

(See rule 114)

OA/TA/RA/CP/MA/PT72/96.....of 20.....

Versus

U.O.G. Respondent(S)

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
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5	Power	15
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Certified that the file is complete in all respects.

Signature of S.O.

Signature of Deal. Hand

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Central Administrative Tribunal

Circuit Bench, Lucknow

Date of Filing

Date of Receipt

5/3/90

Registration No. 72 of 1989 (2)

Dep. Secy. (Adm.)

APPLICANT(S) R. P. Kaushal

RESPONDENT(S) C. C. T.

Particulars to be examined

Endorsement as to result of examination

1. Is the appeal competent?
2. a) Is the application in the prescribed form?
b) Is the application in paper book form?
c) Have six complete sets of the application been filed?
3. a) Is the appeal in time?
b) If not, on how many days it is beyond time?
c) Has sufficient cause for not making the application in time, been filed?
4. Was the document of authorisation/acknowledgement been filed?
5. Has the application accompanied by R.O./Postal Order for Rs. 50/-
6. Has the certified copy/copies of the order(s) against which the application is made been filed?
7. a) Have the copies of the application/referred to by the applicant and mentioned in the application, been filed?
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and submitted accordingly?
c) Are the documents submitted to in (a) above neatly typed in double column?
8. Has the index of documents been filed and paginated properly?
9. Have the chronological details of representation made and the date of such representation been indicated in the application?
10. Has the matter arisen in the application pending before any court of law or any other Bench of Tribunal?

Yes

Yes

Time Sels + Two Respects

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

No

<u>Particulars to be Examined</u>	<u>Endorsement as to result of examination</u>
11. Are the application/duplicate copy/spare 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	
Nos. _____ pages Nos _____ ?	
13. Have the file size envelopes bearing full addresses of the respondents been filed ?	No
14. Are the given address the registered address ?	Yes
15. Do the names of the parties stated in the copies tally with those indicated in the application ?	Yes
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?	No
17. Are the facts of the case mentioned in 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. Are the particulars for interim order prayed for indicated with reasons ?	Yes
19. Whether all the remedies have been exhausted.	Yes

ginesh/

6/3/90

Hon. J. P. Sharma, J.M.

Issue notice to the opposite parties respondent to file their reply within 2 weeks. Interim relief desired by the applicant, if allowed will mean allowing the application itself, where no bias has been shown or alleged or relied in arguments by the learned counsel against the transfer authority.

list for final hearing on 14.3.90.

Decree
J.M.

D

Decided Copies
for Respondents 1 to 3

S. S. S. S.
(D.S.P. and D.H. J.A.)
S.C.S.C.
8-3-90

OR
L/c for the applicant
has filed CM 133/90
for amendment.

Case is fixed on
14.3.90

S F O

L
6/3

8/3/90

Hon. Mr. J. P. Sharma, J.M.

The applicant moved an application for amending original application dated 5/3/90. The learned counsel for the respondent, Shri D.S. Randhawa, senior standing counsel at present and he did not oppose this amendment application. This amendment application is allowed. Let it be incorporated in the original application and a copy of the amendment application may also be filed along with the duplicate to be given to the respondent.

Regarding interim relief, it is

P.T.O.

23.3.90

(AM)
O.A. 72/90

Hon. D.K. Agrawal, J.M.

Hon. K. Obayya, A.M.

Mr. C.L. Bashir for applicant.

The question of ad-interim relief has already been considered by a single Judge of this Tribunal on 8.3.90. However, a direction was made that a representation of the petitioner dated 26.2.90 be disposed of. There was a doubt whether the representation dated 26.2.90 was actually ~~received~~ submitted by the petitioner. It is contended that the petitioner has submitted another representation dated 16.3.90 to the Director, C.B.I., C.G.O. Complex, Block 3, Lodhi Road, New Delhi. The learned counsel for the petitioner seeks a direction to the competent authority that is the Director, C.B.I., New Delhi for disposal of the aforesaid representation dated 16.3.90 at a very early date. The learned counsel also seeks a direction that the petitioner be transferred to non-touring job, preferably at Delhi where a number of posts are available to accommodate him as Inspector and in case it is not at all possible to be accommodated at Delhi, he may be accommodated at some other convenient station other than Chandigarh. We consider that the request made by the petitioner in the circumstances of the case, is genuine. We therefore, direct the respondents that the Director, C.B.I., Govt. of India to dispose of the representation of the application dated 16.3.90 at a very early date and transfer him as far as possible to one of the non touring post at Delhi and in case it is not possible at all to accommodate the petitioner at Delhi, he may be accommodated at a place where the petitioner may be able to meet the needs of his family.

Copy of the order may be given to the counsel for the petitioner, as desired.

Shakeel/

[Signature]
A.M.

[Signature]
J.M.

52
No. 2A filed

S.P.A.

9/5/90

(AS)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH AT LUCKNOW

O.A. NO. 72/90 (L)

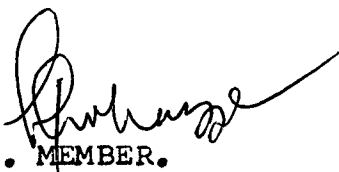
Rakesh Prakash Kausal		Petitioner.
	Versus	
Director C.B.I. & Others		Respondents.

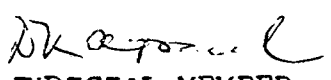
Hon. Mr. D.K. Agrawal, J.M.

Hon. Mr. K. Obayya, A.M.

Shri. C.A. Basir, learned counsel for the applicant has made endorsement on the petition that the authorities have given him the due relief. Therefore, he wants to withdraw his petition. The petition is dismissed as withdrawn without any order as to costs.

The copy of the order may be given to the counsel for the applicant as desired.


ADM. MEMBER.


JUDICIAL MEMBER.

Dated: 8.5.1990

sd.

(A6)
S. 3 10
12

In the Hon'ble Central Administrative Tribunal
(Circuit Bench), Lucknow.

Application no. 72 of 1990. (C)

Nakesh Prakash Kaushal Applicant.

Versus.

Director Central Bureau of Investigation,
and others Respondents.

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Lucknow Dated:

5/3/1990.

Reballe
Advocate,
Counsel for the Applicant.

Marked for
C-3 90
5/3/90
C-3 90
5/3/90

AT
5.3.50

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS
ACT, 1985

GA 72/90 (2)

FOR USE IN TRIBUNALS' OFFICE

Date of filing	
or	
Date of Receipt	
by post	
Registration No.	
Registrar	

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ADDITIONAL BENCH AT LUCKNOW

Between

Rakesh Prakash Kaushal

Applicant

And

Director, Central Bureau of
Investigation, Government of
India, Block 3, Lodi Road,
New Delhi & two others.

Respondents

DETAILS OF APPLICATION

1. Particulars of applicant

i. Name

Rakesh Prakash Kaushal

- 1.

Y.

-

10



- i. Order No. A.20014/217/77.A.I
Office order no. 170/1990
- ii. Date 16th February, 1990
- iii. Passed by Sri Purn Chandra,
Assistant Director
(Establishment)/C.B.I. with
the approval of J.D.(AE)/CBI
- iv. Subject in Brief Order dated 16.2.90
transferring the applicant
A.P. Kaushal, Inspector of
Police, C.B.I., Lucknow Region
to Coordn. Cell, Chandigarh
with immediate effect in
public interest in the same
capacity.

4. Jurisdiction of the Tribunal-

The applicant declares that the subject matters of the order against which he want redressal is within the jurisdiction of the Tribunal.

5. Limitation -

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

6. Facts of the case are given below -

- a. The applicant was transferred from Central Bureau of Investigation, Bangalore Branch to Lucknow on compassionate grounds arising from the ~~xxxx~~ death of his wife, in June, 1987.
- 

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-4-

- b. The applicant had at the time of his wife's death two minor children aged about 8 and 4 years respectively.
- c. The above transfer from Bangalore to Lucknow was ordered on the applicant's request.
- d. Since there was no one else except his mother aged about 80 years, he had to re-marry in the year 1988 to look after his two minor children.
- e. The ~~second~~ second wife of the applicant delivered a female child in July, 1989 but within two months of the birth of the female child, the applicant's wife became a prey of mental disorder (post-partum psychosis) and since then is under going medical treatment at the K.G. Medical College, Lucknow.
- f. The applicant's second wife is still seriously suffering from the aforesaid disease and is not in a position to be shifted as her shifting is likely to affect her treatment.
- g. The applicant had to file writ petition no. 6765 of 1983 in the High Court(Lucknow Bench), Lucknow which is now before this Hon'ble Tribunal as T.A. No. 1233 of 1987 and is fixed for hearing on 22nd March, 1990.

