

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

DESTRUCTION OF RECORD RULES, 1990

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CENTRAL ADMINISTRATIVE TRIBUNAL

GUAHATI BENCH: GUWAHATI 15

ORIGINAL APPLICATION NO. 30/2001

S. P. Singh, Yadav Applicant.

VERSUS

Union of India & Ors Respondents.

For the Applicant(s) B.K. Sharma
P.K. Tiwari
U.K. Goswami

For the Respondents.

C.G.S.C.

NOTES OF THE REGISTRAR

DATE

ORDER

14.2.01

Present: Hon'ble Mr. Justice D.

Choudhury, Vice-Chairman and Hon'ble
Mr. K. K. Sharma Administrative MemberHeard learned counsel for
parties. Issue notice on the respon-
dents to why the Disciplinary proce-
dure shall not be suspended. Returnable
in 6 weeks. List on 29.3.01 for orders.

(U.U. Shaha)

Member

Vice-Chairman

AM

14/02/01

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12.4.01

List it before Division Bench

on 23.4.2001. Interim order if any,
shall continue till the next date.

20.4.01

No written Stmt.
has been filed.

trd

22.4.01

List on 26.4.01 to enable the res-
pondents to file written statement.

Interim order shall continue.

H.C.U. Shastri

Member

Vice-Chairman

pg

Written on 26.4.01

Written statement has not been filed.
List for admission on 2.5.01 for Admission

H.C.U. Shastri

Member

Vice-Chairman

30.4.2001

1m. 00 min.

W/S this being 2.5.01.
Submitted by the
Plaintiff No. 1. and 2.
trd

Passed over. List on 3.5.2001.

H.C.U. Shastri

Member

Vice-Chairman

3.5.2001

List on 4.5.2001 for admission.

H.C.U. Shastri

Member

Vice-Chairman

bb

4.5.2001

Judgement pronounced in open
court. Kept in separate sheets. The
application is disposed of. No order
as to costs.

H.C.U. Shastri

Member

Vice-Chairman

bb

Copy of the Judgement
has been sent to the
Office for recording the
same to the applicant
as well as to the de-
fendant.

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./R.X. NO. 30, 31 & 61. of 2001

DATE OF DECISION 04.5.2001 . . .

Shri Surash Pal Singh Yadav, APPLICANT(S)

Mr. B. K. Sharma ADVOCATE FOR THE APPLICANT(S)

VERSUS -

Union of India & Others RESPONDENT(S)

Mr. A. Deb Roy, Sr, C.G.S.C. ADVOCATE FOR THE RESPONDENTS.

THE HON'BLE MR. JUSTICE D. N. CHOWDHURY, VICE-CHAIRMAN

THE HON'BLE MR. K. K. SHARMA, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?
5. Judgment delivered by Hon'ble Vice-Chairman



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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application Nos.30,31 & 61 of 2001

Date of Order: This is the 4th Day of May 2001.

HON'BLE MR. JUSTICE D.N.CHOWDHURY, VICE-CHAIRMAN
HON'BLE MR. K.K.SHARMA, ADMINISTRATIVE MEMBER

Suresh Pal Singh Yadav, Inspector
(Under suspension),
Central Bureau of Investigation,
Office of the Supdt. of Police,
Central Bureau of Investigation,
R.G.Baruah Road, Sundarpur,
Guwahati - 781 005. Applicant

By Advocate Mr. B.K.Sharma, Mr. P.K. Tiwari
Mr. U.K.Goswami

-V 8-

1. K.C. Kamungo, Deputy Inspector General of Police, Central Bureau of Investigation, North Eastern Region, Guwahati-3
2. The Deputy Inspector General of Police, Central Bureau of Investigation, North Eastern Region, Guwahati-3
3. The Union of India through the Secretary to the Government of India, Ministry of Personnel & Training, New Delhi-2. Respondents

By Advocate Mr. A.Dub Roy, Sr. C.G.S.C.

O R D E R

CHOWDHURY J. (V.C.)

O.A. 30,31 & 61 of 2001 are taken up for consideration together since all these Applications embrace self same issues arising out of like situations appertaining to the propriety of initiation of the three departmental proceedings. The applicant assailed the legitimacy of the aforesaid actions of the respondents as well as the continuance of the departmental proceedings against him, in these

O.A.s.

Contd..2

-2-

2. We have heard learned counsel for the parties at length. After going through the materials on records and upon considering the submission on behalf of the parties, we are of the opinion that these are the cases where the impugned departmental proceedings can be said to be legally unsustainable. The article of charges are framed against the applicant. He has already submitted his written statements denying and disputing the allegations. All things considered, we are not inclined to intervene and we are of the view that the departmental proceedings in question should proceed and come to its logical end as per law.

3. Enquiry Officer has already been appointed and from the conduct of Enquiry Officer and also from the materials on records, we do not perceive any disability in the Enquiry Officer and to debar him from the Enquiry. Considering all aspects of the matter we, however, feel that the respondent no.1 Shri K.C. Kanungo, Deputy Inspector General of Police should not act as a disciplinary authority. The applicant has specifically expressed his apprehension that he is not expecting to get treatment in hand of Respondent No.1 as the disciplinary authority.

4. Mr. B.K. Sharma, learned Senior counsel for the applicant particularly referred to us to the observations made by the aforementioned Officer of Police, in his order deciding to hold a formal enquiry after receipt of the written statement. Considering the findings and observations made in the aforesaid order read with the

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written statement filed, we feel that it would not be appropriate for the said respondent to act as disciplinary authority and therefore he should be recused. We have adopted this course to recuse the Respondent No.1 to act as a disciplinary authority to avoid all misgivings. Justice not should only be done, but should manifestly and undoubtedly be seen to be done. Justice must be rooted in confidence. The concerned authorities including the Directors, CBI, are ordered to act accordingly. The enquiry shall now proceed as per law. We expect that the enquiry shall be conducted with utmost expedition. We, however, make it clear that the applicant should entitled to raise all the legal issues those are raised in the G.A.s including the maintainability of the departmental proceedings before enquiry as well as the disciplinary authorities.

With the observation made above, the applications stand disposed of. There shall, however, be no order as to costs.

K. K. Sharma

MEMBER

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VICE-CHAIRMAN

bb

केन्द्रीय नियन्त्रण बोर्ड	Central Administrative Tribunal
१३९	२९ JAN 2001
सुरेश पाल सिंह यादव	
Guwahati Bench	

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH

(An application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the Case : O.A. No. 30 of 2001

Suresh Pal Singh Yadav ... Applicant

- Versus -

K.C. Kanungo & Ors. ... Respondents

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For use in Tribunal's Office :

Date of filing : 25/1/2001

Registration No. 30/2001

REGISTRAR

Filed by the Applicant through
Nafal Kr. Govani
Advocate
25/11/2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

D.A. No. 30 of 2000

BETWEEN

Shri Suresh Pal Singh Yadav, Inspector (Under Suspension), Central Bureau of Investigation, office of the Supdt. of Police, Central Bureau of Investigation, R.G. Baruah Road, Sundarpur, Guwahati-781005.

... Applicant

AND

1. K.C. Kanungo, Deputy Inspector General of Police, Central Bureau of Investigation, North Eastern Region, Guwahati-3, Chenikuthi.
2. The Deputy Inspector General of Police, Central Bureau of Investigation, North Eastern Region, Guwahati-3, Chenikuthi.
3. The Union of India through the Secretary to the Government of India, Ministry of Personnel & Training, New Delhi-2, North Block.

... Respondents

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :

The present application is directed against the following :

- (i) Memorandum No. 1477/02001/12/COMP/SLC/NER/99/ (Pt. III) dated 17.05.2000 issued by DIG, CBI, NER, Guwahati.
- (ii) Order No. 2434/12/COMP/SLC/NER/99/Pt. III dated 4.8.2000 passed by the DIG, CBI, NER, Guwahati rejecting the written statement of the Applicant and instituting enquiry against the latter.

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2. JURISDICTION OF THE TRIBUNAL :

The applicant declares that the subject matter of the instant application for which he wants redressal is well within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION :

The applicant further declares that he had preferred the appeal dated 18.7.2000 under Rule 14 of the Delhi Special Police Establishment (Subordinate Ranks) (Discipline & Appeal) Rules, 1965 for the redressal of his grievance. However, the aforesaid appeal has not been disposed of yet and the Disciplinary Authority without waiting for the disposal of the appeal against the memorandum of charges has instituted the enquiry against the Applicant by rejecting his written statement of defence. The present application is within the period of limitation provided under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 That the Applicant in the present case is assailing the legality and validity of the memorandum of charges issued against him. The written statement of defence which was filed by the Applicant against the memorandum of charges has also been dismissed by the Disciplinary Authority and the enquiry has been initiated against him. The Applicant is not afraid of the enquiry. However, he is assailing the memorandum of charges because the same has been issued with the sole

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purpose of his harassment and victimisation. Disciplinary Authority in the present case is the maker of allegations against the Applicant. The enquiry is sought to be instituted on trumped up charges based on allegations made and concocted by the Disciplinary Authority. The memorandum of charges which is the subject matter of present application is not the only memorandum of charges, there are in fact two other memorandum of charges that have been issued by the Disciplinary Authority (Respondent No.1) against the Applicant within the short span of 11 days as a part of its attempt to victimise the Applicant. Against all the three memorandum of charges, Applicant is preferring three separate original applications. The case of the Applicant is that the memorandum of charges in the present case has not been issued in conformity with law and the same displays total non-application of mind. The impugned memorandum of charges deals with the subject matter belongs to the period anterior in time to the appointment of the Respondent No.1 in his present capacity as Disciplinary Authority of the Applicant. The Respondent No.1 in order to victimise the Applicant has dug up the past records belonging to the period when the predecessor of the Respondent No.1 was in charge. These records have been tampered in order to somehow implicate the present Applicant, hence the impugned charge sheet has been issued in malafide exercise of power.

4.2 That the Applicant is a citizen of India. Initially, he was Sub-Inspector in the UP Police and

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was later on appointed as Inspector of Police on deputation in Delhi Special Police Establishment Division of CBI. After his appointment, the Applicant joined as Inspector, CBI, Anti Corruption Branch in the office of the SP, CBI, Anti Corruption Branch, Shillong in September 1993. In the year 1995, when the SP's office was shifted from Shillong to Guwahati, the Applicant was also shifted to Guwahati.

4.3 That the performance of Applicant in CBI has been exemplary. In his more than six years of service in CBI, the Applicant earned seventeen rewards and eight commendation certificates for his excellent investigation in various cases. Applicant also handled certain highly sensitive cases like a case relating to fraudulent withdrawal of advance T.A. against the Judges of the Hon'ble Gauhati High Court as well as the establishment staff of the Gauhati High Court from Kamrup Treasury. The amount was to the tune of more than Rs. 38 lacs. In this case also, the Applicant was given commendation certificate as well as case reward for his effective investigation. In his six years of service, only on one occasion i.e. vide No. 511 dated 29/7/99 the Applicant was communicated adverse remarks pertaining to the year 1998 by the predecessor of the Respondent No.1. The remarks were vague without supported by particulars. Applicant submitted his representation against the same and the same has not been disposed of as yet.

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Documents showing the meritorious performance of the Applicant and the awards received by him are annexed herewith as ANNEXURES-A/1 colly.

4.4 That the difficulties of the Applicant started from October 1999 onwards when the Respondent No.1 (the Disciplinary Authority) developed an animus against the Applicant. It all started with the Applicant filing O.A. No. 338/99 (admitted on 15.10.99) before the Guwahati Bench of the Hon'ble Tribunal assailing the order of repatriation from CBI and seeking his absorption in the said organisation. The Hon'ble Tribunal admitted the said O.A. and passed the interim order in favour of the Applicant on 15.10.99.

4.5 That the filing of the aforesaid Original Application piqued the Respondent No.1. Since during the period of the aforesaid O.A. No. 338/99 was filed and moved before the Hon'ble Tribunal, the Applicant was convalescing on medical advice having suffered from severe chest pain on 30.9.99 consequently, the Applicant absented from duty from 1.10.99 to 28.10.99 (total for 28 days). Applicant reported for duty on 29.10.99.

4.6 That immediately after passing of the impugned order in favour of the Applicant on 15.10.99 by this Hon'ble Tribunal in O.A. No. 338/99, series of incidents took place involving administrative highhandedness on the part of the Respondent No.1. In this connection, circumstances under which the Applicant abstained from duty from 1.10.99 to 28.10.99

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(total for 28 days) and the matters related to the same have to be explained in seriatim and the same are stated hereinbelow.

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4.7 That on 13.9.99, the Applicant felt severe chest pain and very high palpitation. The nearest Central Government Health Services (CGHS) dispensary from his residence at Guwahati is located at a distance of 7 to 8 kilometres. Moreover, the Applicant is not registered in any of the CGHS dispensaries. Hence under the circumstances, the Applicant was rushed to nearest available doctor of Gauhati Medical College Hospital who stays very close to the Applicant's residence. Be it stated here that the wife of the Applicant is an employee of the Government of Assam. The kind of ailment from which the Applicant suffered was such that the Applicant could not have been expected to go CGHS dispensary or to inform the department about his ailment.

4.8 That the Applicant on the very next day on 1.10.99 telephonically intimated his department about his physical problem. Subsequently on 5.10.99, he also sent the written intimation to the department in regard to his ailments. Since the Applicant's wife is a working lady and there was no one else to look after him during office hours, therefore, the Applicant was temporarily shifted to his in-law's house at Chenikuthi, Guwahati. It was there that the Applicant took necessary rest as per the medical advice. Here it is pertinent to mention that after a thorough check up in the Gauhati Medical College, the Applicant was advised rest and necessary medicine were prescribed to him.

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4.9 That on being declared medically fit, the Applicant joined on 29.10.99 before noon and gave his joining report on that very date alongwith necessary documents/medical papers with the request for granting him 28 days' medical leave.

4.10 That in response to the requests made by the Applicant that he be granted 28 days' medical leave, the Superintendent of Police, CBI (ACB), Guwahati at the instance of the Respondent No.1 issued the memorandum dated 13.11.99 wherein it was stated that as per the Leave Rules, the non-gazetted Government servant should produce medical certificates from CGHS doctor if the Government servant is a CGHS beneficiary and residing within the limit of CGHS at the time of illness. In the said memo, few allegations were also made against the Applicant to the effect that he did not submit relevant medical certificates of doctor or any leave application in a prescribed form indicating the period of leave or nature of illness whereas through telephonic talk on 1.10.99 itself and the application dated 5.10.99 information was given to the department in regard to the ailment of the Applicant. Unfortunately, in the said memorandum, it was also alleged that even the residence of the Applicant was found under lock and key indicating thereby that the Applicant was not taking rest at his place and was possibly moving around. As stated earlier, such allegations were baseless inasmuch as Applicant was taking rest in his in-law's house at Chenikuthi,

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Guwahati because his wife being a working lady was unable to look after him.

Copy of the memorandum dated 13.11.99 is annexed as ANNEXURE-A/2.

4.11 That the Applicant on receipt of the memorandum dated 13.11.99 submitted a written reply dated 6.12.99. In the aforesaid reply, the Applicant in detail gave explanation to the circumstances under which he was to contact his doctor ^{of} ~~at~~ Gauhati Medical College. Applicant in his reply also dealt with the allegations made against him.

Copy of the Applicant's written reply dated 6.12.99 is annexed as ANNEXURE-A/3.

4.12 That since the salary for the month of October 1999 was not given to the Applicant and there was a silence on the part of the Respondents after receipt of the Applicant's reply dated 6.12.99, therefore, the Applicant submitted a representation dated 19.12.99 to the Director, CBI, New Delhi. Applicant has reasons to believe that the Respondent No.1 was instrumental in withholding the salary of the Applicant for the month of October 1999 as he was angry by the conduct of the Applicant of approaching this Hon'ble Tribunal in O.A. No. 338/99 wherein he had assailed the legality of the order of his repatriation. Since in the aforesaid O.A., the impugned order was passed by the Hon'ble Tribunal on 15.10.99 which was during the period when the Applicant was absent from the office because of his

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taking rest having suffered from severe chest pain and palpitation on the night of 30.9.99, the Respondent No.1 formed an impression that the Applicant did not suffer from any chest pain and he was feigning illness because he wanted to buy time to move the Hon'ble Tribunal to obtain stay on the order of his repatriation.

4.13 That it was under these circumstances that at the behest of the Respondent No.1, the Applicant was not given the salary for the month of October 1999 and he was also not granted the medical leave for the period of his illness i.e. from 1.10.99 to 28.10.99 (total for 28 days).

4.14 That the Respondent No.1 apart from withholding the salary of the Applicant for the month of October 1999 and refusing to sanction him medical leave for the aforesaid period, exercised police powers which he did not possess. In exercise of police powers, CBI personnel were sent to the Gauhati Medical College to interrogate the doctor who had issued medical certificate to the Applicant. Phone calls were made at the residence of the concerned doctor. Even the Supdt. of Gauhati Medical College was contacted by the CBI personnel and intimidated. The authority of Dr. (Mrs.) Rupali Barua, MBBS MD who is an Associate Professor in Gauhati Medical College and had issued sickness and fitness certificate to the Applicant, was questioned. It is noteworthy that the Respondent No.1 had no authority to send CBI personnel to Gauhati Medical College to interrogate the doctors and to intimidate

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Dr. (Mrs.) Rupali Barua, the Associate Professor of Gauhati Medical College who had issued sickness and fitness certificate to the Applicant. All these events created an atmosphere of intimidation and coercing.

4.15 That it was under these circumstances that the Applicant made a complaint to the Director, CBI on 23.12.99. Immediately after this on 10.1.2000 when the Applicant was in office, a few CBI personnels were sent to the Applicant's residence where his wife and a grown up daughter were alone at home. The CBI personnels indulged in an improper behaviour at the residence of the Applicant and tried to intimidate his wife and daughter as a result of this, wife of the Applicant sent a complaint to the Director of CBI and to Assam Human Rights Commission on 13.1.2000 and 8.2.2000 respectively. An appeal was also made to the Joint Director, CBI on 27.3.2000.

4.16 That pursuant to these complaints, the Joint Director, CBI also came to Guwahati and verbally told the Respondent No.1 to behave in a proper manner. The bad blood between the Applicant and the Respondent No.1 showed its effect in Respondent No.1 even recommending minor penalties against the Applicant in different files viz. official notings dated 29.2.2000 in three different files i.e. File No. SA/SHG/99/20 ; SA/SHG/99/21 and SA/SHG/99/22 respectively. Moreover such was the degree of animus bore by the Respondent No.1 against the Applicant that some time in November/December 1999 in File No. 153/99/Vol. II/NER,

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the Respondent No.1 in his note to the SP, CBI wrote that rewards should not be given to person like S.P. Singh Yadav who is using the reward money for fighting CAT cases against CBI (emphasis added). It is due to this observation, that since 1999 reward and commendation certificates have not been conferred on the Applicant on many occasions when as per the CBI Manual, he was entitled to get such rewards and commendation certificates. The Applicant has also submitted representation to the competent authority in regard to the said matter. Applicant craves leave of the Hon'ble Tribunal to refer to the representations submitted by him to the competent authority in this connection at the time of hearing of his case.

4.17 That thereafter the Respondent No.1 served on the Applicant an order dated 28.3.2000 wherein unsubstantiated allegations of gross misconduct, lack of devotion of duty and integrity etc. were made against the Applicant. The aforesaid order was silent on material particulars and it only stated that in view of gross misconduct of the Applicant, it has been decided to issue charge sheet on him for major penalty and that the Applicant should forthwith hand over charge of all cases with him to the DSP.

Copy of the order dated 28.3.2000 is annexed as
ANNEXURE-A/4

4.18 That when the prayer of the Applicant for payment of salary was ignored, the Applicant filed yet another Original Application being numbered O.A. 137/2000

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(admitted on 18.4.2000) before this Hon'ble Tribunal. The aforesaid O.A. is also pending disposal. Since Applicant was also denied the benefits of Special Duty Allowance despite repeated requests, the Applicant preferred yet another Original Application being numbered O.A. No. 139/2000 (also admitted on 18.4.2000). This Original Application is also pending disposal before this Hon'ble Tribunal.

4.19 That filing of three different original applications by the Applicant further angered the Respondent No.1. As a result, the order dated 28.3.2000 was followed by the order of suspension dated 26.4.2000 pending disciplinary proceeding. The order was passed in exercise of power under sub-rule (1) of Rule 5 of Delhi Special Police Establishment (Subordinate Ranks) (Discipline & Appeal) Rules, 1961.

Copy of the order of suspension Dated 26.,4.2000 is annexed as ANNEXURE-A/5.

4.20 That after the order of suspension, the Applicant was served with three different charge sheets dated 11.5.2000, 17.5.2000 and 22.5.2000. Charge sheet dated 11.5.2000 was with regard to the absence of the Applicant from 1.10.99 to 28.10.99. This charge sheet did not enclose the list of witnesses and documents sought to be relied on by the Disciplinary Authority and the Applicant is assailing the validity of this charge sheet by filing a separate original application. The charge sheet dated 17.5.2000 (this charge sheet was also sent to Applicant without the list of documents

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and witnesses) is with regard to infirmities in submission/non-submission of weekly diaries during the period 1996 to 1999. Though the period shown is from 1996 to 1999, but allegations are only in regard to non-submission of weekly diary in the year 1997. It is noteworthy that during the aforesaid period, Respondent No.1 was not holding the office of the Disciplinary Authority. In order to harass the Applicant, the Respondent No.1 dug up the past records and created/manufactured the charges against the Applicant in regard to submission/non-submission of weekly diaries. It is this memorandum of charges which forms subject matter of the present application. So far as charge sheet dated 22.5.2000 is concerned, the Applicant is preferring a separate original application to assail the legality and validity of the same.

4.21 That the impugned charge sheet is dated 17.5.2000 and the same forms the subject matter of the present case. The impugned charge sheet contained two articles of charges viz. :

- (i) That Shri Suresh Pal Singh Yadav while being posted and functioning as Inspector in the office of SP, CBI, ACB, Guwahati during the year 1996 to 1999 showed lack of devotion to duty and acted in an unbecoming manner inasmuch he did not submit weekly diaries/monthly diaries for the whole year of 1997 even after several reminders were issued to him by the Supdt. of Police, CBI, ACB, Guwahati and he thereby contravened the provisions of Rule 3(1)(ii) and (iii) of CCS Conduct Rules, 1964.

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(ii) That Shri Suresh Pal Singh Yadav while working as Inspector in CBI in the office of SP, ACB, Guwahati in the year 1999, submitted weekly diaries showing that he had conducted investigation on various dates in RC.5(A)/98-SHG though on those dates, no case diary was issued by him in RC.5(A)/98-SGH, showing thereby that either he did not conduct investigation in RC.5(A)/98-SHG on those dates or he had shown gross negligence and lack of integrity by not submitting case diaries on those dates in the said case and thus contravened provisions of Rule 3(1) (i) (ii) and (iii) of CCS (Conduct) Rules, 1964.

Copy of the impugned memorandum of charges dated 17.5.2000 is annexed as ANNEXURE-A/6.

4.22 That as stated earlier, the Annexure-A/6 charge sheet was served upon the Applicant without the list of witnesses and documents, however, the Applicant submitted his written statement of defence dated 29.5.2000 wherein he denied the charges in toto. In his detailed explanation, Applicant demonstrated the frivolous and vexatious nature of charges and stated that he duly submitted the weekly diaries and allegations of non-submission of the same are without any basis. In this connection, it is important to understand the nature of weekly diaries. The weekly diary contains the daily work performed by the official and the same are submitted to the office at weekend for appraisal of the work of the concerned official by the

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branch supervising officer. Submission of weekly diary is of routine nature remissness of which does not call for any punitive action. There is no rule or administrative instructions that weekly diaries are required to be submitted or non-submission of the same would attract penalty. Moreover in the present case, the Applicant had submitted the concerned weekly diaries and the charge to the contrary is baseless. It is also noteworthy that the weekly diaries of Inspectors is not sent to the DIG - the position held by the Respondent No.1. Further while submitting weekly diary/monthly diary no acknowledgment is given to the officer concerned from the branch nor any receiving stamp of despatch section is embossed while receiving the weekly diaries. It is also noteworthy that the weekly diaries of Inspectors are sent to Supdt. of Police who is a supervisory authority. In the present case, no allegation came from the Supdt. of Police. It is not a Supdt. of Police who initiated the charge or made an allegation. It is interesting to note that the allegation of this nature was made by the Respondent No. 1 who does not even receive weekly diaries and the same are not even brought to his notice. As per the procedure, a carbon copy of weekly diary is kept by the officer concerned for his record while the original copy is sent to the supervisory authority. In the present case Applicant has in his possession all the carbon copies of the concerned weekly diaries about which it has been alleged that the same were not submitted to the supervisory authority.

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Copy of the written statement of defence dated 29.5.2000 is annexed as ANNEXURE-A/Z.

4.23 That it is an establishment procedure in the office that unless the weekly dairies are submitted, the T.A. bills of the concerned officer are not passed. In the case of the Applicant, none of the T.A. bills of his belonging to the concerned period were withheld and the same were duly passed. This goes on to show that the Applicant had duly submitted the weekly diaries of the concerned period, otherwise the T.A. bills of the aforesaid period could not have been passed. Moreover, for working or non-working days or on holidays, there is a practice of payment of one month extra salary in the whole year. Whether or not the officer has on non-working days is assessed from attendance register and weekly diaries. In the case of the Applicant, salary of one additional month was duly paid for the year 1997. This also goes on to show that the Applicant had duly submitted the weekly diaries of the concerned period.

4.24 That the period cited as 1996-99 for alleged lack of devotion to duty is without any basis as the allegations are only in regard to non-submission of weekly diary in the year 1997. Long period covering 1996-99 prima facie demonstrate malafide intention of the Respondent No.1 inasmuch as during 1996 for about five months, Applicant had undergone training course for promotion in parent cadre at ATC, Sitahpur, UP. During this period, he was never issued any show cause notice and no explanation was called for in regard to

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any of his laches by his superior. Moreover, during the aforesaid period, Applicant handled many sensitive cases and was suitably rewarded and conferred commendation certificate continuously and regularly as mentioned below :

- (i) O.O. No. 8 dt. 12/1/96 - Rs.500 for good work done and sincere efforts and perseverance to duties which enabled branch to achieve annual target.
- (ii) O.O. No. 131 dt. 30/7/96 - Rs.250 + CC for good work done in case No. RC-22(A)/96-SHG.
- (iii) O.O. No. 164 dt. 28/8/96 - Rs. 300 + CC for good work
- (iv) O.O. No. 213 dt. 7/11/96 - Rs.300 + CC for good work in case No. RC-29(A)/96-SHG.
- (v) O.O. No. 211 dt. 7/11/96 - Rs.200 + CC for good work done in PE.23(A)/96-SHG.
- (vi) O.O. No. 215 dt. 7/11/96 - Rs.200 + CC for good work done in PE 22(A)/96-SHG.
- (vii) O.O. No. 45 dt. 7/2/97 - for good work during whole of the year 1996.
- (viii) O.O. No. 68 dt. 13/3/97 for Rs.1200/- by SPL Director for good work.
- (ix) O.O. No. 185 dt. 24/10/97 for Rs.1500 by Joint Director for good work done during his visit.

