8.93 is annexed hereto as Annexure-6.

(xii) That the applicant is the Organising Secretary, AIA of IPOS/ASPO, Manipur Division, Imphal and on that capacity, the applicant wrote to the Circle Secretary of AIA of IPOS and ASPOS, N.E. Circle Branch, Shillong on 30th July, 1993 alleging against Shri. Ramachandirann, the then DPS/Imphal.

A copy of the said letter dated 30th July, 1993 is annexed hereto as Annexure-7.

(xiii) ...

(xiii) That the General Secretary, All India Association of Inspectors and Asstt. Superintendents of Post Offices, took up the matter on the joint complaint petition filed by the applicant and the other Inspectors on 21.7.93 and communicated the decision by letter No. CHO/IPOS/North East/93 dated 28.7.93 to the applicant.

A copy of the letter dated 28.7.93 is annexed hereto as Annexure-8.

(xiv) That thereafter, the Respondent No.6 by his Memo No. CR/93-94 dated 25.7.94 communicated the adverse remarks recorded by the Respondent No.7, Sri Ramachandirann the then DPS/Imphal for the period from 1.4.93 to 26.9.93 to the applicant.

A copy of the Memo dated 25.7.94 is annexed hereto as Annexure-2.

(xv) That, thereafter, the applicant submitted a representation to Sri L. Zadeng, the Chief Post Master General, N.E. Circle, Shillong through proper channel on 20.8.94.

A copy of the said representation dated 20.8.94 is annexed hereto as Annexure-9.

(xvi) That ...

(xvi) That the aforesaid representation of the applicant was rejected by Sri G.S.Misra, Post Master General, N.E.Circle, Shillong and not by Sri L.Zadeng, the Chief Post Master General, N.E.Circle, Shillong and the result of the said representation was communicated to the applicant Under memo No.Staff/109-Misc/5/94, dated 30.1.95.

A copy of the said memo dated 30.1.95 is annexed hereto and marked as Annexure-1.

5. Grounds for relief with legal provisions :

(a) For that the impugned orders are prima facie illegal and not maintainable under the law.

(b) For that the impugned adverse remarks which are conjectures and surmises and without any substance, having been recorded in clear violation of DG,P&T letter No.27-3/79-Disc.1, dated 11th September,1981, the same is bad in law and liable to be expunged.

(c) For that the Respondent No.4 being Reviewing Authority in respect of the entries recorded in the Annual Character Roll of the applicant, the Respondent No.4 has no authority to dispose of the representation of the applicant addressed to the Respondent No.3

arbitrarily ...

arbitrarily, whimsically and without any application of mind.

(d) For that the malicious intention of the respondent No.7 is writ large from the facts borne by the respondent No.7 against the loyal and sincere officer like the applicant and out of grudge and sheer malice, the respondent No.7 recorded the impugned adverse remarks to averge his grudge though he is not authorised to record the same. The respondent No.4 should not have sent the representation of the applicant to the respondent No.7 for parawise comments before disposal of the same and as such, the respondent No.4 disposed of the representation only machanically and acted hand in glore with the Respondent No.7.

(e) For that the Respondent No.4 cannot assume power himself which is not vested on him under the Rule, and as such, the respondent No.4 is not competent to dispose of the representation of the applicant.

(f) For that the respondent No.4 has got no power to take away the legal and fundamental rights of the applicant violating the principles of natural justice.

(g) For that the respondent No.4 cannot transgress his authority being a Reviewing authority and sit

over ...

over his superior authority and as such, the respondent No.4 is not competent to dispose of the representation of the applicant.

(h) For that the respondent Nos.4 and 7 have no authority to violate the standing order and rule in filling up column relating to integrity of the applicant.

(i) For that column No.17 having not been filled up in conformity with the requirements, the same is liable to be quashed and expunged. Further the basis itself habing been dropped, there was no occassion for recording such adverse remarks.

(j) For that the respondent No.4 is bound to act as Reviewing Officer in respect of the applicant's Annual Confidential remarks in his character Roll and to give his own independent opinion in the matter.

(k) For that before recording the A.C.R., the applicant was never warned and/or given guidance which is mandatorily required. Thus the adverse remarks recorded in the manner is not sustainable. Malafide is writ large on the face of it.

(1) For ...

-12-

(l) For that the general principles which are required to be observed by the reporting officers for writing annual reports, were not followed.

(m) For that the respondent No.7s is not competent to write the annual confidential report in violation of rule as the period does not cover at least six months time.

(n) For that procedure provided in the Rules, was not followed in dealing with the representation.

(o) For that in any view of the matter, the impugned adverse remarks are liable to be quashed and expunged.

6. Details of remedies exhausted :

That the applicant declares that he has exhausted the departmental remedies available to him and there is other alternative and efficacious remedy open to the applicant.

7. Matter not previously filed or pending with any other Court.

The applicant further declares that the matter regarding which the application has been made, is not pending before any other Court of law or any other

authority ...

authority or any other Bench of the Hon'ble Tribunal.

8. Relief sought :

Under the facts and circumstances above, the applicant prays that this application be admitted and the records of the case called for and after hearing the parties on the cause or causes that may be shown and on perusal of the records, be pleased to grant the following reliefs :

- (i) To set aside and quash the impugned orders dated 25.7.94(Annexure-2) and dated 30.1.95 (Annexure-1) and to allow all consequential benefits.
- (ii) To expunge the adverse remarks recorded by the respondent No.7 in the Annual Confidential remarks on the Character Roll of the applicant for the period from 1.4.93 to 26.9.93.
- (iii) Cost of the application.
- (iv) Any other relief or reliefs to which the applicant is entitled to as this Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for :

Pending disposal of the case, the applicant prays that the impugned orders dated 25.7.94(Annex.2)

and ...

-14-

and order dated 30.1.95(Annexure-1) may kindly be stayed since the balance of convenience lies in favour of the applicant and otherwise he will suffer irreparable loss and injury in as much as otherwise the promotional prospect of the applicant will be seriously effected.

10. Application filed through Advocate.

11. Particulars of the I.P.O.

(i) I.P.O. No.03 884091.

(ii) Date - 17.4.95.

(iii) Payable at Guwahati.

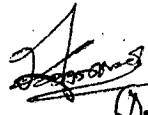
12. List of enclosures:

As stated in the index.

VERIFICATION

I, Shri Diganta Kumar Bora, son of Shri M. R. Bora, presently working as SDIPOS, Kakching Sub-Division in Manipur Division, aged about 41 years do hereby solemnly affirm and verify that the statements made in paragraphs 1 to 4 and 6 to 9, 11, 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice and I have not suppressed any material facts.

And I sign this verification on this the 22nd day of April, 1995 at Guwahati.


(D. K. BORA)
Signature.

Annexure - 1
20/12/94 (16)
38

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

Memo NO. Staff/109-Misc/5/94, Dtd. at Shillong, the 30.1.95.

This case relates to Mr. D.K.Bora, SDIPOS, Kakching Sub-Division in Manipur Division. While he was working as SDI, Kakching the then DPS Shri Ramachandirann made adverse remarks in his Confidential Remarks for the year 1993-94 as under :-

| Col.No. | Particulars | Remarks |
|----------------|---|--|
| 14. (i) (v) | Devotion to duty Trustworthiness | : Not devoted. : Not trustworthy. |
| 17. | Has the official been reprimanded for indifferent work of for other causes during the period under report ? If so, please give brief particulars. | The official is in the habit of submitting false diary and T.A, bill without visiting B.Os. Charge sheet under Rule-14 has been issued to him. |
| 19. | Integrity | : Doubtful. |

On perusal of the records I find that the following adverse remarks were entered in his Confidential Remarks. The official represented to Shri L. Zadeng, Chief P.M.G., N.E.Circle, Shillong on 20.8.94 against those remarks. His representation was sent to Shri K. Ramachandirann.

I went through the comments of the then DPS alongwith representation of the official.

I, Shri G.S. Mishra, Postmaster General, N.E. Circle, Shillong do not feel necessity to intervene in expunging the adverse remarks recorded by the then DPS who was his direct controlling officer.

I CONFIRM the adverse remarks of the DPS recorded in the Confidential Remarks for the year 1993-94 of Shri D.K. Bora, SDI, Kakching Sub-Division, Manipur Division.

Sd/-
(G.S. MISHRA)
Postmaster General,
N.E.Circle, Shillong-793 001.

Copy to :-

1. Shri D.K.Bora, SDIPOS, Kakching Sub-Division, Manipur Division.
2. The Supdt. of P.Os, Manipur Division, Imphal.
3. The Chief P.M.G. (Vig. Sec), C.O. , Shillong.
4. Staff Br. , C.O., Shillong.
5. Spare.

