

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO. 71/92
T.A.NO.

DATE OF DECISION 20.8.1998

Om Dutt Tyagi _____ Petitioner

Mr. J. D. Ajmera _____ Advocate for the Petitioner [s]

Versus

Union of India & Ors. _____ Respondent

Mrs. P. Safaya _____ Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. V. Radhakrishnan : Member (A)

The Hon'ble Mr. P. C. Kannan : Member (J)

JUDGMENT

- 1, Whether Reporters of Local papers may be allowed to see the Judgment ?
- 2, To be referred to the Reporter or not ?
- 3, Whether their Lordships wish to see the fair copy of the Judgment ?
- 4, Whether it needs to be circulated to other Benches of the Tribunal ?

} NO

Om Dutt Tyagi
Asstt.General Manager(Eng)
Office of General Manager Telecom.
Near Giral Cinema
RAJKOT.

..... Applicant

(Advocate: Mr.J.D.Ajmera)

VERSUS

1. Union of India, through:
the Secretary.Dept. of
Telecommunication.
Sanchar Bhavan,Ashok Road,
NEW DELHI.

2. The Chairman
Dept. of Telecommunication
Sanchar Bhavan
Ashok Road,
NEW DELHI

3. Chief General Manager
Telecommunications,
Gujarat Circle,
Ashram Road,
Ahmedabad 380 009.

..... Respondents

(Advocate: Mrs.P.Safaya)

ORAL ORDER

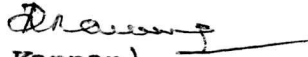
Date:20.8.1998.


QA/71/92

Per: Hon'ble Shri V.Radhakrishnan : Member(A)

None present for the applicant. Heard Mrs.
P.Safaya counsel for the respondents. Mrs.Safaya places
on record Deptt.of Telecommunication letter dated 29.1.93,
according to which the applicant has been given promotion.

In view of the above. grievance of the applicant
does not survive. Hence O.A. stands disposed of accordingly.
No order as to costs.


(P.C.Kannan)
Member(J)


(V.Radhakrishnan)
Member(A)

CENTRAL ADMINISTRATIVE TRIBUNAL, DE LHI

Application No.

09/71/92

of 19

Transfer application No.

Old Write Pet. No.

CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consignment to the Record Room (Decided).

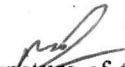
Dated:

8/9/98

Countersigned.

P 29944v

Section Officer/Court Officer.


Signature of the Dealing Assistant.

.....

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD.

Submitted: C.A.T./JUDICIAL SECTION.

Original Petition No: 71

of 1992

Miscellaneous Petition No: -

of -

Shri Om Dutt Tyagi Petitioner(s)

Versus.

UOI Sun Respondent(s).

This application has been submitted to the Tribunal by Shri J.S. Mehta

Under Section 19 of the Administrative Tribunal Act, 1985. It has been scrutinised with reference to the points mentioned in the check list in the light of the provisions contained in the Administrative Tribunal Act, 1985 and Central Administrative Tribunals (Procedure) Rules, 1985.

The Applications has been found in order and may be given to concerned for fixation of date.

The application has not been found in order for the reasons indicated in the check list. The applicant/Advocate may be advised to rectify the same within 14 days/draft letter is plac d below for signature.

- ASSTT: 1. Page 18, 27 & 28 is not legible and p. 12 in second set
- S.O. (J): 2. Full size envelopes not supplied.
- D.R. (J):

KNP181191

we may issue objection letter

As
31-1

S.O
on file

R.S. Mehta
31-1-92

PTD

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

APPLICANT(S)

Om Dutt Thagi

RESPONDENT(S)

W/OPARTICULARS TO BE EXAMINEDENDORSEMENT AS TO
RESULT OF EXAMINATION.

- | | | |
|----|---|------------------|
| 1. | Is the application competent ? | yes |
| 2. | (A) Is the application in the prescribed form ? | yes |
| | (B) Is the application in paper book form ? | yes |
| | (C) Have prescribed number complete sets of the application been filed ? | yes |
| 3. | Is the application in time ?
If not by how many days is it beyond time ?
Has sufficient cause for not making the application in time stated ? | yes |
| 4. | Has the document of authorisation/ Vakalat Nama been filed ? | yes |
| 5. | Is the application accompanied by D.D./I.P.O. for Rs. 50/-? Number of D.D./I.P.O. to be recorded. | IP No 801 875451 |
| 6. | Has the copy/copies of the order(s) against which the application is made, been filed.? | yes |
| 7. | (a) Have the copies of the documents relied upon by the applicant and mentioned in the application been filed.? | yes |
| | (b) Have the documents referred to in (a) above duly attested and numbered accordingly? | yes |
| | (c) Are the documents referred to in (a) above neatly typed in double space ? | yes |
| 8. | Has the index of documents has been filed and has the paging been done properly? | yes |

...2..

PARTICULARS TO BE EXAMINED.

ENDORSEMENT TO BE RESULT OF EXAMINATION.

-
- 9. Have the chronological details of representations made and the outcome of such representation been indicated in the application? *yes*
 - 10. Is the matter raised in the application pending before any court of law or any other Bench of the Tribunal? *no*
 - 11. Are the application/duplicate copy/~~spate~~ copies signed? *yes*
 - 12. Are extra copies of the application with annexures filed? *yes*
 - (a) Identical with the Original.
 - (b) Defective.
 - (c) Wanting in Annexures
 - No. _____ Page Nos. _____ ?
 - (d) Distinctly Typed ?
 - 13. Have full size envelopes bearing full address of the respondents been filed? *no*
 - 14. Are the given addressed, the registered addressed? *yes*
 - 15. Do the names of the parties stated in the copies, tally with Name(s) those indicated in the application? *yes*
 - 16. Are the transactions certified to be true or supported by an affidavit affirming that they are true? *yes*
 - 17. Are the facts for the cases mentioned under item No.6 of the application? *yes*
 - (a) Concise ?
 - (b) Under Distinct heads ?
 - (c) Numbered consecutively ?
 - (d) Typed in double space on one side of the paper ?
 - 18. Have the particulars for interim order prayed for, stated with reasons? *yes*
- checked*
(22)
26/11/91

OA Stamp / 430191
18-10-91

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

AT AHMEDABAD.

ORIGINAL APPLICATION NO. 71 OF 1991

Om Dutt Tyagi .. Applicant

Versus

Union of India & Ors. .. Respondents

I N D E X

Annex.No.	Particulars	Pages No.
-	Memo of application	1 to 11
'A-1'	Copy of charge sheet dt. 26.9.1988	12 to 19
'A-2'	Copy of second charge sheet dt. 26.9.1988	20 to 25
'A-3' (Colly.)	Copies of representations	26 to 38

2+3
copies

Ahmedabad.

Dated : 18 /10/1991

J D Ajmera

(J D Ajmera)
Advocate for the applicant

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT AHMEDABAD.

ORIGINAL APPLICATION NO. 71 OF 1992

Om Dutt Tyagi,
Asstt. General Manager(Engg.)
Office of General Manager Telecom.,
Near Girnar Cinema,
Rajkot.

.. Applicant

Versus

1. Union of India,
(Notice to be served
through the Secretary,
Dept. of Telecommunication,
Sanchar Bhavan, Ashok Road,
New Delhi).
2. The Chairman,
Dept. of Telecommunication,
Sanchar Bhavan, Ashok Road,
New Delhi.
3. Chief General Manager,
Telecommunications,
Gujarat Circle,
Ashram Road,
Ahmedabad-380 009.

.. Respondents

DETAILS OF APPLICATION :

I. PARTICULARS OF THE APPLICANT :

As shown above.

II. PARTICULARS OF THE RESPONDENTS :

As shown above.

III. ORDER UNDER CHALLENGE :

The applicant is challenging the action of the respondent authorities in not promoting the applicant ^{from} ~~at~~ the post of Assistant General Manager (Engineering) to the post of Junior Administrative Grade though many officers who are junior to the applicant have been ~~promoted~~ promoted ignoring the just claim of the applicant presumably on the ground that the departmental proceedings are pending against the applicant.

IV. JURISDICTION :

The applicant states that the application is within the jurisdiction of this Tribunal as prescribed under section 20 of the Administrative Tribunals Act, 1985.