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(x) O.O. No. 195 dt. 30/12/97 for Rs.300 + CC for finalising targeted case No. PE 11(A)/97 and RC-54/94-SHG and thereby enabling branch achieve its annual target.

(xi) O.O. No. 92 dt. 13/5/98 for Rs.1000 + CC and highly commended by the then DIG, CBI Shri N. Mullick for good work done in the investigation of RC16(A)/96-SHG.

(xii) O.O. No. 177 dt. 25/6/98 for Rs.600 + CC and highly commended for good work by the then SP/CBI Sri B.N. Mishra for excellent investigation in RC-5(A)-98-SHG, the case which present DIG/CBI for extraneous interest has taken from him and endorsed to other IO for investigation and now finding fault therein.

(xiii) O.O. No. 23 dt. 22/1/98, for commendation certificate, highly commending for good work in RC-34(A)/96-SHG, a High Court referred and monitored case, wherein only charge sheet is to be filed, but for extraneous consideration the case has been taken and endorsed to other IO.

(xiv) O.O. No. 116 dt. 22/6/99 for Rs.1000 by JD/EZ/Calcutta for displaying keen interests for all round development and smooth functioning of branch, as well as showing interest in investigation, searches, surprise check etc.

4.24A That it is pertinent to mention here that during the aforesaid period, the Applicant was also promoted

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in State Police as Inspector of Police following required integrity and vigilance clearing from the then controlling officer and as such, the SP/CBI also issued order for promotion vide O.O. No. 193 dated 17.11.98.

4.25 That the rewards and commendation certificates cited above consistently since 1996 upto later part of June 1999 by all the superiors coupled with Applicant's promotion during the said period bear testimony to his devotion to his duty and integrity. It is only after arrival of the Respondent No.1 in July 1999 that in order to settle personal score with the Applicant, the Respondent No.1 started looking for every single imaginary mistake and began the process of issuing memos making adverse observations and issue of charge sheets on false, frivolous and flimsy grounds.

4.26 That issue of memo vide No. 753/12/COMP/SLC/NER dated 22.3.2000 as mentioned in para 9 of statement of imputation of misconduct in Annexure-II (1) of the charge sheet and raking the matter pertaining to 1997 and threatening to initiate departmental proceedings coupled with placing the Applicant under suspension demonstrate the malice, bias and animus of the Disciplinary Authority against the Applicant. Moreover, the matter that had been set at rest in 1996-97 by the then controlling officer could not have become so serious after the lapse of four years so as to merit initiation of departmental proceeding. Moreover, the malafide on the part of the Respondent No.1 is also evident from the fact that the weekly diaries of Deputy SSP, Prosecuting Inspector,

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Inspectors, RSOs and RSIs need not be sent to Head Office. Ordinarily, these weekly diaries should be seen and is scrutinised by the SSP who are personally held responsible for adequate control of proper performance of duties by these officers. It is reasonable to believe that the appraisal of the Applicant's performance by SSP on the basis of the said weekly diaries in the respective years from 1996-99 were already made which is also evident from the rewards and commendation certificates granted including the entries made in Applicant's ACRs by his superiors in respective years. Hence calling for weekly diaries of the years gone by, scrutinising them and issuing charge sheet thereon *suo moto*, shows lack of bonafide exercise of supervisory function.

4.27 That moreover, the respective DIGs belonging to the period 1996-99 had conducted the aforesaid appraisal of Applicant's work during the mandatory annual inspection in the respective years from 1996-99. Hence the conduct of sitting over judgment over the work already done by his predecessors that too after the lapse of four years only displays the bias and malice of the Respondent No.1.

4.28 That it is pointed out in para 2 of imputation of misconduct that one of Applicant's important duties was to submit weekly diaries/monthly diaries. It is stated that it is not the important duty of an investigating officer, but an associated function among many as regards appraisal of work done by the subordinate to

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the SP and as such, it is a satisfaction of the controlling officer alone which merits. Since the said satisfaction of controlling officer and other superiors is amply demonstrated in the form of rewards and commendation certificates conferred on the Applicant consistently during the period 1996-99, it was neither fair nor proper on the part of the Respondent No.1 to open a closed chapter. It was done only for the purpose of harassing and humiliating the Applicant.

4.29 That it is relevant to note that vide circular No. 21/42/94-PD dated 14.10.96, the system of monthly diary instead of weekly diary was introduced. Since there were general difficulties and remissness in submission of monthly diaries in CBI, therefore, the matter was re-examined in CBI Head Office and system of weekly diary was reintroduced as communicated to all investigating officers vide O.O. No. CA/GEN/4/96-SHG/200(1) dated 24.3.98 of SP/CBI/GHY, to submit diaries on weekly basis with effect from 1.4.98. Obviously for general remissness during that period, which was rectified by change of system at Head Office level, the issue of charge sheet against the Applicant for major penalty by the Respondent No.1 on the matter pertaining to that period on pick and chose basis, *prima facie* shows the malice and deep seated animus of Respondent No.1 against the Applicant.

4.30 That so far as allegation of non-submission of weekly diaries for the year 1997 is concerned (Article of Charge No.1), it is stated that the during the relevant period, there was no system of submission of

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weekly diaries and the system of submission of monthly diary was in existence. Moreover, as stated earlier, due to difficulties seen in general in maintenance of monthly diary, the system of maintaining weekly diary was reintroduced in the year 1998. Moreover, the use of phrase "lack of devotion to duty" during the entire period of 1996-99 shows arbitrariness on the part of the Respondent No.1 inasmuch as has there been really lack of devotion to duty on the part of the Applicant during the said period, he would not have been conferred with so many rewards and commendation certificates during the said period.

4.31 That be that as it may, it is categorically stated that the Applicant had submitted the concerned weekly diaries and the allegations made against him in regard to non-submission of the same is fallacious. Applicant has reasons to believe that the weekly diary submitted by him might have been deliberately misplaced in the department. So far as allegation made against the Applicant in charge No. 2 is concerned, the same has been dealt with in the written statement of the Applicant and the Applicant in order to avoid repetition craves leave of the Hon'ble Tribunal to refer to the same at the time of hearing of this application. However, it is reiterated that the charge No. 2 is also frivolous, vexatious and without any foundation.

4.32 That as stated earlier, weekly diaries are submitted in order to enable the supervisory authority

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to have appropriate appraisal of the subordinate. Weekly diaries contain reports of work performed by the subordinate on day to day basis. The supervisory authority of the Applicant during the said period properly carried out appraisal of the Applicant's work. Annual Confidential Reports of the Applicant were duly prepared. All that was done on the basis of the assessment of the Applicant of which weekly diaries were an integral part. Complaint in regard to non-submission of weekly diaries was not made by the supervisory authority of the Applicant at any point of time. Hence, taking up of an aforesaid issue by the Respondent No.1 by digging up into past records smacks of deep seated malice.

4.33 That the Respondent No. 1 rejected the written statement of the Applicant vide order dated 4.8.2000 and by another order of the same date, he appointed the Enquiry Officer for the purpose of enquiry against the Applicant.

Copy of the order dated 4.8.2000 rejecting the written statement of the Applicant is annexed as ANNEXURE-8.

Copy of the order dated 4.8.2000 appointing the Enquiry Officer is annexed as ANNEXURE-9.

4.34 That the order dated 4.8.2000 rejecting the written statement of the Applicant miserably fails to give just and sufficient cause to institute departmental enquiry against the Applicant. The tone and tenor of the order dated 4.8.2000 smacks of

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malafide exercise of power. The arguments advanced by the Applicant in his written statement have not been dealt with by the Respondent No.1 while passing the order dated 4.8.2000. The aforesaid order fails to make out any case against the Applicant for instituting disciplinary proceeding.

4.35 That the order dated 4.8.2000 passed by the Disciplinary Authority ex-facie demonstrates that the Respondent No. 1 has come to the conclusion regarding guilt of the Applicant. Disciplinary Authority has a closed mind and strong prejudice and no fruitful purpose would be served by participating in the disciplinary proceeding. In this connection, it is pertinent to mention that the Enquiry Officer who has been appointed to conduct an enquiry against the Applicant is undergoing a period of probation. The Enquiry Officer is yet to get confirmation of his services. It is the same very Disciplinary Authority (Respondent No.1) who is to confirm the services of the Enquiry Officer. Under these circumstances, Enquiry Officer is not expected to act independently. He would always be under the pressure of the Disciplinary Authority. Hence the Applicant does not expect any justice from the disciplinary proceeding.

4.36 That vide letter dated 16.1.2001, the Enquiry Officer intimated the Applicant that 23.1.2001 has been fixed as the date for preliminary enquiry and that Applicant is to present for the same at 10.00 A.M. at Shillong. The letter surprised the Applicant inasmuch

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as in the present case memorandum of charges was served upon the Applicant long ago albeit without the list of witnesses and documents. It is the fundamental principle of service jurisprudence that preliminary enquiry is carried out prior to the issue of memorandum of charges. In preliminary enquiry, the explanation of the Government servant may be taken and documentary and oral evidence may be considered. It is usual when such a preliminary enquiry makes out a *prima facie* case against the official concerned, the charges are then framed against him and he is asked to show cause why disciplinary action should not be taken against him. In the present case, not only the memorandum of charges was served upon the Applicant long ago, but the Disciplinary Authority after considering the written statement of defence submitted by the Applicant rejected the same vide order dated 4.8.2000 and by the order of the same date appointed the Enquiry Officer. Hence after framing of the charge sheet and rejection of written statement of defence submitted by the Applicant, there is no rational^{re} behind holding the preliminary enquiry. Applicant has reasons to believe that the preliminary enquiry is being held primarily for the purpose of prolonging the agony of the Applicant.

Copy of the letter dated 16.1.2001 is annexed as
ANNEXURE-A/18.

4.37 That the preliminary enquiry is being held in Shillong. For a long time, the Applicant is being paid 50% of his salary as subsistence allowance. In

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Shillong, there is no guest house of the Central Bureau of Investigation. There is no place except the hotel where the Applicant can stay. Hence visit to Shillong and stay over there would cost the present Applicant extra expenses which he is unable to bear.

4.38 That under the circumstances, the Applicant after receiving the letter dated 16.1.2001 of the Enquiry Officer sent the latter three different letters on the same date i.e. 20.1.2001. In these letters, the Applicant stated about the practical difficulties being faced by him in appearing before the Enquiry Officer at Shillong. It was also stated by the Applicant that the Disciplinary Authority has directed him not to leave the headquarter without obtaining previous permission of the Disciplinary Authority. It is also stated by the Applicant that his appeal against the memorandum of charges is still pending disposal before the Appellate Authority and till the same is disposed of, the enquiry against him should not be carried out. The Applicant also expressed his reservation in categorical terms about the impartiality of the Enquiry Officer in view of enormous pressure being exerted upon him by the Disciplinary Authority. It was stated by the Applicant that in view of the fact that the Enquiry Officer has not yet been confirmed in service and he is undergoing a period of probation would keep him under constant pressure of Disciplinary Authority and he would be compelled to toe the line of Disciplinary Authority. The Applicant also impressed upon the Enquiry Officer that along with the memorandum of charges, the

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Applicant was not supplied with the list of documents and witnesses sought to be relied on for the purpose of holding the enquiry.

Copies of three different letters of even date i.e. 28.1.2001 are annexed as ANNEXURE-A/11 colly.

4.39 That in the present case, despite the frivolous and vexatious nature of the enquiry, the Applicant is ready to face the same, but he wants such an enquiry to be held in an impartial manner. Applicant has reasons to believe that under the dispensation of the present Disciplinary Authority, enquiry against him would not be held in an impartial manner. Though Applicant has nothing against the present Enquiry Officer, but the very fact of the Enquiry Officer being under the probationary period, makes the capacity of the Enquiry Officer to hold such an enquiry in an impartial manner highly doubtful. In this connection, here it is stated that enquiry against the Applicant can be held at Calcutta which is the head office of the CBI in the Eastern Region. At Calcutta, there are guest houses of CBI wherein the Applicant can stay without incurring unnecessary expenditure. Moreover, at Calcutta, there are competent officers holding the same rank as that of the present Disciplinary Authority in Guwahati under whose supervision, the enquiry can be carried out. The present Disciplinary Authority because of its animus against the Applicant should not be permitted to take any decision in the present case.

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4.48 That the Applicant files this application bonafide for securing the ends of justice.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 Because the impugned charge sheet issued by the Respondent No.1 and the order dated 4.8.2000 are motivated. The Respondent No.1 is abusing his power to settle his personal score with the Applicant. The malice and the animus of Respondent No.1 towards the Applicant can be seen in the series of his action towards the Applicant. The impugned charge sheet and the order dated 4.8.2000 are therefore not tenable and the same are liable to be set aside.

5.2 Because the order dated 4.8.2000 passed by the Respondent No.1 discloses his bias and pre-judgment of the guilt of the Applicant. The arguments advanced by the Respondent No.1 in the aforesaid order are baseless and without any foundation.

5.3 Because the impugned charge sheet does not disclose any misconduct on the part of the Applicant. The act of Applicant of challenging the administrative order of his department before this Hon'ble Tribunal cannot be construed to be an act of misconduct. The allegations that have been made against the Applicant are imaginary and without any foundation.

5.4 Because the impugned memorandum of charges is frivolous and vexatious. They do not disclose any offence and as such liable to be quashed and set aside on this ground alone.

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5.5 Because the Enquiry Officer who has been appointed to conduct an enquiry against the Applicant in the present case is undergoing a period of probation. The Enquiry Officer is yet to get confirmation of his services. It is the same very Disciplinary Authority (Respondent No.1) who is to confirm the services of the Enquiry Officer. Hence the Enquiry Officer is not expected to act independently. He would always be under the pressure of the Disciplinary Authority. Hence the Applicant cannot get any justice from the disciplinary proceeding.

5.6 Because the impugned charge sheet has been issued against the Applicant in total non-application of mind. The charges have been framed without any foundation and the same are baseless. Supervisory authority of the Applicant having not made any complaint in regard to non-submission of weekly diaries, it was neither fair nor proper on the part of the Respondent No.1 to rake up this issue after digging into the past records relating to the period when Respondent No.1 was not holding the present office.

5.7 Because the impugned charge sheet has not been accompanied by the list of witnesses and documents. The non-furnishing of the list of witnesses and documents to the Applicant has prejudiced him. Facts of the case created a genuine apprehension in the mind of the Applicant that after examination of his written statement of defence the Disciplinary Authority would decide about the list of documents and witnesses on

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which reliance would be placed in the enquiry. The procedure being followed by the Disciplinary Authority in holding the present enquiry is, therefore, illegal and the same has vitiated the present enquiry.

5.8 Because holding of the preliminary enquiry in the instant case is like putting the cart before the house inasmuch as memorandum of charges has already been served upon the Applicant and the Applicant also submitted his written statement of defence. Holding of preliminary enquiry thereafter is devoid of any meaning and the same can only be for the purpose of prolonging the suffering of the Applicant.

6. DETAILS OF REMEDIES EXHAUSTED :

That the Applicant states that he had preferred an appeal dated 18.7.2000 under Rule 14 of the Delhi Special Police Establishment (Subordinate Ranks) (Discipline & Appeal) Rules, 1965 for the redressal of his grievance and assailing the legality of the impugned memorandum of charges. However, the aforesaid appeal has not been disposed of as yet and the Disciplinary Authority without waiting for the disposal of the appeal against the memorandum of charges has instituted the enquiry against the Applicant by rejecting his written statement of defence. The Applicant states that he has no other remedy available to him except to approach the Hon'ble Tribunal.

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7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT :

The Applicant further declares that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any other Court, Authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

8.1 Quash and set aside the memorandum No. 1477/02001/12/COMP/SLC/NER/99/(Pt.III) dated 17.05.2000 issued by DIG, CBI, NER, Guwahati and his order No. 2434/12/COMP/SLC/NER/99/Pt.III dated 4.8.2000 rejecting the written statement of the Applicant and instituting enquiry against the latter

and/or

In the alternative issue an appropriate direction that the enquiry against the Applicant would be carried out by a competent officer other than the present Enquiry Officer and the final decision about the Enquiry Officer's report shall not be taken by the Respondent No. 1 and the same would be taken by any other competent officer of the same rank as that of the Respondent No. 1. Direction may also be given to hold this enquiry either at Guwahati or at Calcutta.

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8.3 Pass such other order/orders as may be deemed fit and proper in the facts and circumstances of the case for securing the ends of justice.

8.4 Award cost of this application to the Applicant.

9. INTERIM ORDER PRAYED FOR :

Pending disposal of the application, be further pleased to stay holding of any enquiry pursuant to the memorandum No. 1477/02001/12/COMP/SLC/NER/99/ (Pt.III) dated 17.05.2000 and order No. 2434/12/COMP/SLC/NER/99/Pt.III dated 4.8.2000 passed by the DIG, CBI, NER, Guwahati rejecting the written statement of the Applicant and instituting enquiry against the latter.

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The Application is filed through Advocate.

11. PARTICULARS OF THE I.P.O. :

(i) I.P.O. No. : 50 421055

(ii) Date : 4/1/2001

(iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

Verification.....

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VERIFICATION

I, Suresh Pal Singh Yadav, son of Late Netra Pal Singh Yadav, aged about 47 years, resident of Dorothy Apartment, 4th Bye Lane, ABC, Tarun Nagar, G.S. Road, Guwahati, do hereby solemnly affirm and verify that the statements made in the accompanying application in paragraphs 4.1, 4.2, 4.5 to 4.9, 4.11 to 4.15, 4.22 to 4.32, 4.35, 4.37, 4.39, 4.40 are true to my knowledge ; those made in paragraphs 4.3, 4.4, 4.10, 4.16 to 4.21, 4.24, 4.33, 4.34, 4.36, 4.38 being matters of records are true to my information derived therefrom and the rest are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this verification on this the 24th day of January 2001 at Guwahati.

Suresh Pal Singh Yadav

Annexure A/Colly

OFFICE ORDER NO. 116 / DATED:- 23/6/99.

Joint Director(EZ)CBI/Calcutta vide his order dtd 04.06.99 is pleased to sanctioned a cash reward to the following Executive staff of CBI/ACB/Guwahati for they have taken keen interest for all round development of the branch smooth functioning as well as shown interest investigation searches,surprise checks etc. as detailed below:-

Sl.No.	Name & Designation	Amount Reward.
1	2	3
1.	Sh.R.P.Bose,Insp.	Rs. 1000/-
2.	Sh.S.P.Singh Yadav,Insp.	Rs. 1000/-
3.	Sh.L.Hangshing,Insp.	Rs. 1000/-
4.	Sh.N.G.Khamrang,Insp.	Rs. 1000/-
5.	Sh.N.R.Dey,Insp.	Rs. 1000/-
		5000/-

(Rupees five thousand)only

It is certified that the amount prescribed in H.O. letter No.29/1/81-AD.III dtd.1/8/90 has not been exceeded in this regard.

Superintendent of Police,
CBI/ACB/Guwahati.

Memo No.E/24/98/23/6/99 Dated:- 23/6/99.

Copy to :-

1. A/C Section in duplicate for n/a.
2. Person concerned.

Superintendent of Police,

CBI/ACB/Guwahati

A/Recd
f.k.v

Office order No. 93

Dated :- 01/01/99

Sanction is hereby accorded for the grant of C. C. to the following Executive staff for his good work done in Case No. RC 34(A)/96-SHG as detailed below :-

Sl. No.	Name & Designation	Amount Sanctioned	Commendation Certificate
---------	--------------------	-------------------	--------------------------

1. Shri S.P. Singh Yadav, Insp. C. C.

Superintendent of Police,
CBI, ACB, Guwahati.

Memo No. E/24/ 86-67

Copy to :-

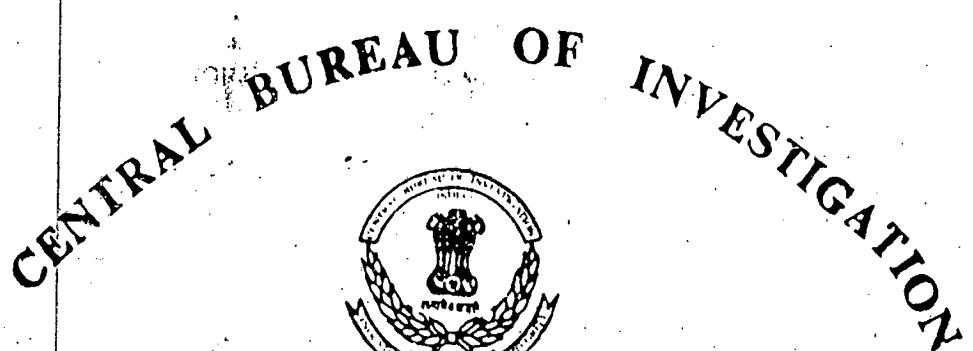
Dated :- 22-1-99

1. The S.B. Ch alongwith C. C. for necessary entry in his Service Book.

2. Person concerned.

W. C. 22-1-99
Superintendent of Police,
CBI, ACB, Guwahati.

Attached
File 21



GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, P. G. & PENSIONS
COMENDATION CERTIFICATE

Granted to Shri S.P.SINGH.YADAV, INSPR., IS HIGHLY COMMENDED
FOR HIS GOOD WORK DONE IN CASE NO. RC.34(A)/96-SHG.

for.....

DATED :
GUWAHATI

SUPERINTENDENT OF POLICE
CBI/ACB/Guahati.

Attahul
f.16.C

OFFICE ORDER NO. 117

Dated: 25th June '98.

Sanction is hereby accorded for the grant of reward and C.C. to the following officer of CBI/ACB/Guwhati for his good work done in Case No. RC.S(A)/98-SHG as detailed below:-

Sl. No.	Name & Designation	Amount rewarded.
1.	Mr. S.P. Singh Yadav, Inspk.	Rs. 600/- + C.C.
		Rs. 600/-

(Rupees Six hundred) only

It is certified that the amount prescribed in R.O. letter No. 29/4/81-AD, XIII dated 1/8/90 has not been exceeded in this regard.

(B.N. Mishra)
Superintendent of Police,
C.B.I./A.C.B./Guwhati.
11:11:11

Memo No. II/24/602-09

Dated: 25th June '98.

Copy to :-

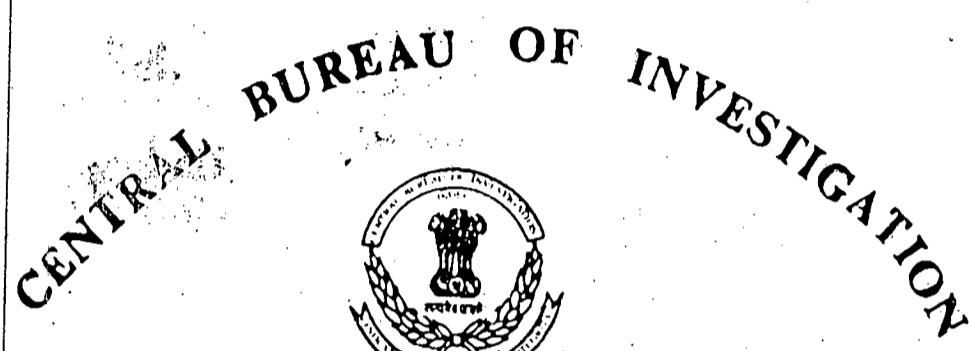
1. S.S. Clerk alongwith Commendation Certificate for necessary entry in the Service Book.
2. The H.A/C Section in duplicate for n/a.
3. Person concerned.

Attended
P.C.D.W.

Superintendent of Police,
CBI/ACB/Guwhati.

Sl/-

88888



1980
INDIA
1980

GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, P. G. & PENSIONS
COMENDATION CERTIFICATE

Granted to Shri SURESH PAL SINGH YADAV, INSPECTOR
IS HIGHLY COMENDED FOR HIS GOOD WORK DONE IN CASE NO.
R.C.5(A)/98-SHG.

for

*Parivart
25/6/88*
SUPERINTENDENT OF POLICE
CBI/ACB/Guahati:

DATED :
GUWAHATI

*After 1st
P.K.D.*

OFFICE ORDER NO. 91

Dated :- 31st May '98. 46

Sanction is hereby accorded for the grant of cash reward and C.C. to the following officer for his good work done in Case No. RC.16(A)/93-STG as detailed below:-

Sl.No.	Name & Designation	Amount rewarded.
1.	Sh. S. P. Singh Yadav, Inspector.	Rs. 1000/- + C.C. Rs. 1000/- + C.C.

(Rupees one thousand)only

It is certified that the amount prescribed in H.O. Letter No. 23/4/81-AD.III dated 1/8/90 has not been exceeded in this regard.

(B. N. MIGRA)

Superintendent of Police,
CBI/ACB/Guahati.

Mem No. R/24/

Dated:- May '98.

Copy to:- 2638-40

12th

- 1) A/C Section in duplicate for n/a.
- 2) S.B.Clerk alongwith the Commendation Certificate for necessary entry in the Service Book.
- 3) Parrot accoured.

Superintendent of Police,
CBI/ACB/Guahati.