11

(PM)

-5-

h. The Director, Central Bureau of Investigation New Delhi and the Deputy Director (Administration), Central Bureau of Investigation, New Delhi are opposite parties in the said case.

i. On 31.8.1984, a Division Bench of the High Court passed a detailed order in writ petition no. 6765 of 1983 permitting the applicant to provisionally appear at the interview for selection though his application for selection on the said post was not being forwarded by the Central Bureau of Investigation Organisation authorities.

j. The authorities became biassed and prejudiced against the applicant on that account.

k. Apart from the above the local authority under whose administrative control, the applicant is working, issued memos requiring him to submit his replies clarifying his position. The explanations submitted by the applicant somehow became biassed and threatened to cause harm to his career.

l. The applicant submitted a detailed representation against the impugned order of transfer to the Director, Central Bureau of Investigation, Special Police Establishment, New Delhi through proper channel but the same has not yet been disposed off.

8

(M2)

-6-

m. The applicant has come to know that orders relieving him are being passed within a day or two.

7. Reliefs sought -

In view of the facts mentioned above in paragraph 6, the applicant claims for the following reliefs :-

- i. The order no. 170 of 1990 transferring the applicant from Lucknow to Chandigarh be kindly quashed and set aside.
- ii. The opposite parties be directed to continue the applicant on the post of Inspector, Central Bureau of Investigation at Lucknow.

Grounds

A- Because the applicant was transferred from Bangalore to Lucknow in June, 1987 on his own request on compassionate grounds which still exists in an aggravated form.

B- Because the applicant having been transferred on his own request and the grounds on which he was transferred being still in existence, it is not open to the Joint Director to transfer him to Chandigarh even before the expiry of 3 to 5 years.



415

-7-

C- Because the transfer of the applicant at this stage will adversely affect the continuous treatment, which the applicant's wife whom he married after the death of his first wife, is undergoing at the K.G. Medical College, Lucknow.

D- Because the children of the applicant will suffer irreparably as there is no one else in the family of the applicant except his 80 years old mother to look after them.

8- Interim order prayed for -

Pending final decision on the application, the applicant seeks the relief to the effect that the operation of the order no. 170 of 1990 dated 16-1-1990 be stayed.

9- Details of remedies exhausted

The applicant had no other remedy except to file a representation to the Director, Central Bureau of Investigation, New Delhi but the decision on the same has not been communicated him.

10- Matter not pending in any Court etc.

The applicant further declares that the matter regarding which this application has been made, is not pending in any court of law or any



AM

-8-

other authority or any other bench of the Tribunal.

11. Particulars of the Bank Draft/Postal order in respect of the application fee-

- i. Name of Bank on which drawn
- ii. Demand Draft No.

or

- i. Number of Indian Postal order 802409871
- ii. Name of issuing post office Hgt Cant Post office
- iii. Date of issue of postal order(s) 5.3.90
- iv. Post office at which payable H.C. Post office

12. Details of Index

- i. Order No. 170 of 1990 dated 16th February, 1990
- ii. Representation dt. 26.2.90 made by the applicant to the Director, C.B.I. alongwith ~~its~~ all its enclosures.

13. List of enclosures

- i. Order No. 170 of 1990 dated 16.2.90
- ii. Representation dt. 26.2.90

I, Rakesh Prakash Kaushal, son of Sri P.S. Shama, aged about 38 years, working as Inspector, C.B.I. resident of 509/111, Old Haidrabad, Lucknow do hereby verify that the contents of paragraphs 1 to 11 are true to my personal knowledge and belief and that I have not suppressed any material fact.

Rakesh Prakash Kaushal
Signature of applicant

PCF/111
AM

बअदालत श्रीमान

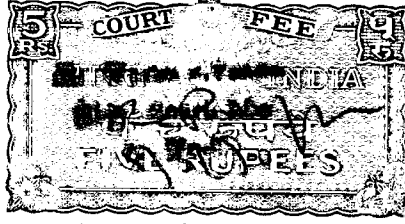
Central Administrative Tribunal Allahabad
Lucknow

महोदय

वादी (मुद्दई)
मुद्दई (मुद्दालेह)

R. P. Kausal
का

वकालतनामा



R. P. Kausal

Director बनाम B. I. Sharma

प्रतिवादी (रेस्पान्डेन्ट)

नं० मुकद्दमा

सन १९९० पेशी की ता०

१९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Shri R. C. BAJPAI & Son, Lawyers
Advocate

वकील

एडवोकेट

महोदय

Lucknow

को अपना वकील नियुक्त करके (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूं कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा। अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

नाम अदालत
नं० मुकद्दमा
नाम फरीकन

हस्ताक्षर

(Signature)

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९९० ई०

116
9
11
ANNEXURE no 1
NC.A.20014/217/77.AD.I

C.B.I., Govt. of India

Block No.3, Lodi Road, New Delhi

OFFICE ORDER NO. 170/1990

16-2-90

Shri R.P.K.ushal, Inspector of Police, CBI, Lucknow Region is transferred and posted in CBI Coordn.Cell, Chandigarh in the same capacity with immediate effect in public interest.

This issues with the approval of JD(AE)/CBI.

~~(PURAN CHAND)~~
ASSTT.DIRECTOR(ESST.)/CBI

Copy to:-

1. DIG/CBI/Lucknow Region, Lucknow. Shri R.P.Kaushal, Inspr may please be relieved immediately to join Coordn.Cell, Chandigarh under intimation to this office.
2. DIG/CBI/Chandigarh Region, Chandigarh. The date of joining of Sh.Kaushal, Inspr. in the Coordn.Cell may please be intimated to this office.
3. AIG(NE) CBI/New Delhi w.r.t.his UO No.430/3/36/87/LKO dt.24.1.90.
4. Sr.PAS to JD(NE)/JD(AE) CBI/New Delhi
5. SP/CBI/Lucknow.
6. PAS to DD(A)/AD(E)/CBI/New Delhi.
7. A.O./PAC/CBI, New Delhi.
8. DPC Cell/CBI/H.O.
9. Shri R.P.Kaushal, Inspr. through DIC/CBI/Lucknow Region
10. Office Order File(AD.I Section).

~~(PURAN CHAND)~~
ASSTT.DIRECTOR(ESST.)/CBI

True copy

Res

To

ANNEXURE NO. 2

The Director
Central Bureau of Investigation
Special Police Establishment
New Delhi

Through proper channel

Sub: - Cancellation of Transfer order

Sir,

Kindly refer office order No. 170/1990 dated 16.2.90 issued by Asstt. Director (ESTT) CBI/N. Delhi (Copy enclosed as Annexure I). vide this order I have transferred from CBI Regional office, Lucknow to co-ordin. cell Chandigarh in the same capacity.

In this regard I shall like to draw your kind attention that in 1987 June I was transferred from CBI Bangalore branch to Lucknow on the compassionate ground of the health of my wife who left behind her two minor children of about 4 and 8 years respectively. I appeared before your honour who was functioning ^{then} as J.D.(S) considered my case sympathetically and transferred me to Lucknow. I was compelled by the circumstances to remain keeping in view two minor children and aged mother of 80 yrs. I was remarried in 1988.

My wife blessed with a daughter in July 1989 and in the last week of Sept. 1989 she became victim of mental disorder (Postpartum psychosis) and since then she is undergoing medical treatment at K.G. Medical College Lucknow and I also consulted AIIMS, New Delhi. I gave a representation addressed to your honour with reference to above mental illness of my wife through proper channel requesting them for my

- 2 -

Jha

True copy

posting in the Regional Office Lucknow. I also appeared before worthy D.G. Lucknow Region and shown him the prescriptions of treatment and explained the position who was very kind after considering my case sympathetically posted me in the Regional Office Lucknow (posting order copy enclosed as annexure II).

The doctors attending on her have advised the close supervision over the behaviour and effects of treatment for about a year. The close supervision is to be taken by one male member of the family. Unfortunately there is no male member except me in the family who can perform the required close supervision. The three minor kids and ailing mother aged about 80 yrs. also need the presence and assistance of mine. At this critical juncture when there is mid-session of schoolgoing children and the treatment of a mental patient is at a crucial stage

this transfer order has shocked me. According to result Psychiatrist change of place and doctor may further complicate as it take months together to understand the behaviour of mental patient for the treatment. Prescriptions of her treatment of K.G.M.C. are enclosed herewith as Annexure III).

