

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

Shyam
3/1/18

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

CA No. 2821/96

Smt. S. S. T. Singh Applicant(s)
- Versus -

Union. Govt. of India. Respondent(s)

Mr. D. Sonowal, Mr. Chanda, Advocates for Applicant(s)

Mr. J. A. Allesse Advocates for Respondent(s)

Office Notes Date Courts' Orders

This application is for the payment of subsistence allowance to the applicant. It is dated 26-6-96 and registered on 30-6-96. The application is dated 26-6-96 and registered on 30-6-96.

6/12/96
Regd. No. 6/12/26
Mr. D. Sonowal

9-12-96 Learned counsel Mr. M. Chanda for the applicant. Learned Sr. C.G.S.C. Mr. S. Ali for the respondents.

Heard Mr. M. Chanda for the applicant. Perused the contents of the application and relief sought. I find that this application is not to be admitted for scrutiny and decision. It is disposed of with the directions as mentioned herein below.

In this application the applicant has prayed for payment of subsistence allowance and to allow him change of Head Quarter. Mr. Chanda submits that he does not press the relief, for change of Headquarter. Therefore, this application is only for payment of subsistence allowance. The applicant had submitted a representation dated 26-6-96 and reminder dated 27-9-96 for allowing him subsistence allowance to the Director, Postal Services, Nagaland. It has been stated that the representations have not been disposed of by the respondents. However, the applicant is directed to submit a fresh application to the competent authority of the respondents within three weeks from to-day for payment of subsistence allowance to him during the period

contd/-

9-12-96 of suspension. The respondents are directed to consider payment of subsistence allowance to the applicant according to rules and the ^{further} merit of his case. The respondents are directed to dispose of the representation of the applicant within 1 month from the date of its receipt by respondent No.3 the Director of Postal Services, Kohima.

This application is disposed of.

No order as to costs.

Copy of this order be sent to the counsel of the parties.

9.12.96
Member

sh. convey.

9/12/96

lm

9/12

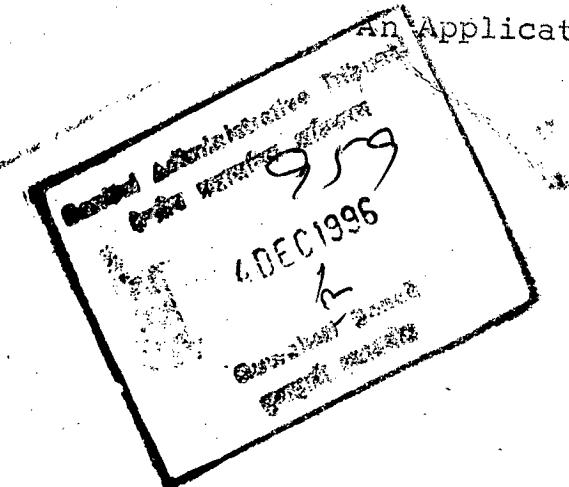
26/12/96

Copy of the order
issued to the parties
alongwith the "Party Address"
vide S. No. 22-3028

(Atd. 1-2-97)

sh.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH



An Application under Section 19 of the Administrative Tribunals Act, 1985.

Filed by the applicant
Sri Sarai Sam Jugeshwar Singh
4.12.96

O.A. No. 282 /96

Sri Sarai Sam Jugeshwar Singh

-versus-

Union of India & Ors.

I N D E X

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Received Opt

4.12.96
Sarai Sam Jugeshwar Singh

Date :

Filed By :

Advocate

Sarai Sam Jugeshwar
Singh

4 DEC 1995

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General Post Office

Imphal East

1. Particulars of the Applicant.

Shri Serai Sam Jugeshwar Singh

S/o Shri S. K. Bochou

at ~~Mougsangrei~~ MONKSANGREI

Imphal

2. Particulars of the Respondents.

1. Union of India

Through Secretary, Govt. of India,

Ministry of Communication,

Dept. of Posts,

New Delhi.

2. Chief Postmaster General, Govt. of India,
North Eastern Circle,
Shillong.

3. Director of Postal Services,
Nagaland, Kohima
P.O. Kohima
Nagaland.

4. Shri A.R. Bhowmick (Inquiry Officer)
Superintendent of Postal Services,
Dharmanagar, Division,
P.O. Dharmanagar,
North Tripura
Agartala

..... Respondents.