81/-

•000

CENTRAL BUREAU OF INVESTIGATION



GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, P. G. & PENSIONS
COMMENDATION CERTIFICATE

Granted to Shri S.P. Singh Yadav, Inspr. to highly
commended for his good work done in SC. 36(A)/33-542.

for

DATED :
GUWAHATI

30/11/1987
SUPERINTENDENT OF POLICE
CBI/ACB Guwahati

*Shri S.P. Singh
ACB Guwahati*

INDIA STATE POLICE POLICE ESTABLISHMENT

Region of the Savannah

1920-1921

Report of the Committee of Stark, Potter & Associates..... **Guwahati**..... Dated

1	2	3	4	5	6	7	8	9
RC 16147/93-SAG	Sh. Surjeet Dasgupta, 31, SBI, Diphu & Others	Disturberment of IRDP Loans to fictitious and non-existent persons to the tune of several lakhs of rupees	-	Sri S. P. Singh Yadav Inspector, CBI/ACB, Guwahati	This case was earlier investigated by 3 I.O's who could not collect sufficient materials for launching the prosecution against the accused persons. And thus a departmental action was recommended.			
After P.C.M.	Sheet	<p>by the then I.O. Sr. P.P. also agreed with the opinion of the I.O. The then Branch SP also agreed with the opinion of the I.O. and Sr. P.P., even DIA has agreed with the same. Besides, that the case had a set back that some of the vital documents were lost due to the negligence of the then I.O. Sh. P. Saikia, Inspector who was repatriate on this count to the parent department. The FR-I and FR-II alongwith branch comments and DIA's opinion when examined by the then DIG, Sh. N. Hallick, he was not satisfied with the investigation, as such he discussed the case with Sh. S. P. Singh Yadav and gave him open offer to re-investigate the case. Inspector S.P. Singh Yadav accepted the challenge and investigate the case thoroughly and collected sufficient materials against the accused persons. And thereafter the case was made out to launch prosecution against the accused Sh. Surjeet Dasgupta, the then Branch Manager, SBI, Diphu and 6 others. The work done by Sh. S.P.Singh Yadav is highly commended by the undersigned as well the then DIG. It was also commended by the technical officer, Banking which resulted into filing Charge Sheet after obtaining sanction from the competent authority. The charge has been filed against the accused persons on 6.4.98.</p>	Search N. G. U.P.					

In view of the facts mentioned, I highly recommended that Inspector S.P. Singh Yadav deserves suitable cash reward alongwith commendation certificate to encourage his moral so in future also he may give expected result.

 I.M.K. Jha 21/4/98
Subdt. of Police.

-42-

OFFICE ORDER NO. _____

Dated: 30/12/97.

Sanction is hereby accorded for the grant of cash reward and C.C. to the following officers for finalising the following cases targetted for 1997 in PE.11/97, RC.5/96, PE.6/97 and PN.6/97, respectively as detailed below:-

Rank & Designation	Amount rewarded
1. Sh. S. P. Singh Yadav, Inspr.	Rs. 300=00+C.C.
2. Sh. Sandeep Royal, Sub-Inspr.	Rs. 250=00+C.C.
3. Sh. Manoj Banerjee, Sub-Inspr.	Rs. 250=00+C.C.
	Rs. 800=00

(Rupees eight hundred only)

It is certified that the amount prescribed in L.O. Letter No. 29/4/83-AD.III dtd.1/8/90 has not been exceeded in this regard.

(Signature)
Superintendent of Police,
CBI/ACB/Guwahati.

Memorandum No. E/24/82/3-15/

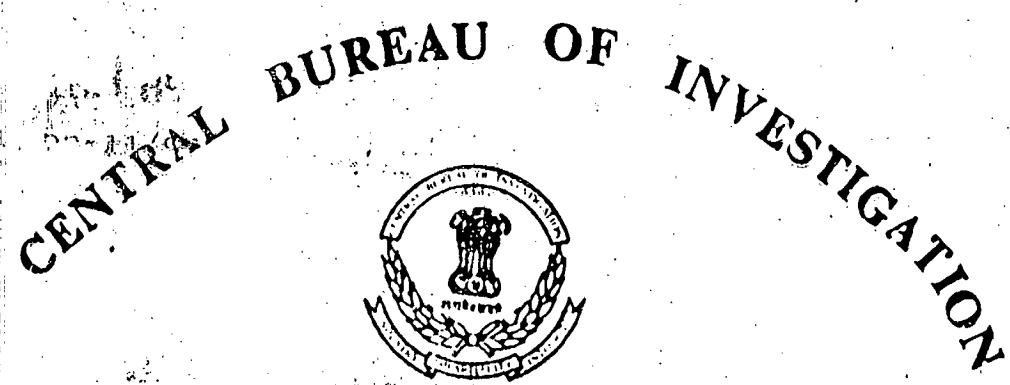
Dated: 30/12/97.

Copy to:-

1. S.H.Clerk alongwith Commendation Certificate for necessary entry in the Service Book.
2. The A/C Section in duplicate for n/a.
3. Person concerned.

(Signature)
Superintendent of Police,
CBI/ACB/Guwahati.

W.L.



GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, P. G. & PENSIONS
COMENDATION CERTIFICATE

Granted to Shri S.P.Singh Yadav, Insp. is HIGHLY
COMMENDED for finalising of cases targetted for 1997
for in PE:11/97, and RC.5/94.

DATED :
GUWAHATI

(Signature)
SUPERINTENDENT OF POLICE
CBI/ACB/Guahati:

AAHmed
P. 11/21/97

SL/

IRB/

OFFICE ORDER NO. 195

Dated: - 21/10 '97.

Joint Director (EZ), CBI/Calcutta vide his order dtd. 21/10/97 is pleased to sanction a Cash reward to the following Officers of CBI/ACB/Guahati Branch for their Good work done during his visit as detailed below:-

Sl. No.	Name & Designation	Amount Rewarded
1.	Sh. N. R. Dey, Insp.	1500.00
2.	Sh. S. P. Singh Yadav, Insp.	1500.00
3.	Sh. R. P. Rose, Insp.	1500.00
Total:-		4500.00

(Rupees Four thousand five hundred) only

It is certified that the amount prescribed in H.O. letter No. 08/01/90-ADV. dated 21/09/90 has not been exceeded in the case.

Superintendent of Police,
CBI/ACB/Guahati.

Dated: - 24/10 '97.

Memo No. E/24/

Copy to:-

1. A/C Section in duplicate for necessary action.
2. Person concerned.

Superintendent of Police,
CBI/ACB/Guahati.

EL.

Attn to
P.M.

10001

OFFICE ORDER NO. 68

Dated: 13/3/97

Special Director ,CBI/New Delhi vide his order dtd.08/03/97 is pleased to sanction a cash reward to the following Insp. of CBI/ACB/Guahati including Regional Office & Shillong Unit for their good work done during his visit as detailed below:-

Sl. No.	Name & Designation	Amount rewarded.
1.	Shri.R.P.Bose,Inspr.	Rs. 1200/-
2.	Shri.A.B.Gupta,Inspr	Rs. 1200/-
3.	Shri.S.P.Singh Yadav,Inspr	Rs. 1200/-
4.	Shri.K.Barman,Inspr	Rs. 1200/-
		Rs. 4800/-

(Rupees Four thousand eight hundred only)

It is certified that the amount prescribed in H.O. letter No.08/01/90-AD.V.dated 21/09/90 has not been exceeded in the case.

Supdt.of Police,CBI/ACB,
Guahati.

Memo No.E/24/ 1628-29/1

Dated: 13/3/97

Copy to:-

1. A/C Section in duplicate for necessary action.
2. Person concerned.

Plotted
P.V.C.

hundred

Supdt.of Police,CBI/ACB,
Guahati.

111111

OFFICE ORDER NO. 45

Dated: - 7/2/97

Sanction is hereby accorded for the grant of Cash reward to the following executive staff for their Good Work done during the year 1996 as detailed below:-

Sl. No.	Name & Designation	Amount rewarded
1.	Sh. S. P. Singh Yadav, Insp.	Rs. 500/-
2.	Sh. P. Limbu, A.M.I	Rs. 300/-
3.	Sh. E. Lyngdoh, Const.	Rs. 200/-
		<u>Rs. 1000/-</u>

(Rupees One thousand) only

It is certified that the amount prescribed in H.O. letter No. 29/4/81-AD.III dated 1/8/90 has not been exceeded in the case.

Supdt. of Police, CBI/ACB,
Guwahati.

Memo No. E/24/ 932-33

Dated: - 10/2 '97

Copy to:-

1. A/C Section in duplicate for n/a.
2. Person concerned

Supdt. of Police, CBI/ACB,
Guwahati.

*Aftered
P.K. Dhar*

####

S.L.Gogoi

OFFICE ORDER NO. 215

Dated: 7/11/96

Sanction is hereby accorded for the grant of cash reward to the following officials for their good work done in case No.P.E.22(A)/96-SIG on 12/7/96 as detailed below:-

Sl. No.	Name & Designation	Amount Reward.
1.	Sh.K.Burman, Insp.	Rs. 200/- + C.C.
2.	Sh.S.P.Singh, Insp.	Rs. 200/- + C.C.
3.	Sh.S.L.Gogoi, Const.	Rs. 100/- + C.C.

(Case No.P.E.22(A)/96-12/7/96 Total :- Rs. 500/-

(Rupees five hundred) only

It is certified that the amount prescribed in H.O. letter No.29/4/81-AD.III dated 1/8/90 has not been exceeded in the case.

Supdt. of Police,CBI/ACB,
Gwahati.

Memo No.B/24/6969-70

Dated: 8/11/96.

Copy to:-

1. A/C Section in duplicate for necessary action.
2. Person concerned.

Supdt. of Police,CBI/ACB,
Gwahati.

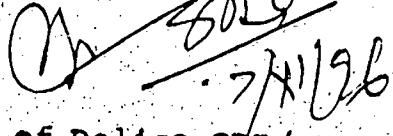
After 1st
P.K. 11/11/96

100

GOVERNMENT OF INDIA
CENTRAL BUREAU OF INVESTIGATION
OFFICE OF THE SUPDT. OF POLICE
A.C.B.GUWAHATI

COMMENDATION CERTIFICATE

Shri. S. P. Singh Yadav, Insp. CBI/ACB/Guwaahati
is Highly Commended for his Good Work done in Case
No. PE. 22(A) / 96-SHG on 12/7/96.


Supdt. of Police, CBI/ACB
Guwaahati.

Attested
P. C. D. I.

OFFICE ORDER NO.

211

Dated:- 7/11/96

Sanction is hereby accorded for the grant of cash reward to the following officials for their good work done in case No.P.E.23(A)/96-SHQ on 12/7/96 as detailed below.

Sl. No.	Name & Designation	Amount Rewarded.
1.	Sh.K.Barman,Inspr.	Rs. 200/- +.C.C.
2.	Sh.S.P.Singh Yadav,Inspr.	Rs. 200/- +.C.C.
3.	Sh.S.L.Gogoi,Const.	Rs. 100/- +.C.C.
		Total:- 500/-

(Rupees five hundred)only

It is certified that the amount prescribed in H.O. letter No.29/4/81-AD.III dated 1/8/90 has not been exceeded in the case.

Supdt.of Police,CBI/ACB,
Guwahati.

Mem No.E/24/ 6981-82

Dated:- 8/11/96.

Copy to:-

1. A/C Section in duplicate for necessary action.
2. Person concerned.

Supdt.of Police,CBI,ACB,
Guwahati.

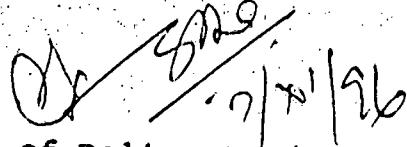
Attached
P.I.Clar

8430

GOVERNMENT OF INDIA:
CENTRAL BUREAU OF INVESTIGATION:
OFFICE OF THE SUPDT OF POLICE
A.C.B. GUWAHATI.

COMMENDATION CERTIFICATE

Shri S.P. Singh Yadav, Insp. CBI/ACB/Guahati
is highly commended for his Good Work done in Case
No. PE. 23(A) 96-SIG. on 12/7/96.


Supdt. of Police, CBI/ACB
Guahati.

R.A.

Patived
P.U.

OFFICE ORDER NO. 213

Dated: 7/11/96

Sanction is hereby accorded for the grant of cash reward to the following officer for their good work done in case No. RC.29(A)/96-SHC as detailed below:-

Sl. No.	Name & Designation	Amount Rewarded
1.	Sh. A. B. Gupta, Insp.	Rs. 200/- + C.C.
2.	Sh. S. P. Singh Yadav, Insp.	Rs. 300/- + C.C.
3.	Shri. A. Dutta, D/Const.	Rs. 100/- + C.C.
4.	Sh. H. War, Const.	Rs. 100/- + C.C.
		Total: - 700/-

(Rupees Seven hundred) only

It is certified that the amount prescribed in H.O. letter No. 29/4/81-AD.III dated 1/8/90 has not been exceeded in the case.

Supdt. of Police, CBI/ACB,
- Guwahati.

Memo No. R/24/ 6974-77

Dated: 8/1/96

Copy to:-

1. Accounts Section in duplicate for necessary action.
2. Person concerned with the C.C. for necessary action.
3. S.B. Clerk along with the C.C. for n/e in the S.B.

Supdt. of Police, CBI/ACB,
- Guwahati.

Abhijit
P. K. Deka

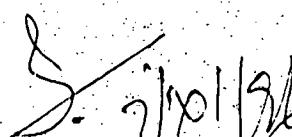
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GOVERNMENT OF INDIA,
OFFICE OF THE SUPDT. OF POLICE,
CENTRAL BUREAU OF INVESTIGATION,
A.C.B.GUWAHATI.

COMMENDATION CERTIFICATE.

SHRI. S. Singh Yadav INSPR.CBI/ACB/

GUWAHATI IS HIGHLY COMMENDED FOR HIS GOOD WORK
DONE IN CASE NO.RC.29(A)/96-SHG.


SUPDT. OF POLICE, CBI, ACB,
GUWAHATI.

*Attn: Adm
P.C. Deka*

OFFICE ORDER NO. 138

Dated: 31/7/96

Sanction is hereby accorded for the grant of Cash Reward and C.C. to the following Officer for their good work done in Case No. RC.22(A)/96 U/S 120B, 420, 468, 471, IPC & Sec.13(2) r/w 13(1) (a) of P.C.Act, 1988 in which Sl. 1 conducted search with the assistance of Sl.No.2 to 4 successfully in the residential premises of the accused and received incriminating documents/as detailed below:-

Sl. No.	Name & Designation	Amount Rewarded
1.	Sh.A.B.Gupta, Insp	Rs. 250/- + C.C.
2.	Sh.S.P.Singh, Insp	Rs. 250/- + C.C.
3.	Sh.J.N.Gogoi, H.C.	Rs. 150/- + C.C.
4.	Sh.Bhag Singh, Constable	Rs. 100/- + C.C. Rs. 750/- + C.C.

(Rupees Seven hundred & fifty) only

It is certified that the amount prescribed in H.O. Letter No.29/4/81-AD.III dated 1.8.90 has not been exceeded in the Case.

Supdt.of Police,CBI/ACB
Guwahati.

Dated: 31-7-96.

Memo No. E/24/ 4740-43

Copy to:-

1. A/C section in duplicate for necessary action.
2. Person concerned
3. S.B.Clerk alongwith commendation Certificate for necessary entry.

Supdt.of Police,CBI(ACB)@
Guwahati.

*Aftered
P.K. Chawla*

6/11

OFFICE ORDER NO. 164

Dated: 27/8/96

Sanction is hereby accorded for the grant of Cash Reward to the following officers in which they have taken active part regarding shifting of the Branch Office from New Guwahati to Sundarpur as detailed below:-

Sl. No.	Name & Designation	Amount Rewarded
1.	Sh. A. B. Gupta, Insp.	Rs. 500/-
2.	Sh. S. P. Singh, Yadav, Insp.	Rs. 300/-
Total:-		Rs. 1000/-

(Rupees one thousand) only

It is certified that the amount prescribed in H.O. letter No. 29/4/81-AD.III dated 1/8/90 has not been exceeded in the case.

Supdt. of Police, CBI/ACB,
Guwahati.

Dated: 27/8/96

Memo No. E/24/ 8355-56

Copy to:-

1. A/C section in duplicate for necessary action.
2. Person concerned.

Supdt. of Police, CBI/ACB,
Guwahati.

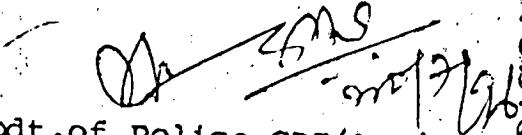
Attested
P. C. D. S.

10000

CENTRAL BUREAU OF INVESTIGATION,
OFFICE OF THE SUPDT. OF POLICE,
A.C.B.: Guwahati:-20.

COMMENDATION CERTIFICATE

Sh. S. P. Singh, Insp. CBI/ACB, Guwahati is highly
commended for his good work in Case No. RC.22(A)/96.


Supdt. of Police, CBI(ACB),
Guwahati.

Attest
P. K. Dutt

OFFICER ORDER NO. 8

Dated: - 12.1.76

DIG : CBI (N.R) GUWAHATI vide his order dtd. 8.1.96 is pleased to sanction a Cash Reward to the following officers in recognition to their good work done and sincere effort and perseverance to duties branch could achieved the Annual target well in advance as detailed below:-

Sl. No.	Name & Designation	Amount Rewarded.
1.	Sh. S. P. Singh Yadav, Inspector	Rs. 500.00
2.	Sh. B. Roy, S. I.	Rs. 500.00
3.	Sh. A. Naq, S. I.	Rs. 500.00
4.	Sh. P. Roy, Sub-Inspector	Rs. 500.00
Total :-		Rs. 2000.00

(Rupees two thousand) only

It is certified that the amount prescribed in H.O. Letter 8/1/90-AD-II dt. 21.9.90 has not been exceeded in the case.

Superintendent of Police,
CBI/ACB/Guahati:-

Memo No. E/24/II/ 118-79/

Dated: - 12.1.76

Copy to the :-

1. A/C Section in duplicate for necessary action.
2. Person Concerned.

12/11/76
Superintendent of Police,
CBI/ACB/Guahati

After 1st
P. K. Ch.

OFFICE ORDER NO. 157 /

dt/ 27/9

95.

Sanction is hereby accorded for the grant of Cash Reward to the following Official for their Good Work done in connection with the Case No. RC. 22(A)/95 U/S 7 of P.C.Act. as detailed below:-

Sl. No.	Name & Designation	Amount Rewarded.
1.	Sh. A. B. Gupta, Insp.	Rs. 250/-
2.	Sh. S. P. Singh, Insp.	Rs. 250/-
3.	Sh. A. Mao, S.I.	Rs. 150/-
4.	Sh. D. Mirmoo, S.D.	Rs. 150/-
5.	Sh. J. N. Gogoi, HC	Rs. 75/-
6.	Sh. B. B. Chettri, Constable	Rs. 50/-
7.	Sh. M. Borah, Constable	Rs. 50/-
Total:-		Rs. 975/-

It is certified that the amount prescribed in Head Office letter No. 29/4/81-AD.111 dt. 1.8.90 has been paid to the concerned officials.

Superintendent of Police,

CBI(ACB) GAUHATI:-

Memo No. E/24/4069-701

dt/ 27-9-95.

Copy to :-

1. Account Section in duplicate for necessary action.
2. Person Concerned.

Superintendent of Police,

CBI(ACB) GAUHATI:-

Approved
P.W.

Office Order No.....

Date...24/11/95

DIG,CBI,SRO,Shillong vide his order dated 30/12/94 is pleased to sanction Cash reward to the following staff of CBI, ACB, Shillong Branch as he has been entrusted five Cases viz. 27/93, 15/93, 5/94, 32/94, and 7/94. Out of which 2 Cases finalised and both were sent up for trial and remaining Cases are under investigation. He also attended misc. duties such as verification of Secret informations and conducting Raids etc. as detailed below:-

Sl.No.	Name & Designation	Amount rewarded
1.	Shri S.P.Singh Yadav,Insp.	Rs. 750/-

Total Rs. 750/-

(Rupees Seven hundred fifty) only.

Supdt. of Police,CBI,ACB,
Shillong.

Memo No.E/24/11.6.6.6.1

Date..30/11/95

Copy to the:-

1. A/C Section in duplicate for m/s.
2. Person concerned.

After 1st
P.C.D.

Supdt. of Police,CBI,ACB,
Shillong.

000000000

164

OFFICE ORDER NO: 64

DTD: 23/02/94

DIG/CBI/N.E.Region, Shillong has been pleased to sanction the following Ad Cash Reward to the under mentioned Staff for their good work done during the period 1993 and detailed below :-

SL. NO.	NAME & DESIGNATION	AMOUNT SANCTIONED.
1.	Shri A.K.Chakraborty, Insp.	Rs. 1,000/-
2.	Shri S.P.Singh Yadev, Insp.	Rs. 500/-
3.	Shri P. Saikia, Insp.	Rs. 500/-
4.	Shri M.Sarania, Insp.	Rs. 500/-
5.	Sh. Sanjay Sen, Insp.	Rs. 500/-
TOTAL		Rs. 3,000/-

(RUPHEES THREE THOUSAND) ONLY.
It is certified that the amount prescribed in the letter No: 29/4/91-AB, III dtd. 7/8/90 has not been exceeded in the case.

Superintendent of Police,
CBI/ACB/Shillong.

No: B/24/ 1147 - 4S

Dtd. 23/2/94

Copy to :-

- 1) AC Section in duplicate for necessary action.
- 2) Person concerned.

Subdt. of Police,
CBI/ACB/Shillong

Attested
P.I.C. (Dr.)

GOVERNMENT OF INDIA,
CENTRAL BUREAU OF INVESTIGATION,
OFFICE OF THE SUPDT. OF POLICE,
ANTI CORRUPTION BRANCH,
GUWAHATI :-5.
60 b7

Annexure : A/2

NO.DP/SHL/1999/05583 /A/20/157/93 Dated, Guwahati 30/11/99.

To

Sri S.P.Singh Yadav,
Inspr.CBI/ACB/Guwahati.

Sub :- Sanction of Commuted leave w.e.f.
01/10/99 to 28/10/99 - req.

Refer your application dtd.29/10/99 praying for Commuted leave w.e.f. 01/10/99 to 28/10/99. It is to inform that as per leave Rule 12(8) at page 154/C of Handbook 1999 it is stated that non Gazetted Govt.Servant should produce the medical Certificate from (i) C.G.H.S. Doctor if the Govt. Servant is a CGHS beneficiary and residing within the Unit of C.G.H.S. at the time of illness.

You have informed office through telephonic talk on 01/10/99 and petition dhd 05/10/99 that you will not be able to attend office due to illness, but you have not enclosed the medical Certificate of Doctor nor have you submitted any leave application in a prescribed form indicating the period of leave, nature of illness etc. The reasons given by you is not satisfactory due to the facts that as the officials of this office visited your house for delivering of urgent letter it is found that your house is remained under lock and key and on subsequent visit no satisfactory reply was given by your wife regarding your whereabouts etc.

In view of the above facts and circumstances, you are directed to explain as to why your leave period may not be treated as unauthorised absence.

Your explanation should reach this office within 3 days from issued of this memo failing which action will be taken as per rule.

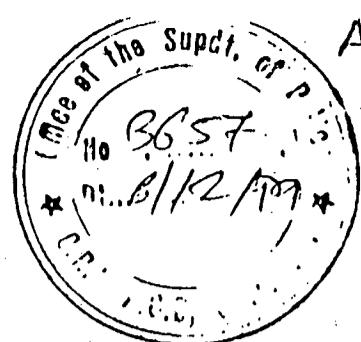
Superintendent of Police,
CBI(ACB)Guwahati.

Memo No.DP/SHL/1999/ 05583 /A/20/157/93 Dated:-

Copy to :-

1.. The DIG/CBI(NER)Guwahati for favour of information please.

Superintendent of Police,
CBI(ACB)Guwahati.



To

The Supdt. of Police
CBT/ACB/SDE
Guwahati

Sub : Sanction of Commuted Leave w.e.f. 01/10/99 to 28/10/99
Ref : No. DP/Sh/1/1999/05503/A/20/157/93 dtd. 30/11/99.

Sir,

May kindly refer on subject matter. In this connection I have to state that I am on deputation from State Police of Utter Pradesh. I am not registered in any of the CGHS Dispensary located in Guwahati. My wife, who is also a State of Assam Govt. employee, in time of medical needs consult Gauhati Medical College, other State dispensary or nearest registered Medical practitioner.

Further the C.G.H.S. Dispensary located in Guwahati town are situated at 7/8 Kms. from my house and the said dispensary also, as they do not have full equipment and other medical facility, invariably refer the patients to Gauhati Medical College for treatment and as such on the advice of doctor dt. 30/09/99. I consulted G.M.C. Ghy, the certificate thereof is already submitted to you along with Medical Fitness certificate.

Further more it is stated that on 30/10/99 in the night I felt severe chest pain and very high palpitation therefore I did neither have time nor the said CGHS Dispensaries open at such time, as such I approached the nearest doctor of Gauhati Medical College, who advised for rest as well as some check-ups in gauhati medical College and as such I attended the Medical College on 1/10/99 and informed you telephonically as well as vide my written information dt. 05/10/99.

as my wife is also a working women and no one was there to look after me during office hours therefore I was temporarily shifted to my in-laws house at Chentkuthi, Guwahati.

Contd... 2.

Attested
P.C.D.

10/10/99

10/10/99

10/10/99

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So far as delivery of urgent letter is concerned, I do not know as yet the content thereof, nor you made me acknowledge any such letter as yet even after resuming my duties on 29/11/99 after submitting my Medical Fitness certificate and application to grant Medical Leave in prescribed format along with required enclosures.

I am suffering great financial hardships as you have not disbursed my salary even though two months had already elapsed. It is requested once again therefore that my salary may kindly be disbursed soon.

Yours faithfully,

~~2nd~~
6/12/99

(SURESH PAL SINGH YADAV)
INSPI/CHIEF/ACB/GHY

17AC

Attested
P.K. Chawla

CENTRAL BUREAU OF INVESTIGATION,
N.E.REGION :::: GUWAHATI.

O R D E R.

As there are serious allegations of gross misconduct, lack of devotion of duty and integrity, deliberate defiance of the order of Superior officer, insubordination and making false and motivated allegations against superior officers against Shri S.P.Singh Yadav, Inspector, it has been decided to issue charge sheet on him for major penalty.

2. As further continuance in duty of Shri S.P.Singh Yadav would subvert discipline and spoil working atmosphere in the office. Shri S.P.Singh Yadav, Inspector is hereby ordered to handover charge of all cases with him (under investigation, trial, RDA) S.I.R. and complaints etc. to Shri A.K.Saha, Dy.S.P. including all correspondence made by him and received by him and deposit the listed documents, seized documents and documents otherwise received / collected by him during investigation / verification in the Makhana immediately. This process should be completed within 5 days at the most.

(K.C.Kantingo),
Dy.Inspector General of Police,
CBI, N.E.Region,Guwahati.

To Shri S.P.Singh Yadav, Inspector,CBI,ACB,Guwahati.
CBI ID No. 821/12/COMP/SIC/NER Dated 28.03.2000.