V. LIMITATION :

The applicant further states that the application is filed within the time limit prescribed under section 21 of the Administrative Tribunals Act, 1985.

VI. FACTS OF THE CASE :

(1) The applicant states that initially he joined Telephone Industries, Bangalore as Asstt. Executive Engineer in July, 1974. The applicant is M.Tech in Electronic Engineering. The applicant served in I.T.I. till 27.1.1979 and he resigned from there. On 9.2.1979,

(3)

the applicant joined the respondent department as Assistant Divisional Engineer Telegraph. The applicant served at Jabalpur upto 16.1.1981 and thereafter he joined the Gujarat Circle w.e.f. ~~16.1.~~ 16.1.1981 and was posted as Assistant Divisional Engineer Telegraphs, Micro-waive (Maintenance) at Ahmedabad. Thereafter the applicant was promoted in March, 1983 to the post of Divisional Engineer Telegraph, Rajkot and the applicant joined the said higher post in April, 1983 and since then he has been ~~discharging~~ serving under the General Manager Telecom, Dist. Rajkot. The applicant states that the District was upgraded to major ~~xxx~~ Telephone District in 1989 and therefore, his designation of Divisional Engineer (Telecom.) (D.E.T.) has been redesignated as Assistant General Manager(Engg.).

(2) The applicant has put in more than 12 years service in the respondent department. The applicant is discharging his duties sincerely, honestly and diligently. The applicant states that looking to his seniority & merit he was officiated as Area Director, Rajkot for one month in 1985 and about 5 months in 1986. The applicant states that criteria for the promotion to the post of Junior Administrative Grade (JAG) is seniority cum fitness. The applicant is the senior to many officers who have been promoted. The applicant is not found unfit. The applicant, therefore, submits that he is eligible to be promoted to the higher post of Junior Administrative Grade(JAG) when several & numbers of junior officers have been

promoted superseding the applicant.

(3) The applicant states that, on 26.9.1988, he has been served two charge sheets. A copy of each of charge sheet is annexed herewith and marked Annexure A-1 and Annexure A-2. One charge sheet is Ann.A-1 & A-2 alleged against the applicant that the applicant while functioning as Divisional Engineer (Planning) in the office of Telecom District Manager, Rajkot during the year 1985-86 in collusion with other officers abused his officer possession being a member of store purchase committee by purchasing 14 non-standard air-coolers from open market instead of purchasing the ~~ix~~ air-coolers of standard mark from authorise dealer on D.G.S.&D. rate contract thereby causing a wrongful loss to the department to the tune of about Rs. 5,000/-. After holding the inquiry, the inquiry officer found that the allegations are not proved and the applicant is about to be given clearance certificate.

(4) The another charge sheet of the same date alleging that he has exceeded his financial power in the matter of purchase of certain items. The Inquiry ~~Officer's~~ has been held and Inquiry Officer's report is received.

(5) The applicant states that in one charge sheet it is held that the charges are not proved but in

another case regarding acceding the financial power, it is held that the ~~charge~~ charges are proved and applicant is given memorandum to make representation against the same.

(6) The applicant states that on various occasions persons junior to the applicant have been promoted by superseding the applicant and the respondent authorities have not considered the applicant's case even for ad hoc promotion though ~~any~~ many juniors have been promoted presumably on the ground that the departmental proceedings were pending against the applicant. The applicant give hereinbelow the details regarding the officers who had been promoted from time to time.

13.12.1989 - The officers who are junior to the applicant have been promoted to the post of J.A.G.. the promotions have been given only on the basis of seniority. One Mr. A.K. Mehra is officiated in the higher post on the basis of seniority thereby superseding the applicant.

June, 1990 - The promotion order was issued by the Directorate whereby 70 officers have been promoted to J.A.G. As far as the applicant is aware, out of the said batch about 20 officers are junior to the applicant have been given ad hoc promotion only on the ground of seniority. The junior officers have been given promotion excluding the applicant's case because of the pendency of departmental proceedings against the applicant. It may be pointed out that all those officers who have been promoted are still continue in the higher post.

December, 1990 - About 70 officers have been promoted by the Directorate, New Delhi, many of them are junior to the applicant said officers are still continued in the higher post.

1990 - By way of local arrangement, respondent No. 3 Chief G.M.T., Gujarat Circle, Ahmedabad has promoted about 90 officers who are junior to the applicant. ~~It~~

It is submitted that therefore, it is clear that the applicant has been superseded in the matter of promotion by his juniors. All these who have been promoted, are still ~~is~~ continuing in service and the applicant is deprived of higher promotion, salary and allowance and other benefits.

(7) The applicant states that it is the policy of the Govt. that any inquiry initiated against the officer/employee, should be completed latest within two years. In the present case, though about more than 3 years have been passed, still it is not completed. Therefore, the department has committed breach of Government's instructions and therefore cannot take disadvantage of their own policy. The applicant is fully co-operative in the departmental proceedings. The delay is caused on account of the department. It ~~is~~ may be further pointed out that an employee cannot be denied the promotion merely on the ground that the departmental proceedings are pending. Therefore, also the non-promotion of the applicant is illegal and contrary to Govt. rules.

[Handwritten signature] (5)

8. The applicant being aggrieved by the inaction on the part of the opponents in not giving promotion to the applicant begs to file this application on the following amongst other grounds.

: G R O U N D S :

- i) That the impugned ~~x~~ inaction on the part of the respondents in not promoting the applicant to the post of J.A.G. is illegal and bad and contrary to law and ~~xxxxx~~ service rules.

- ii) Two charge sheets had been issued to the applicant dt. 26.9.1988. In one case, the inquiry is over and it is held that the charges are not proved against the applicant. In the other case, the inquiry officer has held that to the limited extent the charges are proved and the applicant has been issued a show cause notice. It is submitted that merely because the charge sheets were issued, the applicant cannot denied the promotion. It is submitted that as stated above more than 100 officers who were junior to the applicant have been promoted to the higher post by way of ad hoc promotion solely on the ground of seniority. It is submitted that merely pendency of departmental proceeding cannot be said that the applicant was found unfit. It is submitted that the applicant had not been declared unfit but has been denied promotion merely because of

the pendency of the departmental proceedings. It is submitted that therefore, the applicant is denied promotion on irrelevant and extreneous consideration and the same are also arbitrary and discriminatory and violative of articles 14 and 16 of the Constitution of India. It is submitted that therefore, the applicant is entitled to be promoted to the post of J.A.G. with all consequential benefits including the difference of salary from the date when his immediate junior has been promoted to the cadre of J.A.G.

iii) The applicant states that time and again, he made various representations to the departmental authorities requesting them to dispose of the inquiry proceedings at the earliest. However, the department ~~take~~^{made} ~~took~~ undue delay in completing the inquiries. The applicant begs to annex~~ed~~ herewith and marked Annexure-A-3 (Colly.).

Ann.A-3
(Colly.)

iv) It is further submitted that the applicant is receiving his salary in the pay scale of Rs. 3000-4500 whereas the pay scale of Junior Administrative Grade A is Rs. 3700-~~5300~~ (5300). It is submitted that therefore, the applicant has to suffer a loss of ^{immedicate} Rs. 500/- per month, since the date when his/junior has been promoted. Moreover, the applicant is humiliated by not considering his case and by denying his promotion

whereas his juniors have been promoted and are working in the higher post and the applicant has to work under them on the lower post. It is submitted that it amounts mental toucher and humiliation for ~~not following~~ no fault of his own.

v) It is further submitted that the action of the respondents in denying promotion to the applicant on the ground that the charge sheets were issued to him, is illegal and bad and contrary to Govt. policy and against the service rules. It is submitted that merely because charge sheet is issued, it cannot be said that the applicant is found unfit, for the higher post. It is submitted that even if the applicant succeed as usual practice of the department, the applicant would not be given promotion with back date with consequential benefits. It is submitted that therefore, if the loss is incurred once, remains a loss for all the time to come. It is submitted that therefore, the actions of the department in denying promotion to the applicant and not giving promotion to the applicant may be declared as arbitrary, illegal and bad and respondents may be directed to promote the applicant to the post of Junior Administrative Grade from the date when his immediate junior has been promoted.