Soraisam Jugeshwar
Senapati

4 DEC 1996

General Bench
सामूहिक बैठक

3. Particulars for which this application is made.

This application is made for payment of subsistence allowances with effect from 4.8.1994 (date of suspension) till date and for setting aside the Ex parte proceeding of Preliminary inquiry Proceeding dated 16.10.96 and also for a prayer to allow the applicant ~~to~~ to stay at Imphal during the period of departmental proceeding.

4. Jurisdiction

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

5. Limitation

That the applicant declares that the application is within the prescribed time limit of the Administrative Tribunals Act, 1985.

6. Facts of the case

6.1) That the applicant is a citizen of India as such he is entitled to all the rights and privileges as guaranteed under the Constitution of India. The applicant was serving as Assistant Superintendent of Post Offices, Kohima, under the Director of Postal Services, Govt. of India, Kohima. The applicant is now placed under suspension vide order under Memo No. B-444 dated 4.8.94 issued by the Director, Postal Services, Nagaland, Kohima.

Contd....

Suresh Singh

4 DEC 1996

General Bench
संघ विधान बोर्ड

6.2) That your applicant was initially appointed on 14.6.1967 as time scale clerk, thereafter promoted as U.D.C. in the circle office, Shillong in the year 1973, again he was promoted as **Inspector of Post Offices** in the year 1975 and the applicant further promoted to the post Assistant Superintendent of Post Offices in the year 1991 and posted at Kohima with effect from 30.9.1991.

6.3) That your applicant while serving at Kohima left for his hometown at Imphal on casual leave in the end of July, 1994 to visit his family members and thereafter during his leave, the applicant had fallen sick at his hometown at Imphal and accordingly send a telegram to the Director of Postal Services, Nagaland, Kohima for extension of leave on medical ground. During the period of stay at Imphal on leave the applicant received an order of suspension issued by the Director of Postal Services, Nagaland, Kohima under Memo No. B-444 dated 4.8.94, whereby it is ordered that the applicant is placed under suspension in Exercise of Power conferred by Sub-rule (1) of Rule 10 of the CCS (CCA) Rule 1965 with immediate effect. It is further ordered that during the period, the suspension order remain in force, the headquarter of the applicant should be Kohima and the applicant should not leave the Headquarter without obtaining the prior permission from the Director, Postal Services, Kohima that this to remain the Headquarter during the period of suspension is arbitrary, unfair and illegal and to that extent the suspension order is liable to be set aside and quashed.

A copy of the Suspension order dated 4.8.94 is annexed as Annexure-1.

Soraisome Jegerneel Singh

4 DEC 1996

4

- 5 -

Gauhati Bench
गोप्ती बैच

6.4) That in the order of suspension dated 4.8.94, it is informed to the applicant that the orders regarding subsistence allowances admissible to the applicant during the period of suspension would be issued separately. Be it stated that no order of subsistence allowances has been issued in favour of the applicant till filing of this application inspite of repeated representations to the Director of Postal Services submitted by the applicant with copies to the Postmaster, Kohima Head Post Office.

6.5) That the suspension order dated 4.8.94 again confirmed by the Director of Postal Services, Shillong vide under Memo No. VIG/4/15/85 dated 24.1.95.

A copy of the Memo dated 24.1.1995 is annexed as Annexure-2.

6.6) That most surprisingly, no order for payment of subsistence allowance was issued in respect of the applicant although order of suspension was issued long back i.e. on 4.8.94 and no initiative was taken by the Postal Authorities for release of subsistence allowances, however in the meantime, charge sheet was issued against the applicant vide Memorandum No. B-1/Disciplinary/S.J.Singh dated 27.7.1995, whereby it is proposed to hold enquiry against the applicant under Rule 14 of the CCS (CCA) Rules, 1965, wherein it is alleged that the applicant did not perform the duties as required under the rules and also brought allegation of fraudulent obtaining of Pay and allowance of EDDA.

Contd.....

Suspension judgement
Signed.

4 DEC 1996

Gauhati Bench
গুৱাহাটী বৰ্ষাচৰা

6.7) That the appointment of inquiry officer and presenting officer was ordered vide order under Memo No. B1/DISC/S. J. Singh dated 12.3.96 whereby Shri J.M. Dutta SPOS, Manipur Division, Imphal and Shri V.T. Dasan, Inspector Divisional Office, Kohima as the inquiry authority as well as the presenting officer respectively.

A copy of the Memorandum dated 12.3.96 is annexed as Annexure 3 and 4 respectively.