Copy to :

- (1) Supdt. of Police, CBI, ACB, Guwahati for necessary action.
- (2) Shri A.K.Saha, Dy.S.P., CBI, ACB, Guwahati.

Attested
P.K. Deka

CENTRAL BUREAU OF INVESTIGATION,
N.E.REGION :::: GUWAHATI.

O R D E R.

Whereas a disciplinary proceeding against Shri Suresh Pal Singh Yadav, Inspector,CBI,ACB, Guwahati is contemplated (Ref.CBI ID No.821/12/COMP/SLC/NER dated 28.3.2000).

Now, therefore, the undersigned in exercise of the powers conferred by Sub-rule (1) of Rule 5 of the Delhi Special Police Establishment (Subordinate Ranks)(Discipline and Appeal) Rules, 1961, hereby places the said Shri Suresh Pal Singh Yadav, Inspector,CBI,ACB, Guwahati under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force, the headquarters of Shri Suresh Pal Singh Yadav, Inspector,CBI,ACB, Guwahati should be Guwahati and the said Shri Suresh Pal Singh Yadav, shall not leave the headquarters without obtaining previous permission of the undersigned.

(K.C.Kanungo),
Dy. Inspector General of Police,
CBI, N.E.Region, Guwahati.

To Shri S.P.Singh Yadav, Inspector,CBI ACB,
Guwahati.

(Through Supdt. of Police,CBI,ACB, Guwahati.

CBI ID No. 101/12/COMP/SLC/NER/99 Dated: 26.4.2000

Copy to the Director General of Police, Uttar Pradesh, Lucknow, alongwith a copy of CBI ID No.821/12/COMP/SLC/NER Dt.28.3.2000, for favour of information.

2. Copy to the Joint Director (East Zone), CBI, Calcutta alongwith a copy of CBI ID No.821/12/COMP/SLC/NER dt.28.3.2000 for favour of information.

3. Copy to SP CBI ACB Guwahati for keeping in the Personal File of Inspector S.P.Singh Yadav, CBI, ACB, Guwahati.

Attached
P.C. 1/1

NO. 1/171 /12/COMP/SLC/NER/99/(PT.111),
08/01 Government of India, ✓
Central Bureau of Investigation,
N.E.Region, Guwahati -781 0003.

Dated 17/1/2000

MEMORANDUM.

The undersigned proposes to hold an Inquiry against Shri Suresh Pal Singh Yadav (S.P.Singh Yadav), Inspector, CBI, ACB, Guwahati (under suspension) under rule 8 of The Delhi Special Police Establishment (Subordinate Ranks) (Discipline and Appeal) Rules 1964. The substance of the imputation 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 imputations of misconduct or misbehaviour in support of each article of charge is enclosed in (Annexure-II(i) and Annexure-II(ii)).

2. Shri S.P.Singh Yadav is hereby directed to submit, within 10 (Ten) 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 that are not admitted by him. He should, therefore, specifically admit or deny each article of charge.

4. Shri S.P.Singh Yadav, Inspector (Under suspension) is further informed that if he does not submit his written statements of defence on or before the date specified in para - 2 above, or does not appear in person before the inquiry authority or otherwise fails or refuses to comply with the provisions of the Rules/Orders/ directions issued in pursuance of the said rule, the inquiry authority may hold the inquiry against him ex parte.

5. Attention of Shri S.P.Singh Yadav, Inspector (U/S) 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

Attn
P.S.C.V

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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 S.P.Singh Yadav, Inspector is aware of such a representation and that it has been made at his instance and action will be taken against him for such violation.

6. Receipt of the Memorandum should be acknowledged.

Enclo: As stated
(Five Sheets)

(R.C.Karungeo)
By Inspector General of Police,
CBI, N.E.Region, Guwahati.

To
Shri S.P.Singh Yadav, Inspector (D/S)
CBI, ACB, Guwahati.
(Through SP CBI ACB Guwahati)

Encl. No. 1414/12/COMP/SLC/NER/99 (PT.111) Dated: 13/5/2000

Copy for information to :

1. Director General of Police, U.P., Lucknow: This refers to our earlier communication No.1192/12/COMP/SLC/NER/99 dt. 26.4.2000.

2. Joint Director (East Zone), C.B.I., Calcutta.
This refers to this office ID No.1193/12/COMP/SLC/NER/99 dated 26.4.2000.

3. Spdtd. of Police, CBI, ACB, Guwahati.

(R.C.Karungeo),
By Inspector General of Police,
CBI, N.E.Region, Guwahati.

Authored
P.L.T.

ANNEXURE-I

ARTICLE OF CHARGES FRAMED AGAINST SHRI SURESH PAL SINGH YADAV, INSPECTOR, CBI ACB GUWAHATI (UNDER SUSPENSION)

ARTICLE OF CHARGE NO. 1.

That Shri Suresh Pal Singh Yadav @ S.P.Singh Yadav while being posted and functioning as Inspector, CBI, ACB, Guwahati during the year, 1996 to 1999 showed lack of devotion to duty and acted in an unbecoming manner in as much as did not submit Weekly Diary/ Monthly Diary for the whole year of 1997, even after several reminders were issued to him by the Supdt. of Police, CBI, ACB, Guwahati Branch and he thereby contravened provision of Rule 3(1)(ii) and (iii) of Central Civil Services (Conduct) Rules, 1964.

ARTICLE OF CHARGE No. 2

That Shri Suresh Pal Singh Yadav while working as Inspector CBI, ACB, Guwahati Branch in the year 1999 submitted weekly Diaries showing that he had conducted investigation on various dates in RC.5(A)/98-SNG though on those dates no case Diary was issued by him in RC.5(A)/98-SNG, showing thereby that he either did not conduct investigation in R.5(A)/98-SNG on those dates or else he had shown gross negligence and lack of integrity by not submitting Case Diaries on those dates in the said case and thus contravened provision of Rule 3(1)(i)(ii) and (iii) of Central Civil Services (Conduct) Rules, 1964.

*Attnkd
P.W.D.*

ANNEXURE-II (i).

STATEMENT OF IMPUTATION OF MISCONDUCT IN SUPPORT OF
ARTICLE OF CHARGE NO.1 FRAMED AGAINST SHRI SURESH PAL SINGH
YADAV, INSPECTOR, CBI, ACB, GUWAHATI, (UNDER SUSPENSION):

1. That Shri Suresh Pal Singh Yadav, was working as Inspector, in the office of SP, CBI, ACB Guwahati during 1996 to 1999.
2. That as Inspector of CBI it was one of his important duties to submit Weekly Diaries/ Monthly Diaries to the office of SP CBI ACB Guwahati branch regularly.
3. That said Shri Suresh Pal Yadav @ S.P.Singh Yadav did not submit his Weekly Diaries for the whole year 1997.
4. Several reminders were issued to him by office of SP CBI ACB Guwahati, but to no effect.
5. That vide letter No.SPSY/4155 dt. 30.6.97(1st.Reminder), Shri S.P.Singh Yadav was directed by SP CBI ACB Guwahati to submit his Weekly Diaries w.e.f. 30.12.96 to 31.5.97 immediately but he did not pay heed to the above reminder, and did deliberately submit Weekly Diaries / Monthly Diaries. He also did not give any reply explaining his difficulties, if any in this regard, though there could be generally no such difficulties.
6. That as said Shri S.P.Singh Yadav did not submit Weekly Diaries /Monthly Diaries. SP CBI ACB Guwahati issued 2nd. reminder vide No.MD/SPSY/97/5028 dt. 11.8.97, directed him once again to submit his Weekly Diaries / Monthly Diaries w.e.f. 30.12.96 to 31.5.97 but again Shri S.P.Singh Yadav did not take any note of the said reminder and nor

After 1st
R.W.D.

did comply with the order of the SP.

7. That the SP CBI ACB Guwahati, issued 3rd. ^{MD/SPSY/17/587/21 24.1.97} reminder to Shri S.P.Singh Yadav once again directing him to submit his Weekly Diaries / Monthly diaries w.e.f. 30.12.96 to 31.5.97 but this reminder too fell flat on him and the Inspector did not bother to submit his Weekly Diaries.

8. That another reminder was issued to Shri S.P.Singh Yadav by SP CBI ACB Guwahati, by way of 4th. reminder vide No.MD/SPSY/97/907 dt.9.2.98 directing him to submit his up-to-date weekly diaries w.e.f. 30.12.96 which again was of no consequence to him.

9. In view of the above gross careless, negligent conducts and defiance of the order of SP CBI ACB Guwahati by Shri S.P.Singh Yadav, he was called upon to explain, by DIG CBI NER Guwahati, vide No.753/12/COMP/SLC/NER dt. 22.3.2000, as to why departmental proceedings should not be started against him and he should not be kept under suspension for such deliberate misconduct and gross negligence on his part but even then Shri S.P.Singh Yadav did not bother to the above Memo. of DIG CBI NER, Guwahati.

10. That in the manner aforesaid Shri S.P.Singh Yadav showed gross negligence and utter defiance and casual attitude in the performance of his duty and insubordination and thus contravened Rule 3(1)(i)(ii) and (iii) of Central Civil Services (Conduct) Rules, 1964.

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ANNEXURE-II(ii)

STATEMENT OF IMPUTATION OF MISCONDUCT IN SUPPORT OF
ARTICLE OF CHARGE NO.11 FRAMED AGAINST SHRI SURESH PAL
SINGH YADAV, INSPECTOR,CBI,ACB,GUWAHATI, (UNDER SUSPENSION).

1. That Shri Suresh Pal Singh Yadav @ S.P.Singh Yadav was functioning as Inspector,CBI,ACB Guwahati during year, 1999.
2. That said Shri S.P.Singh Yadav was required to submit Weekly Diaries/ Monthly Diaries indicating actual work done by him on day to day basis.
3. That perusal of Weekly Diaries of Shri S.P.Singh Yadav for the year, 1999 showed that he had shown to have conducted investigation on various dates during 1999 in RC.5(A)/98-SHG but when the Case Diary file of RC.5(A)/98-SHG was checked it was found that no Case Diaries was submitted by him on the following dates, though these were shown in his weekly diaries.

(1)	25.2.99	(19)	6.7.99
(2)	10.3.99	(20)	8.7.99
(3)	17.3.99	(21)	12.7.99
(4)	19.3.99	(22)	13.7.99
(5)	24.3.99	(23)	3.8.99
(6)	3.4.99	(24)	4.8.99
(7)	30.4.99	(25)	24.8.99
(8)	7.5.99	(26)	27.8.99
(9)	13.5.99	(27)	8.9.99
(10)	29.5.99	(28)	9.9.99
(11)	4.6.99	(29)	21.9.99
(12)	8.6.99	(30)	27.9.99
(13)	11.6.99	(31)	02.11.99
(14)	14.6.99	(32)	26.11.99
(15)	15.6.99	(33)	28.12.99
(16)	17.6.99	(34)	2.7.99
(17)	24.6.99	(35)	5.7.99
(18)	3.7.99		

*Patent
for*

:- 02 :-

4. That explanation of Shri S.P.Singh Yadav was called for by DIG vide Memo. No.751/12/COMP/SLC/NER dt. 22.3.2000 for explaining immediately why Disciplinary Action should not be taken against him and why on the aforesaid dates shown in His Weekly Diaries in which he had conducted investigation in RC.5(A)/98-SHG but did not submit any Case Diary, those dates should not be treated as dies non but Shri S.P.Singh Yadav did not bother to submit any explanation.

5. That in the manner above, Shri S.P.Singh Yadav by submitting false Weekly Diaries and by showing gross negligence and malafide intention in not having submitting Case Diaries on the aforesaid dates in RC.5(A)/98-SHG showed lack of integrity and devotion to duty and contravened Rule 3(1)(i),(ii) and (iii) of Central Civil Services (Conduct) Rules, 1964.

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Attested
P.K. J.

10/1

To

The DIG/CBI/NER
Guwahati.

Through

The Supdt. of Police
CBI/ACB/Guwahati.

Sub: Memo No. 1477/12/COMP/SLC/NER/99(PT III) dt. 17/5/2000.
02001

Sir,

May kindly ref. as above whereby under Rule 8 of the DSPE (Subordinate Ranks) Discipline and Appeal Rules – 1961 an inquiry is proposed to be held for alleged misconduct/misbehaviour set out in the statement of Article of charges and imputations of misconduct.

2. In this connection at the very 'out set' I most humbly submit that the Disciplinary Authority which had issued the 'charge' sheet contemplating imposition of major penalty on me, is not competent to exercise such power in the instant case on account of bias and personal animus against me for the reasons stated in my statement dated 17/1/2000 against Memo No DPSHL/2000/0021/A/20/157/93 dtd 10/1/2000. It is due to the said grudge that situation arose culminating into drawing Departmental Proceedings under Rule 6 of the DSPE (Subordinate Ranks) Discipline & Appeal Rule – 1961 on False, Flimsy and baseless charges. The nature of charges itself reveal how bias and adamant disciplinary Authority Sri K.C. Kanungo @ Krishna Chandra Kanungo is against me to wreck my service career on such flimsy ground of mere allegations but without elaborating how and to what extant the interest of official business has been prejudiced.

3. Further the perusal of memorandum 'end' segment No COMP/SLC/NER/99/PT III dt. 17/5/2000 reveal that the memorandum is in respect of complaint pertaining to Silchar Branch of CBI and issued from office of DIG/NER. However I neither know the contents of the said complaint registered in Silchar Branch, nor I was ever posted in Silchar Branch of CBI. I was also not given the copy of the inquiry if any conducted in this regard. The registration of complaint in Silchar branch and without any inquiry what so ever in this connection so far proves that DIG/CBI/NER K.C. Kanungo conspiring with some extraneous interest to injure me on the basis of false and cooked up complaint

Further the CCS (Conduct) Rules 1964 under which the charges are framed are not applicable on me being a deputationist from State Police.

From the scrutiny of Memo, Article of charges and statements of imputations further reveal that the same have been issued against Suresh Pal Singh Yadav @ S.P.Singh and not me, i.e. Suresh Pal Singh Yadav as no such alias is shown in my service records.

P.Hentz
P.I.D.

4. It is also important to mention that the CBI and much less the DIG/CBI/NER Sri K.C. Kanungo are not competent to issue order for suspension and have any right to issue chargesheet for major penalty as I am State Govt employee on deputation to CBI. The ratio in this regard was held in Sohan Singh vs State of Punjab ILR (1970) P&H 468, AIR 1970 P&H 322, 1970 SLR 291 & T.R. Sukhija (Dr) VS State of Punjab (1973) 2 SLR 599, 1974 SLJ.7 (P&H HC) The same principle was also held in the case of Jernail Singh vs Union Territory of Chandigarh, AIR 1971 P&H 181. Thus in view of the aforesaid judgements the DIG/CBI Sri K.C. Kanungo lack competence to order for suspension and issue chargesheet for major penalty much less on false, frivolous and baseless grounds with bad motive and for extraneous considerations.

5. In this connection I State further as Follows –

the allegations set out in article of charges No. 1 of above said Memo are false & incorrect and the said weekly diary were very much submitted by me but the charges were leveled by DIG/CBI/NER Sri K.C. Kanungo with ulterior motive and at the behest of a dismissed Bank employee and CBI charge sheeted person in RC-7(A)/96-SHG in order to settle score in latter's favour and cause vexation to me and therefore I deny the same in toto.

6. Further the period cited as 1996-1999 for alleged lack of devotion to duty itself speaks bad motive of DIG/CBI Sri K.C. Kanungo, as during 1996 for about Five months I was undergoing Training course for Promotion in Parent Cadre at ATC Sitapur U.P. During this period never a show cause notice was issued and explanation called for in this regard by my superior. Further during this period I handled many sensitive cases and was suitably rewarded and conferred commendation certificate continuously and regularly as mention below.

- (1) O.O. No.8 dt. 12/1/96 - Rs. 500 for good work done & sincere efforts and perseverance to duties which enabled branch to achieve annual target
- (2) O.O. No.131 dt. 30/7/96 - Rs. 250 + CC for good work done in case No. RC-22(A)/96-SHG
- (3) O.O. No.164 dt 28/8/96 - Rs. 300 + CC for good work
- (4) O.O. No. 213 dt 7/11/96 - Rs. 300 + CC for good work in case no RC-29 (A)/96-SHG.
- (5) O.O. No.211 dt. 7/11/96 - Rs. 200 + CC for good work done in PE 23(A)/96-SHG.
- (6) O.O. No. 215 dt. 7/11/96 - Rs. 200 + CC for good work done in PE 22(A)/96-SHG
- (7) O.O. No. 45 dt. 7/2/97 - for good work during whole of the year 1996
- (8) O.O. No. 68 dt. 13/3/97 for Rs. 1200 by special Director for good work done during his visit.
- (9) O.O. No. 195 dt. 24/10/97 for Rs. 1500 by joint Director CBI/EZ/Calcutta for the good work done during his visit.
- (10) O.O. No. dt. 30/12/97 for Rs. 300 + CC for finalising targeted case No PE 11(A)/97 and RC-5A/94-SHG and thereby enabling branch achieve its annual target
- (11) O.O. No 91 dt. 13/5/98 for Rs 1000 + CC and highly commended by the than DIG CBI Sri N. Mullick for good work done in the investigation of RC16(A)/96-SHG.

R.K.L
JUL 2000

(12) O.O. No. 177 dt 25/6/98 for Rs. 600 + CC and highly commended for good work by the than SP/CBI Sri B.N. Mishra for excellent investigation in RC-5(A)/98-SHG, the case which present DIG/CBI for extraneous interest has taken from me and endorsed to other I.O for investigation, and now finding Fault therein.

(13) O.O. No. 23 dt. 22/1/99, for commendation certificate, highly commending for good work in RC-34(A)/96-SHG, a High Court referred and monitored case, wherein only charge sheet is to be filed, but for extraneous considerations the case has been taken and endorsed to other I.O

(14) O.O. No. 116 dt. 22/6/99 for Rs. 1000 by JD/EZ/Calcutta for displaying keen interests for all round development and smooth functioning of branch, as well as showing interest in investigation, searches, surprise check etc

During aforesaid period I was also promoted in State Police as Inspector of Police following required integrity & vigilance clearing from the than controlling officer and as such the SP/CBI also issued order for promotion vide O.O. No. 193 dt. 17/11/98.

7. The reward and commendation certificate cited above consistently since 1996 upto later part of June 1999 by all the superiors and promotion during said period speak volumes about my devotion to duty and integrity. It is only after arrival of present DIG in July 1999 that he at the behest of undesirable contact man and CBI charge sheeted person and in order to settle scores in his favour in respect of certain civil disputes, that the present DIG/CBI systematically undertook to maliciously denigrate me and malign my performance and thus started issuing memos/adverse observations/charge sheets on false, frivolous and flimsy ground to wrack my impeccable service/career and cause vexation to me & my family. In this connection my complaint dt. 23/12/99, my wife's complaint dt. 13/1/2000 to DCBI/Human Rights Commission and consequent inquiry by JD/EZ/Calcutta are points in reference. Further in File No. SA/SHG/99/03 dt. 6/5/99 Sri K.C. Kanungo DIG/CBI who is residing illegally in Coal India Guest House and drawing H.R.A by suppressing the facts and in violation of statutory FR/SR rules as well as taking 'no' action on the additional evidence vital to secure conviction of Arun Kumar Baruah, in RC-7A/96-SHG, furnished vide SIR dt 12/4/2000, as the accused is close friend of Sri K.C. Kanungo DIG/CBI/NER that made him to bear animus and grudge against me

8. The issuance of Memo vide No. 753/12/COMP/SLC/NER dt. 22/3/2000 as mentioned on para 9 of statement of Imputations of misconduct in Annexure II(1) of the charge sheet raking the matter pertaining to 1996-97 and threatening to initiate departmental proceedings and place me under suspension also speak his malice, bias and animus against me and as such he fails to think objective & rationally and act fairly. Further the matter which has been set at rest in 1996-97 by the then Controlling Officer can how become so serious a matter after 4 years meriting initiation of departmental proceedings under Rule-8 of DSPE (Disciplinary & Appeal) Rules 1961 reeking with malice is open to see through by all & one. The malafide on the part of DIG is also evident from the fact that vide June 1956, the weekly dairies of Dy. SsP, P/Is, PSIs, Inspectors, RSOs and RSIs need not be sent to Head Office They should be seen and scrutinized by the SsP who are personally held responsible for adequate control of and proper

performance of duties by these officers. Obviously the appraisal of my performance by SsP on the basis of said weekly dairies in the respective years from 1996 to 1999 were already made, which is also evident from the reward and commendation certificate granted, as aforesaid, and also from my annual confidential remark by the superiors in respective years. Thus calling for WD's, scrutinize them, issue chargesheet and sitting in judgement by the DIG all for himself cannot be termed bona fide discharge of his supervisory function.

Further more the respective DIG's already conducted the said appraisal of work and conduct of subordinate officers of the branch during the mandatory annual inspection in the respective years from 1996 to 1999 as such sitting over by DIG Sri K.C. Kanungo on the judgement of his predecessor after 4 years bares his mala fide and pretensions and utter disregard to natural justice and fairness in administration.

9. Further as pointed out in para 2 of Imputation of misconduct that one of my important duty was to submit weekly dairies/monthly dairies, it is submitted that it is not the important duty of an IO but an associated function among many as regards appraisal of work done by the subordinate to the SP and as such it is the satisfaction of the Controlling Officer alone which merits and the said satisfaction of Controlling Officer and other superiors are amply demonstrated in the form of reward sanctioned and commendation certificate conferred on me consistently during the period 1996-1999.

10. So far as para 9 of the imputation alleging that "in view of the gross carelessness, negligent conduct and defiance of the order of SP CBI/ACB Ghy by Sri S.P. Singh Yadav, he was called upon to explain by DIG/CBI/NER/GHY vide No. 753/12/COMP/SLC/NER dt. 22.3.2000 as to why departmental proceedings should not be started against him and he should not be kept under suspension for such deliberate misconduct and gross negligence on his part" but even then Sri S.P. Singh Yadav did not bother to the above memo of DIG/CBI/NER is concerned, it is submitted that he had already made up his mind to injure me and as such he called for to explain immediately without giving time to explain the facts. Similarly he issued another memo vide No. 751/12/COMP/SLC/NER dt. 22.3.2000 which is the subject matter of Article of charge no. 2, fixing ten days time for explanation. The aforesaid three memos were received on 23/3/2000. However the pretentious motive of worthy DIG/CBI and genuineness of his aforesaid allegation could be seen from the fact that even before the humanly impossible deadline of 10 days to expire on 4/4/2000 fixed against one memo (leave apart other two memos as aforesaid), he on 28/3/2000 itself vide CBI ID No. 821/12/COMP/SLC/NER, passed an order for handing over charge of all cases (Under investigation, trial, RDA) complaints etc to Sri A K Saha, Dy SP including all correspondence made and received by me and deposit the listed documents, seized documents and documents otherwise received/collected by me during investigation/verification in the malkhana, with direction to complete the whole process within 5 days. It is thus obvious here from who lacks in integrity, devotion to duty, discipline and fairness in conduct of official business. He also issued observation vide memo No 747/3/5(A)/98-SHG dt 22.3.2000 running into 29 pages calling for immediate disposal of the case, giving observation from CD No 1 dt 17.2.98 to CD No. 144 dt 19.1.2000 for

uation. Earlier to it he issued CBI ID No.45/3/5(A)/98-SHG dt. 6.1.2000 where in the DIG set out the limit of submission of FR-I in RC-5(A)/98-SHG within anuary month without discussing the investigation with me though great amount of investigation in the case was still wanting but he threatened with serious view and initiation of disciplinary action for failure in doing so. Simultaneously he also called for explanation on observations running into 30 pages within five days, failing which again he threatened to initiate action. In response to it vide noting 162, 163, 164, 165, 166, 167 dt. 27.1.2000 in crime file of RC-5(A)/98-SHG I explained that the DIG made said observation without discussing the case with me as such I proposed to hold discussion with PP/SP & DIG for clear cut instruction. However DIG observed vide his noting no. 168 dt. 2.2.2000 - " Does the SP understand the implication of I.Os noting ? Why has he (SP) not offered his comment and initiated action against him. Do I am to understand that SP is incapable to take any decision ? Has he submitted WD's. If not charge sheet may be issued to him. It is in the background of this incident which caught him at wrong foot for making undesirable observation in RC-5(A)/98-SHG without discussion with me that he raked up the issue of WD to find fault in order to harm me, with full mischievous knowledge that I.O's in whole of the department could be caught off guard on this front of WD's. However on being informed by crime branch vide noting dated 9.2.2000 that Sri S.P.Singh Yadav submitted WD upto 9.1.2000, i.e. upto date submission of WDs. Thus not finding any thing wrong here too DIG raked up the issue pertaining to 1996-97 in perfect tune with the morals in "Wolf and Lamb" story which resulted finally into issuance of instant charge sheet for the period of 1996-97 as DIG CBI was bent upon to pin me down and injure me on one pretext or other.

At the same time DIG through SP CBI issued another memo vide endorsement no. 3/34(A)/96-SHG/00297 dt. 13.1.2000 calling for submission of charge sheet in RC-34(A)/96-SHG basing upon 350 pages of SP's report and enclosure comprising 33 accused/suspect for perusal by the DIG, though required sanction order for prosecution against accused persons were not received from competent authorities. At the same time SP also instructed to personally visit the sanctioning authorities and expedite the matter of sanction order for prosecution in RC-34(A)/96-SHG. At the same time DIG/CBI issued two other letter through Dy. SP/CBI Sri K.C. Choudhury vide No. 00194/3/27(A)/96-SHG dt. 10.1.2000 and no. 174/3/27(A)/96-SHG dt. 20.1.2000 to attend the regional office immediately for explanation which became subject matter of issuance of charge sheet on false, frivolous and imaginary charges vide memo no 1516/12/COMP/SLC/NER/Pl II dt. 22.5.2000. Though in the said case final report under section 173 CRPC were filed in spl. Court Assam on the final order of JD/CBI/EZ/Cal Dr. U. Biswas more than two years ago and the said report was also accepted by the court without any adverse comments. During this period DIG through SP/CBI also issued another memo No DPSHL/2000/0021/A/20/157/93 dt. 10.1.2000 calling for my explanation within 5 days failing which punitive action were obviously contemplated. Again memo no 3/7(A)/96-SHG/00268 dt. 11.1.2000 was issued by DIG through SP again calling immediate explanation and then vide 3/7(A)/96-SHG/00757 dt. 3.2.2000 by SP/CBI calling for explanation within 3 days

Further three verified report vide No. 1) SA/SHG/99/20, 2) SA/SHG/99/21 & 3) SA/SHG/99/22 submitted for registration of cases duly recommended by PP/SP for registration of cases but again on the instruction of DIG explanation was called for on 24/1/2000 by SP which was submitted by me on 3/2/2000 in respective files. However DIG CBI Sri K.C. Kanungo again with malafide and for extraneous consideration did not put up the file to JD for order for registration of three cases, instead vide order dated 29/2/2000 ordered SP for initiating departmental proceedings against me for major penalty in all the three files.

