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By Registered Post

SR-10/7/2022-SR-DOP
Government of India
Ministry of Communications
Department of Posts
(SR Section)

Dak Bhawan, Sansad Marg,
New Delhi – 110001
Dated: 26/04/2023

ORDER

Whereas allegations of funding Political Party were leveled against National Federation of Postal Employees (NFPE) and its trade union wing from the Union Account as well as funding of Farmer's agitation (Kisan Movement) from the Accounts of All India Postal Employees Union Group "C".

2. And whereas it was instructed vide this office letter of even no. dated 18.07.2022 to submit explanation on the allegations of aforesaid funding to political Party and Farmer's agitation (Kisan Movement). Funding the farmers movement through Confederation of Central Govt. Employees was categorically admitted vide letter dated 24.08.2022 of NFPE.

3. And Whereas vide this office letter of even number dated 10.10.2022 it was directed to explain as to whether various amounts were paid to CPI(M), CITU and Farmers Solidarity Funds through online transfer and cheque payments from AIPEU Group "C" account. The response submitted vide letter dated 14.10.2022 was not found satisfactory and it was again instructed vide this office letter dated 13.12.2022 to submit detailed explanations and necessary clarifications.

4. And Whereas instead of explaining your position supported by due evidence, earlier submissions were merely reiterated. It was observed that NFPE and Association donated some amount to Confederation of Central Government Employee and workers to provide help to farmers' movement as well as Rs. 4,935/- to CPI(M) and Rs. 50,000/- to CITU. The act of political donations was in contravention of Rule 5(b), Rule 5(h) and Rule 6(c) of CCS(RSA) Rules, 1993.

5. And Whereas in order to give a final opportunity to explain the position and in order to meet natural justice, you were addressed vide communication of even number dated 16.03.2023 to show cause as to why the recognition of your Association (AIPEU Gr. 'C') as well as Federation (NFPE) concerned should not be withdrawn as per provisions contained in Rule 8 of the CCS (RSA) Rules, 1993. The due date for submission of explanation was extended up to 31.03.2023 vide this office letter of even number dated 23.03.2023, on the request of Federation.

6. And Whereas Secretary General, NFPE & General Secretary, AIPEU, Gr 'C' has submitted an explanation vide their letter No. PF/NFPE/Misc dated 29.03.2023 inter-alia contending the following: -

6.1 It has been contended that he was elected as the General Secretary of

AIPEU Gr "C" during third week of April, 2022 and as the Secretary General of NFPE during the first week of November, 2022. The alleged transactions had not taken place after taking over the above offices by him. He was not at all acquainted with the daily functioning of the AIPEU Gr-C (CHQ) and the Federation when the alleged transactions might have taken place. Upon consulting the audited accounts of both these organizations which were passed in last All India Conference and Federal Council, he had found no reflections of the alleged transactions in the accounts, except funding the Confederation which was not an organizational decision or collective act of the organization.

6.2 In so far as donation made to the Confederation of Central Govt Employees & Workers to provide help to farmers' movement, it has been submitted that Federation is an affiliate of the Confederation and contributes to the fund as quota of the Confederation each year. It was a usual contribution that has been made to the Confederation and accordingly noted in the account of NFPE. Later on, the Confederation has intimated that the fund was utilized for the aid of the farmers. Thus, the utilization of the collected fund was a decision of the Confederation and was not under the control of our Federation.

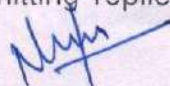
6.3 As far as donation of Rs. 4935/- (Rupees four thousand nine hundred thirty-five only) to CPI(M) is concerned, it has been stated that these transactions were made without the knowledge of federation online on 05.01.2021, being the cost of some books purchased. During that time, COVID protocol was in force and that is why the price of the books was paid online. The receipt of the purchased books is available with the purchaser. This transaction was not an organizational decision or an act of the organization. Had there been a decision on this score, there would surely be a note on record and all the then office bearers would have known. It was a personal purchase made by the office assistant engaged at union office and the union bank account was utilized temporarily for making a digital payment. The said amount was adjusted while paying salary to the concerned office assistant.

6.4 It has been pleaded that the Federation has a glory of contributing on many occasions for the cause of humanity i.e., flood, earthquakes, storms that had put our nation and citizens under grief and need. Clause 4(e) of the constitution of NFPE (Aims and Objects) obligates to work for the interest of the Nation. It is not known as to how the aid to the farmers are objectionable to the length of withdrawing recognition of the largest Federation in the department. As such, there is no violation of CCS (RSA) Rules 1993.

