

100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. B.92/12000

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SECTION OFFICER (Jud1.)

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH; GUWAHATI. 5

ORIGINAL APPLICATION NO. 392/2000

Sri. G. Rakha Krishan Applicant.
 versus

Union of India & Ors Respondents.

For the Applicant(s) Mr. P. R. Choudhury
 Mr. S. R. Choudhury.

For the Respondents. C.G.S.C.

NOTES OF THE REGISTRAR	DATE	ORDER
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This Petition is received by the Registrar on 23.11.99 and vide M.P. No. C.R. for Rs. 652095. Dated 23.11.99.

4.4.01 put up only after removal of the defects. The Deputy Registrar to look into the matter and take remedial measure.

U. U. Sharmin
 Member

Vice-Chairman

pg

Dy. Registrar

5.7.01 List on 8.8.01 for admission after removal of the defects. Office to inform the learned counsel for the parties to remove the defects. Learned counsel for the parties do the needful.

Vice-Chairman

① As per Seenuharied following defective has been found as follows:-

② Bank draft No. 652095 Dated 23.11.99. is invalid.

③ No. Index form.

Annexures A-1 Page-18

to 19, and Annexure-VIII to XII Page-45 not legible.

④ "Vakulnema" Assam Bengali language

⑤ Service copy notices are copy served. Address Service of Notice Report No. 1 is not completed.

N.K. 20/11/01

N.B.
5/7/01

Intimate the applicant about the defects by post & put up after compliance

M. T. 20/11/01

8.8.2001 Office to issue notice to the applicant for compliance of the defects with a copy to the respective counsel. List for orders on 19.9.01.

17-1-2001

Letter issued

to the applicant in
Advocate vide D.No. 118/01

nk m

At 17-1-2001
BOD

Vice-Chairman

13.2.2001

Letter Reminder
issued to the
applicant Advocate
vide D.No. 262 At 13.2.2001.

mb

16.11.01

Vice-Chairman

The application is defective.
Intimation about its defect was issued to the applicant, but the applicant has not rectified the defects so far. The applicant is ordered to rectify the defects.

List the case on 14.12.2001
for further order.

CC (Usha)
Member

20.3.2001

Certain defects as above
are there. Letters & also reminders
are issued to remove the defects.
No reply is received from the
applicant.

The applicant is from
again later placed before the
Hon'ble Court & orders.

bb

14.12.01

None is present for the application.
The application is defective. Office
to inform the applicant to remove the
defects. List on 11.1.02 for order.

CC (Usha)
Member

Order dtd 5/7/01
Communicated to the
parties Counsel. vide
D/No _____

dd

Order dtd 16/11/01
Communicated to the
parties Counsel.

mb

b2
20/11/01

Order dtd 8/8/01
Communicated to the
D. Ranjan Choudhury Adv.
HGB Road, Malerkotla
Agorala West Trehuna,
Pun-799003. by Regd
A.D. vide No _____

dd
10/8/01

Order dtd 14/12/01
Communicated to
the applicant.

b2
20/12/01

Notes of the Registry	Date	Order of the Tribunal
	11.1.02	Mr. M. Chanda learned counsel entered appearance on behalf of the applicant and prays for 3 weeks time to rectify the error. Prayer is allowed. List on 13.2.02 for orders. lm
Order dtd. 13/2/02 Communicated to the Applicant (Counsel). 15/2/02	13.2.02	Order dtd. 11.1.02 is list on 13.2.02 to rectify the error. The prayer is allowed. List on 13.2.02 for orders. The office note dated 11.1.02 shows that reminder issued to the applicant to rectify the error. List on 13.2.02 for orders. lm
Order dtd. 1/3/02 communicated to the Counsel and Counsel. 11.3.02	1.3.2002	None appears for the applicant. The errors are also not corrected. List the matter only after removal of the defects. lm
Order issued to remove the defects. No reply is received from the applicant. 11.4.02	12.4.02	None is present for the applicant. On 1.3.2002 the direction was given to remove the defects. The office note dated 11.4.02 shows that reminder issued to the applicant to remove the defects. But the reply is not received from the applicant. List after remove the defects. lm

Notes of the Registry	Date	Order of the Tribunal
	24.4.02	<p>The application is pending before this Bench since 4th October, 2000. The Registry found the application defective and pointed out the flaws and advised for removal of the same. Despite opportunity given no steps were taken to rectify the error. There is none to represent the applicant. The appointed counsel of the applicant are absent today also.</p> <p>In the circumstances, the application is returned to the applicant with the permission to the applicant to present appropriate application in accordance with law within two months from the receipt of the application from this Bench. Office to act accordingly and transmit the application alongwith this order to the applicant forthwith. Office is also to inform about the defects to the applicant.</p> <p>The case accordingly stands disposed.</p> <p>No order as to costs.</p> <p style="text-align: right;">Vice-Chairman</p> <p style="text-align: center;">bb</p>

Central Administrative Tribunal
संघाधिकारी न्यायालय संघिकारण

1253

4 OCT 2000

Guwahati Bench.
গুৱাহাটী ন্যায়পাঠ

Case No. 392 of 2000

In the Central Administrative Tribunal
Gauhati Bench : Gauhati

Sri Radha Krishnan

Sri G. Radha Krishnan

S/O Lt, G.Chengal Raya Chetty

90 Bn, CRPF, C/O (56 APO)

Pharmacist, CRPF, Rampur (U.P)

At present 90 Bn, CRPF, A.D.Nagar

Agartala, P.S. West Agartala, District

Tripura West, risidint at A.D. Nagar

Agartala, Tripura West.

.... Applicant

-Versus-

1. Union of India

represented by the Secretary
Ministry of Home Affairs, Govt. of
India. New Delhi.

2. Director General of CRPF

C.G.O. Complex, Lodhi Road

Contd. P/2

8
Sachin Khandpur
Sachin Khandpur

- 2 -

New Delhi- 110 003

3. Addl. DIGP (CRPF)

Group Centre CRPF, Rampur -244 901

Uttar pradesh.

..... Respondents

1. Application u/s 19(1) of the Administrative Tribunals Act of 1985 against the order dated 28.11.98 of D.I.G.P.(CRPF), Rampur, U.P. the Respondent No. 3 vide order No. RXIII-1/98-DA-1 dated 28 November 1998 dismissing the Appeal preferred against the order of punishment of reduction of pay, stoppage of increment of the applicant passed by the Addl. DIG (CRPF), Rampur the disciplinary authority dated 2.6.98 on the basis of the enquiry report of the denovo departmental enquiry and against the order of the Revisional Authority dated 4 5.7.99 vide No. XIII-1/99-CS-ADM-11 rejecting the revision case upholding the punishment.

2. The Applicant declares that the subjects of the orders against which the applicant wants redress is

- 3 -

within the jurisdiction of the 1st d. Tribunal as the applicant has been serving as pharmacist in CRPF now posted at 90 Bn, CRPF, A.D. Nagar, Agartala, Tripura West on transfer.

3. The order of revisional authority (Inspector General of Police, Central Sector, CRPF, Lucknow, U.P.) passed on 5.7.99 upholding the order of the Appellant authority and as such the period of limitation as has already been passed in filing the application before the Hon'ble Tribunal. The applicant, however, has got sufficient cause for delay in filing the application before the Hon'ble Tribunal and accordingly has filed a separate application for condonation delay in filing the application for redress.

4. The facts of the case:-

i. That, the applicant has been serving as pharmacist in C.R.P.F and was appointed on 2.7.93 and since then has been serving in C.R.P.F. as pharmacist in various places on transfer with all sincerity and honesty

ii. That, while the applicant was posted to G.C. (CRPF), Rampur, Uttar pradesh ans was serving there he applied for 11 (eleven) days casual leave w.e.f. 12.1.95 to 25.1.95 with the permission to avai.14.1.95 being R.H, 15.1.95 and 26.1.95 being sunday and Govt. Holiday respectively to celebrate pongal festival on 14.1.95 and 15.1.95 as well as to atain ruhani 'KUMHA MELA'. The applicant was incharge of medicines /Store in G.C. (CRPF) Hospital, Rampur (U.P) and on his application he spared by the duty incharge and the leave application was recommended by Dr. S.K. Chakraborty. M.O., Incharge Medical Store (Grade-II).

iii. That, as per the practice as was/ is being followed in the G.C. Hospital Rampur, the paramedical staff proceed on casual leave on submijssion of the application and on information to the M.O. incharge. Accordingly the applicant proceeded on leave with application recommended by Dr. S.K. Chakraborty, M.O. Incharge store of G.C. Hospital, Rampur and with the information and verbal sanction by Dr. Gita Das M.O. G.C. Hospital (CRPF), Rampur on 12.1.95.

iv. That, before submitting the leave application the applicant requested in person to Dr. Smt. Gita Das M.O. in-charge and Dr. Sri S.K. Chakraborty. M.O. In-charge store regarding the sanction of the proposed leave of the applicant and they consented verbally and admised the applicant to submit the application for leave for forma sanction. Accordingly the Applicant submitted the leave application to the staff-Nurse who spared the Aolicant and forwarded the leave application to the M.O. Incharge store Dr. S.K. Chakraborty who recommended the same for formal sanction as noted above. On the direction of the M.O. incharge Dr. Smt. Gita Das the Applicant handed over the duplicate keys of the Medical store to M.O. incharge store and proceeded on leave.

v. That, the Applicant attended the religious function at ' MOUNT ABU ' and returned to his service in G.C. Hospital CRPF, Rampur in time and date i.e. 27.1.95.

vi. That, in the end of the March, 1995 it w a s

learnt that M.O. incharge G.C. Hospital, Rampur, lodged a complaint against the Applicant alleging that the Applicant proceeded on leave without proper sanction. The Addl. D.I.G.P. (CRPF), Rampur, the Respondent No. 3 on such complaint passed an order for preliminary enquiry (P.E) against the Applicant. The said preliminary enquiry was made without any chance to the Applicant to give clarification of the circumstances and position by which the Applicant went on leave and the (P.E) was conducted when the Applicant proceeded on leave and was on leave.

vii. That, subsequently a departmental proceeding was started against the Applicant being No. 731160612 Pharmacist by the order/memorandum vide No. P.VIII-4/ 95-EC II dated 23.3.95 issued by the Addl. D.I.G.P., G.C. (CRPF), Rampur, the Respondent No. 3 on the article of charges noted below:-

a. That, the Applicant while was functioning as pharmacist during the period from 11.1.95 27.1.95 committed an act of misconduct in

his capacity as a Govt. Servant being
absented himself from his duties w.e.f.
12.1.95 to 26.1.95 without any permission
or leave granted by the competent authority
which is prejudicial to the interest of
the administration under Rule 3(i) ~~xxxx~~(111) of
C.C.S (Conduct) Rules 1964.

viii. That, Sri H.D.Pathak. Asst, Commandant G.C. CRPF
Rampur was appointed as enquiring officer. The Applie
cant submitted his defence statement on the article of
charges. The copy of the order/Memorandum vide No. P-
VIII-3/95-EC-II dated 23 rd March, 1995 enclosing the
article of charges issued by the Additional D.I.G.P.