Moreover the worthy DIG stopped my salary for the month of October when I was on Medical Leave for 28 days and framed two charges vide memo no. 1378/12/COMP/SLC/NER Pt(I) dtd. 11/5/2000 for major penalty though the matter was pending in CAT Guwahati vide OA No. 137/2000 and issuance of another chargesheet vide memo no. 1516/12/COMP/SLC/NER Pt(II) dtd. 22/5/2000 on the false, frivolous and baseless charge of "Recommending closure of case No. RC-27(A)/96-SHG u/s 173 CrPC without proper investigation" with full knowledge that the same was undertaken after due process of decision making in this regard as prevalent in CBI as per crime manual i.e. on the unanimous recommendation of Sr.PP/now DLA Sri J.S. Terang who gave FR-II, Sri B.N. Mishra/Sri M.K. Jha who supervised the case and gave SP's comments, the then DLA/now ALA Sri M.K. Sarkar who gave DLA's comments and Sri N R Ray DIG/CBI/NER who gave DIG's comments and Dr. U.N. Biswas IPS JD/EZ/Calcutta who passed final order for closure and cap it off the Court of Spl. Judge Assam which accepted the closure report without any comments, speak nothing but the real bad motive, unfairness, malafide and illegality on the part of DIG Sri K.C. Kanungo in the aforesaid matter to cause vexation, harassment and injury to me. How much genuine and uprighteous action of worthy DIG are could be seen in his passing of order / initiation of departmental proceedings on nine count of charges within a period of less than two months.

11. Thus issuance of so many memos & initiation of departmental proceedings at the drop of hat, calling for explanation in all cases immediately or without giving sufficient time and at the same time calling for completion of investigation and submit report within humanly impossible time all at once and failing which again threat of initiation of departmental proceedings looming over my head are not an act of malafide, bias or animus, an euphemism in judicial parlance but an act of active "Supervisory Terrorism". In view of aforesaid expecting recognition of good work as are evident from registration of 5 cases viz. 1) PE 2(A)/99-SHG, 2) PE 3(A)/99-SHG, 3) PE 5(A)/99-SHG, 4) RC 1(A)/2000-SHG, 5) PE 5(A)/2000-SHG and another 5 SIR's/verified reports pending for order for registration cases, securing exemplary punishment while presenting the cases in all the 4 RDA proceedings, result of which came during the period of 1999 under such dispensation is nothing but asking for moon.

12. However under such adverse circumstances wherein the worthy DIG/CBI/Sri K C Kanungo charge me for "Lacking devotion to duty" at the drop of hat, a prerogative of supervisory officer being misused and abused to the hilt in the instant case, himself do not even have " devotion to the integrity & solidarity of this nation, its National Flag, National Days & Symbols etc which is amply demonstrated from his escape from head quarter outside Assam a day

prior to Republic Day 2000 without unfurling National Flag at DIG/CBI /NER Office in the wake of boycott and bandh call given by Anti National and proscribed organisation ULFA calling for public not to observe and hoist National Flag on Republic Day terming it a black day. Thus it will be mockery of the constitution and struggle by the freedom fighter leading to Independence of this great Nation that a person " lacking devotion to the duty to this great nation and National Flag " either by negligence under threat or because of cowardice, is alleging "Lack of devotion to duty" today against a devoted nationalist who never missed a single Republic Day and Independence Day despite such threats and all odds, from hoisting National Flag at Head Quarter where hardly SP would show face under heavy police protection. It is not so much important to show nationalism at New Delhi by attending colourful ceremonies, it is here in north east where it calls for real guts, courage and conviction to display national pride even under shadow of threat to life and property.

13. Thus how a person could be indisciplined, "Lacking in devotion to duty, negligent and insubordinate" when he do not lack in supreme devotion to this country, its glorious tradition and ethos of freedom struggle. While the DIG/CBI Sri K.C. Kanungo who not only lacks the same but openly passes sweeping derogatory remarks against all IPS officers and deputationist officers in CBI during discussion with IO's thereby sowing seeds of disaffection in subordinate officers towards IPS officers could how claim having abundance of it, and is open to be seen by one and all.

14. The DIG/CBI/NER Sri K.C. Kanungo seems to be not only acting with bad motive and malversation in the instant case but is also discriminatory in this regard. In this connection DIG's inspection note issued by DYSP/CBI/NER Sri K.C. Choudhury vide No. 228/153/99/VOL II/NER dt. 24/1/2000 may be seen wherein the DIG is quoted to have gone through the weekly diary files of the IO's and made adverse observation against other IO's on the same count. A specific instance in this regard are that of Ng. Khamlang INSP/CBI who as per observation of DIG/CBI too have not submitted weekly dairy for whole year. Similarly Insp. N.R. Dey too have not submitted weekly dairy for 6 months but for the same heinous offence as contemplated against me no such action was taken against latter two CBI officials.

15. In this connection it is worth while to mention that vide circular No 21/42/94-PD dt. 14/10/96 the system of monthly diary instead of weekly diary was introduced however there were general difficulties and remissness in submission of monthly diary in CBI therefore the matter was re-examined in CBI head office and system of weekly diary was reintroduced as communicated to all I.O's vide O.O. No. CA/GEN/4/96-SHG/200(I) dt. 24/3/98 of SP/CBI/GHY. to submit diaries on weekly basis w.e.f 1/4/98. Obviously for general remissness during that period, which was rectified by change of system at Head Office level, thus the issuance of charge sheet for major penalty by DIG on the matter pertaining to that period on pick and choose basis speaks his malice and deep seated animus against me

16. So far as alleged non submission of weekly diary for whole year 1997 as in article of charge no. 1 and terming it as unbecoming and showing the same as

insubordination in respective statement of imputation against said charge is concerned, it is not known how general difficulties and remissness in submitting monthly diaries in CBI introduced during relevant time instead of weekly diaries which was reintroduced by Head Office after re-examination in 1997 could become 'unbecoming' conduct and 'an act of insubordination'. The choice of wording in this connection reflects the deep seated bias and animus of DIG/CBI Sri K.C. Kanungo as general difficulties of whole department which was corrected by change in system by the superiors could not be termed as 'unbecoming' and 'insubordination' against subordinate officials on pick and choose basis. Moreover the meaning of 'unbecoming' connotes moral and ethical aspect of the conduct and not legal lapses. Thus the use of word 'unbecoming' in this aspect too suffer from the vagaries of subjective evaluation of DIG/CBI and as such is unwarranted, misleading and mischievous. Similarly the use of word 'insubordination' by DIG/CBI in this context too reflects his bad motive to mislead superior officers. Further the use of phrase 'lack of devotion to duty' during entire period of 1996-1999 reflects capriciousness on the part of DIG/CBI, as had the same been true his predecessors and other superior officers would not have granted so many rewards and would not have conferred commendation certificate for commendable work as cited afar and given clearance for promotion in parent cadre to me.

W.S IN RESPECT OF ARTICLE OF CHARGE NO.2

1. So far as statement/Allegations made in Article of charge No.2 that I while working as inspector CBI/ACB Guwahati branch in the year 1999 submitted weekly diaries showing that I had conducted investigation on various dates in RC-5(A)/98-SHG though on those dates no. case diaries were issued by me in RC-5(A)/98-SHG, showing thereby that I either did not conduct investigation in RC-5(A)/98-SHG on those dates or else I had shown gross negligence and lack of integrity by not submitting case diaries on those dates in the said case and that I thereby contravened provision of Rule 3(i)(i)(ii) and (iii) of Central Civil Services conduct Rules, 1964, are concerned the same are also false, incorrect and capricious and brought forth with same animus, deep prejudice and bad motive which has been averred in aforesaid paragraphs and hence the same are denied in toto.
2. In this connection it is further submitted that the word Investigation in general as well as, as envisaged under Sec 2 of Cr.PC broadly includes verification of documents, plan of action to be undertaken, preparation of short notes and questionnaire for examining and recording the statements of witnesses, running some times days together, and also some time examining large no. of witnesses on a single day and preparing rough notes and then elaborating their statements subsequently consuming many more days but enclosing the said elaborated statements and rough notes with the single CD issued on the date of examinations of all the witness (3) study of documents running days together (4) Preparation of statements for days together which could be enclosed in compact form with CD on the day of completion only (5) some times the same may also not be enclosed with CD but is prepared for better understanding of case and apprising it to prosecuting officers as well as senior officers for discussion and also for enclosing with the SP's report draft

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sanction order etc. as could be seen in RC-34(A)/96-SHG (6) Sometimes the concerned office of the suspect is visited in order to scrutinize, verify and segregate the relevant documents for seizure and also sometimes to hold non-formal/formal discussion with persons having technical knowledge in pursuit of acquiring required technical knowledge and circumstances for unearthing the evidence, conspiracy and the culprits behind the commission of crime in the case. (7) Further it is well too known the fact that letters despatched outside are sent under hand & seal of SP but draft are prepared by the I.O. submitting to crime section for typing and signature etc. of SP. Thus there is obvious gap of couple of days in the preparation of draft typing and despatch and subsequent receipt of the copy of the same from despatch section by the I.O. for taking on record file. Obviously when the draft letter were prepared the work is shown in WD's and no CD is issued. However when copy of despatched letter with despatch no. etc. is received from despatch section, CD is issued while taking it on record file. Under the aforesaid circumstances which are few among many others, the work done on the day is reflected in the weekly diaries, for the knowledge of controlling officer but the same is not reflected in the CD's for obvious reasons. Besides in order to meet the targets etc. constant follow up in the matter is also to be undertaken. Therefore it is unessential to reflect unfruitful result, journey, discussion, examination and trivial things in CD, though such efforts obviously consume time and therefore are shown in WD but not in CD's. In this connection it is important to apprise that doing so does not cause any illegality. The decision in this regard were laid down by the Lordships of the judicial committee reported in Pulukuri Kottayya vs emperor and Zahiruddin vs Emperor that a breach of section 162 and 172 does not amount to an illegality if such an omission does not vitiate a trial. It is all the more reasonable that a failure to conform to a rule of conduct prescribed by the State Govt. on Police Officers cannot in any way interfere with the legality of trial. The same principle were held in following cases also.

- (1) AIR 1947 P.C. 67 cited with approval in Niranjan Singh Vs State of U.P. AIR 1957 SC 142 at 148.
- (2) Motiram Vs State, AIR 1955 Nag 121
- (3) Gajanand Vs State AIR 1954 SC 695
- (4) Budul Vs State 1957 ALJ 963.

Regarding dates shown in Para 3 of the imputation alleging that on said days I showed to have conducted investigation in RC-5(A)/98-SHG but did not issued CD's on the same dates. In this connection in the light of argument made afore I state that out of said dates on 4/6/99, 8/6/99, 11/6/99, 24/6/99, 3/8/99, 4/8/99, 24/8/99, 27/8/99, 21/9/99 I studied the files at O/O the Director OFC and submitted three detailed verified reports arising out of investigation of RC-5(A)/98-SHG vide no SA/SHG/99/20, SA/SHG/99/21 & SA/SHG/99/22 for registration of cases against telecom officials and contractors for awarding contracts on 200% to 500% higher than the prevailing departmental rates and thereby causing wrongful loss to the department to the tune of crores of rupees. However the DIG/CBI/NER Sri Krishna Chandra Kanungo @ K C Kanugo for reasons best known to him did not forwarded the same for appropriate order to higher authorities despite unanimous recommendation from branch in this regard.

3. So far as the dates mentioned in the Para 3 are concerned the work done and other associated circumstances for not submitting CD's are as follows :-

25.2.99 On 25/2/99 I indeed studied whole file in order to examine on 26/2/99 Jitendra Baisya and Pabitra Kr. Baisya both security Asst IAL who were the seizure witness before whom the cash was seized from K. Ganesh at Airport and accordingly I prepared the point for examining them at Airport which is about 40 Km from CBI Branch and non showing of this fact of study of file in CD but reflecting in WD has neither caused any illegality or prejudice to either accused or prosecution evidence.
On the basis of study of File the Statement of Jitendra Baisya & Pabitra Baisya was recorded and enclosed with CD No. 82 dt 26/2/99.

10.3.99 Similarly on 10/3/99 again I studied the File and documents seized in order to understand irregularities committed in awarding contract/purchase order to contractors and suppliers and understand the rules in this regard from Mr. M.C. Sarma CAO of CGMT/Assam Circle on 11/3/99 and showing it in W.D but not in CD. On 11/3/99 the files were shown to him; who prepared notes and gave study note enclosed on CD No. 84 dt. 16/3/99.

17/3/99 The extent of Malice DIG/CBI/NER Sri K.C. Kanungo bears against me and revengefulness he had to settle his score at the behest and collusion with some private persons are evident here from where despite submitting CD No. 85 dt 17/3/99 regarding handing over file to CE (Civil) Telecom division Sri H.K. Das and also reflecting the fact in WD he has falsely included the date in the chargesheet. The study note furnished in this regard was taken on record file on 6/4/99 vide CD No. 91.

19/3/99 As the rate for RCC Pipes given by CGMT(TF) was as per rates fixed by Technical Committee of Directorate of Industries, Assam and the photocopy of said report were also available on documents but as the FIR/Complaint dt 6/9/97 disclosed three names of RCC pipe supplier as has been told by K. Ganesh, having had contributed the seized amount. Thus to confirm what apparent irregularities in the deal prompted them to offer bribe and to check the said reports in Directorate of Industries I went. However the stencil copies of the rates etc. were given by the officer concerned for study but he was not prepared to hand over the same officially and required permission from Director of Industries as such I returned. Such fruitless visits was not shown in CD. The further letter in this regard was sent on 23/3/99 vide CD No. 87

24/3/99 Since scrutiny of currency vide CD No 39 dt. 20/8/98 revealed issuance of currency from large no. of Banks in NE & Calcutta Obviously sources who might have contributed the said amount must be correspondingly same and also having business dealing with department. Thus to ascertain the identities of those

contractor/supplier as also to ascertain irregularities therein and ask for specific documents based on definite clue such study was to be undertaken. Obviously such study cannot be conducted in a single day and require repeated visits for the purpose as we could neither ask for all the documents nor we could scrutinized all in a single day to find out irregularities and as such studies which turns out to be fruitless no CD was submitted. However some definite clues also resulted into finding out sources that made up for seized amount and was noted for further investigation

3/4/99 It was Saturday that is holiday but I attended the office to complete pending jobs in RC-5(A)/98-SHG. Obviously on this day CD's were completed and studied crime file for further investigation. Therefore no CD was issued but in WD the job was shown. It is obvious here from that I who is attending Govt. job even on Saturday & Sunday, how could be lacking in devotion to duty.

30/4/99 I studied document at H.Q. itself. Obviously it was reflected in WD and not CD.

7/5/99 Studied crime file and documents at H.Q. Obviously it was reflected in WD and not CD.

13/5/99 On this date, besides attending attachment proceedings in another case No. RC-34(A)/96-SHG vide Misc. case no 206/98, Met Mr. Doimari Vigilance Officer (T/F) in order to inquire about the circumstances in which Sri Padmanabhan, CGMT Assam Circle & I/C CGMT (T/F) after suspension of K. Ganesh sought certificate from Dy.S.P. Pandu Mr. S.K. Dasgupta regarding outcome of investigation in the case and how the said letter purportedly written by Dy.S.P. Pandu reflecting that "There is no case against Sri K. Ganesh", the fact Sri Dasgupta is now denying having ever written said letter, but lodging FIR at P.S. Dispur, has been obtained by CGMT/Mr. Padmanabhan and how the said letter was given to K. Ganesh enclosed with OA on the basis of which Sri K. Ganesh sought revocation of his suspension. As he could not tell any thing about the fact, therefore the result of this fruitless meeting was not reflected in CD.

29/5/99 Holiday, but completed CD's etc for progress report and apprise the development of the case to S.P. Obviously no CD was submitted but the work done in respect of RC-5(A)/98-SHG reflected in WD.

14/6/99 Remained at H.Q. studied documents did not submit CD but reflected in WD. Later on wrote SP's report in RC-34(A)/96-SHG.

15/6/99 Today one witness appeared and he was examined but as he did not brought certain documents in support of his statement therefore he was called on 16/6/99 and his formal statement recorded and

enclosed with CD. Obviously work done on 15/6/99 was shown in WD & no CD issued.

17/6/99 Remained at H.Q., studied documents in RC-5(A)/98-SHG. Shown the work done in WD and not issued CD. Rest of the day wrote SP's report in RC-34(A)/96-SHG.

2/7/99 In the morning session attended CAT in C/W OA of Mr. K. Ganesh as Mr. Debroy has informed to produce crime file relating to correspondence regarding transfer of case to CBI from Assam Police. As the matter was other than investigation in RC-5(A)/98-SHG therefore no CD issued but WD submitted showing work done under head RC-5(A)/98-SHG.
After return from CAT wrote SP's report in RC-34(A)/96-SHG. The job which with bad motive was not highlighted by DIG

5/7/99 Remained busy in preparing SP's report in RC-34(A)/96-SHG. In afternoon went to Dharapur CTSD store for verification of source information emanated during investigation of RC-5(A)/98-SHG which resulted into submission of SIR and registration of cases vide (1) PE15(A)/99-SHG (2) RC-1(A)/2000 (3) PE-5(A)/2000 and (4) SIR pertaining to shortage of 40 Mts. tower in telecom depot

3/7/99 Written SP's report in RC-34(A)/96-SHG also wrote CD's pending and hence no CD for 3/7/99 issued but work reflected in WD.

6/7/99 On this date I indeed had discussion with Mr. B.C. Roy DE(Plg) and understood the system & procedure of OFC/MW Project and its execution and taken notes but no formal statement recorded as he was to be examined in reference to certain documents and schemes which was not available by them. As such recording of this formal statement was done on 29/7/99 vide CD No. 110.

8/7/99 Attended CAT in C/W the OA filed by K. Ganesh and as the Hon'ble Judl. Member wanted to see the Govt. of Assam letter and other correspondence on the basis of which the case was transferred to CBI. As such I was present but as it has nothing to do with actual investigation in the case therefore No CD was issued. But as the duty was performed with reference to K. Ganesh an accused in RC-5(A)/98-SHG therefore it was shown in WD but not in CD.

12/7/99 On this day after writing SP's report in RC-34(A)/96-SHG called on DE(MM) and had discussion with him on the system & procedure of purchase but as he was to be examined on the basis of certain documents which were not handed over to the CBI. Therefore his recording of statement was deferred on 30/7/99 vide CD No. 111

13/7/99 The visit was for verification of certain information arose during course of investigation in RC-5(A)/98-SHG, which resulted finally in

submitting SIR's and surprise check's culminating in registration of PE-15(A)/99-SHG (2) RC-1(A)/2000 (3) PE-5(A)/2000 and (4) SIR pertaining to shortage of 40 mtr. tower in Telecom Depot.

8/9/99 I visited indeed these Bank in C/W investigation and to obtain required documents and report from Branch Manager in view of the statement recorded on 30/8/99, 31/8/99 and 1/9/99 but as visit did not turned to be fruitful as such no CD was issued but the work done was shown in WD.

9/9/99 Rough notes were recorded regarding statements of more than 40 witnesses on 30/8/99 and 1/9/99. Obviously on said days under given circumstances of impugned cash kept in Treasury which could not be brought to Branch for security reason, nor the cash box kept in double lock in treasury could be opened daily for showing to individual witnesses. As such rough statements so recorded were elaborated later on several days and same were enclosed along with rough notes with the original CD dt. 30/8/99 and 1/9/99. Thus in WD it was shown on those days when statements were elaborated as investigation in RC-5(A)/98-SHG but no CD was issued for obvious reasons.

27/9/99 On this date the letters were indeed prepared in long hand and given to crime section for typing and despatch. Under hand and seal of SP. However the copies of the despatched letter with despatch no. etc. were not received from despatch section on the same day therefore the letters were not taken on record file. As I was on Medical leave as per doctors advice from 1/10/99 to 28/10/99 therefore on return from duty the copy of said letters so despatched were taken on record file vide CD No. 124 dt. 29/10/99

2/11/99 On this day at H.Q. assisted in typing and scrutiny of draft article of charge imputations etc. in PE-2(A)/99-SHG and did Misc jobs i.e. completed CDs etc. pending because of my Medical rest & illness and as such were shown in WD but not in CD.

20/11/99 Here the crime file of RC-5(A)/98-SHG as well as RC-34(A)/98-SHG were studied and detailed notes were put up in note sheet itself for the perusal of SP as such no question arises to submit CD in this regard as dissenting notes are avoided to be included in CD but the same was reflected in WD.

28/12/99 On this day I indeed visited SBI
(1) Chenikuthi between 1130 to 1230hours and discussed with Mr Barman B.M. the requirement of information in connection with our earlier requisitions and requested him to furnish full information as per our requisition.
(2) From 1300 to 1400 hrs visited SPL court and assisted senior PP for framing of charges in another CBI case RC-5(A)/96-SHG

(3) Also visited SBI main branch from 1430 to 1700 hrs scrutinized vault safe register and requested Mr. Nandi Dy. Mgr cash to furnish full information as per our requisition submitted.

4. In this connection it will not be out of place to mention the conduct of worthy DIG himself and his style of functioning, his real motive to cause embarrassment to superiors, causing sabotage to investigation, cause disaffection among subordinates towards superiors by passing sweeping derogatory remarks against all IPS officers during discussion with IOs and causing insult, humiliation and harassment to subordinate officers on false, frivolous and baseless counts. As such he was involved in unsavory incident of hitting one subordinate with paper weight and causing him physical injury while he was posted as SP/CBI/Dhanbad, resulting into registration of Police case against him and following departmental enquiry he was transferred there from to Delhi. Under similar circumstances and following mass representation against him he was transferred to Chandigarh and then to Jammu, a punishment posting. At Jammu also entire branch including SP represented against him to Ho and as such he was transferred to another punishment posting to North East Region at Guwahati. In north east also his humiliating style of functioning forced Insp. K. Barman, Dy. SP K.C. Choudhury, CA to DIG Manoj Deb, CA to SP Mukut Das, Daftari Anjan Deb, Head Asstt. D.K. Dutta, PP Sri M.V. Ramaniah, Insp. Hraita, Insp. Thangzian and many others at Guwahati and Silchar branch to send representation to HO against DIG against his arbitrary and malicious actions and therefore sought repatriation and transfer from the region then working under him and face insult, humiliation and wreckage to their service career. All the said representations are available in Head Office uncovering his pretentious motivation and devotion to duty. A point in reference in this regard is the telephonic conversation that took place between DIG/CBI/NER Sri K.C. Kanungo and an outstation CBI Officer in presence of an IO following his posting at Guwahati, wherein he spoke in the following fashion - "The HO wanted me to make me unhappy by transferring from Chandigarh to Jammu but I was happy and instead I made HO unhappy Again HO transferred me from Jammu to NE Region to make me unhappy however I am happy but I will make HO repent for their move". It is obvious that an unhappy officer is letting out his frustration on the poor subordinates in the form of memos, chargesheet, insult, harassment and humiliation with bad motive to induce subordinates to obviously represent HO and thereby force HO to consider his transfer from NE Region. All CBI personnels will depose as stated afar provided enquiry is conducted on one to one basis and without the damaging shadow of threat of worthy DIG.

In his zeal of mismotivation and pursuit to cause embarrassment to HO as aforesaid he even did not desisted from flouting the Court Orders as could be seen from the fact that vide letter dtd 18/12/98 of Retainer Council Sri D.K. Das the Hon'ble Guwahati High Court monitoring the investigation of RC-34(A)/96 SHG directed SP/CBI to be present in Court wherein he was directed not to shift the IO until filing of chargesheet in the case, the fact SP/CBI communicated vide his ID No 817/CA/GEN/DO/25/98-GHY dtd. Monday 21/12/98 to DIG/HO. However the DIG/CBI Sri K.C. Kanungo in violation of Hon'ble High Court's direction withdrawn the case wherein only chargesheet remained to be filed as prosecution sanction orders were awaited, but placing me under suspension.

issuing chargesheets on false and cooked up charges for extraneous considerations but without informing Hon'ble Court regarding withdrawl of case from the IO.

In this connection it is humbly submitted finally that I reserve my right to further submit my defence as the concerned documents on the basis of which instant chargesheet issued, were not supplied. It is requested therefore that I may be allowed to see the WDs and CDs of all the IOs of the branch including that of Sri K.C. Kanungo, DIG/CBI while conducting investigation, the preliminary enquiry report in connection with the instant chargesheet, CD file of all of my cases, personal file etc. so that I may be able to submit my full defence in order to steer clear from the false and frivolous charges as set out by the DIG/CBI Sri K.C. Kanungo in the chargesheet calling for action under Rule 8 of DSPE (Subordinate Rank) Disciplinary Appeal Rules 1961.

Submitted

CC/23/4/1/2
SURESH PAL SINGH YADAV
INSP/CBI/ACB
Guwahati

*After kid
P.K.S.*

OFFICE OF THE
DY. INSPECTOR GENERAL OF POLICE,
CENTRAL BUREAU OF INVESTIGATION,
N.E.REGION :::: GUWAHATI.

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O R D E R.

WHEREAS a charge sheet vide Memo. No.1477/12/COMP/SLC/NER/99(PT.III) dated 17.5.2000 was issued to Shri Suresh Pal Singh Yadav, Inspector, CBI, ACB, Guwahati Branch [Under Suspension], proposing to hold an inquiry against him, under Rule 8 of the Delhi Special Police Establishment (Subordinate Ranks) [Discipline and Appeal] Rules, 1961 and said Shri Suresh Pal Singh Yadav (S.P.Singh Yadav) was directed to submit within 10 (Ten) days of receipt of Memo. a written statement of his defence and also to state whether he desired to be heard in person.

2. Whereas said Shri S.P.Singh Yadav, Inspector,(C.O.) submitted his reply to the above charge sheet, vide his reply dated 27.5.2000 through SP CBI Guwahati, which was received in the office of the SP CBI Guwahati vide Receipt No.11140 dated 29.5.2000, denying the charges and without expressing any desire to be heard in persons.