VII. RELIEF PRAYED FOR :

This Hon'ble Tribunal may be pleased to :

- A) Allow this application and direct the respondents to promot the applicant from the post of Assistant General Manager(Engineering) to the post of

Junior Administrative Grade from the date when his immediate junior had been promoted to the post of Junior Administrative Grade with all consequential benefits including difference of arrears of salary, allowance, seniority and all other benefits.

- B) Pass such other and further orders as may be deemed fit and proper by this Hon'ble Tribunal.

VIII.

INTERIM RELIEF IF PRAYED FOR :

- A) Pending admission hearing and final disposal of this application, this Hon'ble Tribunal may be pleased to issue an interim injunction restraining the respondents their agents, servants in any manner promoting any person junior to the applicant to the higher post without the applicant being promoted to the post of Junior Administrative Grade.

IX. REMEDY EXHAUSTED :

The applicant declares that he has exhausted the remedy by filing various representations to the department.

X. MATTER NOT PENDING :

The applicant further declares that no matter is pending with regard to the subject matter of this application in any court of law or authority.

XI. PARTICULARS OF POSTAL ORDER :

POSTAL ORDER NO. : 0, 875451
DATE : 18-10-91
NAME OF ISSUING POST OFFICE : High Court
POST OFFICE AT WHICH PAYABLE : Ahmedabad.

H O

XII. INDEX :

An Index in duplicate is annexed herewith.

XIII. ENCLOSURE :

As shown in Index.

Place : Ahmedabad

J.D. Ajmera
Adv.

Dated : 18-10-91

X Tyagi

Verification

I, Om Dutt Tyagi working as Asstt. General Manager (Engg). Office of G.M.T.D. Rst/Ch do hereby state and verify that what has been stated by me hereinabove is true to my personal knowledge and belief and I believe the same to be true and that I have not suppressed any material facts.

Place: Ahmedabad

Date : 18-10-91

X Tyagi

J.D. Ajmera
Adv.

Filed by Mr. J.D. Ajmera
Learned Advocate for Petitioners
with second set & THREE spares
copies copy served/not served to
other side

Di. 18/10/91 Dy. Registrar C.A.T. (I)
A'bad Bench

No. 6/23/88-VIG,II/(111)

GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS

DAV
SANSAD BLDG
NEW DELHI 110 001

Dated the 26-8-1988

M E M O R A N D U M

The President proposes to have an inquiry held against Shri O.D. Tyagi, Divisional Engineer(Plg), O/o Telecom District Manager, Raikot under Rule 14 of the CCS(COA) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexe-I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed. (Annexe-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 (Annexes III & IV).

2. Shri O.D. Tyagi 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 inquiry 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 O.D. Tyagi 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 provisions of Rule 14 of the CCS(COA) 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 O.D. Tyagi is invited to Rule 20 of the CCS(Conduct) Rules, 1964 under which ~~no Government servant~~ shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests 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 O.D. Tyagi 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.

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6. Receipt of this Memorandum shall be acknowledged, ^{PCCS Idara}
By order and in the name of the ~~President~~


(R. MOHAN)
DIRECTOR (V)

To,
Shri O.D. Tyagi
Divisional Engineer (Plg)
O/o Telecom District Manager
Rajkot.

(Through the General Manager Telecom, Gujarat Circle
Ahmedabad).

True (as)

Am.

10


Statements of article of charge framed against
Shri O.D. Tyagi, Divisional Engineer (Planning)
Office of the Telecom District Manager, Rajkot.

A R T I C L E

That the said Shri O.D. Tyagi while functioning as Divisional Engineer (Planning) in Office of the Telecom District Manager, Rajkot during the years 1985-86, in collusion with S/Shri P.S. Pattan, the then Telecom District Manager, J.K. Shah, Chief Accounts Officer and Internal Financial Advisor and T.C. Rajpara, Assistant Engineer (Planning) abused his official position being a member of Store Purchase Committee by agreeing to purchase of 14 non-standard air-coolers from open market instead of purchasing the air-coolers of standard make from an authorised dealer on DE S&D rate contract, thereby causing a wrongful loss to the Department to the tune of about Rs. 5000/- and corresponding wrongful gain to the private party.

2. Thus, by his above acts, Shri O.D. Tyagi committed grave misconduct, failed to maintain absolute integrity, exhibited lack of devotion to duty and acted in a manner unbecoming of a Government servant thereby contravening Rule 2(1)(i), (ii) and (iii) of the Central Civil Services (Conduct) Rules, 1964.

By order and in the name of the President,


(R. K. NIGAM)
DIRECTOR (VI)

one copy
for

Statement of imputations of misconduct or misbehaviour in support of article of charge framed against Shri O.D. Tyagi, Divisional Engineer(Planning), Office of the Telecom District Manager, Rajkot.

1. That the said Shri O.D. Tyagi was functioning as Divisional Engineer(Planning) in Office of Telecom District Manager, Rajkot during the years 1985-86. He was also a member of Store Purchase Committee. Other members of the Store Purchase Committee were Shri P.S. Rattan, the then Telecom District Manager, Rajkot, Shri J.K. Ghai, the then Chief Accounts Officer and Internal Financial Advisor and Shri T.C. Rajpara, the then Assistant Engineer(Planning) in Office of Telecom District Manager, Rajkot.
2. Shri T.C. Rajpara, Assistant Engineer(Planning) submitted a proposal on 13.3.1985 for purchase of six Nos. of 1200 cu.m./hrs size and eight Nos. of 3000 cu.m./hrs size Air-coolers of "Admiral" make manufactured by M/s Mega Electricals Pvt. Ltd., New Delhi to be supplied by M/s Himanshu Sales Agency, Ahmedabad. The proposal was routed through Shri O.D. Tyagi, Divisional Engineer(Planning) and approved by Shri P.S. Rattan on 14.3.1985. Accordingly, order was placed on M/s Himanshu Sales Agency who sent two proforma invoices dated 27.3.1985 of Rs. 27,177.74/- and Rs. 5,630.20/- respectively vide their No. HMA/2041/53 dated 27.3.1985. These invoices were put up by Shri T.C. Rajpara to Shri O.D. Tyagi, who marked the file to Shri J.K. Ghai, Chief Accounts Officer and Internal Financial Advisor. Shri J.K. Ghai pointed out that as the financial year ending in just a couple of days, some Junior Engineers or Assistant Engineers may be deputed to collect the stores from the supplier after satisfying himself of its satisfactory condition. Shri P.S. Rattan accorded his approval on 28.3.1985 to the above proposal and also approved advance payment to be made by a draft. Accordingly, a sanction memo was put up which was cleared by Shri J.K. Ghai but Shri P.S. Rattan did not sign either the sanction memo or the note on the file.
3. After the end of financial year 1984-85, Shri T.C. Rajpara, Assistant Engineer(Planning) submitted a fresh note stating that it was the opinion of the officers that the quality of air-coolers may be inferior if purchased at DG S&D rate. He suggested that the coolers may be purchased from open market at competitive rates. When this proposal went to Shri J.K. Ghai, he suggested for floating of tenders for purchasing the coolers from open market. On 2.4.1985 Shri P.S. Rattan approved the suggestion of Shri J.K. Ghai for purchase of coolers from open market and also recorded that "since there are only limited tenders and despatch to all reputed dealers manufacturer of air-coolers at Rajkot".

contd.....