G.C, CRPF, Rampur (U.P) ^{LT} Mr. R.N. Saxena is annexed herewith
as annexure-I while the defence statement of the
Applicant is annexed herewith as Annexure- II.

ix. That, the enquiring officer conducted t h e
departmental enquiry against the applicant without
following the procedure as laid down under Rule 14 of
CCS (CCA) Rule 1965. The enquiring officer while con-

ducting the departmental proceeding did not make any preliminary hearing regarding the inspection of the listed documents as prayed by the accused applicant and asked the applicant to submit the list of witnesses on his behalf and did not allow the applicant to produce additional documents before recording the prosecution evidences. The enquiry officer did not even give the notice to the accused applicant for defence assistant by him. The file of the departmental enquiry also did not speak as to whether copies of the day to day proceedings were handed over to the Applicant. However, the enquiry officer after taking the evidences even without following the proper procedure completed the departmental enquiry and the enquiry officer found that the charges levelled against the Applicant have been proved and found the applicant guilty of the charges. The enquiry officer submitted his report. The Addl. DIGP, G.C. (CRPF), Rampur (U.P), the Respondent No. 3 going through the article of charges, statements of witnesses, the evidences on records and on the report of the Enquiry officer passed the orders imposing punishment/penalty of removing the Applicant from his service w.e.f. 27.10.95 by his order vide No.

P VII-4/95-Estt, 2 dated 27.10.95.

x. That, being aggrieved by the order of the disciplinary authority of removal of the Applicant from service on the basis of illegal enquiry report the Applicant preferred an appeal on 14.11.95 and on 10.1.96 in continuation to set aside the order dated 27.10.95 of the disciplinary authority, the Respondent No. 3.

xi. That, on the prayer of the applicant the Appellate authority, the DIGP (CRPF), Rampur (UP) Sri J.S. Negi by his order dated August, 1996 quashed the order of the Addl. DIGP, G.C. (CRPF), Rampur (UP), the Respondent No. 3 who directed removal of the Applicant from service as said above. The Appellate authority found that the departmental enquiry (D.E) had not been drawn up and conducted as per the procedure laid down under Rule 14 of the CCS (CCA) Rules 1965 and the Appellate authority by his said judgment and order directed for de novo enquiry and also directed that the Applicant was to be re-instated in his service with immediate effect. The said copy of judgment

ANNEXURE-III

and order of the Appellate Authority, the DIGP (CRPF) Rampur (UP) Sri J.S. Negi dated 19th August, 1996 is annexed herewith as Annexure-III.

ANNEXURES-IV & V

xii. That, as per the Appellate judgment and order dated 19th August, 1996 a fresh order/memorandum vide No. P.VIII-4/95-Estt-II dated 16 Oct/96 was issued by the Addl. DIGP, G.C., (CRPF), Rampur (UP) Sri R.N. Saxena proposing de-novo-enquiry against the Applicant on the same article of charges. The article of charges list of documents and witness had been annexed in the said memorandum. The copy of the said order/memorandum for de novo enquiry and the article of charges and list of witnesses and documents are enclosed herewith as Annexures-IV & V.

ANNEXURE-VI

xiii. That, the Addl. DIGP, the Respondent No. 3 by his said order dated 16th October, 1996 for de novo enquiry also appointed Sri H.B. ^{GURUNG} Gurung, Dy. Commandant as enquiry officer. The copy of the said order appointing Sri Gurung is annexed herewith as Annexure-VI.

xiv. That, the Applicant as per requirement of the

enquiry submitted his defence statement before the enquiry officer, Sri P.N.Singh who had been replaced by the order of Addl.DIGP,G.C.,(CRPF), Rampur, in lieu of Sri Gurung who had been transferred to 85 Bn.

The copy of defence statement and the copy of the order replacement of the enquiry officer are enclosed herewith as Annexures-VII & VIII.

ANNEXURES VII & VIII

xv. That, the enquiry officer after taking the witnesses adduced by the prosecution and after consideration of the evidences found that the charges levelled against the accused applicant have been proved and submitted report to the Disciplinary Authority, the Addl. DIGP, G.C. (CRPF) Rampur (UP), the Respondent No. 3 who after examination of the enquiry report also found that the enquiry officer conducted the departmental enquiry following the procedure and submitted the report handing over the copy to the accused Applicant. The disciplinary authority after going through the enquiry report and also after consideration of the representation of the accused applicant decided that the enquiry was properly made and the charges have been proved and it has been established that the

accused Applicant absented himself from his duties w.e.f. 12.1.95 to 25.1.95 without any permission and sanction of the leave by the sanctioning authority and thereby committed offence of misconduct which is prejudicial to the interest of the administration under Rule 3 and 1 of the CCS conduct rules and therefore opined that the accused Applicant deserves punishment for his misconduct and imposed punishment directing that the pay and salary of the accused Applicant be reduced by one stage from Rs. 6125/- to Rs. 6000/- in the time scale of Rs. 4500-125-7000/- for a period of one year w.e.f. 2.6.98. The further punishment has been imposed directing that the accused Applicant will not earn increment of pay during the period of reduction of pay and that on the expiry of the period of reduction of pay will have the effect of postponing his future increment of any under the provision of Rule 14 of CCS(CCA) Rules 1965. It has been further ordered that the alleged unauthorised absence for the period 12.1.95 to 26.1.95 is to be treated as dies non and will not be counted for his service or any other purpose. The order of punishment of the disciplinary authority, the respondent No. 3 on the

Fr. J. J. Doherty, S.J.

basis of the enquiry report of de novo enquiry vide

ANNEXURE-IX

No. P.V.III-6/96-GC-II dated 2nd June, 1998 is annexed herewith as Annexure-IX.

xvi. That, the Applicant being aggrieved and dissatisfied with the order punishment passed by the disciplinary authority, the Respondent No. 3 preferred an appeal before the DIG (CRPF), Rampur, who after hearing the Applicant in appeal passed this order vide No. R.XIII-1/98-DA-1 dated 28.11.98 upholding the punishment imposed by the disciplinary authority. The

ANNEXURE-X

copy of the order of the Appellate authority i.e. of the DIG (CRPF), Rampur (UP) is annexed herewith as Annexure-X.

xvii. That, being dis-satisfied and aggrieved with the order of the Appellate Authority the accused Applicant also preferred a revisional application before the Inspector General of Police, Central Sector, (CRPF), Lucknow (UP) who considered the revisional application of the Applicant and gone through the records of the departmental enquiry as well as the enquiry report, the order of disciplinary authority and the Appellate

authority, but without considering the facts and circumstances and without proper appreciations of the evidences rejected the revisional application by his order vide No. R.XIII-1/99-CS-Adm-11 dated 5.7.99. The copy of the order of the revisional authority is annexed herewith as Annexure-XI.

ANNEXURE-XI

5. Grounds for relief:

i. That, the enquiry officer in conducting the enquiry has not properly appreciated the evidences adduced by the prosecution both oral and documentary and thereby very illegally found that the charges levelled against the accused applicant has been proved. The enquiring authority ought to have considered that as per practice all the paramedical staff proceed on casual leave after submitting the leave application and on verbal sanction. The Applicant submitted the leave application which was recommended by the M.O. Incharge Store, Dr. S.K. Chakraborty and proceeded on leave on the verbal sanction of M.O. Incharge Hospital Dr. Smt. Gita Das. The enquiry officer did not considered such normal practice being followed regarding

leave and also did not take into consideration of the instances of one Dr. Joshi who was attached to G.C. Hospital (CRPF), Rampur, and went on leave even without submitting leave application to the authority but affixing the leave application in the door of G.O.S Mess but in his case though departmental proceeding was drawn up in the year 1997 but the disciplinary authority regularised his leave without imposing any punishment. In another case a pharmacist of Hospital at Anantapur, Srinagar, Kashimir also went on leave only with submission of the application but his leave was also regularised. The enquiry officer neither took into consideration such other instances as placed by the Applicant and also did not record the instances and prepared the report only on the basis of prosecution case without considering the facts and circumstances and the instances placed by the Applicant in the proceeding.

ii. That, the enquiring officer prepared the report on the basis of the witnesses of the prosecution who are interested parties to the proceeding which cannot stand in law. The disciplinary authority also without

considering the entire facts and circumstances of the case and also without considering the normal practices of the paramedical staff relating to the leave and without considering the instances and the records has imposed the punishment upon the Applicant which is discriminatory and unjustified.

iii. That, the appellate authority as well as revisional authority also without considering the facts and circumstances and normal practices of availing leave by paramedical staff and the instances placed by the Applicant only on the basis of depositions of Dr. (Smt) Gita Das, M.O. Incharge of the hospital and other interested witnesses has passed the orders dismissing the appeal and rejecting the revisional application respectively.