3. Whereas the undersigned after perusal of the aforementioned reply of Shri S.P.Singh Yadav, Inspector, found that the explanation given by him is far from satisfactory, in respect of any of the charges . Not only he has failed to explain the charges levelled against him in a reasonably satisfactory manner, he has, on the contrary made false, wild and baseless allegations against the undersigned, (for which actions have to be taken

Attested
P.C.D.

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against him separately) imputing bias and animus against him, without spelling out the reasons for alleged bias and animus and without any cogent and valid ground, although the fact remains, that it was the same DIG who did not recommend to H.O. for his immediate repatriation, vide his No.1444/142/99-NER dt. 16.9.1999 (Copy enclosed).

4. Whereas said Shri S.P.Singh Yadav, instead of confining himself to the subject matter of the charges levelled against him has, on the contrary, submitted a big list of rewards and commendations granted to him during his service in CBI, knowing fully well that while reward may be granted for good work / perceived good work, punishment is imposed for misconduct and misdemeanour.

5. Whereas said Shri S.P.Singh Yadav, while mentioning the list of rewards and commendations sanctioned / issued to him intentionally kept silent about the adverse communications made to him, in regard to his work and conduct, by my predecessor which was, communicated to him by SP CBI Guwahati vide No. 511 dt. 29.7.99 in which the following adverse remarks were conveyed to him pertaining to the year 1998.

(i) "He has tendency to finalise cases without collecting clinching evidence.

(ii) He is an indisciplined officer and exhibits insubordination occassionally".

6. Whereas, in reply to charge No.1, that he did not submit his Weekly Diary for the whole year, 1997 for which several Memos. / reminders were issued to him, Shri S.P.Singh Yadav has merely denied the charge in a blatant manner, without explaining when and how and in what manner

Attested
P.V.C.

he had submitted his Weekly Diaries for the said period^{Qb} and if so, why then he did not reply to the Memos. / reminders issued to him in this regard. He has also failed to enclose copies of the Weekly Diaries said to have been submitted by him for the year, 1997 and has also failed to provide any evidence relating to the submission of Weekly Diaries by him, for the said period.

7. Likewise, relating to the allegation No.2, that he did not submit Case Diaries for the work in the investigation of RC.5(A)/98-SHG shown in his Weekly Diaries, said Shri S.P.Singh Yadav has no satisfactory explanation to offer. On the contrary he has challanged that for the misconduct alleged against him, no prejudices to the interest of the any official business have been caused. Whereas, the above reasoning of said Shri S.P.Singh Yadav is misconceived as there is reason to believe that said Shri S.P.Singh Yadav, Inspector had submitted false Weekly Diaries showing investigation done in RC.5(A)/98-SHG in order to justify his inaction, which thereby resulted in prolongnation of the investigation of this case unnecessarily, causing much prejudice to the accused who has been kept under suspension since long, apart from bringing disgrace and bad name to the organisation (CBI) in which he has come to serve, for this unwarranted and unjustified delay in the investigation.

8. Whereas said Shri S.P.Singh Yadav (C.O) has brought allegation of bias and discrimination against the undersigned with misconceived notion and without any basis, forgetting that each case is different and action proposed would depend upon the work and conduct of each

I.O. vis-a-vis the circumstances in which he is placed, for committing those alleged lapses. Moreover, both Shri Ng.Khamrang, Inspector and Shri N.R.Dey, Inspector are found to have submitted their Weekly Diaries for the pending period, after their lapses were brought to their notice, whereas Shri S.P.Singh Yadav did not care to take any action in this regard inspite of having been reminded and warned to do so several time, making on the contrary serious bogus charges agisnt the underdesigned.

9. Whereas instead of giving proper reply to the charges made against him, said Shri S.P.Singh Yadav has desired the undersigned to allow him to go through Case Diaries, Weekly Diaries of all the I.Os including that of DIG which has got nothing to do with the present charges levelled against him. This is an indication of impudent and insolent conduct, on his part which have been his hall mark and as such his request is disallowed. However, any other document(s) which will help him in clarifying the matter as far as the charges against him are concerned, would be provided to him after he makes specific request to do so, besides the documents which would be relied upon in the present case which will be shown / copies provided to him at the appropriate time:

10. Whereas said Shri S.P.Singh Yadav has quoted various rulings of Hon'ble High Courts / Supreme Court etc. to buttress his case though none of these rulings is relevant and applicable in his case. All the rulings cited by him relate to the fact of legality / illegality of non mention of facts / evidence produced during trial against an accused which do not find mention in the CDs. But in

the instant cases, said Shri S.P.Singh Yadav has neither collected any evidence against the accused nor issued any CD while recording allegedly false statements/ facts in the Weekly Diary with a view to justify his inaction in the investigation . Nevertheless it has been held in these cases that the Court would be circumspect while taking into account these evidence against the accused.

11. Whereas the Hon'ble Supreme Court, on the contrary has held "Entries in the case diary must be made with promptness, in sufficient details, mentioning all the significant facts in careful chronological order and with complete objectivity. The Supreme Court has severely condemned hapazard maintenance of Police diary" (Bhagwan Singh AIR 1983 SC 826: 1983 Cr.LJ 1081) (page 551 of Cr.P.C. Vol.I by B.B. Mitra).

12. Whereas it was found, after going through the reply of said Shri S.P.Singh Yadav, vis-a-vis his entries in the Weekly Diary that although he had shown to have visited the office of CGMT TASK FORCE, Panbazar, Guwahati on 6.7.1999 and examined Shri B.C.Roy, DE (Plg) in RC. 5(A)/98-SHG but no CD was issued by him in the above case on 6.7.99. Likewise, though Shri S.P.Singh Yadav had shown examination of Shri D.Das, DE on 12.7.99 in his Weekly Diary in RC. 5(A)/98-SHG, he did not issue any Case Diary on 12.7.99 in RC. 5(A)/98-SHG.

13. Whereas , said Shri S.P.Singh Yadav while showing scrutiny of documents in his Weekly Diary for days together, such as on 7.5.99, 8.6.99, 11.6.99, 24.6.99, 4.8.99, 24.8.99 and 27.8.99 etc. he did not submit any scrutiny report, nor did he issue any CD on the above

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dates hereby giving impression that he did not do any work on those dates and had issued false weekly diaries, to justify his inaction in this case.

14. Whereas it is observed that said Shri S.P.Singh Yadav while showing visit to different places, such as Banks, Office of Director OFC on different dates in his weekly diaries, he did not move out from the office on those dates as seen from the Movement Register of the I.Os for the relevant period.

15. Whereas it appears that the contention of Shri S.P.Singh Yadav that CCS Conduct Rules is not applicable to him, being an officer of State Police on deputation to CBI is erroneous and misconceived in as much as these rules would be applicable to him as long as he continues to function on deputation in CBI.

16. Whereas said Shri S.P.Singh Yadav has asserted that the charge sheet issued is not applicable to him as he has no alias S.P.Singh, whereas he has been signing his name frequently / occasionally as S.P.Singh.

17. Whereas Shri S.P.Singh Yadav desires to be furnished copy of enquiry report and of any complaint of Silchar Branch, the questions of which do not arise as these are creation of his own imagination, and do not exist in reality.

18. Whereas the undersigned is competent to issue charge sheet for major penalty to said Shri S.P.Singh Yadav and keep him under suspension as permissible under Rule 5 read with rule 13 of Delhi Special Police Establishment (Subordinate Rank) (Discipline and Appeal) Rule, 1961 and as per Rule 3 (d) of Delhi Special Police Establishment (Subordinate Rank) (Discipline and Appeal) Rules 1961 said Shri S.P.Singh Yadav, Inspector would come under definition of Subordinate Police Officer and as per Schedule to the Rule DIG CBI is the Competent Authority to impose all types of penalties on a subordinate Police Officer of rank of Inspector. (Moreover, this has been done with the

19. Whereas said Shri S.P.Singh Yadav has given no reply to the charge sheet pertaining to dates (i) 4.6.99, (ii) 8.6.99, (iii) 11.6.99, (iv) 24.6.99, (v) 3.8.99, (vi) 4.8.99, (vii) 24.8.99, (viii) 27.8.99, (ix) 21.9.99 and (x) 26.11.99.

20. Whereas it appears that the manner in which and the indecent, slanderous and mischievous language used by said Shri S.P.Singh Yadav while giving reply in respect of date 17.3.99 at page 10, speaks volume about his mentality, character and conduct, though on 17.3.99 he did not appear to have moved out from office / attended office as verified from Movement Register of I.Os.

21. Whereas it appears that said Shri S.P.Singh Yadav in his reply has stated at page 13 that on 20.11.99 he studied Crime files of RC.5(A)/98-SHG and RC.34(A)/96-SHG and put up detailed notes for perusal of S.P. but in his Weekly Diary he has shown to have prepared Article of charge in RC. 34(A)/96-SHG.

22. Whereas in view of the above situation arising out of the reply given by Shri S.P.Singh Yadav, Inspector to the charges issued to him, it is now imperative that a formal enquiry under Rule 8 of the Delhi Special Police Establishment (Subordinate Ranks) (Discipline and Appeal) Rules, 1961 is required to be conducted against said Shri S.P.Singh Yadav, by appointing an Enquiry Officer and Presenting Officer in this case, for which separate orders are being issued by the undersigned accordingly.

Enclo: As stated

(K.C.Ranungo)
Dy.Inspector General of Police,
CBI,N.E.Region, Guwahati.

To Shri S.P.Singh Yadav, Inspector,CBI, Guwahati
(Under Suspension), Through SP CBI ACB Guwahati.
No. 2434/12/COMP/SLC/NER/99/PT.III. Dated

4.8.2000

After 11
P.12
Copy to Supdt. of Police, CBI,ACB, Guwahati for information and necessary action.

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Annexure : A/9

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No. 2429 /12/COMP/SLC/NER/99/(PT.III),

Government of India,

Central Bureau of Investigation,

Office of the

Dy.Inspctor General of Police,

N.E.Region, Chenikuthi Hill Side,

Guwahati - 781 003.

Dated 4.8, 2000.

WHEREAS an Inquiry under Rule 8 of the Delhi Special Police Establishsment (Subordinate Rank) (Discipline and Appeal) Rule, 1961 is being held against Shri Suresh Pal Singh Yadav, Inspector,CBI,ACB, Guwahati (now under suspension).

AND WHEREAS the undersigned considers that and Inquiring Authority should be appointed to Inquire into the charges framed against said Shri S.P.Singh Yadav, Inspector,CBI,ACB Guwahati (now under suspension).

NOW, THEREFORE, the undersigned, in exercise of the powers conferred by subrule 3 of the said rule hereby appoints Shri V.Agashe, Dy.Supdt. of Police, CBI,ACB Shillong Unit as the Inquiring Authority to inquire into the charges framed against the said Shri Suresh Pal Singh Yadav, Inspector, CBI,ACB, Guwahati (now under suspension).

(Signature)
(K.C.Kanungo)

Dy.Inspector General of Police,
CBI, N.E.Region, Guwahati.

Copy to :

1. Shri Suresh Pal Singh Yadav, Inspector,CBI, Guwahati (now under suspension) Through SP CBI ACB Guwahati.
2. SP CBI ACB Guwahati.
3. Shri V.Agashe, Inquiring Authority,DSP CBI Shillong Unit.
4. Director General of Police, U.P. Lucknow.
5. Addl. Director,CBI, Calcutta for favour of information.

*Attested
P.K.Jur*

No. DISC/1/ AA

Government of India
Central Bureau of Investigation
O/o. Dy. Supdt. of Police
Anti-Corruption Branch,
Oakland, Shillong - 1

Dated :- 16.1.2001

To,

Sh. S.P. Singh Yadav,
Inspector of Police,
CBI(ACB) Guwahati
(U/S)

(through SP/CBI/ACB/Guwahati)

Ref:-

Memorandum No. 1477-1480/12/COMP/SLC/NER/20/
(Pt. III) dated 17.5.2000

The undersigned in the capacity as the Inquiring Authority with reference to above memorandum has fixed 23.1.2001 as the date for Preliminary Enquiry, you are hereby directed to present yourself for preliminary enquiry at 10.00AM in the O/o. DSP/CBI/ACB/Oakland, Shillong - 1 on the aforesaid date.

16/1/2001

(VAIBHAV AGASHE)
Dy. Supdt. of Police, CBI,
ACB, Shillong.

No. DISC/1/ AA

Dated :-

Copy to :-

1. DIG/CBI/NER/Guwahati for favour of information.
2. SP/CBI/ACB/Guwahati for favour of information.
3. Sh. M. Banerjee, SI, CBI Guwahati. He is requested to present during preliminary enquiry.

Attested
P.K. Dutt

(VAIBHAV AGASHE)
Dy. Supdt. of Police, CBI,
ACB, Shillong.

To

Sri Vaibhav Agashe
Dy. Supdt. of Police, CBI/ACB
Shillong.
(Inquiring Authority)

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Sub : Preliminary Inquiry vide Memo No.
1477-1480/12 /Comp/SLC/NER/99 Pt(III) dtd. 17-5-2000.

Ref : Your letter No. DISC/1/44 dt. 16-1-2001

Sir,

May kindly ref. above on the subject matter whereby I am directed to appear before you at Shillong on 23/1/2001 for preliminary Inquiry.

2. In this connection it is humbly submitted that in the subject matter neither the rule nor procedure whereunder the proposed Inquiry is to be conducted, has been mentioned. Further, the Disciplinary Authority, i.e. DIG/CBI/NER Sri K.C. Kanungo who himself prepared the charge memorandum after whatever preliminary Enquiry by him, failed to despatch as yet the essential and inseparable enclosures of charge memorandum i.e. list of witnesses and list of documents whereon the charges in proposed Inquiry are to be proved against me.

3. It is strange, but not beyond my prudent; that the Disciplinary Authority i.e. DIG/CBI/NER who is well aware of the fact and provision in CBI as well as procedural requirement of Disciplinary proceedings, that while sending SP's report to concerned departmental authorities for RDA proceedings, Charge memorandum, Article of charges, Statements of Imputation, List of witnesses and list of documents cited alongwith gists of witnesses and facts of documents to be cited in departmental proceedings etc, are invariably enclosed. Further more for any failing in this regard he himself will call the investigating officer of

Attested
P.K. Dutt

M.W.

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the CBI to the Regional Office for preparing the same, but under no circumstances charge memorandum is sent without list of witness and list of documents to be relied upon.

In view of it, the reason, for failure on the part of DIG/CBI/NER to send them along with charge memorandum, and as heard in the department from reliable sources, are not far to seek but reasonably lead to believe that same has been done by Disciplinary authority with deliberate & malevolent objective to recast the said list of witnesses and list of documents after receipt of my written statements in respect of charge memorandum to suite his design and in view of defence taken by me in W.S.

4. I have learnt now that said list of witnesses and list of documents are being casted under direction of DIG/CBI/NER Sri K.C. Kanungo. Whatever may be that be, I am least afraid of such malicious tactics of Disciplinary authority to secure tailor made Inquiry report under pressure from Inquiring Authority on the basis of tutored statement of witnesses and manufactured fact in documents after receipt of my written statement. However in the interest of justice & fairness and with a view to defend myself reasonably and properly, said list of witnesses and documents as proposed to be cited in said Inquiry be furnished to me first as per the provisions, and a reasonable time may also be provided to prepare my defence in view of above facts before any Inquiry.

This is for your kind consideration and necessary order please.

Attest
P. S. Pal

Yours faithfully,

SURESH PAL SINGH YADAV

(SURESH PAL SINGH YADAV)
INSP/CBI/ACB/(U/S)
Guwahati

To

Sri Vaibhav Agashe
Dy. Supdt. of Police
CBI (ACB) Shillong
(Inquiring Authority)

105

Sub : Preliminary Enquiry in respect of charges vide
memorandum No. 1378/12/Comp/SLC/NER/99 dtd.
11/5/2000 &

Memorandum No. 1477-1480/12/Comp/SLC/NER/99(Pt III) dtd.
17/5/2000 &

Others

Ref : Your letter No. DISC/1/44 dt. 16.1.2000 &
DISC/2/48 dt. 16.1.2000 in respect of above

Sir,

May kindly ref. above on the subject matter. In this connection I have to submit.

2. That as you are aware that my appeal under rule 14 of DSPE(D.A) Rules against the order of suspension and memorandum of charges as above said, besides another memorandum of charge's issued alongwith above said, vide No. 1516/12/Comp/SLC/NER(Pt II) dt. 22/5/2000 are pending before appellate authority i.e. Additional Director CBI/EZ/Calcutta for disposal. Thus in view of the fact that my appeal before ADCBI is pending for disposal, the inquiry against me should not be carried out until disposal, in as much as the completion of inquiry and imposition of the penalty on the basis of the same would render the appeal infructuous.
3. That it is also noteworthy that the inquiring officer who is appointed to undertake the Inquiry is undergoing probation period and confirmation of his service is depending upon the decision to be taken by Disciplinary Authority i.e Sri K.C. Kanungo DIG/CBI/NER. Therefore the

Attested
P.C. D. w-

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Inquiry Officer would be constantly under the pressure of the Disciplinary Authority and would be unable to exercise his Independent mind.

4. Further some incidents happened in recent past wherein the pay of the Inquiry officer was held up stating his official tour as unauthorized tour and the period on said tour as unauthorized absence and also in respect of his release from Shillong branch to join at New Delhi On transfer where his respected wife (Newly wedded) is working, and thereafter the way he was not allowed to join at New Delhi on the message of Disciplinary Authority under threat of disciplinary action (which is still pending) and thus forcing him to recall and rejoin again at Shillong unit keeping the other departmental action in abeyance for time being, evokes a genuine apprehension in me that the Inquiry officer will be used as a tool by Disciplinary Authority to submit a tailor made Inquiry at the dictate of disciplinary authority, by using the pending disciplinary matters against Inquiry Officer to succumb to the pressure of Disciplinary Authority that is Sri K.C. Kanungo DIG/CBI/NER.

5. It is also important to note the observation of the Disciplinary Officer i.e. DIG/CBI/NER appearing on page 84 of the Inspection Report of Guwahati branch by DIG during Dec'2000 that "The charged official has given his reply to these chargesheets which were not found satisfactory. Accordingly Sri V. Agashe DSP/CBI Shillong unit has been appointed as Enquiry Officer vide No. 4123/12/Comp/SLC/99 Pt(II) dt. 23/10/99 and Sri Manoj Banerjee SI as presenting officer. As E.O has been transferred to Delhi, he has been directed to get these inquiries completed early and before his relief". Under the circumstances the Inquiring Officer has no choice between Devil and the Deep-sea but only choice to be dictated by the Devil i.e. the choice offered by the worthy Disciplinary Authority i.e. DIG/CBI/NER Sri K.C. Kanungo to extract a tailor made Inquiry Report from Enquiry officer at the earliest with a view to pass punishment order against me

NJSW

for extraneous considerations (already explained in appeal before ADCBI/EZ/Calcutta which is still pending disposal before him) and in bargain to withdraw disciplinary action against E.O., which may entail serious consequences for his entire service career, and than only release him to join his newly weded respected wife, seperated by a distance of 2000 Km from the Enquiry Officer. A tempting choice indeed for any normal homosepian species of Darwin to jump upon with glea to grab the opportunity of joining the wife early, and in bonus earn the well deserved confirmation report of the DIG as well as dropping of proposed disciplinary matters, release of pay etc. for unauthorized absence etc. ordered to be made by the DIG/CBI/NER.

6. In my series of representation I have shown the animus of Disciplinary Authority against me and I have a reason to believe that Disciplinary Authority would exert his pressure on the Inquiring Authority to take a desired approach towards me in the inquiry. Therefore, in the interest of justice I request that a confirmed/permanent officer of the CBI, who is not directly working under him and outside his influence, should be appointed to act as an Inquiring officer. So that he can act independently & free from the pressure of the Disciplinary Authority.

7. Further it would not be inappropriate and out of place to bring to your notice, the reactionary, prejudicial, arbitrary and discriminatory remarks of Disciplinary Authority in his Annual branch inspection for the year 1999 and 2000 that "Reward should not be given to person like S.P. Singh who is using reward money for fighting cases against CBI".
"The last but not the least is gross partiality and harassment of department staff by deputationist officers, whose carrier prospects are being systematically damaged/destroyed in well planned manner and creating situation of internal infighting in organisation. They are adopting the Policy of divide and rule which has caused thorough demorlization among the departmental staff".

Thus in view of aforesaid observation, the truth is not far to seek and surmise that the Disciplinary Authority i.e DIG/CBI/NER Sri K.C. Kanungo who is a departmental promotee is echoing his deep seated grouse against the deputationist in general and IPS officers in particular, through the mouth of lower staff, though none of them harbours or feed to such dangerous feelings in the organisation. May as that be, it is chilling and mortifying to learn that an officer of such an exalted position believes, harbours and propagate such dangerous doctrine, theorized on his real or imaginary perception, to describe the state of affairs in CBI. Therefore I have a reason to believe that the worthy proponent, discoverer and author of the Philosophy himself in reactionary vein under mental seize of the said philosophy is acting as a counter balance to systematically damage /destory the career prospects of me like deputationists in a well planned manner by initiating and instituting action against as many as 7 chargesheets for major and minor penalty with in a short span of 3 months on false flimsy & non existant grounds against which replies were given and appeal is pending for disposal under Rule 14 before ADCBI/EZ/Calcutta, putting me under suspension for more than 9 months until now without ^{enhancing subsistence allowance after 3 months} as per provision, stopping salary, ordering for not granting rewards as per his direction in inspection report of 1999. Not granting leave encashment in lieu of Earned leave as per existent provision, not granting deputation duty allowance at enhanced rate applicable since 1997, re-opening those matters without competence which were closed either by hon'ble court or his superiors like ADCBI Calcutta to find fault only but targetting superior I.P.S officers. The list is unending, however, last but not the least to mention is the passing of the order for initiating regular inquiry in all the chargesheets above said appointing Enquiry Officer by D.A. with full knowledge that my appeal against all of them are pending ^{for disposal} as yet before the appellate authority i.e. Additional Director CBI/EZ/Calcutta. Dr. U.N. Biswas I.P.S.,

a deputationist, which reeks malice of the Disciplinary Authority in as much as that the same was done with obvious motive to scuttle any move and obstruct application of Independent mind in disposal of my appeal by the appellate authority.

Thus I have a reason to believe that the Disciplinary authority with the aforesaid dangerous mental fixation has targetted me like lower deputationist as a tool for settling his career scars & scores as echoed by him in the aforesaid observation and I have a firm belief that the said chargesheets were issued by the disciplinary authority and passed order for initiating regular proceedings without sense of proportion and proper application of mind and under psychological infirmities as expressed by him in aforesaid Inspection Report, and thus I have a mortifying apprehension that any Inquiry under present Disciplinary Authority and by the Inquiry Officer appointed by him will be a farce.

8. I am not afraid of above said 7 chargesheet issued so far or any other 700 might be contemplated by the Disciplinary authority. For Inquiry against me, after the Hon'ble Central Administrative Tribunal ordered for stay of my repatriation order in October 1999, but the important question herein is that why such senior officer should not learn to accept gracefully the verdict of the Hon'ble Court but use their supervisory and disciplinary stick to nullify the result of judicial orders and force obey their dictates outside court in the guise of supervision and impraignable armour of Discipline, instituting inquiries at the drop of hats just to cause harrassment vexation and financial injury to lower sub-ordinates. Thus I have a serious doubt that any Inquiry under present dispensation and in view of aforesaid could be carried out with Justice, Fairness and reasonable opportunity to defend myself.

(SIN)

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I hope that necessary and appropriate action would be taken in the matter I have stated above and failing which I would be at liberty to seek appropriate legal remedies. I expect an expeditious reply of this request of mine and till the same is done Enquiry should not be started to precipitate the issue.

Yours faithfully,

A. Herold
P.K.S.

W.W. 2/11/2001
(SURESH PAL SINGH YADAV)
INSPR/CBI/ACB (U/S)
Guwahati.

To

Sri Vaibhav Agashe
Dy. Supdt. of Police
CBI/ACB/Shillong
(Inquiry Authority)

Sub : Preliminary Enquiry in respect of charges vide
Memorandum NO. 1378/12/Comp/NER/99 dtd. 11.5.2000 and
Memorandum No. 1477-1480/12/Comp/SLC/NER/99 dtd.
17.5.2000.

Ref : Your letter No. DISC/1/44 dtd. 16.1.2001

and

DISC/2/48 dtd. 16.1.2001 in respect of
above.

Sir,

May kindly ref. as above on the subject matter whereby I
am directed to present myself for preliminary Inquiry at 10 AM
in the O/O the DSP/CBI/ACB Oakland Shillong-1 on 23/1/2000.

2. In this connection I am to state that I am unable to
attend Inquiry as aforesaid for the following reasons :-

A) that the Disciplinary Authority i.e. DIG/CBI/NER Sri
K.C. Kanungo vide his suspension order, CBI ID No.
1191/12/Comp/SLC/NER/99 dtd 28/4/2000 has directed me
not to leave the Head Quarter without obtaining
previous permission of DIG himself and since than I
have received no communication from him as regards
change of this condition restricting my movement
outside Head Quarter i.e. Guwahati ever since my
suspension w.e.f. 26.4.2000.

B) Furhter, you might be aware that as per provisions of
suspension in fundamental rule if the period of
suspension is extended beyond three months for any
reason for which the suspended officer is not directly

Attested
F. K. Agashe

2/23/

and solely responsible for delay in Inquiry than his subsistence allowance would be increased to 75% of the pay. However long 9(nine) months has elapsed since my suspension w.e.f. 26/4/2000 without Inquiry and for no fault of mine in delay of Inquiry, and despite my appeal the Disciplinary Authority maliciously and with a sole malevolent objective of wrecking me mentally and financially didnot increased the subsistence allowance as per provision from 50% to 75% and thus condemning me to serious financial constraints and as such I am unable to attend Inquiry at Shillong and maintain myself at Shillong during course of Inquiry.

This is for kind information and necessary action please.

Yours faithfully,

22/1
(SURESH PAL SINGH YADAV)
Inspector CBI/ACB/Sh
Guwahati

After read
P.K. D.

प्रतिक्रिया प्रतिक्रिया विविधरण
Central Administrative Tribunal
CENTRAL BUREAU OF INVESTIGATION (CBI) N.E.REGION :::: GUWAHATI.

12/8/01
P.C. 113
113
113

In Central Administrative Tribunal, Guwahati Bench (O.A.)

No.30 of 2001).