The endorsement at S No. 3 mentioned in office order No 170/1990 dt. 16.2.90 (Annexure I) shows that there is an U.O. No. 430/3/36/87-Hko. dt. 24.1.90. Though I am not aware about said U.O. but in the said case which was on my file for investigation the SP/61/Lucknow had issued memos and I had submitted my replies clarifying my position which were duly considered by the D.G./LR/Lucknow. Copies of the memos

True copy

(A19)

(12)

and my submissions thereto enclosed herewith for ready reference (Annexure IV). These would show that SP/CBI/Lucknow was biased for the reasons known to him and was planning to cause harm to my career and family which has resulted issue of this transfer order as apprehended by me in my replies of the memos.

Keeping in view the facts and present critical family circumstances as submitted above it is most humbly prayed that my case may kindly be considered sympathetically and my transfer order issued by office order No. 170/1990 dt. 16.2.90 may please be cancelled on compassionate ground so that I may be able to continue the treatment of my wife at Lucknow.

For this act of your kindness I and the members of my family shall ever be grateful to you.

Thanking you

26.2.90

Yours faithfully

R. P. Kaushal

(R. P. Kaushal)

Inspector ICBI/SPE, LKO-Region
Lucknow.

Copies in advance forwarded for information and necessary action to :-

1-The Director, ICBI/SPE, New Delhi

✓ 2- Jt. Director (NE), ICBI / N. Delhi.

llb

True copy

D

Annexure II

Office of the Director, No. 605/89 (1987)

(13)

In pursuance of P.O. Order No. 4150/7
LAC/IN dated 22/11/89, the services of Sri
Kaushal, Inspector, IAS, who is placed at
disposal of Regional LAC/IN 1/89. ~~which~~ vi
Sri Vijal Kumar, SI with immediate effect.

Sri M. Kaushal will complete the
investigation of the cases already entrusted
him and for which he will be answerable to

Inspector

MA

Supdt. of Police
CBI/BIH/Lucknow

A20

To

The Director,
Central Bureau of Investigation
Special Police 1st Division,
Lucknow.

Through proper channel

Sub: Requesting as Inspector in the Regional Office,
C.B.I., Lucknow Region, Lucknow.

Sir,

Respectfully it is submitted that my wife is suffering from mental disorder (Post-partum psychosis) and is undergoing treatment at the specialist of A.M. Medical College, Lucknow and All India Institute of Medical Sciences, New Delhi (Prescriptions and certificate of doctors enclosed). The doctors attending her have a view the close supervision over the delinquent and off and for about a year. The close supervision is to be taken by one male member of the family. Unfortunately there is no male member except me in the family who can perform the required close supervision. The three minor kids and the ailing mother aged about 65 years also need the presence and assist care of mine. Being posted in the Branch, where every minute has to be undertaken, it is not practically possible for me to perform the duties and provide proper medical care to the wife as well as to the mother and to look after the children. Having in view the above referred compelling circumstances, I am writing for leave to be kindly posted in the Regional Office, C.B.I., Lucknow as Inspector, therefore I can discharge my official as well as family obligation properly to the best of my capacity.

It is requested that your good office will consider my request for my posting on leave for the Regional Office, CBI Lucknow. For it is kind that I and my family shall remain grateful to you.

With profound regards,

Yours faithfully,

Encl: As above.

(H.P. Khandelwal)
Inspector, CBI/1st, Lucknow.

True copy
[Signature]

Annexure III 'A'

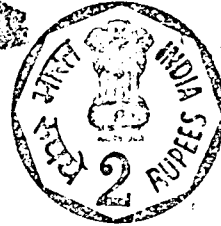
422

(15)

GANDHI MEMORIAL & ASSOCIATED HOSPITAL
LUCKNOW D. S. C. Tiwari

REGISTERED. No. 79836

G.P.D. Registration No. 4069/89



Book No. 797

Date of Issuance

Date of Validity

Name: S. Age: 34 Sex: F

Address: 20/10/10

Provisional Diagnosis: 1st stage of ...

Date

TREATMENT ADVISED

Case seen by Dr. S. C. Tiwari

Tab. Norelone	10	1/2	1/2	1
Tab. Kinidin (500)	1	1/2	1	
Tab. Mefen (500)	1	1	1	X
Tab. ...	1	1	1	2

Signature

Referred to Section

Initial of Clinician

दाखिल होकर यह में दाखिल हुए जाया सुपरिन्टेन्डेंट या विभागाध्यक्ष से समझें।

True copy

2

206

Ing. Serenace 2 Amps
+

27. Phenargan 1 Amp

1ml BD

> 10 days

~~26/9/89~~

26/9/89

8/1/90

1 Tab. Espazine (5mg)

1

1

2

1 Tab. Klenadin (5g)

1

1/2

1

2 Tab. Ativan (2mg)

X

X

1

X 3 weeks

~~8/1/90~~

8/1/90

bb

True copy

~~8/1/90~~

Annexure III

A24

17

P. E. C. TIWARI
M. D. (Psychiatry)

CONSULTANT NEUROPSYCHIATRIST

Department of Psychiatry,
G.'s Medical College
Lucknow-226 003
P.O. : 82415.

Gandhi Memorial
and
Associated Hospitals
Lucknow-226 003

Date 28-1-90

For

MRS. Kusum Kausal.

x = Tab. Espazine (57)

x x 2

= Tab. Kemadrin (57)

1 x 1

x 10 days

= Tab. Ativan (1mg)

x x 1

= Tab. Espazine (57)

x x 1

= Tab. Kemadrin (57)

x x 1 1/2

= Tab. Ativan (1mg)

x x 1

x 10 days

Residence : J-2/1, Dalibagh Colony (Near Times of India Press) Lucknow-226 001
Consultation : DAILY - 5.00 P. M. to 7.00 P. M. (Saturday Closed)
SUNDAY - 8.00 A.M. to 11.00 A. M.

Ph. : 35503

248399

True copy

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Annexure IV

125

18

No. 378/ST/Memo/89/CBI/LKO.

Dated: 2.2.90

M E M O

Sub: RC 36/37-LKO. against SRI R.F. Roy, the then
Chief Manager, Allahabad Bank, Mirzapur & Others.

RC 36/37-LKO. was registered on 14.7.87 and
investigation of this case was entrusted to SRI A.F. Kaushal,
Insp.

It is observed that more than two years had elapsed
before most of the relevant documents of the case were
collected by SRI A.F. Kaushal. Besides he could not do as
much as was expected from him. It is really highly objection-
able and deplorable on his part. He is therefore required
to submit his explanation in this regard.

His explanation must reach the undersigned within
15 days of the receipt of this memo.

(Signature)
(S.O. Sinha) 2.2.90
Supdt. of Police/CBI, SFE,
Lucknow.

SRI A.F. Kaushal,
Insp./CBI/SFE
Lucknow.

Truecopy

RAC

To,

The Supdt. of Police,
CBI/SPE,
LUCKNOW.

Sub: Reply of Memo No.378/ST/Memo/89/CBI/LKO.
dated 2.2.90 in RC 36/87-LKO.

Sir,

Kindly refer to your Memo mentioned above asking my explanation. In this regard my submission is as under:-

That all most all the relevant available documents from all the concerned authorities in India have been collected by me long back. A crucial investigation was to be conducted at Canada for which a part investigation has already been sent through Interpol Division. Result of part Investigation from Canada is awaited on the basis of which expert Opinion has to be obtained.

It is worth mentioning here that prior to registration of this case enforcement officer of the enforcement Directorate, Varanasi conducted search at Office cum residential premises of the suspects (Pvt. parties) on 20.9.86 and seized all the relevant documents vide their seizure memo dt.20.9.86 Annexure 'A'. This fact has further been confirmed from the scrutiny of the documents collected from the suspect and from their examination. This fact has also brought in the knowledge of worthy LIC/LR in the report of Insp. Ashok Babu vide para 2 of dt. 1.1.87. *prior to registration of this case*

Further to confirm this fact a letter was sent to Asstt. Director, Enforcement Directorate Varanasi

.....2/-

RC

True copy
[Signature]

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who vide his letter No. T-4/18/NSI/87/T/78 dt.11.1.90 has stated in para 4 available at P52/CIII of the file mentioning therein that since the captioned matter is still pending for adjudication before the special Director of Enforcement, New Delhi and the seized documents have been relied upon in issuing Memorandum No. T-4/11-SU/6/87(S.M-1 dt. 14.8.87, the documents asked for can not be handedover at this stage.