iv. That, it is to be noted here that in consideration of the alleged remark of Dr. (Smt) Gita Das, M.O. I/C of the Hospital that the leave application of the Applicant would be considered after inspection of DIGP when there was no official circular/programme before 11.1.95 and such remarks has been made after giving

verbal consent/permission to the Applicant to proceed for leave is the pre-planned act with a view to meet up the grudge on the Applicant and to harass him. The attitude of the M.O. Incharge Hospital Dr. (Smt) Gita Das to harass the Applicant An all respect will be proved in the order vide No. A.XII.3/97-C.S-PA dated 17th December, 1997 passed by the Additional DIGP (Adm) C.S.(CRPF) Lucknow, Sri Pritam Singh who by his said order in the appeal preferred by the Applicant directed for expansion of the adverse remarks on the service record of the Applicant by the reporting officer M.O. Incharge Hospital. In the said order Addl. DIGP (Adm) C.S. (CRPF) Lucknow found that the said adverse remark based on no adequate evidence and are not substantiated by documentary proof and shows the vindictiveness on the part of reporting officer. The said adverse remarks was made in the A.C.R of the Applicant for the period of 1.4.94 to 31.3.95 the vindictiveness of the officer concerned against the Applicant in the cause of implicating the Applicant allegedly remaining absented from his duties without any permission and leave as alleged. The copy of the order of expnsian of the adverse remarks dated 17.12.97 is annexed herewith as

Annexure-XII. The disciplinary authority as well as the Appellate and Revisional Authority also did not considered all such circumstances in imposing the punishment or in deciding the appeals and revision case.

v. That, the Disciplinary Authority has imposed more than one punishment for single offence which is against the provisions of CCS (CCA) Rules which also have not been considered by the Appellate Authority and Revisional Authority.

vi. That, for all this reasons the order of disciplinary authority basing on the improper and illegal enquiry report and the order of the Appellate Authority as well as Revisional Authority confirming the punishment on the Applicant by the disciplinary Authority should be declared illegal void and miscarriage of justice and accordingly should be quashed and set aside.

6. The details of the remedies exhausted:

The Applicant declares that he has availed appeal before the DIGP (CRPF) Rampur (UP) against the order of punishment passed by the Addl. DIG (CRPF) Rampur (UP), the Disciplinary Authority dated 2.6.98 and revisional application before the IGP, the Central Sector (CRPF), Lucknow (UP) against the judgment and order of the Appellate Authority dated 28.11.98.

The judgment and order of the Disciplinary Authority, Appellate Authority and the Revisional Authority are annexed in the Application as Annexures ANNEXURE-IX,X & XI.

7. The Applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any other court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of the Forums.

8. As the Applicant is now serving in 90 Bn, CRPF, A.D.Nagar, Agartala on transfer his present applicant

of redress before this Hon'ble Tribunal is within the jurisdiction.

9. Relief sought:

Under the circumstances stated above it is most
humbly prayed that the Hon'ble Tribunal be kind enough
to consider the application of the Applicant a n d
would very kindly declare that the enquiry report and
the punishment imposed on the Applicant by discipli-
nary authority as well as the order of the Appelleate
Authority and Revisional Authority are illegal, ~~void~~
and not maintainable and thereby so kind to pass an
order to set aside and quash the punishment imposed
on the Applicant.

And for this act of kindness the Applicant as
in duty bound shall ever pray.

10. List of the enclosures:

S/o
Jaddo Kand
90
26

<u>Sl. No.</u>	<u>Particulars</u>	<u>pages</u>
1.	Bank draft for Rs. 50/-	
2.	Petition in original	
3.	Annexure-Memo No.P.VIII-3/95-EC-II dt. 23.3.95 regarding charge	I
4.	Defence Statement	II
5.	Order regarding de novo enquiry and direction to reinstated received on 19.8.96	III
6.	Memo dated 16.10.96 passed by Addl. DIGP, G.C. (CRPF), Ra mpur	IV
7.	Statement of Articles of charge framed dated	V
8.	Order dated 16.10.96 regarding appointment of Sri H.B.Rugung, Dy,Commandant as Enquiry officer	VI
9.	Defence Statement	VII
10.	Order or replacement of the Enquiry officer	VIII
11.	Officer order dated 2.6.98 regarding punishment	IX
12.	Officer order dated 2.6.98 regarding reject of Appeal before DIGP, CRPF, Rampur (UP)	X
13.	Copy of the order of the Revisional authority	XI
14.	Copy of the Application dt. 18.2.99 to the IGP, Central Sector, CRPF, Lucknow, U.P	-
15.	Order dated 17.12.97	XII
16.	Vokalatnama	

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

I, Sri G.Radha Krishnan, S/O Lt, G.Chengal Raya Chetty, age 51 years working as pharmacist in the office of the 90 Bn, CRPF, A.D.Nagar do hereby verify that the contents of paras 4(1) to 4(xvii) are true to my personal knowledge and rest of the paras are believed to be true on legal advice and submission and that I have not suppressed any material facts.

S. Radha Krishnan

Signature of the Applicant

Dated:- 24-8-2020

Place:- Agartala.

OFFICE OF THE ADDL. DIGP CRPF CENTRE, CRPF, RAMPUR (UP)

No. P.VIII-3/95-SC-II

Dated, the 23 Mar' 95

MEMORANDUM

The undersigned proposes to hold an inquiry against Shri G. Radhakrishnan, Pharmacist under Rule 14 of the Central Civil Services (Classification, Control and Appeal) 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 (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each articles of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom, the articles of charged are proposed to be sustained are also enclosed (Annexure - III and IV).

2. Shri G. Radhakrishnan, Pharmacist of GC, Hospital, CRPF Rampur 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 G. Radhakrishnan, Pharmacist 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, the inquiring authority may hold the inquiry against him ex parte.

5. Attention of Shri G. Radhakrishnan, Pharmacist is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If in respect of any matter dealt with in these proceedings it will be presumed that Shri G. Radhakrishnan, Pharmacist of GG Hosp. CRPF, Rampur is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS (Conduct) Rules, 1964.

6. The receipt of the Memorandum may be acknowledged.

(R.N. SAXENA)

ADDL. DIGP, GC, CRPF

RAMPUR (U.P.)

To

Shri G. Radhakrishnan (Through MO I/C)
Pharmacist, GG, Hosp.
Rampur (U.P.).

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SHRI G. RADHAKRISHNAN, PHARMACIST OF GC HOSP. RAMPUR.

ARTICLE I

That the said Shri G. Radharishnan while functioning as Pharmacist during the period from 11.1.95 to 27.1.95 committed an act of misconduct in his capacity as a Govt. servant in that he absented himself from his duties w.e.f. 12.1.95 to 26.1.95 without any permission or leave granted by the competent authority, which is prejudicial to the interest of Administration under Rule 3 (1) (iii) of CCS (Conduct) Rules 1964.

ANNEXURE II

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLES OF CHARGE FRAMED AGAINST SHRI G. RADHAKRISHNAN, PHARMACIST OF GC HOSP. RAMPUR

ARTICLE I

No. 731160612 Shri G. Radhakrishnan, Pharmacist was/is holding the charge of Medicine and General Store of GC Hosp. W.e.f. 1.11.94. He had applied for 11 days C/L w.e.f. 12.1.95 to 25.1.95 w/p to avail 14.1.95 being RH, 15.1.95, 22.1.95 and 26.1.95 being Sundays and GH respectively. He had submitted this application only on 11.1.95 at about 1600 hrs. His application was forwarded to MO I/C on the same day. As the inspection of this GC was being carried out by the DIGP CRPF, Rampur w.e.f. 18.1.95 and keeping in view of pendency in Hosp. Store, the MO I/C in turn endorsed following remarks on his application "Your leave will be considered after inspection of DIGP and settlement of MSD procurements. Further you take over the charge from Pharm. L. Joseph, then your case will be considered". The remarks of MO I/C were shown by ASI (M) P.S. Negi to Shri G. Radhakrishnan, Pharmacist on the same day with a request to note down the remarks of the MO I/C, but the latter refused to note down the same. Pharm. G. Radhakrishnan also told to ASI (M) P.S. Negi that he had approached DIGP, CRPF, Rampur regarding sanction of C/L applied for by him and DIGP has instructed the MO I/C to allow him to proceed on leave, but no such instructions

Contd. P/2...

Corr. 15/12/95
order to P/S
Correctly
27.1.95

ଓ.ট.পু.কো।/ক.ক.ক. ৩৬(১)

कायलय

OFFICE OF THE

प्रिया Date

पंक्ति सं. / Ref. No.

and the other of the two, the one which is the best, is the one which is the most
likely to be the best, and the other is the one which is the least likely to be the best.

“श्रीराम इच्छानुसंधान सूच बनाने में विदेशी विद्यालय के विदेशी विद्यार्थी द्वारा तृतीय वीज से बही।”
विद्यार्थी विद्यालय बनाने वाले

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were communicated to MO I/C. Pharmacist G. Radhakrishnan remained absent from his duties w.e.f. 12.1.95 to 26.1.95 without any permission or leave granted by the competent authority which is ~~an~~ act unbecoming of a Govt. servant, and prejudicial to the interest of administration under Rule 3 (1) (iii) of CCS (Conduct) Rules 1964.

ANNEXURE - III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SHRI G. RADHAKRISHNAN, PHARMACIST OF GC HOSP. RAMPUR ARE PROPOSED TO BE SUSTAINED.

1. Copy of application dated 11.1.95 submitted by Shri G. Radhakrishnan containing the remarks of MO I/C dated 11.1.95.
2. PE report submitted by MO I/C containing pages (5).
3. Any other documents required by E.O.

ANNEXURE - IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRAMED AGAINST SHRI G. RADHAKRISHNAN, PHARMACIST OF GC HOSP. RAMPUR ARE PROPOSED TO BE SUSTAINED

1. Dr. (Mrs) Geeta Das, CMO
2. Dr. S.K. Chakraverty SMO
3. SI/FSN Neelima Avon
4. ASI (M) P.S. Negi.
5. Any other witnesses required by E.O.

Br
 (R.N. SAXENA) 23/3
 ADDL. DIGP, GC, CRPF
 RAMPUR (U.P.)

३२
कायालय
OFFICE OF THE
पत्र संख्या/Ref. No.
तिथि Date

“इतीर इन्हीं कुरु उल्ले दि विद्वी उल्लडा हिंदी बाबर दि विद्वी उल्ली कुरुरो चीव दि वही”
देवाली तुषाव चन बोह

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... 2 ...