4. As per General Financial Rule-128(28), where the estimated cost of an item exceeds Rs.20,000/- open tender system have to be adopted. However, limited tender system can be resorted to even if the estimated cost exceeds Rs.20,000/- subject to the conditions specified in General Financial Rules-128(36) and 128(37).
5. On 1.4.1985 Shri O.D. Tyagi floated tenders for supply of air-coolers and issued the same to the firm - (1) M/s Show Sales, Rajkot, (2) Bharat Refrigerators, Rajkot, (3) Satguru Electronics, Rajkot, (4) Shital Refrigeration, Rajkot, (5) Vadalia Corpn., Rajkot, (6) Popular Agencies, Morvi and (7) D.J. Corpn., Morvi. The later two firms of Morvi are owned by Shri D.J. Daftri and his wife Jyotiben Daftri.
6. Tenders were received from M/s Popular Sales Agency, D.J. Corporation and Vadalia Corporation on 10.4.1985 in an unsealed condition. These tenders were opened on the same day, i.e., on 10.4.1985 in the presence of S/Shri O.D. Tyagi, T.C. Rajpara and H.B. Dalal (Junior Accounts Officer).. On the same day a comparative statement was prepared by the dealing clerk showing the rates quoted by the parties. This statement was signed by Shri T.C. Rajpara and submitted to Shri O.D. Tyagi, who in turn submitted the file to Shri J.K. Ghai without any comments. Shri J.K. Ghai remarked on the file on 11.4.1985 to the effect that all these tenders were not well known brand name and that the decision may be taken by calling Store Purchase Committee meeting. Though the file was marked to Telecom District Manager, Shri P.S. Rattan, however, did not append his signature on the file.
7. On 12.4.1985, Shri J.K. Ghai himself prepared a note which reads as follows and got it signed from all members of Store Purchase Committee :-

"SPC met on 11.4.1985 and decided that since the brand quoting lowest rate, i.e., Popular Agencies, it is not well known brand whose quality is ensured and known".

It was decided that Chief Accounts Officer, Divisional Engineer(Planning), and Assistant Engineer(Planning) will inspect a cooler working and check its performance. S/Shri J.K. Ghai, O.D. Tyagi and T.C. Rajpara visited the premises of Unique Retraders, Gondal Road, Rajkot and inspected a cooler which was found satisfactory. Final acceptance order was issued by Shri O.D. Tyagi in favour of M/s Popular Agency for supplying 14 Nos. air-coolers. 20" fan size vide No. 52/Tender/VI/56 dated 12.4.1985.

contd.....3/-

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The order included -

- i) Air-coolers 20" fan size - 14 nos. at the rate of Rs.2500/- each.
- ii) Stand at the rate of Rs.400/- each.
- iii) Taxes + 4% against 'P' forms.
- iv) Packing charges Rs.35/- per air-cooler.
- v) Installation charges Rs.75/- per air-cooler.

M/s Popular Agency, Morvi were not capable to manufacture air-coolers and also were not the authorised dealer or manufacturer of air-coolers. Despite of this fact, order was placed on this firm. As per the order dated 12.4.1985, the firm was to deposit Rs.500/- as security before commencement of supply but the supplier did not deposit the amount. The coolers supplied by the firm were, however, of inferior quality and were giving intolerable noise. Further, no installation was carried out by the firm, yet they had charged Rs.1050/- as installation charges @ Rs.75/- per air-cooler.

8. Shri T.C. Rajpara issued letter No. W-1/Gen/85-S dated 10.4.1985 to the Incharge of Control Office, Rajkot Municipal Corporation certifying that 14 Nos. of air-coolers with stand brought by M/s Popular Agency, Morvi was meant for Rajkot Telephone District and hence the Octroi may not be levied on these items. Perhaps it was predecided to give the order to this supplier only.
9. In the manner aforesaid, Shri O.D. Tyagi, Divisional Engineer(Planning) in collusion with S/Shri P.S. Patran the then Telecom District Manager, Rajkot, Shri J.K. Ghai, Chief Accounts Officer and District Financial Advisor and T.C. Rajpara, Assistant Engineer(Planning) all of Office of Telecom District Manager, Rajkot, abused official position being a member of Store Purchase Committee and purchased 14 non-standard air-coolers from open market instead of purchasing the air-coolers of standard make from an authorised dealer on DC S&O rate contract, thereby causing a wrongful loss to the Department to the tune of about Rs.3000/- and corresponding wrongful gain to the private party.
10. Thus, by his above acts, Shri O.D. Tyagi committed grave misconduct failed to maintain absolute integrity, exhibited lack of devotion to duty and acted in a manner unbecoming of a Government servant thereby contravening Rule 3(1)(i), (ii) and (iii) of the Central Civil Services(Conduct) Rules, 1964.

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Annexure :

List of documents by which article of charge framed against Shri O.D. Tyagi, Divisional Engineer (Peanuius) office of the Telecom District Manager, Rajkot and proposed to be sustained.

.....

1. Counterfoil of P&T Department Cheque Book No. 006807 counterfoil No. G.680601 to G.680700.
2. F.No. W.431/FFP-84-85 containing 8 pages of Note Sheets and SIs 1 to 14 showing correspondence regarding purchase of air-coolers.
3. The file No. S. 15/IV containing Note Sheet 1 to 38 and serials 1 to 104 showing correspondence of Air Conditioners.
4. S.2/Tender/VI containing Note Sheets 1 to 31 and serials showing the name of the tenderer and specification of Air-Coolers.
5. Original Bill No. 2315 dated 22.4.1986 from M/s. Popular Agency (India), Morvi voucher No.490 dated 25.4.1985 and inspection report showing the bills submitted by the party and inspection carried out by the departmental officers.
6. One ordinary outward register of TDM Rajkot office with effect from 14.9.1984 to 24.4.1985.
7. Tender register of construction section, office of TDM Rajkot showing tenders received from parties.

.....

*True copy
[Signature]
[Signature]*

List of witnesses by whom articles of charge framed against Shri S.D. Tyagi, Divisional Engineer (Planning), Office of the Telecom District Engineer, Rajkot are proposed to be sustained.

1. Shri J.G. Modi, JE (Vig), O/o the G.M. Telecom, Ahmedabad.
2. Shri Atul R. Shah, Partner of Himanshu Sales Agency, Ahmedabad. (2)
3. Smt. Naina R. Khurana, POA O/o the DMT Rajkot.
4. Smt. Jagruti S. Desai, POA, O/o the DMT Rajkot.
5. Shri Jayramdas M. Jadia, AE (Trunk), O/o the DMT, Rajkot.
6. Shri B.M. Jani, AE (Tax), O/o DMT Rajkot.
7. Shri Bhupendra K. Khanna, Partner of Saigani Electronics Rajkot. (16)
8. Shri Kantibhai G. Kulkarni, Proprietor of Snow Sales Services, Rajkot. (1)
9. Shri Dhirubhai M. Walvadia, Partner of Vaddalia Corpus, Rajkot, one of the Tenderer. (13)
10. Shri P.K. Kansagara, Salesman of Vaddalia Corporation Rajkot. (5)
11. Shri Mahendra M. Ketha, Son of Proprietor of Bharat Refrigeration, Rajkot. (1)
12. Shri V.B. Detroja, Cashier, O/o the TDI Rajkot. (1)
13. Shri Pankaj P. Kanoria, JE, O/o the TDI Rajkot. (1)
14. Shri Chintam J. Antani, Partner of Chital Refrigeration, whose name appears in the Tender list. (1)
15. Shri Ramesh Prasad, AE (Vig), O/o TDI, Rajkot. (1)
16. Shri Dhimanbhai V. Dattari, Partner of M/o D.J. Corporation, Morvi one of the Partner. (1)
17. Shri D.G. Modi, S/O Palampur. (1)
18. Shri G. Hanumanthappa DE (DP), Bangalore Telephone, Bangalore. (1)
19. Shri D.T. Sambasiva, Account Development Commissioner, for Cement Industry, New Delhi. (7)

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NO. 3/9/88-VI-II
GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS

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DAK TAR BHAWAN
SANSAD MARG
NEW DELHI 110 001,
~~XXXXXXXXXXXXXXXXXXXX~~

Dated the 26th Sept. 1988

MEMORANDUM

The President proposes to have an inquiry held against Shri Om Dutt Tyagi, Telecom District Engineer, Rajkot under Rule 14 of the CCS(CCA) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexe-I). A statement of the imputations of misconduct or misbehaviour in support of each Article of Charge is enclosed (Annexe-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 (Annexes III & IV).

2a Shri Om Dutt Tyagi 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.

3a He is informed that an inquiry 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.


4a Shri Om Dutt Tyagi 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 provisions 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.

5a Attention of Shri Om Dutt Tyagi is invited to Rule 20 of the CCS (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests 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 Om Dutt Tyagi 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.