Sd/-
Postmaster General,
N.E.Circle, Shillong-793 001.

apptd
in file
20/12/94

Annexure - 2 (12)
REGD./AD.

DEPARTMENT OF POSTS, INDIA
OFFICE OF THE DIRECTOR POSTAL SERVICES: MANIPUR: IMPHAL - 795 001. 39

No. 22/93-94

Dated at Imphal 25-7-94.

To
REGISTERED Shri/Smt. D.K. Bora
SDIPoS Kakching Sub In.

While your performance as a whole has been satisfactory the following adverse remarks have been made in your Annual Confidential Report for the year 1993-94. They are brought to your notice in order that you may be conscious of your lapses. You should make special efforts during the current year and in the following years to overcome these shortcomings. It is hoped that your work in future will be such a character so as to remove the effect of these adverse entries.

Please acknowledge and return the enclosed copy of this letter duly signed and dated by you to the undersigned.

(Recorded by Shri K. Ramachandirann,
DPS/Imphal for the period from 1-4-93
to 26-9-93).

अधीक्षक डाकघर, जिला मुख्यालय, इमफाल
Superintendent of Post Office
Manipur Division, Imphal-795001.

| Col. No. | Particulars. | Remarks. |
|----------|--|---|
| 14.(i) | Devotion to duty | : Not devoted. |
| (v) | Trustworthiness | : Not trustworthy. |
| 17. | Has the official been reprimanded for indifferent work or for other causes during the period under report? If so, please give brief particulars. | : The official is in the habit of submitting false diary and T.A. bill without visiting B.Os. Charge sheet under Rule -14 has been issued to him. |
| 19. | Integrity. | : Doubtful. |

Signature of the official.

Date.

A. K. Bora
B. K. Bora
A. K. Bora

DEPARTMENT OF POSTS
OFFICE OF THE DIRECTOR POSTAL SERVICES: MANIPUR: IMPHAL: 795001

No. IR-14 (for DPS) Thamlapokpi 80/Dated at Imphal the 2/7/93.
SDI-KK Bzr/92.

M E M O R A N D U M

The undersigned proposes to hold an inquiry against Shri. D.K. Bora, SDIPOs/Kakching Sub-Dn., Kakching, under Rule 11 of the Central Civil Services (Classification, Control and Appeal) Rules 1965. The substance of the imputation of misconduct and or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III and IV).

2. Shri D.K. Bora, SDIPOs/Kakching, . . . is directed to submit within 10 days of the receipt of this memorandum a written statement of his defence and also to state whether he desires to be heard in person.

3. He is informed that an enquiry will be held only in respect of those articles of charge as are not admitted. He should therefore, specifically admit or deny each article of charge.

4. Shri D.K. Bora, SDIPOs/Kakching, . . . is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provision of Rule 14 of the CCS (CCA) Rules, 1965 or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him EX-PARTE.

5. Attention of Shri D.K. Bora, SDIPOs/Kakching is invited to Rule 20 of the CCS (Conduct) Rules, 1964, under which no Govt. servant shall bring or attempt to bring any Political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Shri D.K. Bora, SDIPOs/Kakching is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS (Conduct) Rules 1964.

6. The receipt of the Memorandum may be acknowledged.

(K. Ramachandiran)

Director, Postal Services,
Manipur Dn: Imphal-795001.

1. Sri D.K. Bora, SD IPOs/
Kakching, Sub-Dn., Kakching.

2. Vigilance Statement.

Attest
[Signature]
[Signature]

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SHRI.D.K.BORA
SDIPDs, KAKCHING SUB DIVISION: KAKCHING.

Article-I

Shri.D.K.Bora, while working as SDIPDs/Kakching Sub-Dn.,Kakching during the period of Feb/92, had shown Tamlapokpi EDBO in account with Pallel S.O as visited by him on 24.02.92, in his fortnightly diary submitted by him for the second fortnight of February/92, but actually he did not visit and thereby violated the provision of Rule-293 of P&T Man.Vol.VIII(Third Edition-Reprint) and thus infringed the principles of Rule-3(1)(i) and Rule-3(1)(ii) of CCS(Conduct)Rules,1964.

Article-II

Shri.D.K.Bora, while working as SDIPDs/Kakching Sub-Dn., Kakching during the period of Feb/92, had shown tour to Tamlapokpi EDBO under Pallel S.O from Kakching on 24.02.92, but actually did not undertake the tour; but claimed Rs.34/-=~~Rs.34/-~~ (ie.Rs.68/-)=(Rs.Sixty Eight) as road mileage and ~~XXXXXX~~ Rs.40.60(Rs.Forty & paise sixty)only as Daily allowance by violating the provision of Rule-SR-53, SR-70 as read with SR-50 of supplementary Rules in FR&SR Part-II(Swamy's compilation - 9th Edition) and thereby attracted infringement of Rule -3(1)(i) of CCS(Conduct)Rules,1964.

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT & MISBEHAVIOUR IN SUPPORT OF WHICH EACH ARTICLE OF CHARGES IS FRAMED AGAINST SHRI.D.K.BORA,SDIPDs KAKCHING SUB-DN., KAKCHING.

Article-I

That the said Shri.D.K.Bora, while working as SDIPDs/Kakching Sub-Dn.,Kakching, he submitted his fortnightly diary to the O/o the Director Postal Services, Imphal for the second fortnight of February 1992 vide his No.Dy/2nd fortnight/Feb/92. dtd.2.3.92 in which he had shown visit to Tamlapokpi EDBO in account with Pallel SO on 24.02.92 under his sub-division. But actually he ~~had~~ did not visit Tamlapokpi EDBO on that particular date as per the written statement given by the EDBPM Shri.J.Mones dtd.05.03.93,in presence of Shri.S.Ibobi Singh Group'DS, O/o the DPS/Imphal. As per Rule-293 of P&T Man.Vol.VIII, the IPOs in charge of Sub-Division should maintain a diary in form Genl-2, briefly showing the day's work and submit a copy of his diary showing the particulars of day's work such as visit or inspection etc., alongwith the summary thereof, to the Divisional Head, as of the work performed on the particular day. But by showing the work not actually performed by him on 24.02.92 in the copy of diary submitted to the DPS/Imphal, he violated the said provisions of Rule-293 and thereby he failed to maintain absolute integrity as envisaged in Rule-3(1)(i) and also failed to maintain devotion to duty as enjoined in ~~XXXXXX~~(2) Rule-3(1)(ii) of CCS(Conduct)Rules,1964.

The extract of diary for the day(ie.24.02.92) submitted by him and the summary(Remarks) thereunder for the day(ie.24.02.92) are as under:-

| From | | | To | | | Distance travelled by. | Halt/Remarks. |
|---------|------|-------------|---------|-------|------------|------------------------|---------------|
| Date | Hour | Station | Date | Hours | Station | | |
| 24.2.92 | 0730 | HQ | 24.2.92 | 0900 | Tamlapokpi | 17 Kms | - Scooter |
| 24.2.92 | 1330 | Tamlapokpi. | 24.2.92 | 1500 | HQ | 17 Kms | - " |

REMARKS

24.2.92:- Visited Tamlapokpi BO in account with Pallel SO and carried out its annual inspection for 1992. DLI was 29.5.91. Cash and stamps were verified and found correct. Mails found satisfactory. Returned to HQ on the same day.

ARTICLE-II

That the said Shri.D.K.Bora, SDIPOs/Kakching Sub-Dn.,Kakching, while working as such, submitted tour T.A.Bill for the month of Feb/92 to the O/p the DPS/Imphal on 02.03.92, and the same was received by the O/p the DPS/Imphal on 06.03.92 in which he had claimed Rs.34+Rs.34 (Rs.68/= Rs.Sixty eight) towards road milage on 24.2.92 in connection with official work, ie. 80-Inspection of Tamlapokpi EDBO; and he had also claimed Rs.40.60(Rs.Forty & paise sixty)only as Daily allowance for that day ie.24.2.92. But as per the written statement of the EDBPM/~~XXXXX~~ Tamlapokpi, Shri.J.Mones dtd.05.03.93 (5.3.93), given in presence of Shri.S.Ibobi Singh, Group'D', O/p the DPS/Imphal, the said Shri. D.K.Bora, SDIPOs/Kakching had not visited Tamlapokpi EDBO on that day and did not perform any such tour on 24.2.92.