No. P.VIII.3/95. EC.II

Dated, the 23 Mar. 95

Copy forwarded to MO I/C, GC Hospital, CRPF, Rampur. The original copy of the memorandum may be handed over to addressee and his signature in token of having received a copy of the memo of charge alongwith articles of charge with annexure I to IV obtained in another copy which should be returned to this office duly attested ~~by~~ for record.



Addl. DIGP, GC CRPF
RAMPUR (U.P.)

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कार्यालय/संस्था/ग्राम

कार्यालय

OFFICE OF THE

संदर्भ नं/Ref. No.....

तिथि Date.....

To

The Addl. CIGP
Group Centre, CRPF,
Rampur(U.P.)

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Subject:- MEMORANDUMThrough:- PROPER CHANNEL

R/Sir,

Please refer to memorandum No. P.VIII-3/95-EC-II dated 23/3/95 imposing the charges against me.

2. In the articles of charge levelled against me, my statement is as under:-

- i. I the undersigned after obtaining the prior permission to avail leave from the MO I/C on telephone on 11-1-95 evening I proceeded on Casual leave u.s.f. 12-1-95 to 26-1-95. The article of charge is therefore not accepted.
- ii. As regards article -I of annexure II I have to submit that I had applied for 11 days C.L u.s.f 12-1-95 to 25-1-95 U/P to avail 14-1-95 being RH 15-1-95, 22-1-95 and 26-1-95 being Sunday and GH respectively for attending Behasi Sengawn Kumbh Mela at M/Abu. In GC Hospital, it has been seen instructed that application for Casual leave may not be submitted before 2-3 days from the date of leave is applied for. I therefore submitted my application for 11 days CL on 11-1-95. Though whatever remarks were endorsed on my application yet ASI(M) P.S.Negi was not support to getting the remarks of MO I/C noted down. They should have given me in writing or I was present in GC hospital in a room Dr opposite to the office of MO I/C and MO I/C can called me and told that leave would not be sanctioned to me. But neither the remarks of MO I/C conveyed to in writing nor MO I/C called me in her office. Ultimately even verbally the leave has not been sanctioned to me. But when I reported the MO I/C she told me to finish the work and only then I could proceed on leave. Further the statement of ASI(M) P.S. Negi is not only baseless but appears to be instigated by some one as I never told him that I have been approached DIGP Rampur regarding sanction of leave and in turn DIGP Rampur instructed the MO I/C to allow me to proceed on leave. I had met DIGP on the evening of 11-1-95 at 6 P.M. in connection with some religious work. I took the telephone installed in PA to DIGP office requested the MO I/C that I had completed my task and whether I could proceed on CL. In turn MO I/C told me that I should proceed on leave and the formalities of sanctioning of leave on the application would be

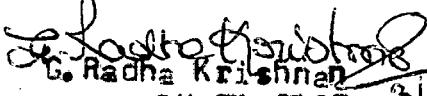
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done next day. Therefore with the prior permission and sanctioning of leave by the MO I/C O can proceed on CL otherwise question of proceeding on CL without getting it sanctioning from the competent authority I would never have proceeded on CL or any leave since joining CRPF. The DIGP and the PA to DIGP may be requested whether my statement are true or otherwise. Therefore the article 1 of annexure is not accepted.

3. I would submit here that this is only a plot being hatched against me that I had been requested higher authorities to save/protect me and my career in the GC hospital vide my applications addressed to DG submitted earlier.

4. ~~I request the Addl. DIGP that I may be permitted to explain all these thing before you in person as directed vide para 2 of memorandum.~~

Yours Sincerely


G. Radha Krishnan
PHARMACIST 3/4
No 731160612 GC Hosp
CRPF, RAMPUR(U.P.)

G. Radha Krishnan
P. HARM
Assistant Commando GRU

OFFICE OF THE DY. INSPECTOR GENERAL OF POLICE, CRPF, RAMPUR (UP)
No. P.VIII-3/96-CC(GRK). Dated, the 15th Aug '96

ORDER

A departmental enquiry was conducted against
NO.731160612 Pharmacist G.Radha Krishnan of GC CRPF Rampur on
the following charges by the Addl. DIGP GC CRPF Rampur vide his
memorandum NO. P.VIII-4/95-EC.II dated 23.3.95 :-

ARTICLE -1

That the said Shri G. Radhakrishnan while functioning as Pharmacist during the period from 11.1.95 to 27.1.95 committed an act of misconduct in his capacity as a Govt servant in that he absented himself from his duties wef 12.1.95 to 26.1.95 without any permission or leave granted by the competent authority which is prejudicial to the interest of Administration under Rule 3(1)(iii) of CCS (Conduct) Rules 1964.

2. Pursuant to the memo of charges issued, a full fledged DE was conducted by Shri H.D.Pathak A/Comdt GC CRPF Rampur (Enquiry Officer) other than disciplinary authority. As per the evidence adduced during the course of enquiry, the charge was proved beyond any doubt by the enquiry officer. The Addl. DIGP GC CRPF Rampur being the disciplinary authority after going through the article of charge, statements of witnesses, material evidence on record and report of the enquiry officer passed his final orders by imposing the penalty of removal from service wef 27.10.95 vide his order NO. P.VIII-4/95-Estt.2 dated 27.10.95.

3. Aggrieved by the said order of removal from service Ex-Pharmacist G.Radhakrishnan of GC CRPF Rampur (herein after appellant) preferred an appeal dated 14.11.95 and 10.1.96 to the appellate authority within time limit with the request to set aside the orders passed by the disciplinary authority to meet the end of natural justice.

4. On going through the DE file, the following major procedural errors/ discrepancies have been noticed in conduct of the DE against the appellant.

- i) No preliminary hearings were held by the enquiry officer for the inspection of 7 listed documents ask the accused for submission of list of witnesses on his behalf and requirement of additional documents by the accused, before recording the prosecution evidence.
- ii) The enquiry officer did not give notice to the accused for engagement of defence assistance by him.
- iii) The enquiry officer has not accounted for the statements of the accused dated 6.7.95 in the order sheet. The order sheet prepared by the EO also does not depict truth about the transactions during the proceedings.
- iv) The DE file does not speak that the copies of day to day proceedings were handed over to the appellant.

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5. The issues raised by the appellant in his appeal against the order of the Disciplinary authority have not been gone to since the DE procedure followed against him has been faulty.

6. The appellant in his appeal has requested for personal hearing which was granted before taking decision on the appeal.

7. Keeping in view of the above, I have come to the conclusion that the DE proceedings have not been drawn as per the procedure laid down under rule 4 of the CCS(CCA) Rules 1965 as such the DE held against above named Ex-Pharmacist G.Radhakrishnan of GC CRPF Rampur is hereby quashed and a denovo enquiry is ordered to be conducted. He is also re-instated in service with immediate effect from the date of reporting in GC Rampur.

8. The intervening period between the date of his removal from service ie from 27.10.95 and date of rejoining shall be regularised by the ADIGP GC CRPF Rampur on reporting of the individual for duty as per the rules.

REGD/AD

To Ex Pharmacist G.Radhakrishnan
Qtr NO. 75/Type II
GC CRPF Campus, Rampur(UP).

(J.S. NEGI)
DIGP CRPF RAMPUR (UP)

N.O.O

NO.P.VIII-3/96-CC(GRK)

Dated, the

Aug '96

Copy forwarded to the Addl. DIGP, GC, CRPF Rampur in duplicate wrt his letter NO. P.VIII-4/95-EC.II dated 12.8.96 alongwith DE file containing pages 75. One copy of this order may be kept in his DE proceedings file and formal office order regarding re-instatement of the appellant may also be issued at his end under intimation to all concerned. Denovo enquiry may also please be conducted as per laid down procedures and suitable final order be passed. He will acknowledge receipt please.

Encl. DE file

(J.S. NEGI)
DIGP CRPF RAMPUR (UP)

Received on 19.8.96 at 1500 hrs
J.S. Radha Krishnan
19/8/96

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OFFICE OF THE ADDL.DIGP, GROUP CENTRE, CRPF, RAMPUR (U.P.).

NO-P.VIII-4/95-Ett-II

Dated, the 16 Oct'96

MEMORANDUM

The undersigned proposes to hold an (De novo) inquiry against Shri G.Radhakrishnan, Pharmacist under Rule 14 of the Central Civil Services (Classification, Control and Appeal) 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 (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of each articles of charge is enclosed (Annexure- II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure- III and IV).

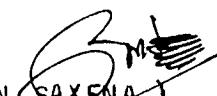
2. Shri G.Radhakrishnan, Pharmacist of GC Hospital, CRPF Rampur is directed to submit within 10 days of the receipt of this memorandum a written statement of his defence and also to state whether he desires to be heard in person.

3. He is informed that an inquiry (De novo) will be held only in respect of these articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Shri G.Radhakrishnan, Pharmacist 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 enquiry against him ex parte.

5. Attention of Shri G.Radhakrishnan, Pharmacist is invited to Rule 20 of the Central Civil Services (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 interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Shri G.Radhakrishnan, Pharmacist of GC Hosp. CRPF, Rampur 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 C.C.S. (Conduct) Rules, 1964.

6. The receipt of the Memorandum may be acknowledged.


(R.N. SAXENA)
ADDL.DIGP, GC, CRPF, RAMPUR (U.P.)

To

✓ Shri G.Radhakrishnan (Through MO I/C)
Pharmacist, GC-Hosp.
Rampur (U.P.).

Contents of the
order have been
checked and found
correctly

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SHRI G.RADHAKRISHNAN
PHARMACIST OF GC HOSP. RAMPUR.

ARTICLE - I

That the said Shri G.Radhakrishnan while functioning as Pharmacist during the period from 11.1.95 to 27.1.95 committed an act of misconduct in his capacity as a Govt. servant in that he absented himself from his duties w.e.f. 12.1.95 to 26.1.95 without any permission or leave granted by the competent authority, which is prejudicial to the interest of Administration under Rule 3 (1) (iii) of CCS (Conduct) Rules 1964.