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54 Receipt of this Memorandum shall be acknowledged

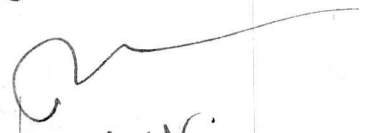
By order and in the name of the President


(R. MOZUNDER) 23/9/83
DIRECTOR (VM)

To,

Shri Gm Dutt Tyagi
Telecom District Engineer
Rajkot

(Through the General Manager Telecom, Ahmedabad).

True Copy

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Statement of article of charge framed against
Shri Om Dutt Tyagi, Telecom District Engineer,
Rajkot.


ARTICLE


That the said Shri Om Dutt Tyagi, while functioning as D.S.T. Rajkot and officiating as Director Telecom, Rajkot during the period from April, 1986 to August, 1986, committed the following serious irregularities:-

- 1) He exceeded his financial power in the matter of purchase of Operation Chairs for Rs. 72,420/- and pedestal fans worth Rs. 82,149/-;
- ii) He purchased the said chairs at an exorbitant rate thereby causing financial loss to the Department to the extent of Rs. 20,010/-;
- iii) He purchased pedestal fans worth Rs. 82,149/- from M. S. Almond Pvt. Ltd., Ahmedabad without observing prescribed procedures and which were also lying unused and thus he incurred wasteful expenditure.

2. Thus, by his above acts, Shri Om Dutt Tyagi committed grave misconduct, failed to maintain absolute integrity exhibited lack of devotion to duty and acted in a manner which is unbecoming of a Government servant thereby contravening Rule 5(1)(i), (ii) and (iii) of CCS (Conduct) Rules, 1964.

By order and in the name of the President,


 (E. MOZUNDER 23/9/86)
 DIRECTOR (VM)

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Statement of imputations of misconduct or misbehaviour in support of the articles of charge framed against Shri Om Dutt Tyagi, Telecom District Engineer, Rajkot.

1. Shri Om Dutt Tyagi was officiating as Director Telecom, Rajkot during the months from April, 1986 to August, 1986. Despite the fact that posting of Shri Om Dutt Tyagi as Director Telecom was purely temporary for a short spell, he issued a letter No. 859/II/114 dated 8.5.1986 to Divisional Engineers, Amreli, Bhuj, Jamnagar and Junagadh stating that it was proposed to place an order for supply of Telephone Operator chairs with M/s Met-L-Wood Furniture, Rajkot and asked them to send their requirement accompanied by a non-availability certificate from the Central Stores Depot and provision of funds in case the chairs were purchased locally. Only Divisional Engineers, Jamnagar and Amreli sent their requirement vide their letter No. S-2/Genl dated 29.5.1986 and No. S-2/Correspondence/III/86-87/94 dated 28.5.1986. The DET Jamnagar placed requirement for 15 high type and 25 low type operator chairs. The Divisional Engineer, Amreli sent the requirement for 50 high type and 37 low type operator chairs.
2. Shri Om Dutt Tyagi in his memo dated 10.6.1986 made an observation on the file No. 859/II that there had been a consistent complaint from the operating staff for not providing/maintaining good operator chairs in the trunk as well as local manual exchanges. He further recorded that the operator chairs available in the stores depot at Ahmedabad were not durable and that the stock of the chairs examined by Divisional Engineer, Jamnagar in person showed that these chairs were not at all suitable for the work they are meant for. He, therefore, decided to purchase good telephone operator chairs available at old rates fixed up about three years back.
3. Shri Om Dutt Tyagi placed order for supply of 138 telephone operator chairs at the rate of Rs.525/- each with M/s Met-L-Wood Furniture, Rajkot. This order was worth Rs. 72,420/-. As per para 9(A) of Schedule-II of Financial Powers of Pgt Officers, Head of the Circle as well as Director Telecom was empowered to make local purchase of stocked items upto the limit of Rs.50,000/- at a time.

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4. The General Manager Telecom, Ahmedabad vide his letter No. Genl/46-1 dated 6.11.1985 had intimated to all Divisional Engineers in Gujarat Circle that rate contract had been entered into with M/s Alfa Engineering Works, Ahmedabad for purchase of operator chairs and other furnitures. As per this rate contract which was valid from 1.11.1985 to 31.10.1986, the cost of operator chairs was Rs.380/- each. Shri Om Dutt Tyagi however, had placed order for similar chairs at the rate of Rs.525/- with M/s Metal-Weed Furniture, Rajkot. Thus the Department had to incur extra expenditure of Rs.20,010/- for purchase of 138 operator chairs.

5. Shri Om Dutt Tyagi issued a notice inviting tender vide No. 659/II/117 dated 20.5.1986 for purchase of 20 pedestal type air circulators (fans) for all his Divisions. In response to the above said N.I.T., only two offers were received up to 2.6.1986. The last date for receipt of offers was therefore extended up to 11.6.1986 and an advertisement to that effect was given in Fulchab and Times of India etc. In response to the N.I.T. referred to above, total four offers were received. Shri Om Dutt Tyagi approved the rate quoted by M/s Almonard Pvt. Ltd., Ahmedabad, with the tentative requirement of air circulators divisionwise as follows :-

Amreli	=	8 Nos.
Rhu,	=	5 "
Junagadh	=	6 "
Jamnagar	=	9 "

The quantity was, however, to be rechecked and confirmed by the concerned Divisional Engineers. An order was accordingly placed on M/s Almonard Pvt. Ltd., Ahmedabad. Payment for the supply was to be made by the concerned divisions after testing the quality etc. Freight charges were also to be paid by the consignee division. An order No. 659/11/177 dated 11.7.1986 was placed for supply of 35 air circulators at the rate of Rs. 2173.83/- totalling worth Rs.82,149/-. The firm supplied the air circulators as per the orders to the Amreli, Rhu, Junagadh and Jamnagar Divisions and also sent the bills for payment. However, due to non-availability of funds, payment for the supply could not be made by the consignee divisions. As per Para 9(A) of Schedule-II of Financial Powers of P&T Officers, Director Telecom can make local purchase up to the limit of Rs.50,000/- at one time and as such he exceeded his financial power in purchase of air circulators also.

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- 6. The tenders are required to be scrutinised and processed by the Store Purchase Committee as per the instructions contained in letter No. SP-B/RLG/11 dated 29.1.1983. The stores purchase committee, for Rajkot area comprised of Director Telecom, Rajkot, DET, Rajkot and DET, Surendranagar. Shri Om Dutt Tyagi however, dealt everything at his own level, approved the tender and placed the order in violation of the prescribed procedure.
- 7. Thus, by his above acts, Shri Om Dutt Tyagi committed grave mis conduct, failed to maintain absolute integrity, exhibited lack of devotion to duty and acted in a manner which is unbecoming of a Government servant thereby contravening Rule 3(1)(i), (ii) and (iii) of CCS (Conduct) Rules, 1964.

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Department of Telecommunications
 Office of the Chief Engineer, Ahmedabad
 Gujarat Circle, Ahmedabad - 380 015.

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Staff-12-B/DA (S.A. 1/24/112) dated at Ahmedabad, 03-12-1980

Sub: Officer's promotion order from S.T.S. of E.T.S. Group 'A' to S.A.S. Grade of I.T.S. Group 'A'

In pursuance of S.T. No. Golhi Memo. No. 314/19-80, T.G. No. dated 2.9.80, the Chief Engineer, Telecommunications, Gujarat Circle, Ahmedabad - 380 015 is pleased to place Smt. Mrs. M. S. Jaisankar, M.T.D. Ahmedabad to officiate temporarily and on adhoc basis in the post of I.T.S. Group 'A' cadre for the maximum period of 90 days from 13.12.80 to U.P. Circle on 13.12.80. after 90 days, the officer will be reverted automatically as per S.T.S. of I.T.S. Group 'A'.

II. In case any of the officers mentioned above of the Shauktya referred to in D. T. No. 100/17/77 Discal dated 13.12.77 is pending for any of the above officers or when an report of the officer's disengagement like stamping etc. is current, the fact should be reported to this office immediately and concerned records should not be removed for post promotion without specific orders from this office.

III. Promotion of the officer referred to above will be purely on temporary and on adhoc basis and he is not entitled any seniority or claim for confirmation for regular appointment in the grade concerned.

IV. The date of effect of the order and necessary change reports may be sent to the concerned.

(Sd/-)
 (C.N. NAYAK)
 Asstt. Director Telecom. (S),
 The Chief G.M. Telecommunication
 Gujarat Circle, Ahmedabad - 380 015.