It is further important to worth mention here that I was conducting the investigation of the cases entrusted to me strictly as per Orders and direction of SPC issued from time to time photostat copies of Order No.4193 dt.16.8.88, 5095 dt.23.10.88 and 1185 dt.15.3.89 marked Annexure B C & D respectively are enclosed for kind perusal. I also conducted investigation of this case as per Orders/direction issued by You from time to time.

While waiting the result of Pant investigation from Canada I discussed the case with P.P. Sri S.K. Saxena from time to time and collected the relevant informations may be required in future. For obtaining the expert's opinion it was felt necessary to wait for the result of Pant investigation from Canada and original specimen signature card cum account opening form of the firm for which request was already sent to Chief Manager, Allahabad Bank, Mirzapur. Chief Manager Allahabad Bank, Mirzapur informed that the above document was sent to their H.O. for initiating the departmental proceedings against Sri R.K. Rai(S-1) who has since been compulsorily retired and will be sent to this Office immediately after its receipt.

.....3/-

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From the facts and the circumstances discussed above it is evident that there is no delay in this case on my part and I have not left any stone unturned to collect all the available relevant documents except the things which are beyond my control viz. Result of part investigation from Canada. Further to add that all these facts/development of the investigation I brought to your kind knowledge during the personal discussion and progress report of this case from time to time.

Submitted for kind perusal.

Encl: As above

(R.P. KAUSHAL)
INSPECTOR/CBI/SPE/LKO.Re:n.
LUCKNOW.

Copy to:

(1) PIC/LU/LUCKNOW.

(2) Jt. Director (LKO) New Delhi

for information

(R.P. KAUSHAL)
INSPECTOR/CBI/SPE/LKO.Re:n.
LUCKNOW.

True copy

(G. 50) (1)

ENFORCEMENT DIRECTORATE
(Foreign Exchange Regulation Act)
GOVERNMENT OF INDIA
36, Gandhi Nagar, Sagra
Varanasi

(A29) (29) (10)

SEIZURE MEMO

Data, 20-9-86

Time: From 9 AM To 12 noon

Place: Business of Mr. Tejpal Singh & Co. in the
Attorney and partners of Mission Compound, Dist. Mirzapur UP

Authority: Search Warrant No. VS/103/31 Dt. 17-9-86 issued by Shri O N

CHATTOPADHYAY Assistant Director, Enforcement
Directorate. Govt. of India, Varanasi under Section 37 of the Foreign
Exchange Regulation Act 1973. (46 of 1973)

Search attended by: Sri Asim Kumar

Son of Sh. Subhai Ram

Residents of Patel Nagar, Tejpal Singh & Co. Dist. Mirzapur

Name and addresses (i) Sri Kant Singh

of the witnesses Son of Sh. Kant Singh

witnessing the Residence of Patel Nagar

search: _____

(ii) Sri M. K. Singh

Son of Sh. Kant Singh

Residents of Patel Nagar

Particulars of Documents Seized

Sl. No.	Description of Documents	Containing Pages	Marked as	Places from where seized
1	2	3	4	5
①	Crc pl - 2100 m	cl to 97	A	[Signature] [Date]
②	Handwritten B.R. 100	cl to 78	B	
③	one pl - do -	cl to 88	C	

Before commencement and after conclusion of the search, the officers of Enforcement Dept. offered their personal search which was denied by the police. The whole search was carried out in a peaceful manner and no damage was caused either to any person or property.

Signature of Officer

Signature of Officer

① 20/9/86

② 20/9/86

(M. H. KHAN)
Enforcement Dept.
Dist. Mirzapur

True copy

Annexure 'B'

(A30)

(23)

PROGRAMME OF WORK FOR DISPOSAL OF CASES UNDER INVESTIGATION DURING THE MONTHS OF AUGUST, SEPTEMBER, OCTOBER, NOVEMBER AND DECEMBER, 1983.

(15)

ORDER

The following cases mentioned against the names of Investigating Officers have been targetted for disposal from investigation during the months of August, Sept., October, November and December, 1983. These targets have been fixed after looking into the quantum of work in each case after discussion with the Investigating Officers concerned. It may be kept in mind that Head Office has fixed the target of 72 cases for disposal for the year 1983 for our Branch. We have so far disposed of only 34 cases in the end of July, 1983. We have yet to finalise 38 cases by the end of December, 1983. All the Investigating Officers are, therefore, directed to stick to the following schedule for disposal of cases during the month mentioned against each case :-

Investigating Officer.	August 1983	September 1983	October 1983	November 1983	December 1983
A.K. Mishra, I.I.	-	-	RC 1/83	RC 31/37	RC 60/37
T.N. Kapoor, I.I.	-	-	RC 37/37	-	RC 1/83 RC 2/83
B.F. Mishra, Sector	-	-	RC 12/83	RC 13/83	-
V.L. Srivastava, Sector.	RC 14/87 RC 11/37	-	-	-	-
D.L. Dwivedi, Sector	RC 32/87 RC 35/37 RC 55/87	RC 59/37 RC 33/37	RC 66/87	-	-
V.P. Arya, Sector	RC 42/37 RC 15/83	-	-	-	-
R.P. Kaushal, Sector.	RC 33/87	RC 30/87	RC 50/36 RC 62/87	-	-
S.P. Pandey, Sector	RC 61/87	-	RC 10/83	-	-
Asok Babu	RC 61/36 RC 62/36	RC 24/37	RC 62/37	-	-
M.L. Sharma	RC 63/36 RC 64/36	-	RC 44/37	-	-

Dis

True copy

10/11

Annexure 'c'

CONFIDENTIAL

No. 5095/3/5/33/CBI/ACB/LRO.

ORDER

20/10

Sub : Programme of work for disposal of cases under investigation during the period October, November and December, 1933.

The Head Office has directed me to proceed to S.V.F., M.P.A., Hyderabad for joining the 9th Training Administration Course during the period from 24.10.33 to 19.11.33. Thus I will not be available to the staff during this period upto 21.11.33.

2. In the last meeting with the Investigating Officers, we had chalked out a plan to dispose of the cases mentioned against each of the following Investigating Officers during the last quarter of the year 1933, so as to achieve the fixed targets of 72 cases for disposal of cases under investigation for the year 1933 for our branch. At present we are short of 26 cases for disposal under investigation and 13 cases for registration during this year :-

Sl. No.	Name of the I.O.	Cases to be disposed off during Oct., Nov. & Dec. 33
1.	Sri AK Mishra, Dy SP	PE 1/33, RC 60/37
2.	Sri T.N.Kapoor, Dy SP	RC 32/37, RC 1/33 RC 2/33
3.	Sri Vishwa Nath, Inspector.	RC 7/37 and RC 15/37.
4.	Sri Y.S.Yadav, Inspector	RC 4/37.
5.	Sri DC Dhillon, Inspector.	RC 1/37 and RC 15/37.
6.	Sri BS Mishra, Inspector.	PE 2/33, RC 1/33, RC 21/37, RC 32/37.

Per

Time 2/33

20/10

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No. 1185 / 16/1/89/LKO

15389

Memo.

Subject: Finalisation of Parliament Assurance cases.

The cases in which Parliament assurance is pending are still under investigation as mentioned below against each I.O. The concerned I.Os are hereby directed to finalise these case on priority basis and submit FR I by 15th of the targetted month to the undersigned.