ANNEXURE - II

STATEMENT OF IMPUTATION OF MISCONDUCT LR MISEEHAVILUR
IN SUPPORT OF THE ARTICLES OF CHARGE FRAMED AGAINST SHRI
G.RADHAKRISHNAN, PHARMACIST OF GC HOSP. RAMPUR

ARTICLE - I

NO. 731160612 Shri G.Radhakrishnan, Pharmacist was/is holding the charge of Medicine and General Store of GC Hops. w.e.f 1.11.94. He had applied for 11 days C/L w.e.f. 12.1.95 to 25.1.95 with permission to avail 14.1.95 being RH, 15.1.95, 22.1.95 and 26.1.95 being Sundays and BH (GH) respectively. He had submitted this application only on 11.1.95 at about 1600 hours. His application was forwarded to MO I/C on the same day. As the inspection of this GC was being carried out by the DIGP CRPF Rampur w.e.f. 18.1.95 and keeping in view of pendency in Hops. Store the MO I/C in-turn endorsed following remarks on his application "Your leave will be considered after inspection of DIGP and settlement of MSD procurements. Further you take over the charge from Pharm. L. Joseph, then your case will be considered". The remarks of MO I/C were shown by AS(M) P.S.Negi to Shri G.Radhakrishnan, Pharmacist on the same day with a request to note down the remarks of the MO I/C, but the letter refused to note down the same. Pharmacist G.Radhakrishnan also told to AS(M) P.S.Negi that he had approached DIGP, CRPF, Rampur regarding sanction of C/L applied for by him and DIGP has instructed the MO I/C to allow him to proceed on leave, but no such instructions were communicated to MO I/C. Pharmacist G.Radhakrishnan remained absent from his duties w.e.f. 12.1.95 to 26.1.95 without any permission or leave granted by the competent authority which is an act unbecoming of a Govt. servant and prejudicial to the interest of administration under Rule 3 (1) (iii) of CCS (Conduct Rules 1964).


 (R.N. SRIVASTAVA) 16/10
 ADDL. DIGP, GC, CRPF, RAMPUR (U.P.).

ANNEXURE - III

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LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED
AGAINST SHR I G RADHAKRISHNAN, PHARMACIST OF OC HOS. RAMPUR
ARE PROPOSED TO BE SUSTAINED.

1. Copy of application dated 11.1.95 submitted by Shri G.Radhakrishnan containing the remarks of MO I/C dated 11.1.95 (11.1.95).
2. PE report submitted by MO I/C containing pages (5)
3. Any other documents required by E.O.

ANNEXURE - IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRAMED
AGAINST SHR I G.RADHAKRISHNAN, PHARMACIST OF OC HOS.
RAMPUR ARE PROPOSED TO BE SUSTAINED.

1. Dr.(Mrs) Geeta Das CMO (Now Officer transferred
2. Dr. S.K.Chakravorty GMD to BH-III, GTY)
3. SI/FSN Neelima Avon (Now tpd to B.H.I)
4. ASI(M) P.S.Negi (Now tpd to 62 Bn)
5. Any other witnesses required by E.O.


(R.N. SAXENA) 16/10
ADDL. DIGT, OC, CRF, Rampur (U.P.).

OFFICE OF THE ADDL. DIGT, GROUP CENTRE, CRPF, RAMPUR (U.R.)

NO. F.VIII-4/95-Ett-11 Dated Oct'96

ORDER

Whereas an enquiry under Rule 14 of the CCS (Classification Control and Control) Rules 1965 is being held against Shri G.Radhakrishnan, Pharmacist of Group Centre Hosp. CRPF, Rampur.

2. And whereas the undersigned consider that an Enquiry Officer should be appointed to enquire into the charges framed against the said Shri G.Radhakrishnan Pharmacist of GC Hosp. Rampur (U.R.).

3. Now therefore, the undersigned in exercise of the powers conferred by sub rule (2) of the said rule, hereby appoints Shri H.B.Gurung, Dy.Comdt. of this OC as an Enquiry Officer to enquire into the charge framed against the said Shri G.Radhakrishnan, Pharmacist, GC Hosp CRPF, Rampur.

(R.N. SAXENA)
Addl. DIGT, OC, CRPF,
Rampur (U.R.).

NO. F.VIII-4/95-Ett-11

Dated, the 16 Oct'96

Copy forwarded to :-

1. ✓ Shri G.Radhakrishnan, Pharmacist GC-Hosp. CRPF, Rampur for information and necessary action.

2. Shri H.B.Gurung, Dy.Comdt. OC, CRPF, Rampur along with copy of Memorandum No. F.VIII-4/95-Ett-2 dated 16/10/96 together with Annexure I to IV. It may be ensured that DE is completed in accordance with instructions contained in CO NU-6/85, 28/85 and 11/91 and submitted duly completed in all respects to the undersigned at the earliest but not later than 3 months as per the instruction contained in CO NU- 28/79. Enc1 (C9).

3. The MD I/C OC, CRPF, Rampur (U.R.) for information.

(R.N. SAXENA)
Addl. DIGT, OC, CRPF,
Rampur (U.R.).

way to day proceedings were what the copies of
appellant.

To:

The Inquiry Officer,
(Respected Shri P.N.Singh)
Dy. Commandant,
GC, CRPF, Rampur (U.P)

30

Subject: Departmental Inquiry : Defence Brief

Respected Sir,

Before advertizing to the evidentiary aspects of the case, I would like to submit that the following clinching points which are worth highlighted :-

(a) The leave applied for by me was from 12-1-1995 to 25-1-1995, with permission to avail of the holidays on 14-01-1995, 15-01-1995, 22-01-1995 and 26-01-1995.

(b) The leave was required to celebrate Pongal festival (an important festival of the Tamils and Telungu personnel) on 14-01-1995 and 15-01-1995 and to attend Ruhani-Kumbamela, which were on the prescribed days. Hence, sanction of leave only during that period would be of use.

(c) Consideration of leave "after the inspection by DIGP" as alleged, would serve no purpose since the leave was for celebrating certain festival as mentioned above.

2. In so far as the recording of the decision on the leave as alleged (that the leave would be considered after the inspection by DIGP), such a recording was impossible. For, the leave application was made on 11-01-1995 and at that time there was no inkling as to the proposed inspection by the DIGP. Nor was the inspection (which was carried out subsequently) a regular pre-determined one. It was a spot inspection, the decision about which

(31)

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very inspectiong authority on 11-01-1995. The very first communication about the inspection, scheduled on 17-1-95 was, by way of signal, received in the office only on 14-01-1995, as could be verified from the records. Prior to the said date, there was no sign of any proposed inspection. Hence, it is absolutely impossible for M.O.I/C to indicate about the proposed inspection, on the leave application on 11-01-1995 itself. The existence of the remarks on the leave application cannot but have been written subsequent to the date of my departure to Mount Abu.

3. The deposition of PW1 and PW4 self defeats each other. Whereas, Dr. (Mrs) Geeta DAS(PW1) had stated that I went to her to submit my leave application alongwith Shri P.S.Negi, ASI(M), the deposition of Shri P.S.Negi, PW4 was that my leave application was "forwarded and put up to the M.O.I/C (PW1) by him." In this connection, the presenting officer's brief under the caption "BRIEF OF THE STATEMENTS OF PWS" at paras 1 and 3 are relevant.

4. During cross examination, Dr. S.K.Chakraborty (PW2) has confirmed (at Q. No. 5) that my leave application was forwarded and recommended by him. Though he had mentioned about pendency of bills against purchase of medicines but he could not specifically confirm, that which bills were pending at the time of submission of my leave application. PW2 has further blamed me for having overstayed from leave on earlier occassions but he could not produce any documentary evidence to prove the veracity of his statement. Hence his statement is totally false and fabricated only with the intention of maliging my reputaion and image.

5. During her deposition, S.I./FSN Neelima Avon (PW3) has categorically denied about any over stayal from leave on earlier occasions (at Q. No. 4 of her cross examination). She has further mentioned that when I submitted my leave application, there were four pharmacists present on duty in the hospital and hence denial of leave to me was totally unjustified and that too was never communicated to me. She has further stated that other staff also used to proceed on leave when it was recommended and forwarded by the M.O. I/C of concerned branch. In those cases no such disciplinary action was ever initiated. (Reply of PW3 to Q.No.3 of her cross examination is relevant). This shows the totally vindictive and biased attitude of the then M.O. I/C Dr. (Mrs) Geeta Das.

6. When the leave stood sanctioned and I left for Mount Abu, on 12.01.1995, the statement that the non sanction of leave as recorded upon my application was brought by ASI Shri P.S. Negi and that I refused to note it down, cannot but be a false statement. There has been no corroboration in regard to the statement made by ASI Shri P.S. Negi.

7. Yet another falsity in the charge related to the so called taking over charge by me from Pharmacist Leonamma Joseph. The MD I/C was stated to have remarked on the leave application that consideration of leave would take place after the inspection and about "handing/taking over with a female pharmacist who was to be relieved". This is absolutely false, for it was as early as 1.11.1994 that I was handing the job of Pharmacist-

medical store the said Leonamma Joseph having already released. Office Order O.III.1/94-GC. Hosp dated 5th October, 1994 clearly stipulated that handing/taking over charge report "should reach this office within five days from the date of issue of this order."

8. On returning from the leave, I was neither asked any explanations nor I was given any opportunity to explain my position in the preliminary enquiry. Hence it is cleared that conducting departmental enquiry against me was pre-planned and a part of the conspiracy framed against me.

9. I was removed from the service on the basis of the findings of a departmental enquiry which was later on quashed. It also indicates that decision of my removal was taken without caring for the law and in a prejudice manner.

10. I proceeded on leave after submitting a proper leave application only when I was spared from duty and my leave was recommended by my immediate senior officer. Even then a departmental enquiry was ordered against me. I don't think that earlier any D.E. was ever ordered in the force in such circumstances. This act of the senior officers available in the higher capacities at that time, shows their biased and prejudicial attitude.

11. I was being harrassed badly by the M.O. I/C and the Addl. DIGR at that time. Even my ACR was spoiled without ground for doing so, since there was no sufficient ground for adverse remark in my ACR, it was later on

expunged by the IGP C/S on my appeal, while expunging the adverse remarks the IGP C/S also indicated towards the vindictive attitude and tendency to fix up me on the part of the reporting officer i.e. M.O. I/C GC Hospital Rampur in his letter No. A.XII-3/97.CS-PA dated 17/12/97 (Copy enclosed.)