BETWEEN

Shri Suresh Pal Singh Yadav, Inspector

(Under Suspension), Central Bureau of Investigation,
Office of the Supdt. of Police,
Central Bureau of Investigation,
R.G.Baruah Road, Sundarpur, Guwahati- 781 005.

AND

Applicant

1. K.C. Kanungo, Deputy Inspector General
of Police, Central Bureau of Investigation,
North Eastern Region, Guwahati.

Respondents

2. The Dy. Inspector General of Police,
Central Bureau of Investigation,
North Eastern Region.
3. The Union of India through the
Secretary to the Government of
India, Ministry of Personnel &
Training, New Delhi.

Submission by respondent No.1 (who is also respondent
No.2).

Para 1... The application is directed against the memorandum
dt.17.5.2000 and order dtd.4.8.2000, rejecting the written
statement of the applicant and ordering Institution of
departmental enquiry against him, both by the respondent
No.2.

Para 2... Though the applicant has averred that the matter is well
within the jurisdiction of the Hon'ble Tribunal but the

respondent No. 1 has serious reservation about the same because both the orders referred to above were issued by respondent No.1 on valid and legal ground elaborating detailed reasons, which were self-speaking in nature.

Para 3. : (Limitation) :- The appeal dtd.18.7.2000 referred to by the applicant against the charge sheet was not done under the rule 14 of Delhi Special Police Establishment Act.(Subordinate Rank) (Discipline & Appeal) Rules, 1965. Which provides for an appeal against punishment and not against charge sheet issued to the delinquent official. Moreover, the applicant was issued with the charge sheets and was kept under suspension, with the approval of Director, CBI.

Para 4. : (Facts of the Case) :-

Para 4.1. :- The applicant has made false, frivolous and baseless allegations, without any proof or material to support the same. The purpose of issuing the charge sheets against the applicant was not for harassment and victimisation of the applicant but for maintaining discipline and order in the officer and to rectify the erring conduct of the applicant which was found to be not to be in conformity with the official decorum and was in disciplined, in nature, apart from being mischievous and high handed one, which don't vive with the work culture and discipline of a premier investigating Agency like CBI. The charge sheets were issued to the applicant in conformity with the law and after full application of mind to the facts in issue. It is immaterial, if the period of the mis-conduct is wholly or partly related to the period, prior to the appointment of respondent No.1. The allegation made by

: 3 :

the applicant that there had been tampering of record is absolutely false, baseless and defamatory in nature which is denied. The applicant has also not furnished or elaborated the manner in which the alleged tampering of record was done, nor has he specified the records alleged to have been tampered with.

Para 4.2. :- The facts relate to the appointment of the applicant in CBI as Inspector which is a matter of record.

Para 4.3. :- The applicant has maintained that his performance in CBI was exemplary as he received several rewards and commendations during discharge of his official duties. These rewards and commendations which were issued, more or less, in routine manner do not attest to any exemplary performance of duty by the applicant which fact is further clear from the copies of the respective orders / certificates issued in these regards and enclosed with the application.

This is further fortified from the report of Inspection dt. 01.7.97 of the Guwahati Branch, conducted by Shri N. Mallik, IPS, DIG (Predecessor of respondent No.1) whose observation in this regard is reproduced below :

" I have indicated in my previous inspection that SP was very liberal in granting rewards for undeserving cases. In my opinion the trend continued throughout the year, 1996 and also in early part of 1997. In fact, this tendency has been checked only after receipt of H.O. instruction regarding grant of rewards.

I had earlier pointed out that rewards should be very selective and should be given not for routine works but for extra ordinary piece of work, like arrest of absconders, good and qualitative investigation, good recovery in searches, good

trap cases or good convictions achieved. If the rewards are granted most liberally and indiscriminately, the same is bound to loose its improtance."

It is therefore clear that rewards and commendations granted to the applicant don't fall in any of the above categories. Moreover, the real character and conduct of the applicant and his perfunctory work and arrogant behaviour came to the notice of the Authority later, on account of which the following adverse remarks were recorded in the Applicant's ACR, during the period of the predecessor of Respondent No.1 and was communicated to the applicant, vide No.511 dtd.29.7.99.

- (i) **"He has tendency to finalise cases without collecting clinching evidence.**
- (ii) **He is an indisciplined officer and exhibits insubordination occassionally".**

Para 4.4. :- The applicant has attributed animus on the part of respondent No.1 towards the applicant which, according to the applicant developed after the applicant filed a petition (O.A. No. 338/99) before the Guwahati Bench of the Hon'ble Tribunal, assailing the order of repatriation of the applicant issued by the CBI and seeking his absorption in the organisation. This is throughly incorrect and mis-conceived as the order of repatriation of the applicant with immediate effect was issued not by the respondent No.1 but by the Head Office(H.O.), of CBI, even though the respondent No.1 had recommended in favour of the applicant not for his immediate repatriation, vide No.1444/142/99-NER dtd.16.9.1999(copy enclosed vide Annexure A-1). Moreover, it was not only the applicant alone who had been asked to be repatriated but various other officials of CBI posted in the

N.E.Region, both at Guwahati and Silchar Branches were ordered by H.O. for immediate repatriation after they completed their deputation tenure against which they have filed petitions, before the Hon'ble Tribunal. No charge sheet has been issued to any of them, unlike the applicant. These officials who had been ordered for immediate repatriations and who have filed petitions in the Hon'ble CAT, Guwahati against orders of are :

- (i) Shri K.M. Das, Inspector, CBI, Guwahati.
- (ii) Shri D.Dutta, Inspector, CBI, Guwahati.
- (iii) Shri A.K. Deb, PP, CBI, Guwahati.
- (iv) Shri D.Bhattacharjee, Inspector, CBI, Silchar.
- (v) Shri M.J. Kuttan, Constable, CBI, Silchar.
- (vi) Shri M.M. Singh, Constable, CBI, Silchar.
- (vii) Shri Johny Thomas, Constable, CBI, Silchar.
- (viii) Shri A.K. Deb, Constable, CBI, Silchar.

Para 4.5. :- It is not a fact that the applicant was convalescing on medical advice having suffered from severe chest pain on 30.9.99. The applicant unauthorisedly absented from duty, in order to evade the delivery of the H.O. order on him, for his immediate repatriation, which became clear from the subsequent conducts of the applicant.

Para 4.6. :- The allegation of Administrative highhandedness on the respondent No.1 is without substance, baseless and hence denied.

Para 4.7. :- The applicant has incorrectly stated that he was not registered in any of the CGHS Dispensary. As a matter of fact, the CGHS Card bearing No.008927, was issued to the applicant by the office of SP, CBI, Guwahati which the applicant had

received on 12.5.97. An extract of CGHS Card issue register showing issue of CGHS Card to the applicant is enclosed herewith as Annexure A/2 and photo copy of CGHS Card, as Annexure A/3.

Para 4.8.:- It is not a fact that the applicant had temporarily shifted to his in-law's house in Chenikuthi, Guwahati. This is because the report of the officials who visited his house during the said period would clearly testify to the contrary. Moreover, the applicant at no point of time reported this fact about shifting of his residence to his inlaw's home to the SP, CBI, Guwahati, where he is working and which he was duty- bound to do.

Para 4.9.:- The so called medical fitness certificate submitted by the applicant was not a valid and proper one. As such, the said certificate was rejected by the applicant's controlling officer, i.e. SP, CBI, Guwahati.

Para 4.10.:- The facts narrated by the applicant have not been correctly stated and as such denied. In fact Shri J.N. Gogoi, S.I. who was asked by SP, CBI, Guwahati to visit the residence of the applicant for handing over two letters (Closed Covers) to him after visiting the applicant's house found the house under lock and key. The reports of Shri J.N. Gogoi, S.I. who met the wife of applicant on 2nd occassion are enclosed as Annexures- A/4 and A/5 respectively.

Para 4.11.:- The applicant has enclosed a copy of his written reply dtd. 6.12.99.-- no comment:

Para 4.12.:- Already discussed in para 4.4.

Para 4.13. :- Due to unauthorised absence of the applicant from duty from 1.10.99 to 28.10.99 (28 days), no salary was paid to the applicant, as per the rule.

Para 4.14. :- There is no such rule which would debar any controlling officer to verify the facts and pleas of the applicant regarding his unauthorise absence from duty, from the concerned deptt. And as such, the question of exercising of the police power, as alleged by the applicant is thoroughly irrelevant, misconceived and beside the point.

Para 4.15. :- It is a fact that the applicant, through his wife had, lodged a complaint to the Director of CBI and to Assam Human Rights Commission and appealed to the Joint Director, CBI as stated by the applicant. Accordingly, Joint Director CBI (now Addl. Director, East Zone) had conducted an inquiry into the said allegations made by the wife of the applicant which was found to be totally false and accordingly Joint Director, CBI reported the matter to the Head Office. This fact subsequently came to the notice of respondent No.1 through the D.O. letter No DY SDE 2000 003291/0079 dt.06.03.2000 of Special Director(E), CBI.

The allegation of the applicant that CBI personnel indulged in an improper behaviour at the residence of the applicant and tried to intimidate his wife and daughter is purely mischievous and malicious and were found false during inquiry. The reports of Shri Anil Borthakur, Head Constalbe and Shri Bhag Singh Katoch, Constable who were deputed to the residence of the applicant are enclosed as Annexure-A/6 and A/7 alongwith the report of Shri A.K. Saha, DSP (vide No. A/20/157/04730 dtd.28.7.2000) as A/8 who was

asked to verify the above complaint of Smt. Jonali Barua, wife of the applicant.

Para 4.16. :- The applicant has stated that the Joint Director, CBI who came to Guwahati to verify the complaint told Respondent No.1 to behave in proper manner. This is another piece of false hood by the applicant as the Respondent No.1 was not present at Guwahati when the Joint Director, CBI came to enquire into the allegation.

The applicant has alleged that sometime in November/December 1999 in File No.153/99/Vol. II/NER, the Respondent No.1 in his note to the SP, CBI wrote that rewards should not be given to person like S.P. Singh Yadav who is using the reward money for fighting CAT cases against CBI. Shri Manoj Deb, PA who is maintaining the above file has thoroughly checked and has certified that no such note was recorded by respondent No. 1 in the above file. This is marked as Annexure- A/9.

Para 4.17. :- The applicant has referred to the order dtd.28.3.2000, issued by respondent No.1, intimating the applicant that charge sheet will be served on the applicant on account of allegations of gross misconduct, lack of devotion to duty and integrity, deliberate defiance of the order of Superior Officer, insubordination and making false and motivated allegations against superior officers by the applicant. In view of the above, the question of substantiating the allegations at that stage did not arise .

Para 4.18. :- A point has been raised by the applicant that for denial of benefit of Special Duty Allowance to him, the latter has filed a

separate application before the Hon'ble Tribunal. This being is not relevant here, no comment is being offered.

Para 4.19. :- The applicant has enclosed copy of the order of suspension dtd.26.4.2000, issued by respondent No.1, as Annexure-A/5- no comment.

Para 4.20. :- It is a fact that when the charge sheet was initially served on the applicant, the list of documents and witnesses were not enclosed along with the charge sheet. There is nothing wrong in this, as list of witnesses and documents were furnished to the applicant subsequently. The list of witnesses and documents become relevant only after the replies to charge sheet submitted by the delinquent official is found unsatisfactory and the applicant denies the charge. No prejudice has, been caused to the applicant thereby. This fact rather shows a clear and unbiased mind of the respondent No.1, as Disciplinary Authority , towards the applicant.

Para 4.21. :- The applicant has detailed the charges communicated to him, vide charge sheet dtd.17.5.2000, which has been enclosed with the application, as Annexure-A/5- No comments.

Para 4.22. to
Para 4.25. The applicant has stated that charges against him are without substance and were frivolous and vexatious as the applicant had duly submitted his weekly diaries. If it is so, what prevented the applicant not to point this out when the applicant was asked to submit the same and after receiving no replies from the applicant reminders were issued to him, by SP, CBI, Guwahati

(i) vide letter No.SPSY/4155 dated 30.6.97(1st Reminder),
(ii) Vide No.MD/SPSY/97/5028 dt.11.8.97(2nd Reminder),
(iii)Vide No.MD/SPSY/97/5810 dated 24.9.97 (3rd Reminder),
(iv) vide No.MD/SDSY/97/907 dtd.9.2.98 (4th Reminder) and
(v) finally Vide No. 753/12/Comp/SLC/NER dtd.22.3.2000 when
the applicant was asked to show cause why disciplinary action
should not be taken against him. On no occasion, did the
applicant bother to give any reply to any of these letters /
reminders which show beyond doubt that the applicant
had nothing to explain any did not in fact submit weekly
diaries, which he now denies for obvious reasons and for
creating a false defence.

The applicant on the one hand has pointed out that the
weekly diaries are submitted for appraisal of the work of the
concerned officer by his supervising officer and further in
Para 4.23 he has pointed out that unless the weekly diaries are
submitted, TA bill of the concerned officials can not passed.
The applicant has further pointed out that attending
office on non-working days for which payments of one month
extra salary is made, is also determined from the attendance
register and weekly diaries. Yet the applicant on the other
hand, refuses to admit that the submission of weekly diaries is
one of his important work / duty. These facts are self-
contradictory. The applicant who has maintained that he has
got copies of his weekly diaries with him, has failed to enclose
those copies even now with the application, nor has the
applicant explained when he had submitted his weekly diaries
and to whom. The very fact that the applicant was keeping
silent all these years is pointer to his conduct.

Para 4.24. :- The list of rewards and commendations cited by the

applicant in his favour are irrelevant and beside the point. While Rewards are given for good work done by the official, punishments are meted out for bad work, and the applicant can not escape from these consequences on the ground that he had received rewards in other cases.

Even examination of some of these instances of rewards granted to the applicant during the relevant period, shows that the applicant seemingly earned some of these rewards in dubious ways. The list shows that during the year, 1997, the applicant had received a reward of Rs.300/- + Commendation Certificate, for finalisation of targeted cases i.e. PE.11(A)/97-SHG and RC.54/94-SHG, vide O.O. No.195 dt.30.12.97. The applicant has neither enclosed copy of this O.O. No.195 dt.30.12.97 referred by him with his application, nor any such office order bearing No.195 dt.30.12.97 was issued by SP, CBI, Guwahati, as verified from the record.

In CBI, a disposal of a case from investigation is considered only after SP's report is forwarded to the Deptt. when if the case ends in departmental action. Similarly a case ending in charge sheet is said to be finally disposed of / finalized from investigation only after a charge sheet is filed in the competent court. Scrutiny of the relevant crime file of the case No.PE.11(A)/97-SHG shows that SP's Report in this case was forwarded to the Deptt. vide No.11(A)/97-SHG/1033 dt.17.2.98 recommending departmental action against Shri Choudhury, SM, Guwahati. Hence this case was disposed of only in 1998 where as reward was sanctioned to the applicant showing disposal of this case in 1997. A copy of the forwarding letter for warding SP's rport in the above case is marked as Annexure- A/10, which clearly shows that this case was not

finalised during 1997. Therefore reward granted to the applicant showing disposal / finalisation of the case in 1997 was unmerited and uncalled for. Moreover, the SP's Report of this case was sent the Deptt. so late that by the time the report reached the Deptt. for initiating action against the Delinquent official, the latter had by then retired from service and as such no action could be taken against him. Nor the case was found fit for taking any action against the delinquent official. The observation of the Railway Deptt. i.e. SDGM on the SP's report in the above case is reproduced below :-

"The allegations are very minor and imaginary in nature and attributable to staff subordinate to Sh. Choudhury, retired SM/GHY. Sh. Choudhury has been an officer of very good reputation and had been awarded on railway week function, on a number of occasions for meritorious work.

The case does not merit any penal action against Shri Choudhury."

A copy of the letter received from Rly. Board vide No. 98/V-2/NF/G/6/CBI dt.20.9.1999 containing inter-alia, the above observation, alongwith copy of the CVC advice, is enclosed as Annexure- A/11.

Again in RC.54/94-SHG, in the applicant has claimed to have received reward. The case no given by the applicant is not correct, as no such case was registered by Guwahati Branch during 1994, the last case registered during 1994 being RC.35/94 dated 26.12.94.

The applicant might have referred to RC.5(A)/94-SHG. This case also was not finalised / disposed of during 1997 for meeting target. In this case, the charge sheet (dt.5.3.98 was) was forwarded by the SP to the Special Judge, Assam, Guwahati vide No.1820 dt.27.3.98 which means that this case was disposed of in the year 1998. Moreover, in RC.5(A)94-SHG.

SP's Report No.22 dt.13.12.95 was forwarded to the Executive Director(Vig) Rly. Board and Chief Secretary Govt. of Assam, vide No.2133 dt.14.12.95. In any case, this case also was not disposed of during 1997. Therefore rewards granted in these cases, were uncalled for and unmerited by the applicant. These two instances show clearly how the applicant was earning his rewards and commendations in dubious manner.

The applicant has further stated that rewards of Rs.1500/- was granted to him, vide O.O. No.195 dt. 24.10.97. The O.O. number mentioned above is again not correct. There is no O.O. No.195 dt.24.10.97, issued by the office of SP,CBI, Guwahati. There is however O.O. No.185 dt.24.10.97 which relate to reward granted to the applicant, alongwith 2 other Inspectors for purported good work done during the visit of Joint Director. This reward is again of general nature, and was not given for conducting investigation in any case in a laudable manner. Similar, is the case with O.O. No.68 dt.13.3.97 in which the applicant was rewarded a alongwith 3 other Inspectors in connection with visit of Special Director, CBI, New Delhi to Guwahati Branch. Thus none of these rewards given to the applicant pertaining to 1997 is for conducting excellent investigation in any of his cases, as claimed by the applicant.

Para 4.26.: Non-submission of weekly diaries for a whole year and submitting false weekly diaries, showing investigation being done on various dates, without actually doing so are serious acts of misconducts for which the applicant has been charge-sheeted and these charges cannot be brushed aside lightly in any manner.

Para 4.27. :- The applicant has alleged malice and bias of respondent No.1 harboured towards the applicant. These allegations are baseless and wholly misconceived and denied.

The misconducts on the part of the applicant came to the notice of respondent No.1 while conducting inspection of the branch and while supervising investigation carried out by the applicant and as such the charges made by the applicant are baseless. It is not correct as alleged by the applicant that appraisal of the applicant's work for the period 1996 to 1999 was done by the respective DisG during mandatory Inspections carried out during the above period. It may be mentioned here that Respondant No.1 had conducted Inspection of the Guwahati Branch (in which the applicant is working) during December, 1999 for the period pertaining to 1999 and earlier. Prior to this, the Inspection of the Guwahati Branch was carried out by Shri N.Mallik, DIG on 3.6.97. Therefore, Inspection of the Branch carried out by Respondant No.1 primarily covered the period after 3.6.97 only, and the alleged misconduct attributed to the applicant were done during the above period only.

Para 4.28. :- It is one of the important duties of an investigating officer to submit his weekly diaries regularly. This fact the applicant himself has admitted, in paras 4.22 and 4.23 of his application, as mentioned above.

Para 4.29. :- The allegation of pick and choose basis made by the applicant is devoid of any merit. In the inspection report of Respondent No.1, it was not only the applicant who was faulted for not having submitted weekly diaries but various other offences as well, though their remissness were not as severe as that of the applicant. Where as others, on being asked, promptly

submitted their pending weekly diaries, the applicant defied the order and did not respond, leading to charge sheets being served on him. Again the applicant was submitting false weekly diaries while others were not.

Para 4.30. :- The submission of weekly diaries / monthly diaries on the part of an investigating officer, is one of his important functions, as performance appraisal, checking of TA bills and other matters are carried out, by the controlling officer from records in which weekly diary constitute important input. The applicant himself has more less stated so. And as such, non-submission of the same and submitting false weekly diaries would obviously show lack of devotion to duty and lack of integrity on his part. It has, therefore, got nothing to do with the rewards, which the applicant might have earned in other matters.

Para 4.31. :- If the applicant did really submit his weekly diaries which he now claims, why did he maintain silence for all these years is for anybody to guess. Hence it is clear that the applicant is trying to cook up some thing for his defence at this belated stage and wants to prolong the inquiry causing immense harm to every quarter.

Para 4.32. :- The misconduct on the part of the applicant came to the notice of respondent No.1 while conducting inspection of the Branch and while supervising investigation done by the applicant. There is, therefore, no merit in the applicant's contention that these were dug up. Even if the latter fact, as alleged by the applicant is true, there is nothing wrong in this, as the Inspecting Officer is supposed to examine the work and conduct of the investigating officers and specially the

case of the applicant, in whose case, serious adverse entry had been recorded in his ACR, both relating to his work and his conduct, by the predecessor of the Respondent No.1, as mentioned in para 4.3. Moreover, the inspection of the branch by the DIG is also directed for bringing about efficiencies of the staff and to oversee the work of the SP to find out if the SP had properly supervised the work of the I.O.s and had sanctioned rewards in deserving cases and awarded punishments in cases where such punishments were due.

Para 4.33. :- The applicant has enclosed copies of the orders dtd.4.8.2000 vide Annexure A/6 and A/7 which call for no comments.

Para 4.34. :- The order dtd.4.8.2000, passed by the Disciplinary Authority rejecting the plea of the applicant is a detailed and elaborate one, running into 7 pages, in which grounds are mentioned clearly under paras 5 to 21, explaining why the defence pleas of the applicant were not tenable / acceptable.

Para 4.35. :- The fear of the applicant that the disciplinary authority is acting with a closed mind is not borne out by any facts/ circumstances / evidences which appear to be a figment of the applicant's imagination. So also the fear expressed by the application about the inquiry officer, about which there is no merit, as every officer is supposed to discharge his duty without fear and favour and in an impartial manner.

Para 4.36. The Inquiry Officer had fixed the preliminary hearing to find out if all formalities required under the rule had been completed and also for furnishing copies of witnesses's statements and a documents and not for delaying the

inquiry, as alleged by the applicant whose purpose was to expedite the same. It is the applicant himself who is putting all road blocks in the speedy completion of the Departmental Inquiry against him, obviously for the sake of his own vested interest.

Para 4.37. :- Shillong being hardly 100 K.M. from Guwahati, it was quite possible for the applicant to go there and return back even on the same day. The applicant also did not bring his difficulty, if any, to the notice of the disciplinary authority, i.e. is Respondent No.1 at the appropriate time, showing clearly thereby that this is an after-thought of the applicant for delaying the Departmental Inquiry.

Para 4.38. :- The copies of list of documents and witnesses were sent to SP, CBI, Guwahati for serving on the applicant, vide letter No. 405 dtd.5.2.2001 which is enclosed here with as Annexure A/.

Para 4.39. :- The applicant is labouring under the misapprehension that respondent No.1 would be taking the final decision on the result of the department inquiry against him which is not the fact. The applicant being a deputationist from U.P. Police, the final decision on the Inquiry report would be taken by the Disciplinary Authority of the applicant in the U.P. Police only. The respondent No. 1 would at best be forwarding the Inquiry Report with his own recommendation, if any. Therefore no prejudice would be caused to the applicant in any manner. Moreover, the need- for holding a Departmental Inquiries against the applicant would not have arisen at all had the applicant opted to go back to his parent organisation in obedience to the repatriation order issued by CBI H.O., which the applicant did not do, for the sake of his own vested

interest. This is inspite of the fact that CBI does not need his service and the applicant has no right, what so ever, to continue in CBI against the will of the latter, as held by the Hon'ble Supreme Court.

It is further submitted that all the deptt. enquiry initiated against applicant were done on account of his various misconducts which could have been rightly done by the parent Deptt. of the applicant i.e. U.P. Police, had the applicant been relieved after completion of his deputation period. But the applicant wants to continue in CBI to which he has no right. This has been decided by Hon'ble High Court, Delhi in judgement dated 30/5/1997 (In Cws. 1721, 1889 and 1895 and 1895/97) (Union of India - versus- Sh. Mathura Dutta) and also by Hon'ble Supreme Court, in Civil Appeal No. 1012 of 1987, D/16-2-90 (Rati Lal B. Soni and others. Applicant - V- State of Gujrat others.). It has been held by the Hon'ble Supreme Court that the deputationinst officers have no vested right to be absorbed in the borrowing department on deputation posts and they can be repatriated by any time. The claim of applicant for his absorption in CBI as a matter of right is devoid of merit and fit to be dismissed. Moreover, no Inspector has been obsorbed in CBI due to strict policy guidelines issued by CBI in this regard.

Para 5. :- GROUND FOR RELIEF WITH LEGAL PROVISION :

Para 5.1. :- There is no merit in the applicant's contention that charge sheet has been issued by the Respondent No.1 for settling personal score with the applicant.

Para 5.2. :- The order dt. 4.8.2000 issued by Respondent No.1 does not disclose any bias, pre-judging or prejudice towards the

applicant.

Para 5.3. :- The charge sheet discloses clear and serious misconduct on the part of the applicant who did not submit his Weekly Diaries for a whole year, inspite of several reminders, nor cared to give any reply to any of the letters / reminders. He also submitted false Weekly Diaries showing investigation done without actually doing so. These are gross acts of misconducts on the part of the applicant for which charge sheets have been issued.

Para 5.4. :- As stated earlier, charges against the applicant are specific and neither frivolous nor vexatious.

Para 5.5. :- There is nothing mentioned in the applications to indicate that the Inquiry Officer, under-going period of probation is not expected do fair and impartial Inquiry, independently.

Para 5.6. :- Charges have been framed after due application of mind by Respondent No.1. The misconduct on the part of the applicant came to the notice of the Respondent No.1 during Inspection of the Guwahati Branch covering period since last Inspection was carried out by the predecessor of Respondent No.1 on 3.6.97 onwards.

Para 5.7. :- The list of witnesses and documents are not essential ingredients of the charge sheet which have already been furnished to the applicant.

Para 5.8. :- If the preliminary enquiry is considered superfluous by the applicant, Inquiry Office can proceed with the Inquiry and finalize within a fortnight, which the applicant does

not allow to be done.

Para 5.9. :- DETAILS OF REMEDIES EXHAUSTED :

Para 6. :- There is no ground on the part of the applicant to move the Hon'ble CAT for obtaining injunction against the Inquiry which is being conducted by the disciplinary Authority against the applicant under the relevant rule.

Para 7. :- The applicant has already filed separate petitions (i) vide OA No. 338/99 relating to repatriation, (ii) vide OA No. 137/2000 relating to non-disbursement of Leave Salary for 20 days w.e.f. 1.10.99 to 28.10.99 (iii) vide OA No.139/2000, relating to non payment of Special Duty Allowance.