[Signature]
Supt. of Police, C.I./S.E.,
Lucknow

1. S/Shri T.N.Kapoor, DSP
RC 1/88-LKO -31.4.89
RC 2/88-LKO -30.4.89
2. Shri Vishwa Nath, Insp. r.
RC 11/88 -31.5.89
RC 6/88 -31.3.89
3. Shri A.K.Sharma, Insp. r.
RC 10/88-LKO -31.4.89
4. Shri B.S.Mishra, Insp. r.
RC 9/88-LKO 30.4.89
RC 21/87-LKO -do-
RC 2/88-LKO -do-
5. Shri V.K.Privastava, Insp. r.
RC 4/88-LKO -30.4.89
RC 7/88-LKO -31.3.89
6. Shri V.L.Yadav, Insp. r.
RC 3/88-LKO -30.4.89
- ✓ 7. Shri R.P.Kaughal, Insp. r.
RC 38/87-LKO -31.4.89

True copy

[Signature]

Telephone : ENFERA, VARANAS
TELEPHONE : 64348

प्रवर्तन निदेशालय
Enforcement Directorate
विदेशी मुद्रा विनियमन अधिनियम
(Foreign Exchange Regulation Act)
वित्त मंत्रालय
Ministry of Finance
भारत सरकार
Government of India

36-गांधी नगर, सिगरा
36-Gandhi Nagar, Sigra
वाराणसी-221 010
Varanasi-221 010

CONFIDENTIAL
REGD. A.D.

Ref. No. T-4/18/NSI/87/T.

Dated 11th Jan., 1990.

To

The Superintendent of Police (By name),
SPE Division,
Central Bureau of Investigation,
LUCKNOW (U.P.).

Sub:- M/s. Teppichhaus Orient and Sri Asim Kumar,
Attorney.

Ref:- Your Office F.No.RC-36/87-LKO.

--- --

Sir,

Please refer to your office letter bearing No.159/
3/36/87-CBI/ACB/LKO dated 5.1.1990 on the captioned subject.

2. In this connection it is to inform you that Adjudication proceedings as contemplated under Section-51 of the Foreign Exchange Regulation Act, 1973 have already been initiated against the captioned firm, its partners Smt. Bittan Devi, Smt. Shakuntala Devi and Smt. Shiv Kumari and Sri Asim Kumar, Attorney for contravening the provisions of Sub-Sections (2) & (3) of Section-18 of the said Act by their failure to repatriate into India foreign exchange equivalent to Indian Rs. 27,91,305/- within the prescribed time limit in the prescribed manner.

3. Further, similar proceedings have also been initiated against their sister concern M/s. Overseas Carpet Palace, Mahant Shivala, P.O. Putlighar, Distt. Mirzapur (U.P.), of S/Sri Ramji Maurya, Ghanshyam Maurya, Paras Nath Maurya are partners and Sri Jata Shankar is working as Executive of the said firm.

4. Since the captioned matter is still pending for adjudication before the Special Director of Enforcement, New Delhi and the seized documents have been relied upon in issuing Memorandum No. T-4/11-SU/6/87 (SCN-I) dated 14.8.1987, the documents as asked for under your letter dated 5.1.1990 referred to above can not be handed over at this stage. However, if desired such documents can be provided for inspection by an Inspector of your Office.

Yours faithfully,

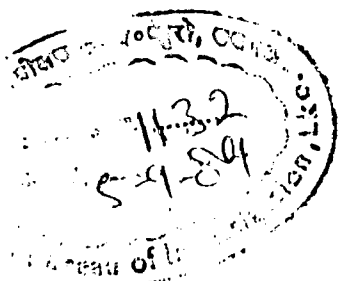
(S.K. PANDEY)
ASSISTANT DIRECTOR

ABV

Confidential

27

To



The Supdt. of Police
CBI/SPE,
Lucknow

Subject: Reply of Memo No. 3534/ST/Memo/89/
CBI/Ho dated 30.8.89

Sir,

Kindly refer to memo mentioned above.

In this memo you have mentioned. In this memo you have mentioned about your taking an adverse view of the language used by me in my reply (to your memo) dt. 25.8.89. You have further mentioned about my lack of knowledge regarding official communication addressed to an officer senior in rank.

In this context, I would like to mention that not a single word of my above mentioned reply can be treated as derogatory or disrespectful. Similarly the language can not be termed as unparliamentary. In fact your taking an adverse view of my reply further proves my point that for the reasons best known to you, you have developed a strong bias towards me and whatever I do, say or write is invariably taken adverse view.

As to lack of restraint I would like to point out that I am a confirmed employee of Govt. of

ABV

True copy

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- 3 -

shall write my ACK with biased viewpoint.
In fact I am even apprehending that you
are planning to implicate me in some false
case under these circumstances I am left with
no option but to defend myself fully.

yours faithfully

Sept 4, 1989.

R. P. Kaushal
(R. P. Kaushal)
Inspector CBI/SPE/Hko.

Copy to DIG/LR/CBI/SPE/Hko for info-
mation please along with copy of Memo No. 3534
ST/Memo/89/CBI/Hko dated 30.8.89.

R. P. Kaushal
(R. P. Kaushal)

True copy

de ✓

Sent by Regd Post

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Confidential

Receipt No - 350 dt. 29.8.87 BPO/Lko.

(29)

To

The Asstt. Insp. Gen. of Police (N.E.),
Central Bureau of Investigation
New Delhi

Subject: - RC 36(A)/87-Ho.

Through proper channel

Sir

Kindly refer to SP/CBI/Lucknow letter No. 4348/3/36/87/Ho. dated on the above mentioned Subject. I was going through this file in connection with the investigation and was shocked to go through this letter and the discussion note. The SP has twisted the facts in these documents and I consider it to be my duty to bring the true facts and real picture before your good self.

Prior to the arrival of Sri S.C. Sinha as SP/CBI/Lucknow this case was discussed so many times with two previous S.P. viz. S/Sri J.S. Pandey and R.P. Sharma. This case was also discussed with worthy D.I.G./Lko, Sri P.C. Srivastava I had been investigating this case so far as per the direction of my superior officers. Sri R.P. Sharma S.P. had given specific instruction to complete investigation of RC 30/87-Ho. first and then RC 38/87-Ho. as Parliament Assurance Case. Worthy DIG has also given his observations

Am

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SP has also mentioned that I.O. was scheduled to leave Calcutta on 30.6.89 this is again a misinformation as per my tour programme duly approved by SP I was to camp at Mirzapur w.e.f. 26.6.89 to 30.6.89 as such in no way could I have proceeded on 30.6.89. I had come back from Mirzapur on 28.6.89 and had reported the progress to the S.P. On 29.6.89 a letter was sent to Asst. Collector (Export), Custom, Calcutta by Speed post under the signature of the SP and it is clearly mentioned in this letter that I.O. shall contact him on 10.7.89/11.7.89. It will clearly prove that there was no programme for me to proceed to Calcutta on 30.6.89. Infact I was to proceed Calcutta on 9.7.89 and I have put up my Tour programme accordingly which was duly approved by the S.P. However I was blessed with a daughter on 2.7.89 and my wife was admitted in the hospital. It was a premature delivery as the same was expected in the first week of Aug. 1989 and my wife was very weak. Under the circumstances mentioned above my presence was required round the clock in my family and I, as such could not proceed to Calcutta on 9.7.89. This delivery can be proved by hospital records, birth certificate and other evidences. But SP has mentioned

- A -

for

or

Transcribed

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MEMO
@ 11/11/89

SI/11/89/CAT/IKO,

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While discussing the cases pending investigation on your file I have observed as under:

1. That your knowledge of law and investigation procedures is very poor. I was aghast to find that you were not in a position to explain the ingredients of a simple and frequently used offence like cheating and that you did not have even the slightest clue about the line of investigation to be adopted either in RC 36/87 which had remained pending on your file for almost two years or in RC 53/88 which is a very simple investigation and which too had remained pending on your file for atleast 8 months.
2. Similar lack of knowledge and understanding on your part was on display in the verification reports submitted by you pertaining to officials of M.I.L., Raebareli and the Central Bank of India. In ^{the} asset verification report pertaining to official of M.I. Raebareli you had not cared even to calculate the total income likely expenditure, the total likely savings and total known assets of the suspect. This also shows total ignorance of work on your part.
3. I have also found that you are extremely reluctant in going on tours and you have avoided going on tour except on a couple of occasions to neighbouring places till now.
4. I have also taken an adverse note of the fact that when you went to Varanasi for investigation of RC 36/87 in the third week of June '89 you ~~had~~ went and met the accused party despite my clear cut and

JK

True copy
11/11/89

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specific directions, that you were only to ascertain the address of the party so that searches could be conducted. Obviously your visit to the accused party must have alerted them. This being your first lapse I have ~~desisted~~ ^{desisted} from drawing any inference about your integrity from this incident, however, this benefit may not be available to you if ^{you} repeat such a mistake in future.