The extract of T.A-bill(Tour) submitted by Shri.D.K.Bora,SDIPOs Kakching is as under for the 24th Feb/1992.

| | | KM | Scoo- ter: | Amount | D.A | Amount TOTAL |
|-----------------------------|-----------------------------|----|---------------|---------|-----------------|----------------|
| 24.2.92 0730 HQ | 24.2.92 0900 Tam- la- 17 | 17 | | Rs.34/= | 100% | Rs.34 |
| 24.2.92 1330 Tam- la- 17 | 24.2.92 1500 HQ | 17 | | Rs.34/= | 70% | Rs.40.60 Rs.74 |
| Pekpi | | | | | | |

And the said tour T.A. bill submitted by the said Shri.D.K.Bora,SDIPOs was passed vide DPS/Imphal No.A.1(2)(2)/TA/14/92-93 dated.13.5.92, ~~xxxxxxx~~ acceding his above claim, on the basis of certificate furnished by him at the T.A.bill. As per Rule-53 of FR&SR Part-II, he was not entitled to draw any such amount as mentioned above(ie.Rs.34/+ Rs.34/= - Total=Rs.68/=(Rs.Sixty Eight) and as per rule S.R-70 read with S.R-50 of the rule ibid, he was not entitled to draw the amount of Rs.37.10(Rs.Thirty seven & Paise ten)(ie. Out of the claim of Rs.40.60 (Rs.Forty & Paise sixty) which was passed for Rs.37.10)) as Daily allowance as he was not on duty as noted by him in his tour T.A.bill, thereby violated the provisions of the rules. By claiming and drawing the amount(s) which he actually not entitled to, he failed to maintain absolute integrity as required under Rule-3(1)(i) of CCS (Conduct)Rules,1964.

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES ARE PROPOSED TO BE SUSTAINED AGAINST SHRI.D.K.BORA, SDIPOs, KAKCHING SUB DN;KAKCHING.

1. Diary of the SDIPOs/Kakching for the second fortnight of February 1992 dtd.02.03.92 submitted by Shri.D.K.Bora, SDIPOs/Kakching Sub-Dn.
2. Written statement of Shri.J.Mones, EDBPM,Tamlapokpi(Tamlapokpi)EDBO ~~xxxxxx~~ dated.5.3.93.
3. Tour T.A.bill submitted by Shri.D.K.Bora, SDIPOs/Kakching Sub-Dn., Kakching for the month of February/92 submitted on 02.03.92.

ANNEXURE-IV

LIST OF WITNESSES BY WHICH THE ARTICLES OF CHARGES ARE PROPOSED TO BE SUSTAINED AGAINST SHRI.D.K.BORA, SDIPOs ,KAKCHING SUB DN;KAKCHING.

1. Shri.J.Mones, EDBPM/Tamlapokpi EDBO in account with Pallel S.O.
2. Shri.S.Ibobi Singh, Group'D', O/p the DPS/Imphal.



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Department of Posts
The Chief Postmaster General:: N.E. Circle:: Shillong

Vig/14/9/85

15 September, 1994

By DPS Imphal's memo no. IR-14 (for DPS) Thamlapokpi BO/SDI-KK Bzr/92 dated 2.7.93 Shri D.K. Bora, SDIPOs, Kakching was informed that it was proposed to take action against him under rule 14 of CCS(CCA) rules, 1965. A list of articles of charges on which action was proposed, a statement of imputation of misconduct in support of each article of charges, a list of witnesses by whom the articles of charges were proposed to be proved were enclosed with the memo. The memo was sent to Shri Bora under registered post and he was given an opportunity to submit a written statement of defence within 10 days of receipt of the memo.

Shri Bora submitted his defence denying the charges. The competent authority therefore appointed Shri Sunil Das now Postmaster Agartala HO as inquiry officer to inquire into the charges. Shri Ksh Tomba Singh, ASP(Hq) o/o DPS Imphal was appointed as presenting officer to present the case before the I.O.

Shri Sunil Das after holding inquiry as laid down in different rules submitted his inquiry report on 16.7.94 with the finding that the charges were not proved.

I have gone through the memo cited above, the inquiry report of the inquiry officer, the listed documents and other relevant documents very carefully. There are 2 articles of charges, however both have arisen due to single allegation. To sum of the 2 articles of charges it is alleged that Shri D.K. Bora had shown visit to Thamlapokpi for the purpose of inspection on 24.2.92 and claimed TA and DA for it but actually he did not visit the BO on that day.

In support of this allegation the diary of SDIPOs Kakching, his TA bill of the relevant period and a statement of Shri Manas EDBM Thamlapokpi dated 5.3.93 which is also signed by S. Ilobi Singh Group D on 5.3.93 were listed as documents as proofs. The whole case hinges on the written statement of Shri J. Manas dated 5.3.93 as he stated therein that inspection of the BO was not carried out in Thamlapokpi BO on 24.2.92 but was actually carried out in Pallei BO. In his disposition before the I.O. and during cross examination by the charged official Shri Manas stated that he had personally written the statement dated 5.3.93 and that it was on the dictation of DPS Imphal but that the contents were not true, and that the inspection of 24.2.92 was actually carried out at the BO. Shri Ilobi Singh also stated that he did not know about the contents of the statement but signed it when DPS Imphal asked him to sign it. The charged official produced a defence witness viz. Shri Th. Marithat EDBM-cum-BMIC Thamlapokpi BO who deposed that the charged official actually visited the BO on 24.2.92 to carry out the inspection. The presenting officer was given opportunity by I.O. to examine the witness but it bore no fruit in proving the allegation.

*As stated
Shil
Date*

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Thus it is seen that Shri J. Monas, the SW-I on whose statement dated 5.3.93 the whole case rests, completely reversed his stand. The Presenting Officer also failed to produce any other documents/witnesses which could have substantiated the charge; whereas the charged official produced a witness who lent support to the deposition of Shri Manas. The fact that Shri Manas was not found to give his statement dated 5.3.93 could not also be proved. It appears that the statement dated 5.3.93 was recorded on the course of an enquiry but no attestation by the enquiring authority was available so that the document loses much of its authenticity. Therefore, I don't have any other way but to agree with the Inquiry Officer that the charges against Shri D.K. Bora is not proved.

Thus, I, Shri A.N.D. Kachari, IPS, Shillong and disciplinary authority in the present case exonerate Shri D.K. Bora, SDIPOS, Kakching Bazar from the charges levelled against him vide IPS, Imphal Memo cited above.

(A.N.D. KACHARI)
Director Postal Services,
Shillong-793 001.

Copy to:-

1. Shri D.K. Bora, SDIPOS, Kakching Bazar Sub-Division, Kakching, Manipur.
2. D.P.S., Manipur Division, Imphal.
3. Postmaster, Imphal.
- 4-5) Spares.

[Signature]
Director Postal Services,
Shillong-793 001.

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To

Shri C.S. Mishra
 PWC N.E. Circle
 Shillong.

Subject:- Intentional harassment and discriminatory treatment by Shri K. Ramachandirann, DPS Imphal to the IPoS in Manipur Division and causing serious deterioration in efficiency of Postal Services thereof.

Respected Sir,

With due respect and humble submission, we the IPoS working in Manipur Division beg your kind permission to submit this joint humble application to your goodness for favour of your kind perusal and taking follow up action as may deem fit and proper.

The circumstances under which we are compelled to seek your f kind intervention will be clear from the facts and materials mentioned the preceeding paras of this application.

We once more request you to kindly excuse us for submitting this joint application.

1. That Sir, during your last 3 visits, you might have been observed that the functioning of Manipur Postal Division is not satisfactory and deteriorating day by day. The major reason behind this may be attributed to the Lack of liaison between the DPS and the General Staff, the DPS and the IPoS working in Manipur. It would not be out of way to mentioned that after joining of Shri K. Ramachandirann as DPS, this division has faced ugly gesture of filing cases in the Court of Law as well as Central Administrative Tribunals (CAT). Perhaps this is the first time in the Postal history of Manipur when the agitated staff had to seek intervention and shelter of the Court of Law against the biased, prejudiced and malefide action of the DPS Shri K. Ramachandirann.

Contd..2..

*At the
 Shillong
 Date*

2. That Sir, perhaps you will agree with us that our postal work is a team work and we have to work together like members of the same family for achievement of efficiency harmonious relationship and brotherhood. But it is paradoxical enough to mention that after his joining as DP, Shri K. Ramachandirann had for no reason adopted the element of hatred towards his subordinate particularly to the IPOs Cadre and he started victimising the members one after another, either directly or indirectly. After his joining we found him to have not bothered a little to know our personal and administrative difficulties, and problems. Rather he abruptly closed down the door of discussion with any of us either personally or in any monthly meeting. The system of holding Divisional Level meetings with IPOs vanished for ever during the time of Shri K. Ramachandirann.