Copy for information and necessary action to:

1. Chief Engineer, Ahmedabad/Rajkot/Bharoda/Surat.
2. D. Manager, Ahmedabad/Nadiad.
3. Officer concerned.
4. All T.D.Es. in Gujarat Circle.
5. Area Manager Telecom., Ahmedabad/Bharoda/Rajkot.
6. All A.G.Ms./All Group Officers, VC/Dir. (F), C.O. Ahmedabad.
7. Sr. PA to CEM/Secy. to CEM(D)/PA to CEM(A), C.O. Ahmedabad.
8. Dy. General Manager, Telecom. Electrical Circle, Ahmedabad.
9. Dy. General Manager, Telecom. Civil Circle, Ahmedabad.
10. Guard file.

CUU A o B/A (P.O.A) Co. de Ans
 CUW A o B/A (P.O.A) Co. de Ans

True Copy
 [Signature]

Staff No.	Name	Date of birth	Date of entry in the dept.	Seniority no. in the present cadre	<u>if confirmed</u> cadre date	Date of DPC or promotion.
00771	Sheshadri K.	151032	110462	00095	JTS 170581	1076
0640	Ramesh R.	071055	140180	00096	JTS 150182	1183
00641	Mukhopadhyay Angsu	150954	080179	00097	JTS 150182	0283
00773	Khankhoje S.W.	100132	010562	00098	JTS 150182	1076
00642	Sinha Dhruv Kumar	050853	080179	00099	JTS 150182	0283
00775	Narayanswamy K.V.	090432	030162	00100	JTS 150182	1076
00643	Bhandari Sudhir K.	051054	080179	00101	JTS 150182	0283
00776	Gyan Prakash	140632	010361	00102	JTS 150182	1076
00644	Syed Fazlurrahman Biyabani.	241246	050279	00103	JTS 150182	0283
00645	Vijay Kumar	150154	080179	00104	JTS 150182	0283
00646	Singh Devendra Pal	170755	080179	00105	JTS * 150182	0283
00647	Gupta Harishkumar	190952	080179	00106	JTS 150182	0283
00780	Sundarram S.	261032	190362	00107	JTS 150182	1076
00648	Rao T. Venkateshwara	261032 020746	050279	00108	JTS 150182	0283
00649	Agarwal Pradeep K.	150256	080179	00109	JTS 150182	0283
00650	Pachauri Satya Prakash	070153	080179	00110	JTS	0283

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00651	Koundiyan A.V.	281154	090279	00111	JTS	150182	0283
00652	Bhargava Ajaykumar	210755	080179	00112	JTS	150182	0283
00653	Subramanian K.G.S.	130731		00113	JTS	150182	1076
00653	Khare Shailendra K.	100655	080179	00114	JTS	150182	0283
00654	Avadhesh Kumar	091254	080179	00115	JTS	150182	0283
00655	Goel Mahesh Kumar	300456	080179	00116	JTS	150182	0283
00656	Nagpal Pradeep	150855	150179	00117	JTS	150182	0283
00657	Seshagiri P.V.	200350	080179	00118	JTS	150182	0283
00658	Gupta Rajesh	060756	080179	00119	JTS	150182	0283
00659	Verma Dev Kumar	010155	080179	00120	JTS	150182	0283
00789	Kashyap M.S.(SC)	010835	290465	00121	JTS	150182	1076
00660	Roy Shri Hari	220855	050279	00122	JTS	150182	0283
00790	Harbans Singh (SC)	156134		00123	JTS	150182	1078
00661	Bajpa Basant Kumar	070748	050279	00124	JTS	150182	0283
00791	Bhagat Hans Raj(SC)	111232	300466	00125	TES JTS B	010372	1076
00662	Nasser Mohd Abdul	030754	050279	00126	JTS	150182	0283
00792	Bhag Chand (SC)	010734	040565	00127	TES_B	010372	1076
00663	Pathak Ashok Kumar	091153	050279	00128	JTS	150182	0283
00793	Bagh K.C.(S.C.)	100633		00129	TES_B	010372	1076
00664	Gupta Prem Chand	010253	050279	00130	JTS	150182	0283

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00794	Prasad B.(SC)	010335	260465	00131	JTS	150182	1076
00665	Jain Mohender Kumar.	151150	150579	00132	JTS	150182	0583
00795	Bajpe S.N.(SC)	260935	110665	00133	TES_B	010372	1076
00656	Ashok Kant	300656	140579	00134	JTS	150182	0583
00667	Gurumoorthy KS	020853	050279	00135	JTS	150182	0283
00797	Katoch BR(SC)	151231	120565	00136	JTS	150182	1076
00668	Satiya Surendra Mohan	091054	050279	00137	JTS	150182	0283
00669	Kulkarni Anand V.	210354	140579	00138	JTS	150182	0283
00670	Nag Shibabrata	010147	050279	00139	JTS	150182	0283
00798	Charanjit (SC)	150235	130565	00140	JTS	150182	0176
00671	Chandrashekhhar TK	060454	050279	00141	JTS	150182	0283
00799	Bashal HR (SC)	060336		00142	TESB	010372	1076
00800	Singh SP (SC)	050238	070765	00143	JTS	150182	1076
00672	Mittal Ajaykumar	301155	050279	00144	JTS	150182	0283
00673	Basu Gopal Chandra	220453	090279	00145	JTS	150182	0283
00801	Dev Raj (SC)	180237	080665	00145	JTS	150182	1076
00674	Parihar Sunil	070954	050279	00147	JTS	150182	0283

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00802	Kumbala M.(SC)	190732	300765	00148	JTS	150182	1076
00675	Tyagi Rameshkumar	150352	050279	00149	JTS	150182	0283
00676	Vinod Prakash	110654	120279	00150	JTS	150182	0283
00803	Prasad Jagannath (ST)	020335	300465	00151	JTS	150182	0176
00677	Diwan Singh	301046	050279	00152	JTS	150182	0283
00678	Julka Gurdeepsingh	090355	050279	00153	JTS	150282	0283
00679	Tyagi Om Dutt	100351 08885x	050279	00154	JTS	150282	0283
00580	Krishnaraju	011250	050279	00155	JTS	150282	0283
00581	Kudasya Pankaj	161055	050279	00156	JTS	150282	0283
00682	Sathyanaarayan R.	130847	050279	00157	JTS	150282	0283
00683		301045	060279	00158	JTS	150282	0283
00684	Mishra Ashokkumar	260346	050279	00159	JTS	15082	0283
00685	Shrivastava Shashi -kant	010746 171151	050279 020279	00160	JTS	150182	0283
00686	Ananda S.A.	171151 020279		00161	JTS	150182	0283
00687	Venkarajendran	130652	140180	00162	JTS	150182	1183
00688	Subramaniam P.	010748	070780	00163	JTS	080782	0784
00689	Govinda Rajululu J.(SC)	210943	050279	00154	JTS	080782	0283
00690	Singh Rajpal Panwar (SC)	170446	080179	00165	JTS	080782	0283

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00691	Kishori Ram(SC)	010753	080179	00166	JTS	080782	0283
00692	Satya Paul(SC)	261247	080179	00157	JTS	080782	0283
00693	Bhakat Jagannath (SC)	011043	080179	00158	JTS	080782	0283
00694	Kashyap Bhagat Ram (SC)	220948	120576	00169	JTS	080782	0283
00695	Saha Sukumar (SC)	090642	150179	00170	JTS	050782	0283
00696	Gotam Jaisee Ram (SC)	310141	080179	00171	JTS	080782	0283
00697	Upadhya Gopal K.	151057	140180	00172	JTS	080782	1183
00698	Joglekar Hemant P.	250555	140180	00173	JTS	080782	1183
00699	Ghakraorty Gautam	020155	010681	00174	JTS	080782	
				00175	JTS		
00700	Tatachari Jagannath	231254	070780	00175	JTS	070782	0784
00701	WEER Ashok B.	100252	140180	00176	JTS	080782	1183
00702	Jain Mahender K.	020856	140180	00177	JTS	080782	1183
00703	Khan Mohammed Ashraf	190156	071281	00178	JTS	081283	
00704	Gupta Naresh Kumar	210657	140180	00179	JTS	01283	
00705	Kansal Arvind K.	050656	140180	00180	JTS	081283	1183
00706	Bhaduri Sail Kumar	230354	210180	00181	JTS	081283	1183
00707	Sudhir Kumar	300654	140182	00182	JTS	081283	1183
00708	Narang Navinkumar	250854	070780	00183	JTS	081283	0784