Hence it is reiterated that the casual leave requested by me on 11/1/95 was never refused and if so

the refusal was never communicated to me before my proceeding on leave on 12/1/95. The M.O. I/C Dr. (Mrs) Geeta Das later on initiated a case of my illegal absence from the duty only to frame me because of her vindictive and biased attitude towards me and the D.E was ordered against me ignoring all the norms of law on the biased recommendation of the M.O. I/C.

Yours faithfully,

G. Radha Krishnan
30/3/98

Place: RAMPUR
Date: 30.3.98

No. 731160612 B/B Pharm.
G. Radha Krishnan, D.Pharm.
Medical store Incharge
Group Centre Hospital
CRPF, Rampur-244901, (UP).

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Annexure VII

DEPT. OF THE ADDL. D.E.P. GROUP CENTRAL, GURUDEV RAMPUR (UP).
No. P.VIII/4/95-Lett-II Date, the June '97

ORDER

Whereas an inquiry under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, is being held against No. 731160612 Shri G. Radhakrishnan, Pharmacist, Group Centre Hospital, CRPF, Rampur.

2. Whereas Shri H.B. Gurung, Dy. Comst. (Hav 2 I/C) was appointed Inquiry Officer to inquire into the charge against No. 731160612 Shri G. Radhakrishnan, Pharmacist of Group Centre Hospital, CRPF, Rampur vide order even number dated 16-10-95.

3. And whereas Shri H.B. Gurung, Dy. Comst. (Hav 2 I/C) after having heard and recorded the part of evidence has since been transferred to 85 BN, CRPF and it is necessary to appoint another Inquiry Officer to inquire into the charge against No. 731160612 Shri G. Radhakrishnan, Pharmacist of Group Centre Hospital, CRPF, Rampur.

4. Now, Therefore, the undersigned in exercise of the powers conferred by sub-rule (2) read with sub-rule (22) of Rule 14 of CCS(CCA) Rules, 1965, hereby appoints Shri P.N. Singh, Dy. Comst as Inquiry Officer to inquire into the charge framed against No. 731160612 Shri G. Radhakrishnan, Pharmacist, Group Centre Hospital, CRPF, Rampur.

Addl. D.E.P., GC, CRPF,
Rampur

No. P.VIII/4/95-Lett-II

Date, the June '97

Copy forwarded to :-

1. The HQ, I/C, Group Centre Hospital, CRPF, Rampur for information and necessary action.
2. Shri N.K. Vata, Comandant (SG), (Defence Assistance) College, Rampur for information.
3. Shri P.N. Singh, Dy. Comst, GC, CRPF, Rampur alongwith DC File of Shri G. Radhakrishnan, Pharmacist (containing pages 1 to 55). He is directed to conduct/complete remaining part of QE as per guide line 50 8/95 and submit proceedings at earliest duly completed in all respect. In this regard it is also informed that Dr. S.K. Chakraborty and Dr (Mrs) Ganta Rao are being exp. to 31-III, Gauhati on 1/7 and 7/7/97 respectively for giving their statements on aforesaid QE.
4. ✓ No. 731160612 Shri G. Radhakrishnan, Pharmacist, GC Hospital, CRPF, Rampur for information and n/a.
5. Shri Biju Baxi, Asstt. Comst, (Presenting Officer) GC, CRPF, Rampur for information and n/a.

28/6/97
Addl. D.E.P., GC, CRPF,
Rampur

Dated, the 02 June 1996.

Annexure IX

OFFICE ORDER

(36) As a result of Departmental Enquiry No.731160112 Pharmacist G.Radhakrishnan of this Group Centre was removed from service with effect from 27/10/95 (AN) vide this office order No.P.VIII-4/95-EC-II dated 27/10/95. On the final order of Departmental Enquiry, the said Pharmacist filed an appeal to the DIGP, CRPF, Rampur. On the appeal, the DIGP, CRPF, Rampur vide his office order, No.P.VIII-3/96-CC(GRK) dated 17/8/96, quashed the Departmental Enquiry and ordered to conduct de novo enquiry against the said Pharmacist. Also ordered to re-instate him in service with immediate effect from the date of reporting in this Group Centre. The said Pharmacist reported in this Group Centre on 19/8/96. Accordingly, he had taken on the strength of this Group Centre i.e.f. 20/8/96 (FN).

As per direction of DIGP, CRPF, Rampur a Departmental Enquiry de novo was ordered against No.731160112 Pharmacist G.Radhakrishnan of this Group Centre vide this office order No.P.VIII-4/95-EC-II dated 16/10/96 on the following charges.

"That the said Shri G.Radhakrishnan while functioning as Pharmacist during the period from 11/1/95 to 27/10/95 committed an act of misconduct in his capacity as a Servant in that he absented himself from his duty from 12.1.95 to 26.1.95 without any permission or leave granted by the competent authority, which is prejudicial to the interest of administration under Rule 3(I) (iii) of CCS(Conduct) Rule 1964."

3. The Memorandum of charge alongwith statement of article of charge (Annexure-I), statement of imputation of misconduct (Annexure-II), list of documents (Annexure-III), list of witnesses (Annexure-IV) were issued vide this office Memorandum No.P.VIII-4/95-EC-II dated 16/10/96 and handed over to the said Pharmacist G.Radhakrishnan on 18/10/96. Shri H.B.Gurung, was then appointed as Enquiry Officer vide this office order No.P.VIII-4/95-EC-II dated 16/10/96. After having heard and recorded part of evidence, Shri H.B.Gurung, D/C, transferred to 650n as 2-I/C. Subsequently, Shri P.N.Singh, 6/C, was appointed as Enquiry Officer vide this office order No.P.VIII-4/95-EC-II dated 28/10/96. Shri N.B.Bhosle, D/C, was appointed as Presenting Officer vide this office order No.P.VIII-6/CC dated 5/11/96. After transfer of Shri N.B.Bhosle, D/C, to 460n as 2-I/C, Shri Biju Lazer, A/C was appointed as Presenting Officer. While Shri Biju Lazer, A/C (Now D/C) detailed on SC's Technical Course at CTC(T) Ranchi, Shri M.C.Thapa, 2-I/C was appointed as Presenting Officer. Finally Shri Vijay Kumar, D/C was appointed as Presenting Officer in place of Shri M.C.Thapa, 2-I/C who proceeded on 60 days leave w.e.f. 29/11/97 vide this office order No.P.VIII-4/95-EC-II dated 27/12/97. Shri P.N.Singh, 6/C has submitted Departmental Enquiry proceedings on 6/4/98. The proceedings of Departmental Enquiry forwarded to DIGP, CRPF, Rampur vide this office letter No.P.VIII-6/SC dated 21/4/98 for final orders on de novo Enquiry to be in turn.

Contd.,...A2/-

returned the DE proceedings vide his letter No.P.VIII-3/98-CC dated 11/5/98 with direction to pass final order by the undersigned i.e. Adcl. DIGP, within three days being disciplinary authority.

4. After examination of the proceedings of Departmental Enquiry it is found that the Enquiry officer conducted the Departmental Enquiry as per laid down procedure. The delinquent was given full opportunity by the Enquiry Officer during the course of enquiry. The Enquiry Officer had also established that charge of article levelled against No.731160112 Pharmacist G.Radhakrishnan stands proved. Therefore, a copy of report of Enquiry Officer was handed over to the delinquent on 13/5/98 through CMO I/C, GC, Hospital CRPF, Rampur giving 15 days time to submit representation if any if he wishes to do so vide this office letter No.P.VIII-6/96-CC-EC-II dated 12/5/98. Representation/reply on the report of Enquiry Officer submitted by said Pharmacist, on 27/5/98 has been received by this office on 29/5/98 through CMO I/C, GC, Hospital, CRPF, Rampur Vide L.O.N. No.M.V.-1/98-GC(Hosp) dated 27/5/98.

5. I have thoroughly gone through the proceedings of Departmental Enquiry and also representation on the EO's report and it is emerged that no new facts have been brought out by the delinquent. On the para 2(VIII) of representation submitted by delinquent on 27/5/98 (received by this office on 29/5/98) that as per appendix III of CCS(leave) Rule 1972 "Essentially intended for short periods, it should not normally be granted for more than 8 days at any one time except under special circumstances." Therefore, the delinquent should have confirmed from the authority concerned about sanction of 11 days Casual leave as requested. But as per statement of Dr. Geeta Das, CMO, the then incharge of Hospital (P.W.I) and NSI(M) P.S. Negi (Hospital Clerk) (P.W.I) the delinquent had denied/ignored to note the orders passed by the then incharge of Hospital that the leave case will be considered after inspection of DIGP, CRPF, Rampur. Despite of obeying order of CMO I/C, GC, Hospital, CRPF, Rampur, he absented himself from his duties w.e.f. 12/1/95 to 26/1/95 without an permission or sanction of leave by the competent authority and committed serious offence of misconduct in his capacity which is prejudicial to the interest of administration under Rule 3(1) of CCS conduct Rule.

6. I, therefore, am of the opinion that No.731160112 Pharmacist G.Radhakrishnan of this Group Centre deserves exemplary punishment for his misconduct as enumerated in the article of charge but keeping in view his long service, I take a lenient view and order that the pay of No.731160112 Pharmacist G.Radhakrishnan be reduced by one stage from Rs.6,125/- to Rs.6,000/- in the time scale of Rs.4500/- to 6125/-000/- for a period of one year w.e.f. 2/6/98. It is further directed No. 731160112 Pharmacist G.Radhakrishnan will not earn increment of pay during the period of reduction and that on the expiry of this period, the reduction will have the effect of postponing his future increments of pay under the provision of Rule 14 of Swamy's compilation of CCS(CCA) Rules 1965 read with Rule 11 of Swamy's compilation of CCS(CCA) Rule 1965.

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7. His unauthorised absence period from 12/1/95 to 26/1/95 is hereby ordered to be treated as 'DIES NON' which will not be counted towards his service or any other purpose.