5. You are hereby directed to complete the field investigation of RC 36/87 by 15/9/89 by conducting the investigation on day to day basis by visiting Varanasi, Calcutta and other places as per the need. You are also directed to complete the field investigation of RC 53/88 by 5/10/89.
6. In case you fail to adhere to the aforesaid time limit I may be constrained to initiate suitable disciplinary action against you on grounds of gross negligence in performance of official duty.
7. You are also hereby advised to improve your knowledge of law and investigation procedure.

8/20 7/8/89
(S.C. Sinha)
Supdt. of Police/CBI/SPE/
Lucknow.

Copy to Dy. Insp. Genl. of Police/CBI/LR/
Lucknow for information.

Shri R.P. Kaushal, Insp.
CBI/SPE/Lucknow.

True copy

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1120

confidential

To

The Supdt. of Police
CBI/SPE,
Lucknow

Sub:.. Reply of Memo No 3232/ST/Misc/
89/CBI/Lko. dt. 8.8.89.

Sir

Kindly refer to memo mentioned
above wherein serious observations have been
made regarding my work and conduct. In this
context I beg to submit as follows:-

1-- In the first para you have viewed my
knowledge of law and investigation procedure
as very poor. I would like to mention here that
I am a law graduate from Lucknow University.
I also passed all my law papers with good percentage
at National Police Academy, Mount Abu and to add
to it I have also gone through the 'Special Crime
Investigation' course of CBI. This all automatically
reflects that I am quite well versed with the law
and investigation procedure. However knowledge
of law is a relative term and even the senior
most advocate of Supreme Court cannot claim
that he had full knowledge of all the laws. Dur-
ing my 15 years of service in CBI my knowl-
edge of the law and procedure has been rat-
ed as very good by my previous Supervisory
officers. I have hardly worked for full two
months with you and your observations
regard my knowledge during this
short period clearly speaks of your bias
towards me for the reasons best known to you.

Yr

Time copy

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As to the line of the investigation to be adopted in RC 36/87 and 53/88-Hko. I may be allowed to mention here that in CBI SP of the branch is the immediate supervisory Officer as far as investigation is concerned. The plan of investigation is the very first stage of the investigation in the CBI and it is duly approved/amended by the SP. I was following line of investigation as per the direction of the previous SPs. Now, since you have taken over as SP/CBI/Hko, you can suitably amend the line of action as per your direction. But continuing as per-sons on the previous line of investigation would mean ridiculing the intellect and experience of two previous SPs viz. S/Ps J.S. Pandey and R.P. Sharma which is not very fair on your part. It would ^{also} mean, in a sense, disobeying the orders of worthy DIG/Lucknow Region as he had clearly ordered on the file that the investigation of RC 36/87-Hko be transferred to some other IC. These orders are still available on the file and were passed keeping in view my excessive workload. Regarding line of investigation of RC 36/87-Hko and 53/88-Hko, you discussed both these cases days together at length and directed me to act according to your sweet will. I carried out investigation of both the cases according to your will and convenience as and when told. The above discussions clearly show that your observations in para 1 are nothing but a reflection of your arrogance.

True copy - 3-

In para 9 you have again commented upon my knowledge and understanding in verification of complaints. Once again I would like to mention here that I.T.I. Raebareli, SI was discussed with previous SP with presence of Srs S.S. Negi, C.S. & VO/ITI/Raebareli and it was decided that initially a case u/s 5(1)(d) under old P.C. Act should be registered against the suspect and searches be conducted in this case. If after searches enough arrests were disclosed then a case under S. 5(1)(e) of old P.C. Act could have been registered. This SI was also discussed with you and you had approved the line of action taken and in fact had signed one letter also addressed to Director I.T.I. Raebareli. Now suddenly you have started finding faults with the line with which you have yourself agreed. Would it mean that you are not sure about yourself or should I presume that you are deliberately looking for loopholes with the sole purpose of spoiling my ACR and career.

As to the second SIR pertaining to CBI a very exhaustive enquiry report of Bank Vigilance was received in the branch after my submission of circumvention report. It is simple case of fictitious loans and I had recommended registration of a R.C. In case of any doubt you could have referred to the Bank's enquiry report I could not collect certain information desired by you

RCR

True copy

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as Vigilance officer of Central Bank was out of station for three weeks I had brought this fact to your notice during the discussion of this S I R since branch was lagging behind the target in registration of cases you had insisted upon immediate verification report and that is why that incompleteness of your orders I had submitted a joint S I R cum verification report. If obeying your orders is also a disqualification then I am certainly guilty of that. But a senior officer like you should not go back on your words, just to satisfy your vindictive nature.

3 - In reply to your observation contained in para 3 of the aforesaid memo I should like to mention here that prior to your arrival at Lucknow as SP, I O used to make their tour programme as per the requirement of investigation in different cases. you started the new concept of ordering the I Os to proceed on tours as per your own wishes and convenience. Under the circumstances you can not claim that I am reluctant to proceed on tours because it is you who decides the touring of the I Os. During your span as SP I have gone to Rae Bareilly, Sitapur, Mirzapur and Varanasi on tours as and when ordered by you.

Tour copy
K-5-

Page

37

-5-

In fact I even proceeded on tour when my personal problems were of such a nature that warranted my round the clock stay at my residence. I was on E.L. in connection with the delivery of my wife when on 14.7.89 I was summoned by you and was ordered to proceed to Varanasi on 16.7.89. I had a very important social function at my home (which I told you personally) yet I obeyed your orders and went on to tour. This is a sign of sincerity on my part and a sign of lack of welfare and management technique on your part. Despite this your allegation that I am reluctant to proceed on tour is nothing but your own imagination.

4. - I was highly stunned and aghast to go through your observations in para 4. I can not imagine that a senior officer like you can stoop so low and can resort to white lies first to harm and harass a petty subordinate officer like me. It was on your specific orders and directions that I had proceeded on tour to Megapuri (and not to Varanasi as claimed by you). It was also your specific directions that I must collect the documents at my cost. It was also in your immediate presence. Sri Mehrotra Dy. Manager Advance / Labour Bank, Mysore informed that my party was not traceable and

Raj

True copy

(P/S) (38)

- 5 -

Bank had already instituted civil proceedings against the party i.e. M/S Teppichhaus Orient Mirzapur. This particular case was discussed with worthy DIG during the inspection of the branch. Previous two S/Ps also discussed this case number of times with me and never any of these officers ordered or suggested that searches were to be conducted. You yourself never gave any indication to this effect. In fact it was you who had ordered me to proceed on tour and collect the documents of the party especially to collect documents regarding transportation of goods from Mirzapur to Calcutta. It was just by chance that the attorney of the firm Sri Asoom Kumar was traced and documents were seized from him. I was also informed by Sri Asoom Kumar that remaining relevant documents had already been seized by the Officer of Enforcement Directorate, by conducting searches in 1986. It would clearly reflect as they had already undergone a search in the year 1986 prior to registration of this case. In fact, they could have destroyed those documents also had they not been seized by me.

In this particular case I acted solely on your clear and specific order and directions.

This is also proved by the fact that you raised no objection about so over to my collection of documents in the month of June 1989. It is not an oversight that after more than one month you have

RN

Some copies --- 7

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-7-

you have suddenly discovered that my integrity was in question? Again my contention is proved by the fact that when after completing my tour I had discussed the progress of the investigation made at Mirzapur with you. you drafted a letter to Asst. Collector custom, Calcutta and directed me to proceed Calcutta. This letter was sent by 'Speed post' on 29.6.89. you did not raise any hue and cry on my integrity then either orally or in writing. It was simply because I had acted solely on per your specific directions. It is really shameful that after more than a month has passed, an officer of your seniority is trying to twist the fact to suit his vindictive attitude.

In RC 36/87-H20 almost 80% investigation has been done. However since you have questioned my integrity I am unable to proceed any further with the investigation of this case. you may like to transfer this case to any other I.O. of your choice and favour.

5 - As already stated by me in para 4, I am unable to proceed with the investigation of RC 36/87-H20. As to investigation of other cases I would like to mention here that you should issue written specific directions and then only I shall undertake further investigations. In absence of written directions you are likely to go back. your words have done in RC 36/87-H20 and I am afraid that it may be with a view to damaging my name.

28/8/89

Transcribed by

(A7) (A0)

- 8 -

6 - As already stated above, you are requested to issue specific written directions as to what investigation should I conduct and in what manner. In the absence of this I can not be treated as gross negligence in performing official duty as per your whims and fancies but only after receiving written specific orders to this effect.