3. That Sir, we are extremely sorry to mention that even during your August visits to Manipur, we are not officially informed and our approach to your goodness was completely restricted by the DPS Shri K. Ramachandirann. The restriction was imposed in such a manner that neither the general staff nor any members of the IPOs Cadre except Shri B.A. Malai IPOs Ukhrul subdivision and Shri Padmanavan P.A. (typist) could reach up to you to ventilate their grievances.

4. That Sir, we are extremely sorry to mention that we are subjected to direct victim of favouritism of Shri K. Ramachandirann who is exercising his right and power basing on caste, colour and creed. Perhaps it is known to you or not that two IPOs of Manipur Division Shri D.K. Bora as well as Shri R.K. Das were subjected by Shri K. Ramachandirann to extreme harassment and unspeakable hardship by imposing recovery of their entire amount of salary for months together in the name of damage charges on the allegation of unauthorised retention of Quarter following

Contd....3..

their change of Head Quarters from one station to another. But in case of Shri M.A. Balai whose Head Quarter is at Ukhrul and is keeping a Quarter with in the same premises with the above two IFOs, damage charges is not being recovered for retention of the Quarter neither any objection is raised against him. This sort of naked favouritism and discrimination has seriously hurt our sentiments.

It will be proper to add here that retention of Quarter by Shri A.A. Bora and Shri R.A. Das for the bonafide use of their family members were treated by the IFO as unauthorised and recovery of damages charges was imposed instantly. But neither damage charges are recovered nor any other action is taken against Shri A.A. Balai & Shri Radmanaven who are keeping unauthorised persons in their Quarter on regular basis.

5. That Sir, another heinous way adopted by Shri K. Ramachandirann for harassing and victimising the member of this cadre is that he whimsically with held sanction of tour I. A. bills for months together and keep the bills in his personal custody so that the Accountant concerned may not get chance to put up them for sanction. For example tour I. A. bill of Shri D.K. Bora for Sept 1991, March 1992, June 1992 are pending with the A.C.; that of Shri R.A. Das for the month of June 1992 to June 1993 pending with IFO; that of Shri. Utubuddin from July 1992 to Nov. 1992 were passed in Feb. 1993, that of Mr. U. Basumatary from Jan. 1992 to Dec. 1992 were passed in June 1993. But T.A. Bills of Shri M.A. Balai SO, Ukhrul and Shri V.T. Dassen SO, Kangpokpi are passed with out any delay.

6. That Sir, you will agree with us that the wheel of administration keeps running at the cost of sincere and selfless collective efforts of all the manpower. Any amount of negligence or wrongful handling of the manpower is found to lead the administrative machinery to the far end of disaster. IFOs &

Contd...4.

Cadre has been recognised by one and all to be the backbone of the Department. But ironically the DPS Shri K. Ramachandirann instead of coming forward to generate collective efforts with the IFCs and to strengthening administrative machinery, he in a very dictatorial and vindictive manner trying restlessly to kick down and condemn the cadre by hook or by crook. One of the most evil design plotted by Shri K. Ramachandirann is to refuse leave to the members of this cadre.

For example leave availed by Shri D.K. Bora from 5.10.91 to 20.11.91 was refused and ordered as "Dies-non". Again leave for the period from 23.2.93 to 15.4.93 refused by the DPS was subsequently sanctioned due to your kind intervention during your last visit to Manipur. Similarly leave availed by Shri R.K. Das for the period from 4.11.91 to 30.11.91, was outrightly refused by the DPS could be sanctioned only after your kind intervention during your 1st visit to Manipur in the month of Dec. 1992. Another spell of leave from 21.5.93 to 4.6.93 are not yet sanctioned inspite of series of requests made to the DPS. Similar type of harassment and discrimination are meted out to Shri L.R. Chhana and Ma. Cutubuddin in sanctioning their leave. But any kind of leave for any duration availed by Shri M.A. Malai and Shri V.T. Dasan without even submitting formal leave application before going leave are found sanctioned very frequently without any objection of formal query. This type of discriminatory attitude and behaviour on the part of an officer not only poisoned the working atmosphere of an individual but also damages the spirit and vigour, peace of mind etc.

7. That Sir, after adopting every possible ways and means and making them instrumental in one way or other when the DPS feels himself that his actions were not of much effect, he rejuvenate his evil design to completely destroy and damage the service carrier of the members of this cadre. In his new evil design

Contd...5..

he started visiting branch offices for obtaining contradictory statements from the LDEPMs on the tone of threatening against the visit/inspection made by the members of this cadre during 1991-92. And after collecting such contradictory statements will fully and vindictively, the DPS now started issuing charge sheet under Rule 14 making the said self collected statement as an weapon. Thus the DPS is restlessly plotting to ruin not only the services of the members of this cadre but also planning to bring disaster to the family members of the concerned official. Such charge sheet under Rule 14 has already been served to Shri R.K. Das SDI C.C. Tur, now ASP 1st subdivision, Md. Qutubuddin SDI 2nd Subdivision and Shri D.K. Bora SDI Askching subdivision. The DPS had also abruptly issued an irregular suspension order to another member Shri U. Basumatary SDI 3rd by re-opening an age old case which was subjudiced in the court of Law in 1986. But your goodness will be surprised to know that no action, nothing of the sort being evoked in respect of Shri M.A. Kalai who has made his head quarter at Imphal instead of his place of posting at Ukhrul and Chitchatting every day and night with the DPS. Similarly no action nothing of the sort is being evoked in respect of Shri V.T. Dassan who remains 20 days a month out of his subdivision to Nagaland as well as to his native home despite the fact is very well known to the DPS himself. It may also be quite proper to mention here that in order to extent undue privileges and facilities towards Shri M.A. Kalai and to keep close contract, the DPS is entrusting all the enquiry cases to Shri M.A. Kalai who is fixing the venue for all such cases at Imphal, leaving behind the works of his own subdivision at Ukhrul.

8. That Sir, in various other ways we feel ourselves quite disturbed and humiliated in the hands of DPS who is constantly calling us for explanation for no sufficient and good reason. We are being

Contd...6..

forced to divert our time and energy for replying to his unnecessary explanations and queries instead of devoting to our scheduled works and programme peacefully. Thus we feel quite unprotected in the hands of the LPS who is determined to harm, harass and humiliate us either rightly or wrongfully without bothering for efficiency of service and harmony in the administration.

Under the above prevailing circumstances when we find ourselves to be the direct victim of favouritism, castism and highhandedness of the LPS, we humbly pray for your kind intervention and to have a thorough probe to unvail the entire unpalatable environments prevailing in Manipur, so as to have a complete check of the ugly instances explain above and we can fully devote our full vigour and enthusiasm for the improvement of postal services.

With sincere regards,

Yours faithfully,

SD =
1. (Shri D.K. Bora)
SDI Kakching

SD =
2. (Shri K.K. Das)
ASP 1st Subdivision,
Imphal

SD =
3. (Mri. Gutubuddin)
SDI 2nd Sub-Division,
Imphal.

SD =
4. (Shri U. Besumatary)
SDI 3rd Sub-Division,
Imphal

Contd...7..

K. L. Chhane 21/7/93
 5. (Shri L. R. Chhane)
 ITO P.N.I. Imphal

Copy to:-

1. Shri L. Zadeng CPME N.E. Circle Shillong for information and remedial action.
2. Shri N. Das Circle Secretary AIA of IPOs/ASPOs N.E. Circle Branch Shillong for information and pursue the matter with the Authorities.
3. Shri J.P. Saini General Secretary All India Association of IPOs/ASPOs 833/10 ROOP Nagar Colony Op. Cau Karan Park Rohtak-124001 (Haryana) for information and taking up the matter with the authority concerned.

Dated/Imphal
 the 21st July 1993.

[Signature] 21/7/93.
 1. (Shri D.K. Bora)
 SDI Rakchin, Sub-division

R. D. 21/7/93
 2. (Shri N.A. Das)
 A.I.Cs 1st Sub-division,
 Imphal.

[Signature] 21/7/93
 3. (Md. Qutubuddin)
 SDI 2nd Sub-division
 Imphal.

[Signature] 21/7/93
 4. (Shri U. Lasumatory)
 SDI 3rd Sub-division
 Imphal

K. L. Chhane 21/7/93
 X 5. (Shri L. R. Chhane)
 ITO P.N.I. Imphal

Dated/Imphal
 the 21st July 1993.

Statement of Smt. S.K. Bora in re
the joint Complaint No 217-93.