(S.C. CHAWLA)
AUDL. PWD.

To

✓ No. 731160112 Pharmacist
G. Radhakrishnan, GC. CRPF,
Rampur (U.P).
(Through MIL I/C, GC. Hospital, CRPF, Rampur)

OFFICE OF THE DY. INSPECTOR GENERAL OF POLICE, CRPF, RAMPUR (UP)
No. R.XIII-1/98-DA-1

Dated, the Nov. '98.

OFFICE ORDER

A DE was conducted ~~de novo~~ against Shri G. Radhakrishnan, Pharmacist, of GC, CRPF, Rampur, on the following charge :-

"That Shri G. Radhakrishnan, while functioning as Pharmacist in GC, CRPF, Hospital, Rampur, committed an act of misconduct in his capacity as a Govt. servant, in that he absented himself from duty w.e.f. 12/1/95 to 26/1/95 without any permission or leave granted by the competent authority, which is prejudicial to the interest of administration under rule 3(1)(iii) of CCS(Conduct) Rules, 1964."

2. As a result of DE, Shri G. Radhakrishnan, Pharmacist, was awarded punishment of reduction of pay by one stage for a period of one year with cumulative effect by the disciplinary authority, Additional DIG, GC, CRPF, Rampur vide order No. P.VIII-6/96-GC-EC-II dated 2/6/98.

3. Aggrieved with the order of disciplinary authority, Shri G. Radhakrishnan preferred an appeal dated 15/7/98, to the undersigned requesting for revoking the punishment, awarded to him, on the following grounds :-

- i) The 11 days casual leave, applied for by him, was refused on flimsy ground due to vindictive and biased attitude of the then MO I/C, GC, Hospital, Rampur, and he was victimised of a conspiracy of doctors of GC Hospital, Rampur.
- ii) Similar cases of other staff posted in GC Hospital, Rampur, and other CRPF Hospitals, are being dealt with lenience and no punishment is being awarded to the defaulters.
- iii) A DE on the same charge was conducted against him earlier but the same was quashed later on.

4. I have carefully gone through the appeal preferred by the individual, the DE file and the parawiso comments offered by the Additional I/C, GC, CRPF, Rampur. Analysing all the facts and matters of the case I have come to the following conclusion:-

*Contents of the letter
order of have been
correctly typed
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- i) His plea that his request for casual leave was recommended by his immediate superior, which should imply as the leave sanctioned is totally misplaced. Assuming this recommendation on 11/1/95, by intermediary supervisory staff as good as leave sanctioned by the competent authority, MO I/C, Dr. Geeta Dass, the appellant left the GC campus to avail the said leave on 12-1-95 which was certainly an act of poor discipline which he can not justify by citing example of cases of GC, Bantulab and even of GC, Rampur.

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- ii) MO I/C did not sanction his leave because DIG's annual inspection of GC and its hospital was to commence from 18/1/95 which was only 7 day away. Annual inspection of DIG is an important official event which comes once in a year and maximum staff has to be available to prepare for the inspection. Remarks of MO I/C on his leave application, "Your leave will be considered after inspection of DIGP" is fully justified. This does not leave any room for the person to say that the refusal of leave by the MO I/C was out of vindication. As such none of his contention holds good.
- iii) Earlier, U&E conducted against him was quashed due to technical and procedural defects. It was nothing on the ground of lacking factuality that is why the present denovo U&E was conducted.

5. In view of all the above facts, there is no room to interfere with the order of punishment awarded to the appellant by the disciplinary authority. Therefore, the appeal dated 15/7/98 of Shri G.Radhakrishnan, Pharmacist, is rejected after due consideration since it is devoid of merit.

~~Verd
22/11/98
(H. M. Prasad)
DIG, CRPF, Rampur~~

No.

Pharmacist G. Radhakrishnan,
90 Bn, CRPF, at loc
(Through Comdt. 90 Bn, CRPF).

No. R.XIII-1/96-DA-1

Dated, the

Nov. 198.

Copy to :-

1. The Additional DIG, GC, CRPF, Rampur alongwith DE file of said individual. (Encl:- DE File)
2. The Commandant 90 Bn, CRPF, in duplicate with reference to his letter No. P.VIII-1/98-90-EC.II dated 27/7/98. Original copy of this order may please be handed over to Shri G. Radhakrishnan, Pharmacist and acknowledgement to this effect may be sent to this office.

Released copy original
by Justice Morrissey
10-2-51

(M.R.Prasad)
DIG, CRPF, Rampur.

କେନ୍ଦ୍ରୀୟ କାନ୍ଟର / C.R.P.F. 46 (D)

कार्यालय

OFFICE OF THE

एवं अंक नं/Ref. No.

मिति/ Date

OFFICE OF THE IGP, CENTRAL SECTOR, C.R.P.F., LUCKNOW (UP)

NO.R.XIII-1/99-CS-ADM-II

Dated, the July, 1999

O R D E R

A Departmental Enquiry was conducted against No. 731160112 Pharmacist G. Radhakrishanan of GC, CRPF, Rampur (UP) (now posted in 90 Bn, CRPF) by the Addl. DIGP, GC, CRPF, Rampur (UP) on the following charges :-

"That Shri G. Radhakrishanan, while functioning as Pharmacist in GC, CRPF, Hospital, Rampur (UP) committed an act of misconduct in his capacity as a Govt. servant, in that he absented himself from duty w.e.f. 12/1/95 to 26/1/95 without any permission or leave granted by the competent authority, which is prejudicial to the interest of administration under Rule 3(1)(iii) of CCS (Conduct) Rules-1964."

2. Shri H.D.Pathak, A/C was detailed as Enquiry Officer other than the disciplinary authority. The disciplinary authority i.e. ADIGP, GC, CRPF, Rampur (UP) awarded him the punishment of REMOVAL FROM SERVICE w.e.f. 27/10/95 vide his order No.P.VIII-4/95-Estt-2 dated 27/10/95. Aggrieved with the orders of the disciplinary authority the petitioner preferred an appeal to the appellate authority i.e. DIGP, CRPF, Rampur (UP). The appellate authority after examining the D.E. proceedings found some technical and procedural defects and quashed the D.E. He also ordered for a denovo Departmental enquiry vide his order No.P.VIII-3/96-GC-GRK dated 17/8/96. Accordingly Shri P.N.Singh, D/C was detailed to conduct denovo Inquiry, as a result of denovo departmental enquiry punishment of reduction of pay by one stage for a period of one year with cumulative effect was inflicted on the petitioner by the disciplinary authority i.e. ADIGP, GC, CRPF, Rampur (UP) vide his order No.P.VIII-6/96-CC-EC-II dated 2/6/98. Aggrieved with the order of disciplinary authority the petitioner again preferred an appeal to the appellate authority i.e. DIGP, CRPF, Rampur (UP) with the request to quash the order of punishment. The appellate authority after examining overall facts of the case rejected the appeal of the petitioner vide his order No.R.XIII-1/98-DAI dated 28/11/98.

3. Aggrieved with the order of the appellate authority the petitioner has filed the revision petition dated 18/2/99 to the undersigned.

4. I have gone through the revision petition with relevant records, comments received from DIGP, CRPF, Rampur (UP) and come to the conclusion that the grounds put forth by the petitioner have no force as the charges levelled against him have been proved during the course of Inquiry. The points advanced by the petitioner have already been considered by the appellate authority before

Contents of the
order have been
checked by
C.R.P.F.
20/2/99
J.M.

केंद्रिय पुस्तकालय/C.R.P.F.-46 (L)

कार्यालय

OFFICE OF THE

संदर्भ सं/Ref. No.

तिथि/Date.....

“प्रातीय ईर्षा-द्वेष दूर करने में जितनी समायता हिन्दी प्रकार से मिलेगी उतनी दूसरी चीज से नहीं” ।

—नेहाली सुभाष चन्द्र वीरा ।

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passing the order. The petitioner has not brought out any new facts worth consideration. In the absence of any new facts I find no justification to interfere with the order passed by the appellate authority, i.e. DIGP CRPF, Rampur (UP). Therefore, revision petition dated 18/2/99 preferred by No. 731160112 Pharmacist G.Radhakrishanan of GC, CRPF, Rampur (UP) (now posted in 90 Bn, CRPF) is hereby rejected being devoid of merit.

J. Kak
77/91
(Tilak Kak) IPS
Inspector General of Police
Central Sector, CRPF, LKW(UP)

REGD. POST/AD

No. 731160112 Pharmacist
G. Radhakrishanan, 90 BN,
CRPF, C/O 56 APO.

Digitized by srujanika@gmail.com

सदम सं० Ref. No. तिथि/Date.

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1978-02-19 1978-02-19

Information, Section 187, Vol.
No. 66, August 1941.

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TO

The Inspector General of Police,
Central Sector, C.R.P.F.,
Lucknow (U.P.).

Subject: SUBMISSION OF REVISION AGAINST PENALTY OF REDUCTION OF PAY AS WELL AS AGAINST ORDERS PASSED ON APPEAL.

Respected Sir,

With profound respect and immense regards,
I, No. 731160112 Pharmacist G. Radha Krishnan of GC, CRPF,
Rampur (presently posted to 90 Bn, CRPF) put forth my request
through this revision for favour of sympathetic consideration
please.