It is submitted that all the petitions filed by the applicant falling under the same category may be heard together and dismissed in limine, which are devoid of any merits.

*10/08/03
(K.C. Kanungo)*
Dy. Inspector General of Police,
CBI NER Guwahati.

CENTRAL BUREAU OF INVESTIGATION,
N.E.REGION, GUWAHATI.

21

133

Sub:

Repatriation of Shri S.P.Singh Yadav, Inspector
CBI, ACB, Guwahati.

Ref: H.O. No. DPADI 1999/00598/A-20014/1609/93 dt.

dated 18.2.99.

CBI, ACB, Repatriation of Shri S.P.Singh Yadav, Inspector,
Guwahati Branch, at the moment is not
recommended.

Recd
16/9/99

Dy. Inspector General of Police,
C.B.I., N.E.Region
Guwahati.

Dr. Tarsem Chand, Administrative Officer(E), CBI, New Delhi.
No. 1444/142/99-NER Dated 16th Sept' 1999.

mk:

Q.C

~~Copy of
Register~~

Sh. S.P. Singh Yadav & Sons, Cudlal 0039127

Received CGHS Card

~~W.S.~~
12/12/92

22
34

23

स्थानिक

देशना पत्रक/INDEX CARD अधिवर्षता तारीख

Date of Superannuation २०१०

आयोगालय सं.

Dispensary No. २

327

भारत सरकार/GOVERNMENT OF INDIA

जल्दीय संवालय/MINISTRY OF HEALTH AND FAMILY WELFARE

केन्द्रीय सरकार स्वास्थ्य योजना

NTRAL GOVERNMENT HEALTH SCHEME

नाम (पुरा एवं स्पष्ट अक्षरों में) Name of employee

तिथि/मास/वर्ष/दिन/वर्ष/Date/ Month/ Year

दिमाग/कार्यालय S.P.E./C.B.S./A.C.B. SUNDAR PUR GAY

at/Office in which employed

अधिकारी का नाम विवरण विवरण विवरण

Official Address १० निवास नं. १०-३, L.A.T.O. B.P.L. A.M. भूतपुरी

गै

या आयोगालय

का व्योरा/Details of family members

केवल पत्नी (अथवा पति), बच्चों अथवा सीतेले बच्चों तथा आश्रित माता-
छोटे), विधवा पूत्री और विधवा बहिन से हैं। इसमें अन्य कोई भी सम्बन्धी

only wife (or husband), children or step children, dependent parents,
sisters, widowed daughters and widowed sisters and no other relations are

जन्म तिथि Date of Birth	सम्बन्ध Relation- ship	नाम Name	जन्म तिथि Date of Birth	सम्बन्ध Relation- ship
23.1.58	Wife	7.		
6.7.83	Daum	8.		
7.5.45	Mother	9.		
		10.		
		11.		
		12.		

[कृपा प्राप्ति/P.T.O.

प्रमाण-पत्र
CERTIFICATE

तो है कि :

नका नाम : S.M.S. (KOMAL DEVI) पूर्णतः/मुख्यतः मुझ पर
पै मेरे साथ रहते हैं। मेरे पिता
ये मेरे महंगाई भत्ते सहित वेतन (यदि लागू हो) से अधिक नहीं है और
मास से अधिक भी नहीं है।

is/are wholly/mainly dependent
/they normally reside with me in
one of my father/mother does not exceed my pay plus dearness pay
that it does not also exceed Rs. 500/- per month.

आयु : वर्ष बेरोजगार है और पूर्णतः

age years is unemployed and wholly

आयु : वर्ष अविवाहित/बेरोजगार
आशित है।

IS. अविवाहित : age 13.72 years is unmarried/unemployed

वा. निवृत्त होने/सेवा के समाप्त होने या इस्तीफा, इत्यादि देने पर
से पूर्व अपने पहचान पत्र को जमा कराने का जिम्मा लेता/लेती है।
the Identity Card on my leaving the Ministry/Office on transfer/retire-
vice, resignation etc.

ताक्षर/निशान अंगूठा : विवरण
of Government Employee

Card Issued.

के सूचक/पहचान कार्डों के जारी करने वाले अधिकारी से पूर्ण रूप से
का काढ़/यह पहचान पत्र स्वास्थ्य संनालय द्वारा समय-समय पर जारी
बनाया रखा रहा है।

Identity Cards has/have been duly scrutinized by the issuing Authority
in accordance with the rules and orders issued by the Ministry of Health, Govt.

जारी करने वाले अधिकारी के विवर
Signature & Classification of Issuing Authority
C. I. A. C. B. (Central Bureau of Investigation)

The Suptt of Police
CBI/ACB/ Guwahati

24

137

Sir

As ordered I have visited the residence
of Mr. Singh Yader exp. at Sarenmara for delivery
of Closed Cover and his released order. But
I could not deliver the same to him on his horse,
was found to under lock & key

However I enquired about him in
present whereabouts but no body can say about his
but to be so near about I visited their about one hour
Office - The Closed Cover & released order is returned
herewith.

Submitted for favor of information

Yours faithfully

J. N. Gogoi S.I.
21/10/98

(J. N. Gogoi S.I.)

CBI/ACB/GH/

Let him
try again
21/10
D.H.

25
948
83
138
The Suptt of Police
CBI/ACB/Guwahati

Sir,

As per direction of your goodness I visited S.P. Singh Yadav residence at G.S. Road Garun magor several times for handing over his closed Cover. But I could not meet him all the times as he was found lock & key. Again on 21.10.99 I visited the same location on approaching I met his wife Mrs. Jinali Boruah who in a very bad manner passed remarks and also misbehaved using abusive languages saying ~~some where~~ she Mr. S.P. Singh Yadav has gone out in the morning same where he have no idea. And he have got no rights or power over the flat where they are presently staying. Since by no means she will receive the letter.

Finally having no other option I myself have brought the closed Cover which is enclosed along with this letter for information and necessary action p.

Yours faithfully

Copy
A/22/X/PA

(J. N. Gopin S.I.
CBI/ACB/GH)

He

PLD

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27/10

cyd

PLD
11.10.2000
Guwahati

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1. उत्तर :- तिनोंपर 10-01-2000 आमंत्रणमें जी.डी. ने अपनी पुक्क पत्र दिया और अद्वितीय दिया कि आप Comt (मर) वाले लिहाजे में आधार लिखिए वे पत्र श्री S.P. Singh, Jodhpur के घर पर हुए कहे आये।
2. उत्तर :- डॉ. आदाव ने अद्वितीय दिया और कहा प्रवाण नहीं।
3. उत्तर :- मेरे आधर Comt (मर) वाले लिहाजे में जी.डी. ने अपने पत्र श्री S.P. Singh, Jodhpur के घर लिया था। तिनोंपर 10-01-2000.
4. उत्तर :- अपने पर के बाहर आ. फ़ॉर्मर वाले लिहाजे ने कोलिंग बिल बोलाया।
5. उत्तर :- श्री S.P. Singh, Jodhpur घर पर बहिराजि था।
6. उत्तर :- बहिराजि था, उसके पर 72 कोवर की था पता नहीं।
7. उत्तर :- हमें जिस अमर्य लिया था उस अमर्य Shri S.P. Singh, Jodhpur अधिकारी ने नहीं था। उस अमर्य Shri S.P. Singh, Jodhpur, Jodhpur कोहरा है एवं नहीं लिया, नहीं।
8. उत्तर :- ए।
9. उत्तर :- आ. फ़ॉर्मर वाले लिहाजे के बाहर का पत्र है, उन्हीने कहा कि अधिकारी के पत्र हम नहीं लेते, आधार तो अधिकारी लिया है।
10. उत्तर :- नहीं।

140
१४०

को. ०. अधिकारी के लिए उपलब्ध हैं - ३१८-१

TPS की ट्रैकिं रिपोर्ट तक TPS RP के लिए
इने TPS की लिंक्स को लिया है (एवं) ताकि (एवं) ताकि
1 फ्रेम के द्वारा TPS RP के लिए लिया जा सके

TOPPER के लिए TPS की रिपोर्ट के लिए ३१८-१
1 फ्रेम

अधिकारी के लिए उपलब्ध है - ३१८-१

TPS की ट्रैकिं रिपोर्ट तक TPS RP के लिए ३१८-१

0005-12-01 तारिख की अधिकारी की लिंक्स विधायक

कु. आ. की. बी. आर्ट
कु. आ. की. आर. गोवाहारी

TPS की लिंक्स के लिए TPS RP के लिए ३१८-१

1 फ्रेम के लिए रिपोर्ट के लिए ३१८-१

1 TPS की लिए रिपोर्ट के लिए ३१८-१

TPS की लिए TPS RP के लिए ३१८-१
1 फ्रेम के लिए रिपोर्ट के लिए ३१८-१

TPS की लिए TPS RP के लिए ३१८-१

TPS की लिए TPS RP के लिए ३१८-१
1 फ्रेम के लिए रिपोर्ट के लिए ३१८-१

1 फ्रेम के लिए ३१८-१

TPS की लिए TPS RP के लिए ३१८-१

TPS की लिए TPS RP के लिए ३१८-१

1 फ्रेम के लिए ३१८-१

(27)

(1) 3/2 :-

Re: Oisi in 3/2 - SP Singh on 8/2
Riya Ji! 3/2 dated H.C Borihalur
on 4/2 Office Letter Par 10 $\frac{1}{2}$ 2000

(2) 3/2 :-

MTO, M.T.O. on 8/2 on SP Singh on 8/2

Re: Oisi in 3/2 dated H.C Borihalur on 4/2

(3) 3/2

2/2 Oisi H.C Borihalur 2/1

(4) 3/2 :-

SP Singh on 8/2 in 8/2 on 2 carrying
well a/2

(5) 3/2 :-

SP Singh 8/2 in 8/2 2/1

(6) 3/2 :-

Re: Oisi in 3/2 dated H.C Borihalur on 4/2
on 8/2 2/1 8/2 2/1

(7) 3/2 :-

Re: SP Singh on 8/2 in 8/2 2/1
Re: SP Singh on 8/2 in 8/2 2/1
Re: SP Singh on 8/2 in 8/2 2/1
Re: SP Singh on 8/2 in 8/2 2/1

(8) 3/2 :-

(8/1) SP Singh on 8/2

(9) 3/2 :-

SP Singh on wife on 8/2 on 8/2
on 8/2 2/1 8/2 2/1 8/2 2/1 8/2 2/1
Letter on 8/2 2/1 8/2 2/1 8/2 2/1
8/2 2/1 8/2 2/1 8/2 2/1 8/2 2/1

10 3/2

8/1

By. No	2409
Date	1-8-2000
OK	

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(1) 302 1 over 2000

42, 302 1 over 2000

of 18 1800 2000 2000

18 302 1 over 2000 2000



CONFIDENTIAL

O/O S. CBI, Guwahati

GOVERNMENT OF INDIA
O/O THE SUPERINTENDENT OF POLICE
CENTRAL BUREAU OF INVESTIGATION
ANTI-CORRUPTION BRANCH
R.G.BARUAH ROAD,SUNDARPUR
GUWAHATI - 5.

No.A/20/157/93/ 04730

DATE :: 28/07/2000

To

The Dy. Inspector General of Police,
Central Bureau of Investigation
N.E.Region,Guwahati.

Sub : Complaints lodged by Mrs.Jonali Barua regarding harassment by
CBI Officials on 10/01/2000 at her residence.

Ref : Your instructions dtd. 28/07/2000.

Sir,

On verification it is found that on 10/01/2000 Shri Anil Borthakur, Hd. Const. & Shri Bhag Sing Katoch, Const. both of CBI/ACB/Guwahati Branch were deputed to serve the Charge Sheet No. DO SHL/1999/0021/A/20/157/93 dtd. 10/01/2000 in a closed cover on Shri S.P. Singh Yadav, Insp. as he was not found present in the office. Accordingly the above said staff visited the residence Shri S.P. Singh Yadav. Shri Yadav was not present at his residence also. Mrs. Jonali Barua, W/o Shri S.P. Singh Yadav who was present at the residence refused to accept the close cover addressed to Shri S.P. Singh Yadav. On her refusal to accept the letter, both the staff return back to office. Shri S.P. Singh Yadav did not return to office till end of the office hours on 10/01/2000, therefore the C/sheet could not be served on him on 10/01/2000. However the next day i.e. on 11/01/2000 the C/sheet was handed over to Shri S.P.S. Yadav when he came to office. On 10/01/2000 Shri Anil Borthakur submitted a written report that the C/sheet could not be served on Shri Yadav as he was not present at his house and his wife also refused to accept it. On the scrutiny of Attendance Register and Movement Register of IO's, it is found that Shri S.P. Singh Yadav has signed the attendance register on 10/01/2000 at 09.30 hrs. which has been authenticated by SP. As per movement register Shri S.P. Singh Yadav left office on 10.00 hrs. after making entry in the movement register as follows :

29

14417

10/01/2000
10.00 hrs.

Proceeding to Central Bank of India ,Adabari and Pan Mkt.Branch,
PNB Mahavir Mkt. Branch in connection with investigation of
RC.5(A)/98-SHG.

Sd/-
S.P.Sing
Inspector/Guahati

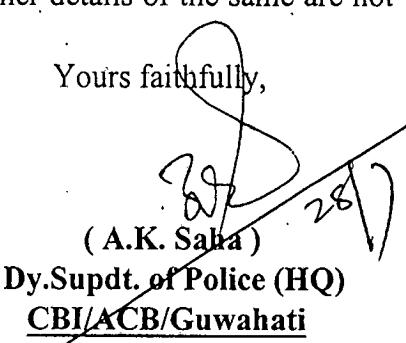
Further on scrutiny of the case diary file of case no.5(A)/98-SHG, it is found that Shri S.P. Singh Yadav has not written any case diary on 10/01/2000 (He has written CD No.140 on 9/1/2000 & CD No. 141 on 11/01/2000).

He does not appear to have ~~been~~ submitted his weekly diary after 9/1/2000.

I have personally interviewed Shri Anil Borthakur,HC & Shri Bhag Sing Katoch,Const. They stated that no untoward incident had happened at the residence of Shri S.P.Singh Yadav when they visited ~~the~~ ^{his} residence of ~~Shri S.P.S.~~ Yadav. They also stated that they were only instructed by ~~do~~ to deliver the close cover to Shri Singh at his residence. It is not a fact that they were asked to conduct any search. I am of the opinion that had such incident happened Shri S.P.Singh Yadav would have lodged a complaint against the staff for their misbehaviours with his family members. But neither Shri S.P.Singh Yadav nor Mrs. Jonali Barua brought any such charges against the staff at the relevant point of time. ~~To SP.~~

I am , therefore, of the opinion that allegation against the CBI Staff is after thought and baseless. I am given to understand that Dr.Upen Biswas,IPS, Addl.Director,CBI(EZ), Calcutta (the then Jt. Director,CBI(EZ), Calcutta) during his last visit to Guahati on 14/02/2000 recorded the statements of Anil Borthakur,Bhag Sing Katoch & Mrs. Jonali Barua and others in connection with a similar complaint . ~~However~~ Further details of the same are not available in the branch.

Yours faithfully,


(A.K. Saha)
Dy. Supdt. of Police (HQ)
CBI/ACB/Guahati

/nc.

ANNEXURE- A/9.
IN REPLY TO OA NO.30/2001.

ANNEXURE- A-4.

(30)

145

Ref: OA No.30/2001 of Shri S.P.Singh Yadav, Inspector,
(Para 4°16)

As desired by DIG CBI NE Region, I have thoroughly checked file No.153/99/VOL.II/NER which is being maintained by me. There is no such noting or facts recorded in the above file or in the Note sheet to show that DIG CBI NER had written any noting to indicate that reward should not be given to person like S.P.Singh Yadav, Inspector who is using reward money for fighting CAT case against CBI.

Manoj Kr Deb 5/3/2001.
(Manoj Kr. Deb)
PA to DIG CBI NER,
Guwahati.

Dy.Inspector General of Police,CBI, NER,Guwahati.

-00o-

(31)

16

NO.2/11(A)/97-SHG/ 1033

Government of India,
Office of the Dy.Inspr.Genl.of Police,
Central Bureau of Investigation,
N.E.Region,Chenikuthi Hill Side,
Guwahati :- 3.

Dated,Guwahati the 17/1 FEB '98.

To,

The Chief Vigilance Officer,
N.F.Rly,Maligaon.
Guwahati.

SUB :- PE.11(A)/97-SHG against Sh.S.K.Choudhury,
Station Manager,Guwahati, Rly.Station,
N.F.Rly.

Sir,

I forward herewith two sets of the report of the Supdt.of Police, CBI, ACB,Guwahati which gives the facts of the case, the allegation and the result of investigation.

The report will show that there are sufficient materials for initiating action as below :-

✓ RDA for Major penalty against Sh.S.K.Choudhury, Station Manager,Guwahati Rly.Station,N.R.Rly,Guwahati.

The calender of evidence both oral and documentary statement of accused persons, draft charges and statement of imputation against the delinquent officials are enclosed herewith for necessary action.

The services of the investigating officer of CBI would be made available to the enquiry officer for securing the attendance of witnesses producing documents and exhibits, explaining the gist of the evidence available and for giving such clarification as may be required.

The date and venue of the departmental enquiry may kindly be communicated to the Supdt.of Police, CBI, ACB,Guwahati at the appropriate time so that he may depute the I.O. to assist the enquiry officer.

The SP's report sent herewith may please be treated as a confidential documents and no reference to it may be made in the charge memo issued against the delinquent official.

The result of RDA may be communicated to us in due course.

Yours faithfully,

S. 14/2/98

Dy.Inspr.General of Police,
C.B.I./N.E.R/Guwahati.

- 00 2 00 -

32

14/2

Encl. No. 2/11(A)/97-SHG/1034 DT:- 17th FEB '98.

Copy to:-

1. JD(EZ), CBI, Nizam Palace, Calcutta for favour of information.

14/2
Dy. Insp. General of Police,
C.B.I./N.E.R./Guwahati.

EL/-



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ANNEXURE- A/11.
IN REPLY TO OA NO.30/2001.
भारत सरकार GOVERNMENT OF INDIA
रेल मंत्रालय MINISTRY OF RAILWAYS
(रेलवे बोर्ड RAILWAY BOARD)

CONFIDENTIAL

रेल मधन, गाई दिल्ली-110001, तिथि 20-9-1999.
राहा भवन, New Delhi-110001, dated 19

No.98/V-2/NF/G/6/CBI

The Superintendent of Police
CBI (ACB),
Sundarpur,
GUWAHATI - 5.

SUB: PE.II(A)-SHG against Shri S.K. Choudhury,
Retd. Station Manager, Gauhati.

REF: i) Board's letter of even No. dt. 08-7-99.
ii) Your letter No.2/11(A)97-SHG/03955 dated
30-8-1999.

In reference to your letter, referred above, a copy
of Railway Board's comments and recommendations sent to
Central Vig. Commission and a copy of CVC's advise given
thereon are being sent herewith, as desired.

please acknowledge receipt.

Vinay Kumar
20/9/99
(VINAY KUMAR)
for Secretary, Vigilance,
Railway Board.

DA/As above.

33

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149

modulation

On the basis of source of information a special surprise check was conducted by a team of CBI officers on 26.7.97 in connection with the irregularities observed by the Railway officials in allotment and utilisation of retiring rooms provided at GHY railway station for passenger amenities.

Alllegations

The main allegations are as under :-

1) Booking of retiring rooms through order slips without realisation of retiring room charges in advance.

2) Extending favouritism to railway officials and their relatives in the allotment of retiring rooms without realising due charges.

3) SM GHY Sh SK Chowdhry (now retired) failed to exercise proper supervision in the allotment of retiring rooms thus resulting in loss of railway revenue and also denial of retiring rooms to the bonafide passengers.

CBI Report

0822/98

CBI inquiry revealed that Sh Chowdhry was posted and functioning as SM/GHY NF Rly since 11.11.94 and in the above capacity was interalia responsible for exercising overall supervision of Rly station GHY and also for entertaining the demand of advance reservation of retiring room by realising the charges in advance from the entitled rly passengers as per local booking advice regarding general rules for the occupation of retiring room issued by DCM/GHY, NF Rly. On scrutiny of demand register and SM requisition slips ordering CTI to place the name of the passenger in demand register, revealed that though the retiring rooms were blocked as per entry in the demand register but not in a single case advance retiring room charges were found to be realised. Moreover, retiring rooms were blocked as per requisition/order slips of Sh Chowdhry datewise without showing the Train No. from which the said passenger is arriving thus leading to the blockage of retiring room for the whole day and night under the situation if the passenger does not turn up on the fixed date, not only the retiring rooms remain vacant throughout the day showing demand in the retiring room allotment register but also other bonafide passengers are deprived of the retiring room facility on current demand leading to the loss of revenue to the railway on account of advance retiring room charges as the current demand. Scrutiny of retiring room allotment register and demand register further reveal that due to non-observance of the rules strictly by SM/GHY as per the local booking advice of the DCM, GHY and order to place the names of passengers against advance booking in demand register without realising or causing to realise the retiring room charges in advance left ample scope for malpractice where retiring rooms could be blocked without consequent individual liability and later on allotting the same to the unauthorised persons showing favour and with deliberate motive by creating artificial scarcity of vacant beds in retiring rooms showing fake entry in demand register as well as in retiring room allotment register. Under the situation though the retiring room beds were kept blocked or shown as full against the fake

demands without realising charges, the rooms were allowed to be occupied by unauthorised passengers with ulterior motive for personal gain at the cost of railway revenue. Inquiry revealed that Sh Chowdhury being overall incharge of the allotment of beds in retiring room, never ensured the proper maintenance of demand register of retiring room, booking register so that interest of the railway as well as bona fide passengers are protected. This is confirmed by that fact that nowhere in the retiring room booking register and demand register, his remarks are appearing proving in check/supervision conducted by him in this regard.

Railway comments

It is noted that an investigation was carried out with reference to local instruction issued under DCM, CHY, memo no. 2-15/96 dated 9.3.96. The details are as under :-

- (1) It is alleged that SM/GHY, has issued order to place the name of passengers in demand register without realising retiring room charges in advance.
(2) The demand register is separate from the allotment register. On receipt of advance application or message the SM gives permission for allotment of beds in the retiring room on payment. On considering that the applications are received in advance or the passenger is yet to arrive, such requisitions are registered in the demand register to keep a record of the demand receipt. Registration of names in the demand register does not mean commitment of retiring room accommodation. Allotments are made only on reporting or arrival of the passenger and realising of the prescribed room or bed charges in advance. Instructions, however, exist for giving advance allotment only on receipt of charges through money order. Thus, for registration of names in demand register realisation of the retiring room charges in advance does not arise. The allegation is, therefore, based on incorrect interpretation of rules.
- (b) It has been alleged that SM/GHY, has extended favouritism to the railway officials and their relatives in the allotment of retiring rooms without realising due charges and without certificate of non-availability of accommodation in officer guest house. The rule does not provide for obtaining certificate for non-availability of accommodation in rest house before allotting retiring room facility to railway officials. Accommodation in retiring room is allotted to the railway officers on duty by the ticket collector. Responsibility, therefore, lies with the officers concerned to see whether accommodation in the rest house is available or not before asking for accommodation in the retiring room. Further, realisation of rupee one and 1/3 of charge in AC room for family member of the railway officer on duty is the responsibility of the ticket collector, who allots accommodation in the retiring room and the SM. So, the responsibility of non-realisation of the due charges and thus extending favouritism to the railway officials cannot be attributed to the SM/GHY.
- (c) It has also been alleged that SM/GHY, failed to exercise proper supervision in the allotment of retiring rooms causing loss of revenue and denial of retiring rooms to the bona fide passengers. SM/GHY, is the overall incharge of the station and his inspection of retiring rooms is periodical because he

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has many other functions which are more important in the running of the train to and from GHY station which is the most important and busiest station of the Northeast railway. There is a CTI/IC as incharge of the section besides batch incharge in each shift who are supposed to directly supervise the respective section in a regular manner to allot retiring rooms on station and to monitor the retiring room facilities according to the current instructions. As such, the SM/GHY cannot be held responsible for allegation relating to day to day supervision of the retiring rooms.

SDGM's notes

The allegations are very minor and imaginary in nature and attributable to staff subordinate to Sh Chowdhry, retired SM/GHY. Sh Chowdhry has been an officer of very good reputation and had been awarded on railway week function on a number of occasions for meritorious work.

The case does not merit any panel action against Sh Chowdhry.

Our Recommendation

As the omissions and commissions cannot be attributed to the negligence of Sh Chowdhry, retired SM/GHY, there are some administrative lapses but there is no malafide intention as no personal gain could be established by CBI. Hence in view of Rly's comments and SDGM's notes, case may be considered for closure with the approval of AMV.

Submitted please.


27/10/88

(RAVINDRA MOHAN)
DDVT/27.10.93

DDVT

EDVT

Case arose out of a surprise check conducted by

C.B.I. Officers on 26/7/77 at Gauhati Rly. Stn.

AMV

Certain irregularities in the allotted & utilization of retiring rooms such as blocking retiring rooms without realization of Rly dues, strong favoritism by locking R. Room for Rly. Officers at the cost of bona fide passengers etc. were attributed to Sh Chowdhry, S.M./GHY (now Retired) a major penalty action recommended against him

Railway has however explained

that investigations were ^{- 5 -} more ^(S) in nature, not directly attributable to S.I. Clodthorpe and there was neither any malafide intention nor any personal gain has been established by CBI. Officer enjoyed a good reputation & has received many awards during his career.

Perusal of the report / case file suggest that had the officer been in service still, probably recorded warning / counselling would have been the minimum desirable action. Now that he has retired no action as recommended by DPO is considered in order.

As st Gondhary was only a
Gr 'B' junior scale officer, case may be sent
to CVC with the approval of AM(U) ll
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CENTRAL VIGILANCE COMMISSION

1. Agreeing with the Department, the Commission would advise closure of the case against Sh. Choudhary.

2. Department may, however, like to issue suitable instructions to all concerned (not only at Guwahati but elsewhere as well), stressing the need for maintaining proper records relating to the retiring rooms and for ensuring that the rooms are allotted in accordance with the rules/instructions on the subject. Secondly, surprise checks could be done, by Vig. officials, in this area also, from time to time.

(P.M. Pillai)
UNDER SECRETARY

Railway Board, (Sh. Kanwarjit Singh AMV), New Delhi.
CVC's U.O. No. 9806 KLY 63 dated.

11 DEC 1998

Document received
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Advise the Rly snitely.

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W.W.
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W.H. 11/12/98

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