My name is Smt. Siganthakumari Bora, now working as SSI(A) Karkening Sub Division. The signature appearing in Serial No 1 of the joint Complaint dated 21-7-93 was made by me. This is true and correct to the best of my knowledge and belief.

While the facts and circumstances of the said joint Complaint remains the same, I beg to furnish my individual statement as follows.

That, Smt. K. Ramachandiram was joined in Manipal Postal Division as Sinecure on 4-6-90 and ever since then he has been culminating revenge upon me in one way or other for my no fault. Immediately after his joining he has charge sheeted me under Rule 16 and punished me with 'censure' which with some fallacious and fabricated grounds which was however set aside by C.D. Srimang on appeal. A look into the SPS Manipal Divisional file NO F2-3/85-86/3/II dated 13-6-90 will speak of the above truth. This is quite true and correct to the best of my knowledge and belief.

That, the SPS Smt. K. Ramachandiram arbitrarily and

Attest
Smt. S.K. Bora

-2-
Whom secretly withheld the sanction
of my tour T.A bills right from
June '90 in order to create finan-
cial hardships in my normal way
of life. In spite of my personal
request to the SPS, my tour T.A
bills for were subjected to abnormal
detention since his joining. On one
occasion he disallowed my road
mileages and summarily rejected
the claim which on appeal the C.O
Shimong held the action of the SPS
to be quite irregular and not
in conformity with the provisions of
rules and the SPS was asked to
regulate the claim as preferred by
me. This relates to C.O Shimong's memo
no Wg/1-4/90-91 dtd 25-10-91. But the
SPS is not bothering to act on the
decision of the said memo till date
and as a result my claim for the
period from June '90 to Sept '90 still
remains under dispute. Meanwhile
my tour T.A bill for the m/o Sept '91
is still lying unpassed in the SPS
office and the outstanding advance
for that particular month has
already been recovered from my
pay. The way by which I have made
to suffer may also be seen from the
intentional withholding of sanction
of tour T.A bills for the following months.
T.A bill Dec '91 was passed on May '92
" " Feb '92 " " " May '92
" " July '92 & Aug '92 " " March '93.
" " Sept '92 to Nov '92 " " April '93.
This kind of abnormal detention
Order 3

could also be seen in respect of the bills for other months, But such deflection is not found to be applied being applied in the two bills of Shri M. A. Nalai and Shri V. T. Dalsan. This is quite clear of the fact that the Sps is exercising his right and power by basing the facts on caste, colour and creed. This is quite true and correct to the best of my knowledge and belief.

That, the Sps Shri K. Ramachandran in order to throw me and my family out of the Govt quarter has always been busy for transferring me from Manipal to elsewhere. For this, the Sps has been sending subversive and contemptuous reports against my performances in Manipal requesting therein for my immediate shifting. Accordingly during 1991 as I was posted to William Nagar which was however modified and posted me at Kachching sub division. Immediately after my joining at Kachching I requested for allowing to retain the Govt quarter for the bonafide use of my family as it was not at all convenient and safe for shifting my family from Manipal due to ~~severe~~ strict restriction imposed by the doctor on my ailing wife. But since the sole intention of the Sps was to vacate the quarter under my possession, he immediately

Contd-4

Cancelled the allotment and treated the retention of quarter as an authorised one and simultaneously ordered recovery of damage charges to the tune of Rs 970/- from without bothering to the strain to be given by a low paid govt servant like me. Having no other alternative, I was compelled by under the door of the CAT for equity and justice. The order under dt 04.10.2006/91 is still pending in the matter. But this type of recovery of damage charges or any enhanced rent is not being recovered from Smt M. A. Nalini who is also retaining a quarter at Mysal and whose head quarter is at a uphul & away from Mysal. So, in my humble opinion, this type of discriminatory and step motherly treatment was meted out to me as because I am not related to the colour, caste and creed of the D's choice.

That the Dps Smt U. Ramachandri -)
 ram was always resorting to the method of creating financial embarrasment and undue hardships by one way or the other. After causing series of injuries and harassment both mentally and financially in one way or other, he was still under way after my suffering. The leave applied I was on leave for 45 days on 7-10-91 and I resumed my duty on 22-11-91. But the Dps outrightly refused to grant me the leave and ultimately

Cont-5

... I received the period at "Dear Don"
which was handwritten sent photo by the P.O.
sitting on an appeal made by me - 156
I look into the full history of the
case in 1992, full NO B-2 & H. Bora did
16-4-92/16-10-92 will be quite relevant
as to the quantum of harassment
and torture meted out to me. Similar
is the case when the SPS was refusing
in writing to grant my leave for
the period from 28-3-93 to 15-4-93
when was however sanctioned due
to the kind intervention of the PMG
Shimoga during his last visit to
Mysaluru July 93. But such objection
is never being raised by the SPS to
give M.A. Nambi and since V.T. Noream
if they availed leave for any duration
at any time. Their leave is
spontaneously being sanctioned. This
is quite true and correct to the
best of my knowledge and belief.

That the most unexpected evil
design plotted by the SPS against me
now is to destroy and damage
my service career by hook or
by crook since he has not been
successful in his happy enough
with the nature of punishment and
torture imposed upon me in the
past. This time with ulterior motive
to throw me out of the service, he
wrote a branch post office
namely Thamlapatti and requested
a self engineered statement
from the PMG challenging my
business, about to the BO during
1992. And then with the basis of that
said statement, the SPS has now
issued a Rule-14 - ~~unlawful~~
Contd 16

- 6 -

against me. That the D/S is planning to ruin my service career and to bring disaster to my family. But nothing of the sort is being evoked against Sri M. A. Mahi who is staying at Tughlak and running his office, duties without visiting Tughlak all through out the month. Similar is the case with Sri V.T. Dabson who remains away out of his subdivision on regular basis. The action of the D/S Sri K. Ramachandram is therefore a clear indication of the fact that he is exercising his right and power on the basis of Colour, Caste and Creed. This is quite true and correct to the best of my knowledge and belief.

That it is also fact that during the last 3 years of service under Sri K. Ramachandram, I was not at all getting any administrative help for better and smooth functioning of my sub division. The door of discussion with the D/S as needed from every now then was completely closed down for me, and whenever I am seen by the D/S in his office or in the Tughlak Ho, I am taken to task with harsh and threatening tone apart from giving explanation thereof. In fact, a good amount of time and energy was required to be diverted

contd-7.

in attending to the unnecessary & explanation and queries instead of devoting to our scheduled work and programme peacefully. Thus if the intention of the head of the division is to harass, harass and humiliate the subordinate staff in one way or other, it is quite natural to grow dissatisfaction amidst the staff and thereby cause impediments to the progress and improvement of the postal work.

It is also the fact that the Mr. S. K. Ramachandran in order to give undue privileges and benefit to Mr. M. A. Malai, almost Rule 14 enquiry case were entrusted to him even though he is the junior most S.O in the Division. Instances are also there when Mr. S. K. had dropped Senior S.O from the acting as S.O and appointment of Mr. M. A. Malai as S.O thereof. Moreover when Mr. V. T. Dasan went on leave, Mr. M. A. Malai is asked to look after the work of that S.O division, and similarly when Mr. M. A. Malai went on leave Mr. V. T. Dasan is asked for looking after the work of that S.O division. This sort of arrangement not only involved extra expenditure in the shape of T.A but also ~~involve~~ involve more transit time to move from Kanyakumari to Uthral and vice versa. I feel that if any one with head quarters at Gurnah is ordered to look after the work of Uthral or Kanyakumari will be

Contd.

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more purposeful and less expansive
This is quite true and correct in
the field of knowledge and relief.

4013 81
J. K. Sims
13-8-13
SDPOS/KAR

To

Shri K. Das
Circle Secretary of AIA of IPOs and ASPOs,
I.E. Circle Branch Shillong 793001,

Subject:- Minutes of meeting held at Imphal
on 28.7.93 amidst the members of
AIA of IPOs and ASPOs Stationed
in Manipur.

Dear Comrade,

When the IPOs and ASPOs working in Manipur Division eventually felt themselves to be quite insecure due to day to day motivated and pre-judiced attack by Shri K. Ramachandirann DPS Manipur Imphal, it is lastly decided to ventilate the real position to you for taking up immediate steps with the higher authorities so that the innocent IPOs/ASPOs need not become the victim of vindictive action of the DPS and their lives and services are not being damaged. Hence the members working in Manipur sat today and after thread bare discussion passed the following resolutions.