1. That Sir, I was appointed in CRPF as a Pharmacist on 2/7/73 and put on more than 25 years of distinguished service. While I was posted to GC, CRPF, Rampur, I had applied for 11 days C/L w.e.f. 12.1.95 to 25.1.95 with permission to avail 14.1.95 being RH, 15.1.95, 22.1.95 and 26.1.95 being Sundays and GH respectively to celebrate Pongal festival (an important festival of the Tamils/Telugu to which I belong) on 14/1/95 and 15/1/95 as well as to attend Ruhani Kumbhmela which were on the prescribed days. I was holding the charge of medicines/stores and on my application for leave, I was spared by our duty Incharge from my duties and leave was also recommended by Dr. S.K. Chakravorty, SMO. As the practice was adopted in the GC Hospital by all the para-medical staff, I proceeded on leave after informing to my all seniors i.e. SMO and CMO I/C.
2. Surprisingly, when I returned from leave in time, a PE was conducted reportedly in my absence from duty and a Departmental Enquiry was ordered vide Addl. DIGP, GC, CRPF, Rampur memorandum No. P.VIII.4/95-EC.II dated 23/3/95 against me on the following charge:
"That the said Shri G. Radhakrishnan while functioning as Pharmacist during the period from 11.1.95 to 27.1.95 committed an act of misconduct in his capacity as a Govt. servant in that he absented himself from his duties w.e.f 12/1/95 to 26/1/95 without any permission or leave granted by the competent authority, which is prejudicial to the interest of Administration under Rule 3(1)(iii) of CCS(Conduct) Rules, 1964".
3. Shri H.D. Pathak, A/C was appointed as Enquiry Officer and based on the DE proceedings conducted by the said E.O ignoring all the norms laid down for conducting enquiries, I was awarded the major punishment of 'REMOVAL FROM SERVICE' vide Addl. DIGP, GC, CRPF, Rampur office order No. P.VIII.4/95-Estt.2 dated 27/10/95. Against this impugned order, I preferred appeal dated 14/11/95 and 10/1/96 to the DIGP, CRPF, Rampur who considering my appeal, quashed the said impugned order of Addl. DIGP, GC, CRPF, Rampur and ordered for my re-instatement but ordered for de-novo enquiry as the DE based on which I was removed from service was not conducted as per laid down procedure. The period from my removal from service till my re-instatement into service

was also ordered to be treated as 'not on duty'. I was re-instated into service w.e.f. 20/8/96 (FN) vide Addl. DIGP, GC, CRPF, Rampur O/O No. P.VIII.4/95-Estt.II dated 1/10/96 while I reported there on 19/8/96(AN).

4. To conduct a denovo enquiry against me, memorandum of charges was served on me vide GC, CRPF, Rampur memorandum No. P.VIII.4/95-Estt.II dated 16/10/96 and Sh. H.S.Gurung, Dy.Comdt. was detailed as Enquiry Officer vide O/O No. P.VIII.4/95-Estt.II dated 16/10/95. Based on the enquiry reported submitted by said E.O., I was awarded the punishment of Reduction of pay by one stage with the effect of postponing my future increments vide Addl. DIGP, GC, CRPF, Rampur O/O No. P.VIII.6/96.GC.EC.II dated 2/6/98. My appeal dated 15/7/98 submitted to the Appellate Authority against the said orders of the disciplinary authority has also been turned down vide DIGP, CRPF, Rampur office order No. R.XIII.1/98-DA-1 dated 28/11/98.

Having aggrieved with the orders of the disciplinary and Appellate authorities, I am earnestly requesting through this revision to please interfere with the impugned orders passed by both the said authorities to have justice me. The grounds of my revision petition are as under please:

1. Only it is the contention of the disciplinary authority to award me above punishment that I proceeded on leave without obtaining permission or grant of leave by the competent authority and the leave sanctioning authority Dr(Mrs.) Geeta Das, CMO of GC, CRPF, Rampur has endorsed the remarks on my leave application that, "His leave will be considered after inspection of DIGP and settlement of MSD procurement. Further, he should take over the charge from Pharmacist Joseph than his case will be considered". In this context, it is submitted that my leave was recommended by Dr. Chakravorti, SMO and I was also spared from my duties to avail 11 days Casual leave. Before proceeding on leave, I was also met Dr(Mrs.) Geeta Das. As per practice was adopted by all my colleagues, I proceeded on leave based on remarks of Dr. Chakravorti and nobody was following the procedure that only after getting sanction of leave from the leave sanctioning authority, the applicant will proceed on leave. Further, as on date of my departure on leave and submission of application, the tentative programme of DIGP inspection was not received in the hospital and we, medical staff, were not aware of the inspection programme. In this connection, Digpol Rampur signal No.I.III.1/94-EC.IV dated 17/1/95 addressed to all branches of the GC may please be perused and before this message(received after my departure on leave), no information about exact programme of inspection by DIGP was communicated us. No procurement action for medicines from MSD was pending or so emergent that a Govt. employee is not permitted to avail Casual leave that too to celebrate religious function which came once a year only. Handing/taking over charge from Pharm.Joseph was already completed. When I was spared from my duties by the Incharge concerned, endorsing such remarks may not be considered as a wise remarks/decision. I had not applied for Earned leave for a long period due to which any procurement of medicines was expected to be effected. There are instructions in our department that leave are sanctioned liberally but instead of complying with the same, only 11 days C/L applied for on religious grounds was denied that too only after my departure on leave. The action on the part of

Dr(Mrs.) Geeta Das, CMO as well as Addl. DIGP, GC, CRPF, Rampur is highly objectionable. I think, it is the first case of mine in CRPF so far that merely showing me absence from duty for such a short period while I had proceeded on leave properly as per existing practice in our hospital, a DE has been conducted and such type of stern action i.e i) removing from service and ii) awarding punishment of reduction of pay with postponing of future increments. Even my spotless service of 25 years was also not taken into consideration by the disciplinary authority while issuing punishment orders on the enquiry and further appellate authority also failed to take a note of it.

2. Sir, the Appellate Authority has failed to examine that the denovo enquiry has been conducted based on the PE report while as per rules, PE report is not to be made a prosecution document and as such, there is procedural irregularity in this enquiry.

3. The memorandum of charge and order of appointment of E.O. have been issued on 16/10/96 and no time has been given to me to reply the charge sheet which reflects the fact that the disciplinary authority has already ~~xx~~ decided my case prior to conduct of DE.

4. Further, it may please be seen that Dr.(Mrs.) Geeta Das, CMO has been listed as Prosecution Witness in the DE who is senior in rank than to Sh. H.S. Gurung, D/C (Enquiry Officer) and it has been done with biased and malice intention of the disciplinary authority so that E.O. may not enquire Dr.(Mrs.) Geeta Das, CMO properly and remain under her influence during the course of enquiry, while as per rules laid down, Enquiry Officer must be senior in rank than to the officers likely to be examined in the enquiry. But disciplinary authority has wilfully ignored these all rules and instructions. The Appellate Authority has also failed to examine into this aspect.

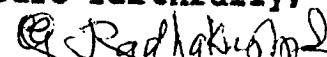
5. Sir, it is a fact that the Addl. DIGP, GC, CRPF, Rampur (disciplinary authority) and Dr.(Mrs.) Geeta Das, CMO have developed a ~~xx~~ jealous, biased and malice attitude towards me seeing my religious attitude and behaviour as well as honesty and they were already in place to punish me either on true grounds of false. In support of my this submission, it is submitted that Addl. DIGP, GC, CRPF, Rampur had put adverse remarks in my ACR for the period wef 1/4/94 to 31/3/95 which was ~~xx~~ later on quashed vide your office order No.A.XII.3/97-PA dated 10/12/97.

3. In view of the above facts, it is requested to your goodself to please consider my request, call for relevant records and quash the impugned order passed by the disciplinary as well as Appellate authorities for which I shall ever remain grateful for this act of your kindness please.

Thanking you in anticipation.

Dated: 18/2/99.

Yours faithfully,


731160112 Pharmacist
G. Radhakrishnan, 90 Bn.
CRPF, C/O 56 APO.
(presently on leave)

Copy for information forwarded to:

1. The DIGP, CRPF, Rampur (U.P)
2. The Addl. DIGP, GC, CRPF, Rampur.
3. ~~xx~~ Commandant, 90 Bn, CRPF.

OFFICE OF THE INSPECTOR GENERAL OF POLICE, CENTRAL SECTOR, C.R.P.F.

GOMTINAGAR, LUCKNOW-U.P.

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No.A.XII.3/97-CS-PA

Dated, the 17 Dec. '97.

b2

: OFFICE ORDER :

Shri G.Radhkrishnan, Pharmacist of GC-CRPF, Rampur was communicated the following gist of adverse remarks from his ACR for the period from 01/04/94 to 31/03/95 :-

"It has been reported that though you accept responsibility yet you are not amenable to discipline. A departmental enquiry is pending against you for misconduct and indiscipline. Further, you have been punctual only after repeated directions and advices by the Medical Officer Incharge. You have been assessed as an average Pharmacist of short-temper".

2. On the representation of the above individual, the DIGP, CRPF Rampur expunged the following adverse remarks, after due consideration :-

(i) D.E. was pending against him for misconduct and indiscipline.

(ii) He is an average pharmacist of short-temper.

The remaining adverse remarks i.e. (a) He was not amenable to discipline and (b) He had been punctual only after repeated directions/advices by the MO-I/C, DIGP, Rampur did not think it proper to interfere or set aside the remarks.

3. Aggrieved with the decisions of DIGP, Shri G.Radhkrishnan, Pharmacist has preferred an appeal to the undersigned through DIGP, Rampur for expunction of remaining part of the adverse remarks.

Contents of letter
order have been
correctly given
The order

Contd...P/2

4. I have gone through the appeal and all other relevant records of the above pharmacist and comments offered by DIGP, CRPF Rampur. After careful examination of the case, I have come to the conclusion that the adverse remarks made by the Reporting Officer are not based on adequate facts as these are not substantiated by the documentary proof. Issuing one letter after another within one month shows vindictiveness on the part of the Reporting Officer just to fix-up the individual, whereas the Reporting Officer should have taken some corrective measures, which is not done in this. I, therefore, hereby order expunction of the remaining part of the adverse remarks as mentioned above at para-2 (a) and (b).

(TILAK KAK) IPS
IGP,CS,CRPF,LUCKNOW

No.A.XII.3/97-CS-PA

Dated, the 17 Dec. '97.

Copy forwarded to :-

1. The DIGP,CRPF,Rampur w.r.t. his letter No.R.XII.1/97-ST dated 21.11.97 for necessary action.
2. The Addl. DIGP,GC-CRPF, Rampur-UP.
3. Pharmacist G.Radhkrishnan, GC-CRPF, Rampur-UP through Addl.DIGP,GC-CRPF, Rampur-UP.

He/1112
(PRITAM SINGH)
Addl.DIGP(ADM),CS,CRPF,LKW