7 - I have already replied to your advice in para one above.

Sir, it is misfortune that since your arrival by your inhuman and dictatorial attitude you have put the whole branch in general and me in particular under tremendous mental pressure and tension. You have repeatedly gone back on your words thereby forfeiting all the confidence that was reposed between a superior officer and a sub-ordinate officer. Everybody is apprehensive of his future and career and Govt. work is suffering because of this. I had appeared before you even in 1988 when you had taken temporary charge of the branch. I did not appear when you were in as SP/BSI/

1/1/89

True copy - 1/1/89

448

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- 9 -

Lko Branch. This is your lack of trust and confidence in your subordinate that I had to produce my ailing son before you as a proof of his illness due to 'jaundice' on 29.6.89. You promised to sanction EL to me but as per your habit you went back on your words and rejected my leave application. You have twisted the facts to question my integrity, sincerity and devotion to duty, the qualities which I have cherished so far with utmost care and for which I am known throughout the department.

I am afraid that under the circumstances discussed above I can not give my best to the Department. I also apprehend that you have made up your mind to spoil my future and career by all sorts of fabrications, malicious and vindictive attitude and allegations.

I would request you to accord me permission to appear before worthy D/G and DCBI so that I may explain my problems to them. You may recall that a few a latest circular you cannot reject the permission as you had done to my previous request to see the Director.

Per

20/7/89

(Aug)

(12)

- 10 -

I am also submitting this written
reply as a piece of evidence because I
am sure that you are all out to spoil
my career and my ACR to your biased
vindicative, malicious and egoistic nature

Yours faithfully

R. P. Kaushal

Aug. 25, 1989.

(R. P. Kaushal)
Insp. CBI/SPE, Lucknow

Copy to DIG / Lucknow Region / CBI for
information and request to accord me
permission to appear before him and
Director CBI / New Delhi.

R. P. Kaushal

(R. P. Kaushal)
Insp. CBI/SPE/HQ.

Recd
Chand
25/8/89

True copy
R

43 43
No. ___/PF/RPK/Ins pr./CBI/

(136)

Dated the August, 1989.

M E M O R A N D U M .

Subject:- Allotment of local investigation & other Office work.

Shri R.P.Kaushal Inspector may refer to his representation dated 20.7.89 regarding the subject noted above.

After going through the representation and keeping in view the fact that Shri R.P.Kaushal has since remarried, I find no substance in his plea that he could not go out of Lucknow on account of minor children. After remarriage his family situation is the same as that of any other officer having minor children.

Therefore finding absolutely no substance in his plea, I reject the request made by Shri R.P.Kaushal. However I have forwarded a copy of his representation to the Dy.Inspr.Genl. of Police, Lucknow Region, Lucknow for his information and such action as deemed fit by him.

Shri R.P.Kaushal,
Inspector CBI/
Lucknow.

SUBD. OF POLICE CBI
LUCKNOW.

True copy

(151)

MOST IMMEDIATE/THROUGH SPECIAL
MESSENGER

CENTRAL BUREAU OF INVESTIGATION
LUCKNOW REGION
LUCKNOW.

Sub: - Transfer of Shri R.P.Kaushal, Inspector of Police.

An Office order No.331/1990 conveyed by Head Office
No. A.20014/217/77eAD.I dated 6.4.90 regarding transfer and
posting of Shri R.P.Kaushal, Inspector of Police, CBI, Lucknow
Region, Lucknow is sent herewith for information and necessary
action.

Encl: As above

[Signature]
19/4/90
DIG: CBI: LKO. REGION:
LUCKNOW.
(Dit out)

Shri R.P.Kaushal, Inspr. CBI, 509/111, Old Hyderabad, Lucknow.
(On Medical Leave)

CBI UO.NO. 1146 /13/1/90/LR/LKO.

Dated: 19-4-90

AS2

2561
12-4-90

NO.A.20014/217/77.AD.I
Central Bureau of Investigation,
Govt.of India,
4th floor,Block No.3,
Kendriya Karyalaya Parisar,
Lodi Road,
New Delhi

Dated: 6-4-90

OFFICE ORDER NO. 334/1990

In modification of Head Office Order No.170/1990
(A.20014/217/77.AD.I) dt.16.2.90, Shri R.P.Kaushal, Inspector
of Police, CBI, Lucknow Region is transferred and posted in
the Computer Centre, CBI, New Delhi in the same capacity in
public interest.

476
111
12-4-90


(PURAN CHAND)
ASSTT.DIRECTOR(ESTT.)/CBI

Copy to:-

1. Dy.Registrar, CAT, Lucknow Bench w.r.t. C.A.T. Lucknow
Circuit Bench Order in OA No.72 of 1990(L).
2. DIG, CBI, Lucknow Region, Lucknow..
3. DIG, CBI, Chandigarh.
4. AIG(NE), CBI, New Delhi.
5. AIG(P) CBI, North Block, New Delhi.
6. SP, CBI, Lucknow.
7. SP(Trg.), CBI, New Delhi.
8. OSD, Computer Centre, New Delhi.
9. Sr.PAs to JD(NE)/JD(AE)/JD(P) CBI.
10. AO, P&AO, CBI, New Delhi.
11. AO(A), CBI, New Delhi.
12. DPC Cell, CBI, H.O.
13. Sh.R.P.Kaushal, Inspector(Through) DIG/CBI/Lucknow Region.
14. Office Order File(AD.I).


(PURAN CHAND)
ASSTT.DIRECTOR(ESTT.)/CBI

B*

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125. 12. 1900.

The Director,
Central Bureau of Investigation,
New Delhi,
and others.

SECRET
DATE OF ISSUE: 10/10/50
10/10/50, FR. 10/10/50
10/10/50

3. The above noted application was filed in the Honourable Court on 2-3-90 pr. in, for relief regarding, and, of violation of the traffic order no. 170 of 1990 of 10-2-90 issued and the application from Indhoo to Ch. Singh.

(7) ...

Filed today
L
23/3/90



the applicant in his application (Annexure 2
para 10-12 of the application) has stated the
full facts, including:

- (a) The fact of transfer of the applicant on
compassionate grounds from C.B.I., Nagpur
to C.B.I./Lucknow after the death of the
applicant's wife on 12-3-37.
- (b) That this transfer order dated 12-3-37
was issued with the approval of the
Director, C.B.I.
- (c) That the applicant was again transferred
vide transfer order no. 22-11-38 from
S.I./CBI, Lucknow's Office to the Regional
D.I.G./C.B.I., Lucknow's Office to work in the
Regional Office/Lucknow on the ground of
mental illness of the applicant's wife which
was fully taken into account by the Director
D.I.G./C.B.I. who was pleased to issue the
above mentioned order.
- (d) That the impugned transfer order dated
10-2-90 bearing Office Order No. 75 of
1990 indicates that the applicant is to
be charged as Inspector, C.B.I. at Ranchi.

3. That the Honourable court may like to peruse
item 3, below the impugned transfer order, showing
copy of the transfer order to 17(M) CBI/K...
W.P.C. his no. 435/3, 35/77/1980 dt. 21-1-80. This
clearly lends to the irreparable prejudice on that
the S.I./C.B.I./Lucknow is charged for the reasons
mentioned to him and his planning to cause harm
to the applicant's career and health which is

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2.

It may be noted in this regard that the transfer is in the interest of the applicant. It may not be noted that the S.P./C.B.I./Ludhiana, Mr. S.C. Sinha, has now informed the applicant that he is presently working, has sought his representation to Chandigarh on the ground of the illness of his wife and the same has been granted.

4. That the representation of the applicant to the S.P./C.B.I./Ludhiana, Mr. S.C. Sinha, was filed with the application which has resulted in this order. It is noted that the final examinations of children are to take place in few months and during the serious illness of the applicant's wife, which is likely to cause mental disturbance to the applicant in this state of affairs.

5. That in the facts, circumstances and the reasons as explained above, this is not a transfer purely on administrative ground but a transfer which has been made on the representation of Shri S.C. Sinha, S.P./C.B.I./Ludhiana, to AIR (S)/GZI, New Delhi as it is already mentioned in transfer order No. 3 giving reference to the case in this regard. With this document it is again clear that the intention of Shri S.C. Sinha, S.P./C.B.I./Ludhiana is to effect the transfer of the applicant to AIR (S)/GZI, New Delhi.

(Contd.....)