Resolution No.1: CREATION OF COMMUNAL COLOUR

Shri K. Ramachandirann had joined as DPS Manipur Imphal on 4.6.90 and ever since his joining he adopted a dividend policy and for that the IPOs and ASPOs posted in this Division have become his target. In the eyes of the administration, he pretends to be neutral but practically he is not so. Rather he has been acting by analysing the facts on the basis of caste, colour and creed. It is noticed that in one side he allowed Shri M.A. Malai to function his office at Imphal despite the fact of his H.Q. being at Ukhrul which is 86 K.M. away from Imphal. Similar facility is given to Shri V.T. Dassan for functioning his office from Kohima whose H.Q. is at Kangpokoi. On the other hand the DPS was asserting to ~~impose~~ extreme hardships to other SDIs by imposing damage charge, for merely keeping their families in the Government Qrs. at Imphal due to change of their place.

Contd...2...

*Admitted
Initial
Date*

place of torturing. The poor and innocent SDIs like Shri D.N. Dora and Shri M.A. Das had to suffer to the extent of starvation. Education of their children were disturbed and undue mental torture and agony were created to them in performing their normal works. Ultimately these two officials, finding their lives and services completely insecure, were compelled to take shelter of the CAT and their fates are hanging in balance on the mercy of the CAT only. The members present in the meeting felt humiliated for such discriminatory and biased action of the DPS and unanimously decided to bring the fact to the notice of the higher authorities for immediate intervention for restoring normally and justice and to bring an end of the CAT cases.

Resolution No. 2: IRREGULAR HOLDINGS OF TA BILLS.

While analysing the cases of TA bills submitted by the SDIs/ASPOs from time to time, it is found that except TA bills of Shri M.A. Malai and Shri V.T. Dassan, bills of almost all the SDIs/ASPOs have been retained for months together in the personal drawer of the DPS in order to harass the members financially. A detailed report in this context had already been furnished in a joint complaint addressed to the P.M. G. Shillong and others on 21.7.93. In today's meeting it is once again decided that our association should pursue the matter with the authorities concerned and to bring immediate settlement of all such pending cases so that the members need not suffer any more in the hands of the DPS K. Ramachandirann.

Resolution No. 3: DEBARRING OF IPOs ASPOs FROM ENTERING IN TO THE DIVISIONAL OFFICE.

Over the last 3 yrs. members of this cadre except Shri M.A. Malai and Shri V.T. Dassan were strictly prohibited from coming to the Divisional Office to ventilate any of their official and personal problems. While Shri M.A. Malai and Shri V.T. Dassan had free access to the chamber of the DPS on any day at any time, the DPS spontaneously used to rebuke with vituperative and unparliamentary languages to any

other members of this cadre if the DPS happens to see them on any occasion in the Divisional Office. Even he is called for explanation on the threat of disciplinary action. Thus the members of this cadre are completely debarred from visiting the Divisional office and thereby subjected to undue harassment. It is therefore decided that this sort of dictatorial attitude on the part of the DPS may be focussed to the higher authorities for immediate enquiry and remedial action.

Resolution No. 4: ALLOTMENT OF CR.

During the Last 3 yrs. the DPS has been resorting to the irregular practice of vacating staff Cr. by way of transferring the occupants to the remote areas and allotting the vacated Crs. only to the members of his choice without observing the basic principle for allotment of Crs. One of our member Shri R.K. Das who was earlier at Gurchandpur and now posted at Imphal has been denied to allow him to retain the Cr. on payment of normal rent against which he has been paying damages charges due to an irregular order of the DPS. This matter was previously filed in the CAT and comrade Shri Das now wants to withdraw the CAT case if revised allotment of Cr. is offered to him. But the DPS flatly turn down his prayer and insisted upon him the penalty of recovering the damage charges despite the fact of his H.Q. being located at Imphal. Paradoxically the same DPS is found to be totally silent for initiating any such step for recovery of damages from Shri M.A. Lalai who is retaining a Cr. with in the premises of comrade Das even though his H.Q. is at Ukhrul. The Member present in the meeting seriously condemn the discriminatory action of the DPS and unanimously decided that our association should bring this case to the notice of the higher authorities for immediate intervention and redressal.

Contd...4..

Resolution No. 5: EVIL DESIGN TO VICTIMISE THE IFOS/ASPOs WORKING IN MANIPUR.

Having failed to fete his personal whims and fancy by resorting every possible ways and means, Shri K. Ramachandirann had lastly chalked out an evil design to victimise the members of this cadre except Shri M.A. Kalai and Shri V.T. Dasan. In the new process, he used to visit the EDBOs and on the tune of threatening obtains written statements from the EDBFMs nullifying the visit of concerned IFOS/ASPOs with mala fide intention to furnish the service carrier of the respective IFOS/ASPOs. On the merit of the contradictory statement, Shri K. Ramachandirann now issuing charge sheets under Rule 14 to comrade Shri R.A. Das Md. Qutubuddin and Shri D.K. Bora with definite intention to throw them out of the services for their no fault. The members present in the meeting felt that this is a clear cut vindictive revenge designed by the DPS on the basis of caste, colour and creed and, Hence unanimously decided that our Association should bring the entire episode to the notice of the higher authorities for immediate intervention and a grass root level investigation be carried out to unveil the mask behind the screen.

Resolution No.6: IRREGULAR SUSPENSION OF COMRADE SHRI U. BASUMATORY.

In the meeting the case of Shri U. Basumatory was thoroughly discussed and the members expressed deep sorrow and dismay on the nature of irregular suspension order issued by Shri K. Ramachandirann. After issue of suspension order neither he has been informed about the reasons of suspension nor any charge sheet has been issued as required. On the contrary, it is now learnt that the DPS had no materials to sustain his order and he is seeking protection from other angles to materialise his vindictive action. The members present in the meeting firmly criticised

Contd....5..

-5-

criticised that Shri K. Ramachandirann has suspended the comrade just to create terror in the minds of this cadre and to display his superiority above all rules and regulations. Such aggressive and dictatorial attitude of the DP has totally damaged the cordial relationship between the IPOs/ASPOs and the administration. It is therefore unanimously decided that our Association should boldly take up the issue with the higher authority and get the suspension order revoked immediately.

Under the above facts and circumstances it will be apparent that the life and service under Shri K. Ramachandirann has become quite unsecured and disturbed. It has become practically impossible to the member to discharge their day to day works peacefully. It is therefore prayed that our association will put up the entire episode to the notice of the CPNG, PMG for thorough probe and remedial action.

Yours faithfully,

Dated/Imphal
the 30th July 1993.

(Shri D.K. Bora)
Organising Secretary
AIA of IPOs/ASPOs Manipur Division
Imphal.

Copy to:-

1. Shri L. Zadeng CPNG N.E. Circle
Shillong for information and necessary action.
2. Shri G.S. Mishra PMG N.E. Circle Shillong
for information and necessary action.

(Shri D.K. Bora)
Organising Secretary
AIA of IPOs/ASPOs Manipur Division
Imphal

30/9/93

All India Association of Inspectors & Asstt. Supdts. of Post offices

CENTRAL HEAD QUARTERS

President : R. PRABHU (KARNATAKA)
 General Secy. : J. P. SAINI (HARYANA)
 Phone Off. : 3032879, 3717917 Resi. : 01262/78511

833/10, Roop Nagar Colony
 Near Gau Karan Park
 ROHTAK-124001 (Haryana)

Ref. No. CHQ/IPCs-ASPCs/North East/93

Date 28.7.93

TO

Shri N. Das
 Circle Secretary
 ALA of IPCs/ASPCs
 North East Circle, Itanagar

Subject :- Intentional harassment and discriminatory treatment by Sh. K. Ramachandran, DPS Imphal to the IPOs in Manipur Division and causing serious deterioration in efficiency of Postal services thereof.

.....

Dear Shri Das,

Kindly refer the joint representation from the IPCs/ASPCs of Manipur Division addressed to Shri G.S. Mishra, CPMG Shillong on the above cited subject.

As the allegations leveled against the DPS Imphal are very serious in nature a very early action in the matter needs to be taken. Kindly go through the contents of the representation and send a detailed report to me keeping in view the facts of the case.

Kindly meet the CPMG Shillong alongwith 2-3 IPOs/ASPCs and discuss the entire matter with him. I will also try to discuss the matter with CPMG Shillong who is visiting Delhi to attend the Heads of Circle Conference going to be held from 29.7.93 to 31.7.93.

I will take up the matter at CHQ level if necessary after hearing from your side.

Hoping for an early response,

Yours Sincerely,

- S -
 (J.P. SAINI)
 General Secretary

Copy for information to :- Shri D.K. Bora, SDI(P) Kakching and others. They are also requested to fix up some time with the Circle Secretary and have a meeting with CPMG Shillong. The issue will be taken up at CHQ level after hearing from the Circle Secretary, N.E. Circle at Itanagar.