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00709	Rahtagi Dinesh K.	100154	140180	00184	JTS	081283	0284
00710	Shedha Mahendra K.	230853	210180	00185	JTS	081283	0284
00711	Das Ashok Kumar	141255	140180	00186	JTS	081283	0284
00712	Rao M.Soma Sundara	291255	070480	00187	JTS	081283	0284
00713	Minocha Khageshwar K.	100355	140180	00188	JTS	081283	0284
00714	Roy Chowdhuri SN	291151	070480	00189	JTS	081283	0484
00812	Jassal R.S.	010132	150382	00190	TES-B	010367	0178
00715	Ganapati Ram A.	310852	140180	00191	JTS	081283	0284
00716	Tiwari Shed Kishorel	50955	070780	00192	JTS	081283	0784
00717	Samnuga Sundaram S.	150355	070480	00193	JTS	081283	0484
00718	Khosla Hari Dev	180657	070480	00194	JTS	081283	0484
00719	Ravi Raju B.K.	250552	070480	000195	JTS	081283	0484
00720	Bhoi Narendra K.	010255	140180	00195	JTS	081283	0284
00721	Thomas Phillip	190852	140180	00197	JTS	081283	0284
00722	Mishra Data Sharan	220755	140180	00198	JTS	081283	0284
00723	Mehra Anup Kumar	241053	140180	00199	JTS	081283	0284
00618	Gupta R.P.	080932	100953	00200	TES-B	010388	0178
00724	Tripaathi Devendra N.	300954	070480	00201	JTS	081283	0484

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00819	Subramanian S.	150931	260762	00202	JTS	081283	0175
00725	Seth Sanjiv Kumar	231155	070780	00203	JTS	081283	0784
00820	Iyer H.S.	110532	070462	00204	JTS	081283	0178
00726	Neelakanthan R.	131252	080480	00205	JTS	081283	0484
00727	Parameshwaran N.	151155	140180	00206	JTS	081283	0284
00728	Srinivasan V.	080255	070480	00207	JTS	061283	0484
00729	Anand Kumar T.K.	030156	070480	00208	JTS	081283	0484
00730	Gupta Lav	250158	070780	00209	JTS	081283	0784
00732	Balsubramaniam R.	030554	070480	00210	JTS	081283	0484
00732	Varda Raja Rao AV	140754	070480	00211	JTS	081283	0484
00733	Shajahan A.	221053	070480	000212	JTS	081283	0484
00734	Laxmi Nivas M.	020849	070480	00213	JTS	01283	0484
00735	Radhey Shyam	100853	070480	00214	JTS	081283	0484
00825	Mittal K.C.	210631	270362	00215	JTS	081283	0178
00736	Rao B.Arunachala	100846	070480	00126	JTS	081283	0484
00737	Do raiswamy K.M.	061252	030480	00217	JTS	081283	0484

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00738	Sudarasnam MK.	150452	140480	00218	JTS	081283	0484
00739	Misra Rajnish Kumar	150957	070480	00219	JTS	081283	0484
00740	Dixit A. Gopinath	011154	070480	00220	JTS	081283	0484
00741	Chandramauli R.	300354	070480	00221	JTS	081283	0484
00742	Balasubramaniam A.	050455	010681	00222	JTS	081283	

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True copy
over
Ack

316

28/3/80

From:- O.D. Tyagi,
Asstt. Com. (E),
O/c G.M. Telecom District,
RAJKOT,
Gujarat Telecom. Circle.

Rajkot: 10-1-80

To:- The Chairman,
Telecom Commission,
Sanchai Bldg.,
Ashoka Road,
NEW DELHI-110 001

Subj:- Long pending Inquiry Cases.

Respected Sir,

I belong to A.P. 1977 batch. Two inquiry cases are pending against me since 1978. In spite of my many requests at various levels, these cases have not been settled. There is no corruption charges against me. The charges are, the so called procedural mistakes in decision making process. I have lost three chances of advance technical training abroad. I have been dropped from local promotion since last six months. Now my juniors have by-passed me for promotion. This has caused me unbearable mental torture and humiliation. I am under-going a severe punishment since last four years because of the pendency of these inquiry cases. By all efforts have failed to expedite the final settlement. I request you, sir, that my inquiry cases should be settled immediately or I should be considered for promotion as per my seniority in the Telecom Department ignoring the pending inquiry cases against me.

With regards,

Yours Sincerely,

O.D. Tyagi,
A.G.M. (E),
O/c G.M. T.D.
Rajkot.

Tele. No. 44844 (O)
33535 (R)

Amount of Stamp affixed Rs. _____

Received a Registered _____

Address to _____

Signature of Receiving Officer _____

NOT INSURED

Amount of Stamp affixed Rs. _____

Received a Registered _____

Address to _____

Signature of Receiving Officer _____

True Copy

From :

O.D. VYAGE,
A.G.M. (F) % GIBS,
RAJKOT.

To :

The Chairman,
Telecom Commission,
Sanchar Bhavan,
New Delhi.

Date : 03/5/90

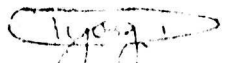
SUB : Pending Inquiry cases.

Respected Sir,

I belong to 1970 batch of T.T.I. Group 'A' services. Since last four years two inquiry cases are pending against me. In spite of my repeated requests, there had been no progress in these cases. On the other hand, I have been overlooked in promotion since last one year. This has caused me unbearable mental tension and frustration. The charges levied against me are not of corruption. I would be highly thankful, if you kindly use your good offices to settle the pending inquiry cases on priority.

With thanks.

Yours Sincerely,


(O.D. VYAGE)

Copy to :-

1. D.D.C(Vig.), Dak Bhavan, New Delhi.

True Copy
Accd

From: O. D. TYAGI,
Asstt. General Manager (Eng),
O/o. General Manager,
Rajkot Telecom District,
Rajkot - 360 001.

To : The Chairman,
Telecom Commission,
Sanchar Bhavan,
Ashoka Road,
NEW DELHI

(THROUGH PROPER CHANNEL)

Subject: Promotion to J.A.G. Level.

Respected Sir,

Two vigilance cases detailed below were initiated against me by the Department:

- 1) No.8/9/88 VIGII dated 26/9/88,
- 2) No.8/23/88 VIGII dated 26/9/88.

The inquiries by C.V.C. in respect of both the above cases have been completed. During the course of inquiries it was clear that the charges could not be established against me and my exoneration in both the above cases is certain. It is expected that by now the Inquiry Reports from the C.V.C. would have been received by the P.O.T. I request, your kind honour, to get the reports processed & issue necessary Clearance Orders so that my promotion to J.A.G. Level which has been heldup for a very long time may kindly be given effect to.

I shall be highly thankful for this favour.

DATED: 06/06/1991.
PLACE: R A J K O T

Yours faithfully,

(O. D. TYAGI)

True Copy
Ann

From,

O.D. Tyagi,
AGM (Engg), Staff No. 679,
O/o GMTD,
RAJKOT 360 001.

To, (THE ONLY PROPER CHANNEL)

The Chairman,
DOT, Sanchar Bhavan,
New DELHI.

Date : 4-9-91


Sub : Promotion to Junior Administrative Grade

Respected Sir,

Kindly refer my presentations dated 10-1-90, 3-5-90 and 6-6-91 (copies enclosed). I have been issued charge sheets on 20-9-88. These cases are still not decided. Due to the pendency of these cases I have been overlooked three times in getting the promotion to Junior Administrative Grade. My juniors have been promoted since long. I request your honour, to clear my promotion, giving me financial benefits with effect from 13-12-89 (It is the date on which my junior Shri A.K. Mehra, Staff No. 723 was promoted in Gujarat Telecom Circle, in addition to the period of my officiating promotion during 1984, 1985 and 1986).

I shall be highly thankful for the favour.