6.8) Most surprisingly, the appointments of Inquiry Officer, Shri J.M. Dutta, SPO's of Manipur Division, Imphal and appointment of presenting officer Shri V.T. Dasan, ~~Circle Inspector~~ Divisional Office, Kohima has been cancelled on the ground that the preliminary enquiry of the case against the present applicant has been conducted by them. The cancellation of appointment order was passed under letter No. B1-Disc-S.J. Singh dated 17.6.96 and Shri A.R. Bhowmick, Superintendent of Post Offices, Dharmanagar Division (Tripura North) and Shri D.C. Deb ASPO's Kohima Sub-division has been appointed as inquiry officer and Presenting Officer respectively by Director of Postal Services vide Memo No. B1/Disc/S.J. Singh dated 19.8.96 and under Memo No. B1-Disc-S.J. Singh dated 17.6.96 to conduct the inquiry of the case against the applicant.

Copies of the appointment order dated 19.8.96 and 17.6.96 are annexed as Annexure 5 & 6 respectively.

6.9) That your applicant vide his letter dated 26.6.96 addressed to the Director of Postal Services, Kohima, requested for change of Head quarter on compass-

Contd...

*Sesai some Jyoti Deveswar
Deveswar*

1000000

-7-

General Bond
सार्वजनिक बंदू

ionate grounds and further requested for immediate release of subsistence allowance. It is stated by the applicant in the said applications that it is difficult on his part to stay at Kohima as no payment of subsistence allowance is made to the applicant and it is prayed for payment of arrear subsistence allowances.

Copies of his representation also forwarded to Postmaster, Head Post office, Kohima but to no result. Due to non-payment of subsistence allowance the applicant is passing through extreme financial hardship and is likely to face starvation. The applicant also enclosed necessary unemployment certificate alongwith representation dated 26.6.96. This action of the respondents are highly, arbitrary, illegal and unfair.

Copies of representation dated 26.6.96 are annexed as Annexure 7 & 8 respectively.

6.10) That your applicant begs to state that the Inquiry Officer, vide his Memo No. Rule-14/96 dated 10.9.96 informed the applicant that the date of preliminary hearing has been fixed on 16.10.96 at 10.00 hrs at Dharmanagar in the chamber of the Inquiry Officer and it is directed to attend the hearing on the date, time and venue fixed for the purpose. The applicant immediately after receipt of the letter dated 10.9.96 submitted his representation dated 27.9.96, addressed to the Inquiry Officer i.e. Superintendent of Post Offices, Dharmanagar Division, whereby it is informed that the Post Master, Kohima, did not take any action regarding payment of subsistence allowance of the

Contd.....

*So said one of the user
single*

4 DEC 1996

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Gowahati Bench
গুৱাহাটী বেচেন্স

of the applicant since 4.8.94, and it is further stated that ~~the~~ Director of Postal Services Kohima also did not take any action for subsistence allowances and it is further stated by the applicant that he may not be able to attend the preliminary hearing on 16.10.96 due to financial stringency and the applicant also requested the Inquiry Officer for taking timely action for payment of the same at an early date. The copy of the same has been forwarded to the Postmaster Kohima and Director of Postal Services, Kohima for early action but to no result. Be it stated that unemployed certificate also enclosed alongwith his application dated 27.9.96.

A copy of representation dated 27.9.96 and unemployment certificate enclosed as Annexure 9 & 10 respectively.

6.11) That the applicant could not attend the preliminary inquiry on 16.10.96 at Dharmanagar, due to financial hardship and the preliminary hearing was held ex-parte, and daily order sheet was sent to the applicant wherein it is stated that the regular hearing of the case will commence from 11.12.96 and may continue upto 12.12.1996 in the office of the Inquiry Officer at Dharmanagar. Be it stated that non-payment of substence allowance to the applicant since 4.8.94 by the Postal authorities with the ~~applicatnxixm~~ sole intention to deprive the applicant from availing reasonable opportunity to defend his case before the inquiry authority, it is a big conspiracy and the pre-planned to deny the

*Sasidhene Jyoti Bhusan
Sinha*

4 DEC 1996

-9-

One seat Bench
एक सीट बैच

benefit of natural justice, because the Authority knows it well that the applicant cannot attend the inquiry without payment of substance allowance which has been withheld by the authorities without any authority of law and therefore in the circumstances the proceeding of ex-parte preliminary hearing be set aside and quashed.

A copy of the daily order sheet dated 16.10.96 is annexed as Annexure 11 and 12 respectively.