6.5 It has been pleaded that the earlier replies were lacking various factual details due to unavailability of earlier General Secretary of AIPEU Group-C and Secretary General of NFPE. It has been requested to treat the earlier replies as withdrawn ab initio.

7. The contentions were examined with the available records and were not found tenable on the following grounds:

7.1 The plea of the present incumbent that he had no knowledge of the transactions taken place during the incumbency of successor holds no grounds and are his mere afterthought, as he could easily have referred the records of Federation before submitting replies to the Department. In the



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Income and expenditure account of the All India Postal Employees Union Group-C Association for the year ending 31st March, 2021, it had clearly been mentioned that an amount of Rs. 30,000/- was contributed to confederation for farmer's movement. Moreover, NFPE vide their letter No. PF/NFPE/Misc dated 24.08.2022(para c) has already admitted funding to the Farmer's Movement through Confederation- "NFPE and its constituents donated some amount to Confederation of Central Govt. Employees and workers to provide help to farmers movements which was totally non-political movement and this is tradition among various trade unions to extend solidarity to each other when any trade union or working-class union is conducting any agitation or movement."

Their audit statement also proves that they were fully aware of the utilization of the money given by them to the Confederation and it was clearly an organizational decision of AIPEU Group 'C'.

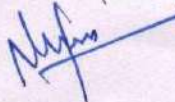
7.2 The submission of the Association that the transaction of Rs. 4935/- was a personal transaction which was erroneously paid from the Association's account holds no legs to stand and are mere after thoughts.

The association has not provided any evidence in this regard since how a personal transaction can be made from the account of Association. Further, in case any transaction is made from the account of Association/Federation it will be considered as collective decision of Federation/ Association in respect of application of fund. Further, as per copy of bank transaction it was evident that Bank transaction of Rs. 50,000/- from the account of the Association to the account of CITU.

7.3 Rule 5(b) of the CCS (RSA) Rules, 1993 inter-alia stipulates that , "the Service Association has been formed primarily with the objective of promoting the common service interest of its members". Further Rule 5(h) the CCS (RSA) Rules, 1993 stipulates that "the funds of the Service Association consist exclusively of subscriptions from members and grants, if any, made by the Government, and are applied only for the furtherance of the objects of the Service Associations. Rule 6(c) of the CCS (RSA) Rules, 1993 states that "the Service Association shall not maintain any political fund or lend itself to the propagation of the views of any political party or a member of such party". As such, aforesaid donations clearly violate the aforesaid mentioned acts are in contravention of Rule 5(b), Rule 5(h) and Rule 6(c) of CCS (RSA) Rules, 1993.

7.4 The request to treat earlier replies as withdrawn ab-initio on the ground of due to unavailability of earlier General Secretary of AIPEU Group-C & Secretary General of NFPE cannot be accepted. The present incumbent was required to refer the requisite documents / records before submitting replies to the Department.

8. The above contentions were duly examined vis a vis facts and records on place and it has been observed that the Federation/Association has failed to comply with the conditions set out in the CCS (RSA) Rules, 1993 hereunder:



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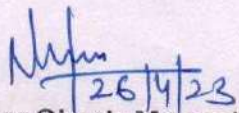
Rule-5 (b):- "the Service Association has been formed primarily with the objective of promoting the common service interest of its members."

Rule-5 (h):- "the funds of the Service Association consist exclusively of subscriptions from members and grants, if any, made by the Government, and are applied only for the furtherance of the objects of the Service Associations."

Rule-6 (c):- "the Service Association shall not maintain any political fund or lend itself to the propagation of the views of any political party or a member of such party".

Rule-6(k):- "The Service Association shall not do any act or assist in the doing of any act which, if done by a government servant, would contravene any or the provision of the Central Civil Services (Conduct) Rules, 1964. "

9. Therefore, as decided by the Competent Authority, the recognition to the All India Postal Employees Union Group "C" under CCS (RSA) Rules, 1993 as well as National Federation of Postal Employees (NFPE) are withdrawn with immediate effect and till further orders.


(Nahar Singh Meena)

Assistant Director General (SR & Legal)

To,

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General Secretary, All India Postal Employees Union Group 'C'
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