Yours faithfully,


(O.D. TYAGI)

Encl :

1. Copies of the presentation (three letters)
2. Copy of the letter dated 13-12-89.
3. Copy of the seniority list vide Blue Book, 1985.

True Copy
On
File.

(91)

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE
----- TRIBUNAL, AHMEDABAD BENCH AT AHMEDABAD. -----

ORIGINAL APPLICATION NO. 71 OF 1992

Om Dutt Tyagi. . . Applicant

V/s.

Union of India & Ors. . . Respondents

Written Reply on behalf
of the respondents.

I, *J. L. Khare*
working as AGM(DI) with the respondent
No. 3 herein, do hereby state, in reply to
the aforesaid original application, as under:

1. I am conversant with the facts of the case and I have perused the relevant papers and files pertaining to the matter and I am authorised to file this reply. I am therefore, competent to file this reply on behalf of the respondents.

2. At the outset I say and submit that the application is misconceived, untenable and requires to be rejected.

3. At the outset I say that no part of the application shall be deemed to have been admitted by the respondents unless specifically stated so hereinafter. All the statements, averments and allegations contained in the application shall be deemed to have been denied by the respondents unless specifically admitted by the respondents hereinafter.

4. In reply to para-III of the application, I say that the applicant's non-promotion is just, proper and legal and the same cannot be challenged before this Hon'ble Tribunal.

5. In reply to paras-IV and V of the application, I say that this Hon'ble Tribunal has no jurisdiction to entertain the present application and the application is not filed within the period of limitation prescribed under the law. I further say that the application is premature as the decision of the disciplinary case against the applicant is still pending.

6. In reply to para-VI(1)&(2) of the application, I say that the applicant was rightly not promoted to the post of Junior Administrative Grade (JAG) on account of the fact that he is not found fit as yet for being promoted to the said post. I say promotion to the post of JAG is to be given on the basis of seniority subject to fitness. I say that the

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applicant's case was considered by the Selection Committee whose findings were duly approved by the Appointing Authority. The Selection Committee had found the applicant not yet fit for promotion on account of the departmental proceedings with respect to serious charges pending against the applicant. I say that the applicant's case will be considered again by the Selection Committee/DPC when it meets for the purpose.

7. In reply to paras-VI(3),(4)&(5) of the application, I say that two separate memorandum of charges under Rule 14 of the CCS (CCA) Rules, 1965 bearing No.8/23/88/Vig(iii) dated 26.9.1988 and 8/8/88-Vig,II dated 26.9.1988 were issued to the applicant. The first memorandum of charges was issued to the applicant for the alleged irregularities committed by him as a member of the Stores PURchase Committee in the local purchase of air coolers. An oral inquiry was held in accordance with the prescribed procedure and the disciplinary authority, after considering the findings of the inquiry authority, the records of the inquiry and other facts and circumstances relevant to the case, ordered that the applicant be exonerated of the charges levelled against him, vide order No.8/23/88-Vig.II dated 27.9.1991. The second memorandum of charges No.8/9/88-Vig.II

dated 26.9.1988 was issued to the applicant for alleged irregularities committed by him in the local purchase of pedestal fans and operator's chairs while officiating as Director Telecom, Rajkot during the period from April 1986 to August 1986. In this case also an oral inquiry was held in accordance with the prescribed procedure. A copy of the report of the Inquiry Authority was furnished to the applicant to enable him to make such representation as he might wish to make against the findings of the inquiring authority but only on the basis of evidence adduced during the inquiry. The applicant submitted his representation dated 30.10.1991 which is being considered by the disciplinary authority in consultation with the UPSC, as per the prescribed procedure. Final orders in this case are to be issued shortly.

8. In reply to para-VI(6) of the application, I say that contents of the same are incorrect and I deny the same. I say that the applicant was rightly not promoted to the post in question on account of the above mentioned charges pending against him. I say that there is no question of superceding the applicant. It is denied that the applicant's case has not been considered by the authority. I say that even for ad hoc promotion the

(23)

Vigilance clearance is necessary and therefore, the applicant cannot be promoted even on ad hoc basis in view of the aforesaid circumstances. The applicant's contention regarding his juniors being promoted is therefore, wholly irrelevant. I deny that the applicant has been superceded in the matter of promotion by his juniors.

9. In reply to para-VI(7) of the application, I say that there has been no avoidable delay in the finalisation of the two disciplinary cases against the applicant. In fact one of the two disciplinary cases against him has already been finalised and final order issued vide No.8/23/88-Vig.II(ii) dated 27.,9.91 as already stated above. As far as the other disciplinary case against the applicant is concerned, an oral inquiry was held in accordance with prescribed procedure giving the charged officer full opportunity of defence and taking care not to violate any of the principles of natural justice. On receipt of the inquiring authority's report the disciplinary authority considered the same and a copy thereof was furnished to the applicant in accordance with the prescribed procedure, to enable him to make such representation as he may wish to make against the findings of the inquiring authority but only on the basis of evidence adduced during the inquiry. The applicant

submitted his representation dated 30.10.1991 against the findings of the inquiring authority and the same is being considered by the disciplinary authority in consultation with the UPSC as per the prescribed procedure. Final orders in this case will be issued without any avoidable delay. I further say that the Departmental Guidelines for speedy disposal of departmental inquiries cannot be mandatory nor can vitiate the inquiries.

10. In reply to para-VI(8)(i) of the application, I say that the applicant was rightly not promoted in view of what has been stated hereinabove. I deny that the action is illegal, bad or contrary to law.

11. In reply to para-VI(8)(ii) of the application, I say that the contents of the same are incorrect and I deny the same. I say that the applicant is not promoted as vigilance case which can lead to major punishment was pending against him. I say that the applicant cannot be permitted during the pendency of such disciplinary case. I deny that applicant is denied promotion on irrelevant or extraneous consideration or that the same is arbitrary, discriminatory or violative of Articles 14 and 16 of the Constitution of India. I deny that applicant is entitled

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to be promoted to the post of JAG as contended.

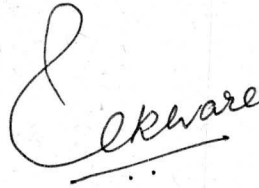
12. In reply to para-VI(8)(iii) of the application, I say that the contents of the same are incorrect and I deny the same. I deny that the Department has unduly delayed inquiry against the applicant.

13. In reply to para-VI(8)(iv) of the application, I say that the applicant is rightly not promoted on account of the aforesaid facts.

14. In reply to para-VI(8)(v) of the application, I say that the contents of the same are incorrect and I deny the same. I deny that action of the respondents is bad, illegal and contrary to the Government Policy or against the Rules. I say that the charges are denied since the promotion to JAG of ITS Group 'A' are on the basis of seniority ~~and~~ subject to fitness. The officer's contention that so many of his juniors have been promoted but his claim has been ignored, is not tenable. in view of the fact that the applicant's case was duly considered along with his juniors by the Selection Committee whose findings were duly approved by the appointing authority. The said Selection Committee assessed the applicant as "Not Yet Fit".

15. In reply to paras-VII and VIII of the application, I say that the reliefs prayed for therein cannot be granted. I say that the application is required to be rejected and no interim relief should be granted.

Ahmedabad,
Dt. 30-4-1992.



(J.L.KHARE)

Verification

सहायक महाप्रबंधक (वि. सांघ)

Asstt General Manager (D.I.)

कार्यालय: मुख्य महाप्रबंधक दूरसंचार

O/O the Asstt General Manager Telecom

गुजरात सर्किल, अहमदाबाद-380009

Gujarat Circle, Ahmedabad-380009

I, J.L. Khare, A.G.M. (D.I)

do hereby verify and state that what is stated above is true to my knowledge, information and belief and I believe the same to be true and I have not suppressed any material fact.

Ahmedabad,
Dt. 30-4-1992.



(J.L.KHARE)

सहायक महाप्रबंधक (वि. सांघ)

Asstt General Manager (D.I.)

कार्यालय: मुख्य महाप्रबंधक दूरसंचार

O/O the Asstt General Manager Telecom

गुजरात सर्किल, अहमदाबाद-380009

Gujarat Circle, Ahmedabad-380009

Amit Kureshi
1.5.92
Ad