4

PRAYER.

It is, therefore, most respectfully prayed that the honourable court may be pleased to set the impugned order of transfer till disposal of the case in view of the pen and of the earlier representations and the representation dated 16-3-90 (copy enclosed for ready reference - Annexure I).

In case for any reason it is not possible, the applicant may be considered for his transfer on a non-solling post at Lucknow or Delhi where the applicant's wife has already been treated in the All India Institute of Medical Sciences during her serious illness earlier.

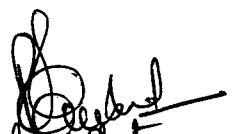
Lucknow:

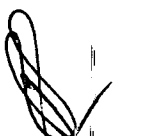
Date: 23rd March, 1990.


Applicant.

Verification

9 Rakesh Prakash Kaushal s/o Late Sri P. D. Sharma age about 38 yrs. at present working as Inspector of Police, CBI/SPE, Lucknow Regional Office, do hereby verify that contents of para 1 to 5 are true to my knowledge based on records and personal information.


Applicant


w

Sent by Regd/AD Post No 0632 on 2.8.15 dt 16/3/90
from Mahanagar Post Office, Lucknow.

~~CONFIDENTIAL~~

The Director (By name)
Central Bureau of Investigation,
C30 Complex, Block No.3
Lodhi Road,
New Delhi-110003

Sub:- Cancellation of transfer order.

....

Sir,

Respectfully it is submitted that vide office order No. 170/1990 dated 16.2.90, I have been ordered to proceed from Regional Office, Lucknow to Coodu Cell, Chandigarh in the same capacity (copy of the order enclosed). Immediately after receipt of above order I rushed to Delhi to meet your honour through proper channel and submitted a representation. I met DIG/Lucknow Region who permitted to see JD(NE) but was not allowed to meet further. I infact wanted to explain the events behind my transfer in person to your honour. Your honour may kindly recollect that I had met you in last week of May, 1987 immediately after expiry of my wife, while looking after the function of Joint Director (South) and you were pleased to post me at Lucknow from Bangalore on compassionate grounds. My above referred representation is still under consideration regarding cancellation of my transfer order. Meanwhile I fell sick after returning to Lucknow and am on medical leave. I have come to know that S.P. has issued my relieving order.

At this critical juncture when there are final examinations of my school-going children and my wife who has become victim of mental disorder in Sept. 89, undergoing medical treatment at Medical College, Lucknow and is responding satisfactorily to treatment and present circumstances are not allowing me to move at this crucial moment. There is no one in my family to look after my minor kids and ailing wife and the aged mother of about 85 years. In such adverse circumstances it was not possible for me to look after children and ailing wife and mother I took the assistance of my eldest relatives and shifted my wife to New Delhi for her treatment at All India Institute of Medical Sciences. In the facts of illness of wife I have already brought through a representation addressed to your honour (copy enclosed) and its copy to all the concerned. I also had audience with JD, Lucknow Region and showed him the medical prescription who after considering my case sympathetically posted me in the Regional Office, Lucknow w.o.f. 23.11.89. After my posting in the Regional Office, Lucknow I shifted my wife to Lucknow and her earlier treatment of medical college is still continuing. Doctors attending her are very much hopeful of her full recovery within six months after seeing her behaviour and effects of medicines. A certificate of Doctor of Medical College, Lucknow is enclosed for kind perusal.

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Further I have learnt during my recent visit to Delhi that some vacancies have occurred in the rank of Inspector in Computer section of H.O. In case it is not possible to accommodate me at Lucknow, I may kindly be posted in Computer Branch of H.O. so that the treatment of my wife be continued at All India Institute of Medical Sciences where she was earlier treated and doctors are well-versed with her case and the kind of treatment.

It is further most humbly prayed that I may kindly be permitted to see your Hon-our at your earliest convenience at my cost so that I may personally explain you my difficulties and the circumstances that have caused this situation. I have made this request earlier in reply of memos sent through proper channel but the request has not yet been granted.

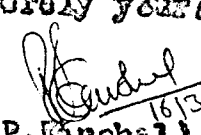
Lastly it is most respectfully prayed that my case may kindly be considered sympathetically on compassionate humanitarian grounds in the light of present circumstances and this transfer order No. 170/1990 dt. 16.2.90 may kindly be cancelled or I may kindly be posted at any non-touring branch as stated above at Delhi after annual examination of my children. I also assure that I shall withdraw my application moved against my above transfer order in Central Administrative Tribunal Lucknow which is still pending in case my request is very kindly acceded to by your hands.

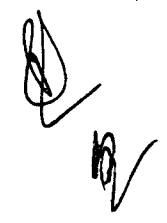
For this act of your kindness I and the members of my family shall always be grateful and pray for your long life and prosperity. Awaiting favourable consideration.

With profound regards. Thanking you Sir,

Yours- As above

Sincerely yours,


(R.P. Kushal)
Inspector CBI/CPE
Lucknow Region
(On leave)



CONSULTANT NEUROPSYCHIATRIST

Department of Psychiatry,
K. G. Medical College
Lucknow-226 003
Ph.: 62415

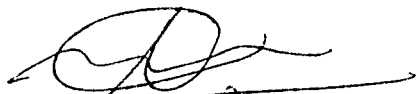
Gandhi Memorial
And
Associated Hospitals
Lucknow-226 003

Date 13-3-90

This is to certify that
Smt. Kusum Kaushal w/o Shri R. P.
Kaushal, whose signature is attested
below, is suffering from Post-Partum
Psychosis (Paranoid Type) and is under
my treatment for the past more than
5 months. She is now satisfactorily
recovered but the maintenance treatment
is likely to continue for the next
several months and to ensure
drug compliance & adequate care,
supervision & care by a close relative
is must.

Kusum Kaushal

Sig. of Mrs Kusum Kaushal
attested.





13-3-90



456
To,

The Director,
Central Bureau of Investigation,
Special Police Establishment,
New Delhi.

Sul: Transfer from CBI, Bangalore Branch to Lucknow.
(THROUGH PROPER CHANNEL)

Sir,

I beg to refer to my earlier representation where in I had requested for my transfer from Bangalore to Lucknow or New Delhi on account of serious illness of my wife, as the climate of Bangalore was not suiting her. After my representation on account of constant illness at Bangalore my wife has breathed her last on 12/5/87 leaving behind two minor sons aged 4 and 8 years. There is no one to look after them except my old mother, who is herself quite valitudinarian and an octogenarian.

In view of the recent tragedy in the demise of my wife and the problem of bearing up of the minor children. I request your honour kindly to consider my case sympathetically on humanitarian ground and post me either at Lucknow or send me on deputation to I.S.I. Ltd. Rae Bareilly or Maini (Allahabad) where my brother and sister are residing who may look after my minor children and aged ailing mother.

For this act of your kindness I shall ever remain grateful to you.

Yours faithfully,

Dated: 26/5/87
LUCKNOW:

(R.P. Kaushal)
Inspector of Police,
CBI/SP, Bangalore.

(459)

No.A.20014/217/77-AD.I,
Government of India,
Deptt. of Personnel & Trg.,
Central Bureau of Investigation,
Block No.3, 4th Floor, CGO Complex,
Lodi Road, New Delhi-3.

Dated: 11.6.87.

OFFICE ORDER NO 517/1987.

Shri R.P. Kaushal, Inspector of Police, CBI Bangalore Branch is transferred to CBI Lucknow Branch with immediate effect in public interest.

This issues with the approval of Director/CBI.

(D.P. BHALLA)
ADMINISTRATIVE OFFICER(E)/CBI

Copy to :-

1. SP/CBI/Bangalore for information and necessary action. Date of relief of Shri Kaushal may please be intimated to Head Office over signal.
2. SP/CBI/Lucknow with reference to his letter No. 2550/PF/RPK/Inspr/CBI/LKO dated 25.5.87.
3. DIG/CBI/Hyderabad/Lucknow.
4. PA to DD(A)/AO(E), CBI Head Office.
5. Accounts Officer, P&AO, CBI, New Delhi.
6. CBI Gazette Asstt. 'P' Divn., New Delhi.
7. DPC Cell, CBI Head Office.
8. Shri R.P. Kaushal, PI(Th.) SP/CBI/Bangalore.
9. Office Order File(AD.I Sec.).

(D.P. BHALLA)
ADMINISTRATIVE OFFICER(E)/CBI

/TRIVEDI