6.12) That the Director of Postal Services, vide his letter No. B1/Disc/S.J.Singh dated 9.7.96, informed the applicant that his request for change of headquarter is rejected and further called his explanation as to why he had left the station without permission, vide his letter 25.8.96 replied the same.

Copies of letter dated 9.7.96 and reply dated 25.8.96 are enclosed as Annexure 13 and 14 respectively.

6.13) That the applicant begs to state that the inquiry has been proposed to be held at Dharmanagar and moreover no substance allowances was released since 8.4.94 therefore it is just impossible for the applicant to stay at Kohima without any source of livelihood. Therefore the decision of authorities for non-payment of substance allowances and on the other hand for insisting to stay at Kohima, is the arbitrary exercise of official powers. Finding no other alternateve the applicant approaching this Hon'ble Tribunal for redressal of his grievances by filing this Original Application.

Contd....

*Sarjaisse me Juge Me user
Derafe.*

6. *to whom relief sought*

Contd....

amongst other -

The above reliefs are prayed on the following

circumstances stated above.

fit and proper under the facts and

3. To pass any other order or order as deemed

the period of suspension.

stay at his hometown at Imphal during

respondents to allow the applicant to

quashed and further be directed the

B1/DISC/S. J. Singh dated 9.7.96 be

2. That the letter issued under Memo No.

table to the applicant as per relevant rules

with effect from 4.8.94 as due and admits-

subsistence allowances alongwith arrears

Nagaland, Kohima for immediate release of

respondent No.3, Director of Postal Services

1. That the respondents be directed particularly

reliefs :

this application the applicant prays for the following

Under the facts and circumstances stated in

7. Reliefs sought for :

and for the cause of justice.

6.14) That this application is made bona fide

4 DEC 1996

Swastha Benazir

-G R O U N D S-

1. For that the applicant is legally entitled for payment of subsistence allowance under relevant rules immediately after the issuance of suspension order dt. 4.8.94.
2. For that subsistence allowance has not been paid to the applicant with an ulterior motive to deny reasonable opportunity to attend inquiries and also defending the case of the applicant.
3. For that the applicant submitted repeated representations to the concerned authorities for release of subsistence allowance but to no result.
4. For that the applicant could not attend the preliminary inquiry on 16.10.96 in the office of the Superintendent of Post Office, Dharmanagar due to financial stringency.
5. For that the applicant and his members of family are facing extreme financial hardship and almost at the stage of starvation due to non-receipt of subsistence allowances during the period of suspension with effect from 4.8.94.
6. For that it is not possible on the part of the applicant to stay at Kohima without subsistence allowances and also due to financial stringencies.
7. For that the applicant informed the concerned inquiry officer for release of his subsistence allowances to enable him to attend the preliminary enquiry but to no result.

Sozialdem. Legendeuer sind

4 DEC 1996

Gyaneshwar Bhandarkar

ग्यानेश्वर बंदरकर

8. For that there appears no difficulty on the part of the respondents to allow the applicant to stay at his home town at Imphal since the inquiry is being conducted at Dharmanagar Division.
9. For that withholding of subsistence allowances by the respondents is highly arbitrary, illegal, unfair, whimsical and the same is colourable exercise of power.
10. For that the preliminary inquiry held ex-parte without releasing the subsistence allowance with an ulterior motive to restrain the applicant to attend the preliminary inquiry at Dharmanagar Division.

8. Interim Reliefs prayed for :

During the pendency of this application the applicant prays for the following interim reliefs :

1. That the respondents be directed to release the subsistence allowances alongwith arrears in respect of the applicant with immediate effect with effect from 4.8.1994.
2. That the departmental proceeding initiated under Memo No. ~~8X444X8X8X~~ B-1/ Discipline/S. J. Singh dated 27.7.95 ^{11.8.95} be stayed till release of subsistence allowances.

The above reliefs are prayed on the grounds explained in paragraph 7 of this application.

*S. J. Singh
Sealed*

Adv. 1638

-13-

Severed Bench
संकेत बोर्ड

9. Details of the remedy exhausted :

There is no other scope/remedy save and except
filing this application before your Lordships.

10. That the matter is not pending in any Court/Tribunal.

11. Particulars of the Postal Order :

Postal Order No. : - G 52 989211, G 52 989212, G 52 989213,
Date of Issue : - 30.11.96 for Rs. 10/- each
Issued from : - NULUBAR
G.P.O., Guwahati
Payable at : - G.P.O., Guwahati

12. Details of Index

An Index showing the particulars of documents is
enclosed.