(J.P. SAINI)
 General Secretary

advt
 Shri
 A. J. Sub

To

Shri L. Zadeng
Chief Post Master General
N.E. Circle, Shillong
PIN - 793001

Through Proper Channel

Sub:- Humble representation against the adverse entries made in the C.R. for the period from 1.4.1993 to 26.9.1993 by Shri K. Ramachandirann the then DPs Manipur, Imphal.

Respected Sir,

Most humbly and respectfully I Shri D.K. Bora, Sub-Divisional Inspector of Post Offices, Kakching Sub-Division, Kakching beg your kind permission to put forward this humble representation with the following facts for favour of your kind perusal sympathetic consideration and favourable action as may your honour deem fit and proper.

(1) That sir, the Supdt. of Post Offices, Manipur, Imphal in his office letter No. CR/93-94 dated at Imphal 25.7.1994 intimated this applicant about certain "Adverse remarks" made in the C.R. for the period from 1.4.1993 to 26.9.1993 by the then D.Ps., Manipur Imphal Shri K. Ramachandirann (Photo copy of the letter is enclosed) as annexure 'A'.

(2) That sir, the applicant feels that the assessments arrived at by the learned DPs in making the "Adverse Remarks" are neither objective nor cogent and substantial. Rather all the adverse entries by nature and spirit are subjective, vague, bias and motivated the learned DPs against column 14(i) and (v) and 19 of the C.R. for the relevant period mentioned above had abruptly remarked like "Not devoted" "Not trust worthy" and "Doubtful". While passing those remarks it does not appear that the learned DPs had fairly and honestly assessed the applicants performances, behaviour, ability and devotion to duty by paying due care and consideration of the facts and circumstances prevailing during the relevant period. Applicant in his capacity as Sub-Divisional Inspector made his best efforts to carryout all the duties, obligations and responsibilities as are envisaged under various rules and procedure of the Department and as were being entrusted to the applicant by the administration from time to time and the concerned Authorities were fully satisfied with the results thereof. There has not been any such single instance when any of the superior authorities under whom the applicant had rendered services over the last more than 12 years in the capacity of Sub-Divisional Inspector had ever expressed in writing or oral about the applicants being dishonest, unfaithful or lethargic pertaining to the discharge of services at any point of time or about his being indulged in any wrongful and dishonest practices. Rather each and every officer under whom the applicant worked from time to time had always been happy delighted with the applicants aptitude, promptness and faithful discharge of duties. Even Shri K. Ramachandirann who was also the reporting

p.t.o.

Shri D.K. Bora
Shri K. Ramachandirann

Officer for the period from 4.6.1990 to 31.3.1991, 1.4.1991 to 31.3.1992, 1.4.1992 to 31.3.1993 did not communicate any kind of adverse entries which implied of the fact that there was nothing to remark or question as to the performances, behaviour, ability and honesty. But to the great surprise of the applicant it is not understood how such a dramatical deviation in the discharge of duties and responsibilities took place within such a short period of less than 6 months that attracted so much of adverse remarks in the mind of the DPs Shri K. Ramachandirenn like "not devoted" "not trust worthy" and "doubtful". This action of the DPs appeared strikingly to be fully inconsistent with what has been displayed by the applicant before and after the recorded period. It will does become quite clear that the adverse remarks appearing in the C.R. for the relevant period are capricious and arbitrary in nature and this was done with ulterior motive to demoralise and condemn the service reputation and future prospects of the applicant.

(3)

That sir, on a thorough analysis into the contents and spirit of the Remarks from a robust commonsense point of view it would be apparent that the remarks made therein are generic having no relativity with the nature of services required to be conceded by an individual in his capacity as Inspector of Post Offices, particularly who happened to hold the charge of a sub-division. Your Honour will agree with the facts that the works of a Sub-Divisional Inspector is of manifold and prototype by nature and there is hardly any such item of works which is not required to be done by Inspector of Post Offices. There is no barrier or limits of the works to be executed by the Sub-Divisional Inspector and the applicant had done everything what was expected of him to do. A Sub-Divisional Inspector of Post Offices simply can not be "not devoted" and "not trust worthy". If that had been the position, it would have reflected the total failure of the Sub-Divisional works thereby creating severe and impact in the administration. If in the opinion of Shri K. Ramachandirenn the applicant was "not devoted" to duty and was "not trust worthy" then how did he get the works of the Sub-Division done during that relevant time or what were the pending aspects of works which were expected from the applicant to do but were not done, which were the works that had been diverted to other duty ~~handed~~ ~~handed~~ ~~handed~~ officer due to non devotion of duty on the part of the applicant and what were the duties and responsibilities which the applicant, in the opinion of the DPs, not discharged honestly and trustfully or what were the occasions when the DPs had ever entrusted or reallocated any such works from the share of the applicant to any other officer due to the fact of applicant's being untrust worthy. If at all to the knowledge of the DPs there had been any such instances of the applicant's being "not devoted" and "not trust worthy" it was quite essential on the part of the DPs to issue by guidelines of instructions to the applicant well in time as a procedural safeguard for removing or rectifying those lapses before the DPs arrives at a decision to record them in the C.R. But the learned DPs did nothing of the sort which implies the fact that the Remarks made in the C.R. are malefic and motivated in nature.

(4)

/to

That sir, against col.19 of the C.R. the learned DPs Shri K. Ramchandirann gave his assessment about the integrity of the applicant wording as "Doubtful". While doing so the DPs not only failed to maintain procedural safeguards laid down under Rule 174(9) of the P & T Manual Vol.III where-in the use of remarks like "doubtful" against any individual's character and integrity has been totally forbidden but he also failed to approve his remarks with any established facts. Thus the remarks made by the DPs is totally bias and motivated and he made it possible only to get subjective satisfaction and take avenge against the applicant which the DPs had been culminating in mind during his stay in Manipur.

(5)

That sir, the applicant is terribly shocked to note the remarks made against col.17 of the C.R. by the DPs wherein he said the applicant as being in the habit of submitting false diary and T.A. bills without visiting the BOs adding further about issuing charge sheet under Rule 14 to the applicant. What is most surprising is that the facts which are needed to be furnished against the relevant column do not have any bearing over the remarks made by the DPs. In reality the DPs having failed to make out any tangible remarks against the relevant column ~~abruptly~~ abruptly made an effort to summarise the remarks by importing some fabricated things and recorded them against the said column just to tarnish and destroy the service reputation and future career of the applicant. Again issue of charge sheet is a mandatory process by which it is proposed only to decide the alleged misconduct or guilt of any individual employee. The proposal made in the charge sheet does not become final until and unless the whole process is completed and the alleged misconduct or guilt act is established against the delinquent either affirmatively or negatively. It becomes final only after the mandatory process is completed and arrived at its findings. But the learned DPs totally failed to apprehend the spirit and objective of the charge sheet from a robust common sense point of view and whimsically evaluated the alleged charges in the charge sheet as "authentic" and dashout to record the remarks thereof. This is thus an act of whims and fancy which is never expected from an officer of a grade like Ramchandirann.

(6)

That sir, Your most humble subordinate likes to bring it to your kind notice that the writing of C.Rs covering the period from 1.4.1993 to 26.9.1993 as cited is totally wrong. The learned DPs had left Imphal with bag & baggages on 20.8.1993 for the reason best known to him and he never came back to resume his duty as DPs Manipur. It seems to me just like a bolt from the blue as to how the DPs had assessed the remarks by covering the period upto 26.9.93. Moreover the time frame prescribed for writing of C.Rs. has not been scrupulously followed by the learned DPs. As per the Director General's Instructions No.I(ii) contained in DGP&T letter No.27/4/78-Disc.I dated the 19th April 1978 below Rule 180 of P&T Manual Volume III, it was obligatory on the part of the DPs concerned to write the C.R. within a month from the date of his demission of charge of the office. The DPs left Manipur by demitting the charge of the Division on 20.8.1993 and hence he was required to write the C.R. within 20.9.1993. In one hand the DPs covered the report period upto 26.9.1993 while he practically left the station on 20.8.1993 and on the other hand he delayed the writing of C.R. by 10(ten) months from the date on which the writing of C.R. was actually due. The C.R. as mentioned earlier has been written during July 1994. Even if the report period from 1.4.1993 to 26.9.1993 under any administrative

reasons taken to be valid, there must not be any such reason or ground by which the element of inordinate delay by 10(ten) months in writing the C.R. could be waived. Here, it will be quite fair and relevant to mention that the DPs Shri K. Ramachandirann was very much aware about calling of C.Rs. for this applicant by the C.O. Shillong for consideration of suitability for promotion to the next higher grade and the DPs by heart and soul did not want this applicant to be elevated to a higher grade. This is how Shri K. Ramachandirann had deprived this applicant in October 1992 when he locally gave adhoc promotion to one Shri Ksh. Tomba Singh as ASPOs (H.Q.) and allowed him to continue as such till date though Shri Ksh. Tomba Singh is Junior to this applicant. Now in order to create further bottleneck in the service career of this applicant, the DPs submitted the C.R. belatedly with all unfounded, baseless and motivated adverse remarks.