13. List of enclosures

As per Index.

Sacredne Jyoti He
Sengupta

4 DEC 1996

-14-

General Bench
संकेत अधिकारिक दण्डिकरण

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

I, Shri Sarai Sam Jugeshwar Singh, son of Shri S. Jbochou, aged about 51 years, resident of Mangsangai, I, the applicant in this application do hereby declare that the statements made in this application are true to my knowledge and belief and I have not suppressed any material facts.

I sign this verification on this the 14th day of December, 1996.

Sarai Sam Jugeshwar Singh

Signature

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4 DEC 1996

Annexure-1
Guwahati Bench
গুৱাহাটী বিধায়িকা

DEPARTMENT OF POSTS, INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
NAGALAND, KOHIMA

Memo : B-444

Dtd. Kohima 4.8.94

Whereas disciplinary proceedings against Shri S.J.Singh, ASPOS, Kohima Sub Dn is contemplated.

Now, therefore, the undersigned in exercise of the powers conferred by sub Rule (1) of Rule 10 of the CCS (CCA) Rule 1965, hereby places the said Shri S.J. Singh under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force the Headquarters of Shri S.J.Singh should be Kohima and the said Shri S.J.Singh shall not leave the Headquarters without obtaining the previous permission for the undersigned.

Sd/- Patrick Ingty
Director of Postal Services
Nagaland, Kohima

Copy to :-

1. Shri S.J.Singh, ASPOS Kohima sub Dn for information. Orders regarding subsistence allowances admissible to him during the period of his suspension will be issued separately.
2. Shri N.K.Das, PM, Kohima HO.
- 3-5. P/F of the official/Suspension register/Punishment register.
6. Spare

Sd/- Illegible
Director of Postal Services
Nagaland, Kohima

AM 10/12/96
R. N. D. S.
P. D. W.

Annexure-2

Guwahati Bench

DEPARTMENT OF POSTS

OFFICE OF THE CHIEF POSTMASTER GENERAL, N.E. CIRCLE
SHILLONG - 793001.

Memo No. VIG./4/15/85 Dated, Shillong-1, the 24th Jan. 1995

Whereas disciplinary proceedings against Shri S.J. Singh, A.S.P.O.s, Kohima Sub-Divn. is contemplated.

and Shri S.J. Singh, A.S.P.Os, Kohima Sub-Divn. was placed under suspension by the Director Postal Services, Nagaland Division, Kohima vide his memo No. B-444 dated 4.8.1994.

Now, therefore, the aforesaid order of suspension is hereby confirmed.

Sd/-

(A.N.D. Kachari)
Director of Postal Services,
Shillong-793003

Copy to :

1. Shri S.J. Singh, A.S.P., Kohima Sub-Divn, Kohima-797001, Nagaland.
2. The Director Postal Services, Nagaland Divn., Kohima-797001 with reference to his No. B-444 Pt. -II dated 6.1.1995. The copy of Shri S.J. Singh may be served to him under receipt.
3. Office copy.
4. Spare.

Sd/- A.N.D. Kachari
Director of Postal Services,
Shillong-793001

Att'd
M.D.
Adm

DEPARTMENT OF POST : INDIA
OFFICE OF THE DIRECTOR POSTAL SERVICES
NAGALAND : KOHIMA : 797001

Memo No. B1/Disc/S.J.Singh,

Dated, Kohima the 12.3.1996

ORDER

Whereas an inquiry under Rule 14 of the Central Civil Services (CCA) Rules 1965 is being held against Shri S.J.Singh, the then ASPOs, Kohima Sub-Division Kohima (under Suspension).

And whereas the undersigned considers that an Inquiry Authority should be appointed to inquire into the charges framed against the said Shri S.J.Singh.

Now, therefore, the undersigned in exercise of the powers conferred by Sub-Rule (2) of the said rule hereby appoints Shri J.M. Dutta, SPOs, Manipur Division, Imphal, as the Inquiry Authority to inquire into the charges framed against the said Shri S.J.Singh.

Sd/-
(F.P.Solo)
Director Postal Services
Nagaland, Kohima

Copy to :

1. Shri J.M.Dutta, SPOs, Imphal, Inquiry Officer for information and necessary action (Copy of the articles of charges enclosed).
2. Shri V.T.Dasa, P/O C.I. Divisional Office, Kohima for information and necessary action.
3. Shri S.J.Singh, Ex-ASPOs, Kohima for information.
4. Spare.

Sd/- Illegible 12.3.96
(F.P.SOLO)
Director Postal Services
Nagaland, Kohima

*Afterwards
W.H.W.
SDW*

DEPARTMENT OF POST : INDIA
OFFICE OF THE DIRECTOR POSTAL SERVICES
NAGALAND : KOHIMA : 793001

Memo No. B1/Disc/S.J.Singh,
Dated, Kohima the 12.3.1996

O R D E R

Whereas an inquiry under Rule 14 of Central Civil Services (CCA) Rules 1965 is being held against Shri S.J. Singh, the then ASPOs, Kohima Sub-Division, Kohima (Under suspension).

And whereas the undersigned considers that a Presenting Officer should be appointed to present on behalf of the undersigned the case in support of the articles of charge.

Now therefore, the undersigned in exercise of the powers conferred by Sub-Rule (5) of the said Rules hereby appoints Shri V.T. Dasan, C.I. Divisional Office, Kohima as the Presenting Officer.

Sd/-

(F.P.SOLO)
Director Postal Services
Nagaland, Kohima

Copy to :-

1. Shri J.M.Dutta, I.O (Supdt. of POS, Manipur Division, Imphal) for information and necessary action.
2. Shri V.T.Dasan, P.O. (C.I. Divisional Office, Kohima) for information and necessary action.
3. Shri S.J.Singh, EX-ASPOs, Kohima for information.
4. Spare.

Sd/- Illegible 12.3.96
(F.P.SOLO)
Director Postal Services
Nagaland, Kohima

*Ambedkar
W.M.
D.W.*

DEPARTMENT OF POST : INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
NAGALAND : KOHIMA : 797001

Memo No. B1/Disc./S.J.Singh
Dt. Kohima the 19.8.96

O R D E R

Whereas an inquiry under Rule 14 of the Central Civil Services (CCA) Rules 1965 is being held against Shri S.J.Singh Ex-ASPOs Kohima (U/S).

And whereas the undersigned considers that an Inquiry Authority should be appointed to inquire into the charges framed against the said Shri S.J.Singh.

Now, therefore the undersigned in exercise of the powers conferred by Sub-Rule (2) of the said rule hereby appoints Shri Amulya Ratan Bhowmik, Supdt. of PO's Dharmanagar Dvn. Dharmanagar (Tripura North) as the Inquiry Authority to inquire into the charges framed against the said Shri S.J.Singh.

Sd/-

(F.P.SOLO)
Director of Postal Services
Nagaland, Kohima-797001

Copy to :

1. Shri A.R.Bhowmik, I/O Supdt. of PO's Dharmanagar (Tripura North) for information and necessary action (Charge sheet and certificates of delivery enclosed).
2. Shri D.C.Deb, P/O ASPO's Kohima for information and necessary action.
3. Shri S.J.Singh Ex-ASPO's Kohima (u/s) for information. This office memo of even No. dtd 17.6.96 stands cancelled

Sd/- Illegible
(F.P.SOLO)

Director of Postal Services
Nagaland, Kohima-797001

*Att'd
Abdu
Adm*

DEPARTMENT OF POST : INDIA
 OFFICE OF THE DIRECTOR OF POSTAL SERVICES
 NAGALAND : KOHIMA : 797001

No. B1. Disc. S.J. Singh

Dt. Kohima the 17.6.96

O R V D E R

Whereas an inquiry under Rule 14 of Central Civil Services (CCA) Rules 1965 is being held against Shri S.J. Singh, Ex-ASPOs Kohima (under suspension).

And whereas the undersigned considers that a presenting officer should be appointed to present on behalf of the undersigned the case in support of the articles of charge.

Now, therefore the undersigned in exercise of the powers conferred by sub-rule (5) of the said rule hereby appoint Shri D.C. Deb, ASPOs Kohima Sub-Divn. Kohima as the presenting Officer.

Sd/-

(F.P.SOLO)
 Director of Postal Services
 Nagaland, Kohima-797001

Copy to :

1. Shri A.R.Bhowmick I.O. Supdt. of POs Dharmanagar Divn. Dharmanagar (Tripura North) for information.
2. Shri D.C.Deb, ASPOs Kohima B. O for information and necessary action.
3. Shri S.J.Singh, Ex-ASPOs Kohima for information.

Sd/- Illegible 17.6.96
 Director of Postal Services
 Nagaland, Kohima-797001

*Attended
 Dhr
 Adm*

To

The Director of Postal Services,
Nagaland Division,
Kohima-797001

Sub : Headquarters while under suspension.

Ref : Your Office Memo No. B-444 dt. 4.8.94

Sir,

I would like to write that while I was on leave on medical ground at my residence at Mongshshngei, Imphal then DPS Kohima placed under suspension vide his Office Memo cited above which was hom delivered throug the S.P.O.s Imphal. But unfortunately no action was taken for payment of subsistence allowance without which it was next to impossible for me to stay at Kohima.

Secondly due to sudden deaths of my only brother on 29.12.1993 and my eldest sone on 29.3.94 both my aged father who was left above for 14 years to own destine due to my postings out of my hometown and my wife became mentally restarted and in such domestic~~s~~ situation my presence at home was unavoidable and had to stay along with them.

In the face of the above mentioned circumstances, you are earnestly requested to approve my Headquarters be temporarily fixed at Imphal during the period of suspension.

Yours faithfully,

Sd/- 26.6.96

S.J.SINGH

ASPOs, Kohima Sub-division
(U/s) at Mongsangei, Imphal

*Aftered
Bhul
Adw*

To

The Director of Postal Services,
Nagaland Division, Kohima-797001

Sub : Subsistence allowance, ~~xxixxx~~

Ref : Your Memo No. B-444 dated 4.8.94.

Sir,

Kindly refer to your memo cited above. It appears that so far no order for granting of subsistence allowance to the undersigned, in connection with the above noted case, has been issued thereby making untold hardship just to subsists for getting an opportunity to defend himself from the charges ~~named~~.

Hence your are requested kindly to issue the orders, including retrospective orders, at an early date. Here it is to mention that the department took a period from 4.8.94 to 17.6.96, for placing the undersigned, under suspension and to appoint the I.O. and P.O. subsequently. the delay delay of which is not attributable to the undersigned.

Yours faithfully,

Sd/- 26-6-96

(S.J.SINGH) ASBOs, Kohima
(U/s) at Vill & P.O. Mongsangei
Via Singjmei Bazar, S.O.
Manipur

Copy to :

The Post Master Kohima, H.O. He is requested to make group insurance, contribution and HBA recoveries only from the subsistence allowance also it is to mention that the undersigned did not occupy any Govt. quarters, and staying at Imphal since 1.8.94. The necessary certificate of non-employment is enclosed herewith. The subsistence allowance alongwith arrears of Bonus if any, may kindly be remitted by service M.O. as admissible under rule 41 of P&T Manual Vol III, to ~~xx~~ the address given above.

Sd/- S.J.Singh 26.6.96

*Ambedkar
W. N.
J. N.*

C E R T I F I C A T E

I, S.J.Singh, having been placed under suspension by order No. B-444 dated 4.8.94 of DPS, Kohima while holding the post of ASPGS, Kohima Sub-Division do hereby certify that I have not been employed in any business, profession or mention for profit/remuneration/salary.

Sd/- S.J.Singh 26.6.96
(S.J.SINGH
Vill & PO Mongsangei
Imphal

*Affixed
Charles
JN*

Annexure-9

To

Shri A.R.Bhowmik
Superintendent of Post Offices,
Dharmanagar Division
Dharmanagar 799250

Subject : Rule 14 inquiry case.

Reference : Your memo No. Rule 14/96,
dated 10.9.96.

Sir,

With reference to your memo cited above it is to intimate that the Post Master, Kohima, H.O., did not take any action to draw and disburse the subsistence allowance of the undersigned since 04.08.94 and also it appears that the D.P.S. Kohima did not take action for timely review of the subsistence allowance as enjoined in para II of F.R. 53(1)(ii)(a). Now due to financial stringency it is afraid that the undersigned may not be able to attend the preliminary hearing on 16.10.1996.

You are therefore requested to take timely action so that the subsistence allowance may be paid at an early date (including retrospective revision).

Sd/-

(S.J.SINGH), ASPOs, Kohima
(U/s) at vill & P.O. Mongsangei
Via S.J. Balak S.O., Imphal

Copy to :

1. The Postmaster Kohima H.O. 797001- He is requested to refer to my endorsement letter No. nil dated 26.6.96 under Singjamei Bazar S.O. R.L. No. 1396 dated 26.6.96. He is again requested to take early action as per the provisions of F.R. 53(1)(ii)(a) GIMF O.M. No. F 19(4)-E.IV/55 dated 17.6.1958 and rule 41 of P&T Manual Volume III. A certificate of employment is also enclosed herewith.
2. The Director of Postal Services, 797001. He is requested kindly to refer my letter No. nil dated 26.6.96 under Singjonil Bazar S.O.R.L.No. 1395 dated 26.6.96 and take early action for retrospective revision of the subsistence allowance with effect from 2.11.94.

Sd/- S.J.Singh 27.9.96

*AA advised
O. M. S.
AD*

Annexure-10

C E R T I F I C A T E

I, S.J. Singh, having been placed under suspension by order No. 444 dated 4.8.94 of DPS, Kohima while holding the post of ASPOs, Kohima Sub-Division do hereby certify that I have not been engaged in any business, profession or vocation for profit/remuneration/salary from 4.8.94 to date.

Sd/- 26.9.96

(S.J.SINGH
Vill & P.O. MONGSHANGEI
Imphal

Attested
R. Singh
ASPO

Annexure-11

INQUIRY UNDER RULE 14 OF C.C.S (CCA) RULES 1965
AGAINST SHRI S.J. SINGH, ASPOS, KOHIMA NOW UNDER
SUSPENSION.

DAILY ORDER SHEET

16.10.96 : Preliminary hearing of the case is held at Dharmanagar. Shri S.J.Singh, C.O. (Charged Official) submitted one representation dtd. 27.9.96 expressing doubt if he could be able to attend the hearing as he was not in receipt of subsistence allowance. Copy of the representation endorsed to D.P.S. Kohima. Since the payment of subsistence allowance and functions of I.O. are independent to each other, I.O. cannot passs any order except that P.O is made aware of the same for further necessary action. The preliminary hearing was held ex-parte.

Regular hearing into the case will commence from 11.12.96 and may continue upto 12.12.96 in the office of the undersigned at 1000 hrs. No. separate notice will be issued to C.O. or P.O. or the prosecution witnesses. P.O. will take action for appearance of P.W.s accordingly. In the meantime P.O. will arrange inspection of documents by the C.O. listed in the memo of charges on a fixed date within 15.11.96. Copy of the order sheet alongwith copy of the proceedings are made over to P.O. and the same posted to C.O.

Sd/- Illegible 16.x.96
Inquiry officer

*A. Hered
W. N.
D.W.*

Annexure-12

PROCEEDINGS OF PRELIMINARY HEARING

SUBJECT : Inquiry under Rule - 14 of C.C.S. (CCA) Rules 1965 against Shri S.J.Singh, ASPOS, Kohima under suspension.

REF : D.P.S., Kohima Case No. B1/DISC/S.J.Singh.

VENUE : Office of the Supdt. of Post Offices, Dharmanagar Divn., Dharmanagar.

TIME : 1000 Hrs.

DATE : 16.10.96

Shri S.J.Singh, the charged official is absent. Shri D.C. Deb, Presenting Officer is present. Preliminary hearing is held ex-parte.

Sd/- Illegible 16.x.96

(A. R. BHOWMIK)
Inquiry Officer
&

Supdt. of Post Offices,
Dharmanagar Division
Dharmanagar

*After 9/10/96
Dharm
ASPOS*

Annexure-13

DEPARTMENT OF POST : INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
NAGALAND : KOHIMA - 797001

No. B1/Disc/S.J.Singh
Dated Kohima 9.7.96

To

Shri S.J.Singh,
ASPO's Kohima (H/S)
Vill & P.O. Mongsangei
Via Singjamei Bazar BO
Imphal : Manipur

Sub : request for change of headquarters.

With reference to your representation dtd.26.6.96
your request for change of headquarters is rejected. You
are also hereby asked to explain as to why you had left
station without any permission or intimation. Your
explanation should reach this office with 10(ten) days
of the receipt of this letter.

Sd/- F.P. SOLO 9.7.96
Director of Postal Services
Nagaland : Kohima-797001

After
Mhla
PSW

To

The Director of Postal Services,
Nagaland Division
Kohima

Subject : Leaving of Head Quarters without Permission,
explanation thereof.

Ref : Your letter No. B1/DISC/S.J.Singh dated 8/9.7.96

Sir,

With reference to your letter cited above it is to write that the reason for leaving Head Quarter was already explained in details, in my representation dated 26.6.96. Hence once again you are requested to approve the temporary change of Head Quarters as already represented on compassionate ground till the disciplianry proceedings is finalised.

Thanking you in anticipation,

Yours faithfully,

Dt. 25.8.96

Sd/- S.J.Singh

A.S.P.Os Kohima, (U/s) at
Mongsangei, Imphal

*After
While
P.D.*