(7)

That sir, if recalled, your goodness will caught sight of the facts and circumstances under which this applicant, not to mention the cases of others, has been subjected to undue harassment, mental torture and humiliation by Shri K. Ramachandirann during his stay in Manipur. In 1990 the DPs reopened a closed case with ulterior motive and punished this applicant with "censure" on fallacious and fabricated grounds, which on appeal, your office were kind enough to set aside the punishment. In another case the DPs Imphal had summarily rejected and disallowed all the road mileages claimed by the applicant during 1990 and 1991, which too on appeal your office were kind enough to regulate and allow the claims with admissible road mileages. In another occasion the DPS subjectively treated this applicant's leave from 1.10.1991 to 22.11.1991 as "Diss-Non" and that too on appeal, your office were kind enough to regulate the period as leave as due and admissible to the applicant. In a series of other occasions the DPS have been trying his best to transfer this applicant out of Manipur by submitting contemptuous and provocative reports against the services of the applicant to your good office though he could not materialised his evil design due to your honours fair and just intervention. Thus it could be seen that the DPS Shri K. Ramachandirann have been bearing a sense of enmity with this applicant and he had been culminating revenge on the applicant almost on every step inflicting not only mental agony but also socio-economical hardship. Since Shri K. Ramachandirann as may appear from the above facts and circumstances had not been fair and considerate about the services rendered by this applicant and on the other hand he was not able to make out any positive case to suit his personal whims and fancy he by applying a unjust and capricious mind decided to destroy and damage the service career and future prospects of the applicant and hence the above adverse remarks cropped in the applicant's C.R.

Under the above facts and circumstances, your humble subordinate fervently pray your Honour to kindly remove and expunge the Adverse Remarks suitably for the ends of justice.

Your's faithfully,

Dated/Kakching
20.8.1994

(Shri D.K. Bora)
Sub-Divisional Inspector
of Post Offices,
Kakching Sub-Division, Kakching
795103

Copy in advance to :-

Shri L. Zadeng, Chief Postmaster General,
N.E. Circle, Shillong - 793001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

8 JAN 1996

Guwahati Bench
General Bench

IN THE MATTER OF :-

O.A. NO. 89/95

Shri D.K. Bora

- Vs -

Union of India & Ors.

- AND -

IN THE MATTER OF :-

Written statements submitted by the
Respondents No. 1 to 7.

WRITTEN STATEMENTS :

The humble Respondents submit their
written statements as follows :-

1. That the applicant did not avail all the departmental remedies and as such the application is liable to be dismissed.

1.(A) That with regard to statements made in the paragraphs 1 to 3 ~~4(1) and 4(ii)~~ of the application, the Respondents have no comments on them.

2. That with regard to statements made in the paragraphs 4(i) and 4(ii) of the application, the respondents have no comments on them.

3. That with regard to statements made in the paragraph 4(iii) of the application, the Respondents beg to state that remarks were non-biased and based upon records such as fortnightly diaries, T.A. bills of the official.

48
Filed by
Shachin
19/1/96
Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench, Gauhati
20

R/B
22/1

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Hence the remarks were not vague, vindictive and motivated. While making entry against the column 'Integrity' the instructions contained in Letter No. C-30013/1/71-LC/50(P) dt. 15.2.1971 of the Department of Revenue and Insurance, Ministry of Finance were kept in mind.

4. That with regard to statements made in paragraph 4(iv) of the application, the Respondents beg to state that the spirit of the first sentence is full of distaste devoid of any decorum as in the Govt. service, one and the same officer is not expressed to be stationed in one and the same position and post throughout his service.

As per Rule 174(4) of Postal Manual Volume III (corrected upto 1.7.1986 published by the Department of Posts), "the reporting officer should have atleast three months experience of the work and conduct of the officer reported upon before writing or attempting to write an assessment of the work of an Officer ". As Note I below Rule 174(4) of Postal Manual Volume III (corrected upto 1.7.1986) reads "on the transfer of the Reporting Officer or the officer to be reported upon, the Reporting Officer should write a report, provided he had an opportunity to watch the work and conduct of the officer for a period of more than three months (Postal Manual Volume III corrected up to 1.7.1986). Besides compulsory writing of Annual Confidential Report, during the middle of the reporting year, when the Reporting Officer has the opportunity to watch the work and conduct of the officer for not less than three months, he has to write the Confidential Report covering the period upto the date of his relief.

1-4-93
31-3-94
1-4-93
26-9-93

5. That with regard to statements made in paragraphs 4(v), 4(vi) and 4(vii) of the application, the Respondents have no comments on them, the same being matters of record.

6. That with regard to statements made in paragraphs 4(viii) of the application, the Respondents beg to state that remarks made in the C.R. were in conformity with the position available during the period of observation. The disposal of ~~the~~ the Rule ~~case~~ 14 case by DPS, Office of the Chief Postmaster General, Shillong in Memo.No.VIG/14/9/85 dt. 15.9.1994 exonerating the official was a later one which might have been taken into account while disposing the appeal against adverse remarks by the PMG/Shillong in Memo.No.Staff/109-Misc/5/94 dt. 30.1.95.

July, 94
15.9.94
30-1-95

7. That with regard to statement made in paragraph 4(ix) of the application, the Respondents beg to state that a joint representation is not permissible under departmental rules. Being the officers of executive wing having control over the officials of Group 'D', Postmen etc. they do not know that such joint representation is not permissible. This itself shows that they are not fit to hold supervisory posts like IPOs/ASPOs, not to speak of Gazetted posts like SP/SSP.

8. That with regard to statements made in paragraphs 4(x) of the application, the Respondents have no comments on them, the same being matters of record.

9. That with regard to statements made in paragraphs 4(xi) of the application, the Respondents beg to state that a joint representation is not permissible under departmental rules. Being the Officers of executive wing having control over the officials of Group 'D', Postmen etc. they do not know that such joint representation is not permissible. This itself shows that they are not fit to hold supervisory posts like IPOs/ASPOs, not to speak of Gazetted posts like SP/SSP.

10. That with regard to statements made in paragraphs 4(xii) and 4(xiii) of the application, the Respondents beg to state that as the remarks in CR were in no way connected with his position or post in the Service Association, this has no relevance to the case on hand.

11. That with regard to statements made in paragraphs 4(xiv) and 4(xv) of the application, the Respondents have no comments on them, the same being matters of record.

12. That with regard to statements made in paragraph 4(xvi) of the application, the Respondents beg to state that as *the* PMG, N.E. Circle,

..p/5..

Shillong was the immediate superior to the Reporting Officer, he disposed the appeal vide Rule 174(13) (ii) of Postal Manual, Volume III-corrected upto 1.7.1986.

13. That with regard to statements made in paragraph 5, regarding Grounds for relief with legal provisions the Respondents beg to state that none of the grounds is maintainable in law as well as in facts and as such the application is liable to be dismissed.

14. That with regard to statements made in paragraphs 6 & 7 of the application, the Respondents have no comments on them.

15. That with regard to statements made in paragraph 8, regarding Relief sought for the Respondents beg to state that the applicant is not entitled to any of the reliefs sought for and as such the application is liable to be dismissed.

16. That with regard to statements made in paragraph 9, regarding Interim Order prayed for, the Respondents beg to state that in view of the facts and circumstances narrated above the Interim order is liable to be dismissed.

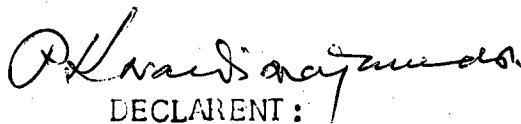
17. That with regard to statements made in paragraphs 10 to 12 of the application, the Respondents have no comments on them.

18. That the Respondents submit that the application is devoid of merit and as such the same is liable to be dismissed.

- Verification -

I, Shri P.K. Nandi, Magumdar, Asstt. Postmaster General (S), N.E. Circle, Shillong being authorised do hereby solemnly declare that the statements made above are true to my knowledge, belief and information.

And I sign the verification on this 14 th day of NOVEMBER, 1995 at Guwahati.


DECLARENT: