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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

balita
5/12/17

In The Central Administrative Tribunal
GUWAHATI BENCH : GUWAHATI

ORDER SHEET
Original APPLICATION NO. 63 of 2001 OF199

Applicant(s) M.Mani Singh

Respondent(s) U.O.I & Ors.

Advocate for Applicant(s) Mr.B.K.Sharma, Mr.S.Sarma, U.K.Nair

Advocate for Respondent(s) C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p> This application is in form but not in the condonation Petition. It is vide M.P. No. 59421943 for the purpose of vide IPO/3 dated 30.1.2001 Dated 30.1.2001 Dy. Registrar [Signature] </p> <p> 30.1.2001 Service of notice to dy registrar & parties issued to the Dy registrar of notice to the respondents vide D No 884812 dated 1.3.2001 </p>	<p>9.2.01</p>	<p> Present: Hon'ble Mr. justice D.N.Chou- dhury, Vice-Chairman and hon'ble Mr.K.K. Sharma, Administrative Member. </p> <p> Heard learned counsel for the parties. Application is admitted. Call for records. Issue notice on the respondents as to why interim order shall not be granted, as prayed for. Returnable by 3 weeks. Pendency of this application shall not preclude the respondents from considering the representation submitted by the applicant dated 22nd January 2001, Annex- sure 15. The pendency of this applica- tion shall not also inhibit the respon- dents from taking any remedial action in the meantime. </p> <p>List on 5.3.01 for orders.</p> <p> [Signature] Member </p> <p> [Signature] Vice </p>

2

Notes of the Registry	Date	Order of the Tribunal
	5.3.01	<p>List on 23.4.01 to enable the respondents to file written statement. In the meantime the interim order 9.2.01 shall continue.</p> <p style="text-align: right;"><i>[Signature]</i> Vice-Chairman</p>
<p><u>3.4.2001</u> w/s has been filed on behalf of the Respondent No. 2 and 5.</p> <p style="text-align: right;"><i>[Signature]</i></p>	<p>lm 23.4.01</p>	<p>Written statement filed by respondents No.2 and 5. The applicant may file rejoinder within two weeks.</p> <p>Await service report as regards other respondents.</p> <p>List on 8.5.01 for order.</p> <p><i>[Signature]</i> Member <i>[Signature]</i> Vice-Chairman</p>
<p><u>20.4.01</u> W/S on behalf of R. no. 2 & 5 are filed. R. no. 1, 3, 4 & 6-9 are still admitted.</p> <p>lm</p>	<p>pg 28.5.01 (Imphal)</p>	<p>Present : The Hon'ble Mr Justice A. Agarwal, Chairman and Hon'ble Mr K.K.Sharma, Administrative Member.</p> <p>The present O.A. is stood over in order to enable the applicant to file rejoinder.</p> <p>List on 26.6.2001 for order.</p> <p style="text-align: right;"><i>[Signature]</i> By order</p>
<p><u>14.5.2001</u> w/s on behalf of Respondent No. 9 has been filed.</p> <p style="text-align: right;"><i>[Signature]</i></p> <p>List to circuit sitting at Manipal.</p>	<p>26.6.01</p> <p>lm</p>	<p>List for hearing on 10.8.2001.</p> <p><i>[Signature]</i> Member <i>[Signature]</i> Vice-Chairman</p>
<p><u>14.5.2001</u> w/s on behalf of Respondent No. 9 has been filed.</p>		

Respondent No. 9 has been

Notes of the Registry

Date

Order of the Tribunal

9.8. Mr. K.K. Lalit, learned advocate, for respondent No. 9 has submitted a letter expressing his inability to attend the court on 10.9.2001 due to road blockade call given by different organisations.

A copy 9.8.

10.8.01

Prayer has been made by Mr R.K. Dutta on behalf of Mr N.S. Singh, learned counsel for respondent No.8. Similar fax message has been sent by R.K. Lalit, Advocate appearing for respondent No.8 praying for adjournment due to road blockade in the Manipur Nagaland side. Considering the facts the case is adjourned to 24.9.2001 for hearing.

K.K. Sharma
Member

[Signature]
Vice-Chairman

pg

24.9.01

Heard Mr. B.K. Sharma, learned counsel for the applicant at length. List the case again on 28.9.2001 for hearing.

K.K. Sharma
Member

[Signature]
Vice-Chairman

bb

28.9.01

On the prayer of Mr. S. Sarma, learned counsel for the application the case is adjourned and it shall be taken up for hearing on 4.10.2001 without fail.

List the matter on 4.10.2001.

K.K. Sharma
Member

[Signature]
Vice-Chairman

trd
4.10.01

On the prayer of learned counsel for the applicant the case is adjourned and it shall be taken up for hearing on 27/11/01.

K.K. Sharma
Member

[Signature]
Vice-Chairman

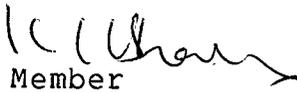
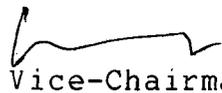
mb

(4)

Notes of the Registry	Date	Order of the Tribunal
	27.11.01	<p>Prayer has been made on behalf of the applicant for adjournment of the case. Prayer is allowed. The case is accordingly adjourned.</p> <p>List on 3.1.02 for hearing.</p> <p><i>K. Ushara</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p> <p>mb</p>
	3.1.02	<p>It has been stated by Sri S.Sarma, learned counsel for the applicant that he has received the written statement today and requested some time to go through through the same. The case is accordingly adjourned.</p> <p>List on 28.1.2002 for hearing.</p> <p><i>K. Ushara</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p> <p>mb</p>
<p>The case is ready for hearing.</p>	28.1.02	<p>Mr. S.Sarma, learned counsel for the applicant prays for time to obtain some more instructions in the matter. Prayer is allowed. List again on 21.2.02 for hearing.</p> <p><i>K. Ushara</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p><i>[Signature]</i> 21.3.02</p>	21.2.02	<p>Mr. S.Sarma, learned counsel for the applicant prayed for adjournment for little little accommodation in this matter on behalf of Mr. B.K.Sharma, learned Sr. counsel for the applicant. Prayer is allowed.</p> <p>List on 26.2.2002 for hearing.</p> <p><i>K. Ushara</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p> <p>mb</p>
	26.2.02	<p>On the prayer of Mr B.K.Sharma, learned senior counsel for the applicant the case is adjourned to 22.3.2002.</p> <p><i>K. Ushara</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p> <p>pg</p>

5/11

OA 63/2001

Notes of the Registry	Date	Order of the Tribunal
	22.3.	<p>Hearings Mr. B. K. Swanson, learned Counsel for the applicant & Mr. A. Perry, for C.G.D.C. for the respondent.</p> <p>Hearing concluded. Judgment reserved.</p> <p>MLO A.K. Jones 22.3.</p>
<p>3/5/02</p>	28.3.2002	<p>Judgment pronounced in open court. The application is dismissed. No order as to costs.</p>
	nkm	<p> Member</p> <p> Vice-Chairman</p>

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 63 of 2001

With

Original Application No.150 of 2001

Date of Decision. 25-3-2002

1. O.A.No.63/2001

Moirangthem Mani Singh, MPS

2. O.A.No.150/2001

Shri A. Rajendra Singh

Petitioner(S)

Mr B.K. Sharma, Mr S. Sarma and

Mr U.K. Nair

Advocate for the
Petitioner(s)

-Versus-

The Union of India and others

Respondent(s)

Mr A. Deb Roy, Sr. C.G.S.C.,

Mr R.K. Lalit, Ms V. Gyanpati Singh,

Mr N. Kumarjit Singh and N. Surendrajit Singh for

private respondents

Advocate for the
Respondent(s)

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 ?

Judgment delivered by Hon'ble : Vice-Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.63 of 2001

With

Original Application No.150 of 2001

Date of decision: This the 28th day of March 2002

The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman

The Hon'ble Mr K.K. Sharma, Administrative Member

O.A.No.63/2001

Moirangthem Mani Singh, MPS,
Working as Superintendent of Police,
Vigilance & Anti Corruption,
Manipur, Imphal.

.....Applicant

By Advocates Mr B.K. Sharma, Mr S. Sarma
and Mr U.K. Nair.

- versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Home, New Delhi.
2. The Union Public Service Commission, represented by its Chairman, Dholpur House, New Delhi.
3. The State of Manipur, represented by the Chief Secretary to the Government of Manipur, Imphal.
4. The State of Tripura, represented by the Chief Secretary, Agartala.
5. The Selection Committee (for selection of MPS officers for promotion to IPS, held on 20.12.2000), represented by Shri Mata Prasad, Member, UPSC, Dholpur House, New Delhi.
6. Shri D.L. Vohra, Director General of Police, Government of Tripura, Agartala.
7. Shri V.C. Goul, Inspector General Border Security Force, Government of India, New Delhi.
8. Shri N. Nagaraipam, MPS, Commandant, Home Guard (Valley), Manipur, Imphal.
9. Shri L.K. Haokip, Superintendent of Police, Crime Branch, Manipur, Imphal.Respondents

By Advocates Mr A. Deb Roy, Sr. C.G.S.C.,
Mr R.K. Lalit and Ms V. Gyanpati Singh for
respondent No.9.

O.A.No.150/2001

Shri A. Rajendra Singh,
Working as Commandant,
9th Battallion, Manipur Rifles,
District- Senapati, Manipur.

.....Applicant

By Advocates Mr B.K. Sharma, Mr S. Sarma and
Mr U.K. Nair.

- versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Home, New Delhi.
2. The Union Public Service Commission, represented by its Chairman, Dholpur House, New Delhi.
3. The State of Manipur, represented by the Chief Secretary to the Government of Manipur, Imphal.
4. The State of Tripura, represented by the Chief Secretary, Agartala.
5. The Selection Committee (for selection of MPS officers for promotion to IPS, held on 20.12.2000), represented by Shri Mata Prasad, Member, UPSC, Dholpur House, New Delhi.
6. Shri D.L. Vohra, Director General of Police, Government of Tripura, Agartala.
7. Shri V.C. Goul, Inspector General, Border Security Force, Government of India, New Delhi.
8. Shri N. Nagaraipam, MPS, Commandant, Home Guard (Valley), Manipur, Imphal.
9. Shri L.K. Haokip, Superintendent of Police, Crime Branch, Manipur, Imphal.
10. S. Manglemjao Singh, MPS, (under suspension)
C/o The Director General of Police, Manipur, Imphal.

.....Respondents

By Advocates Mr A. Deb Roy, Sr. C.G.S.C.,
N. Kumarjit Singh and N. Surendrajit Singh for
respondent No.8.

.....

O R D E R

CHOWDHURY.J. (V.C.)

The equity and legitimacy of the selection from amongst the State Police Service officers to the Indian Police Service (IPS for short) in respect of Manipur segment of the Joint Cadre of the States of Manipur and Tripura is the core issue raised in both the applications. In view of the commonality of the issues the two applications were taken up for consideration together.

2. The facts in brief relevant for the purpose of adjudication of the proceeding are given herein below:

The committee set up in accordance with Regulation 3 of the IPS (Appointment by Promotion) Regulations, 1955 (hereinafter referred to as the Regulations) met for preparing a list of members of the State Police Service found suitable for promotion to the IPS on 20.12.2000 against two vacancies. According to the applicant in O.A.No.63/2001 he possessed the highest merit amongst the persons selected, but the respondents in a most unjust manner overlooked his case and selected respondent Nos.8 and 9 who were of lesser merit. Above all, the respondent Nos.8 and 9 were placed under suspension in connection with criminal cases. The applicant contended that serious charges of misappropriation of public money by abuse of power was brought against the respondent No.8 on the basis of FIR No.368 (7)/1993 of Imphal Police Station and a case under Section 120(B)/409/466/468/471 IPC read with Section 13(20) M/W Section 13(C) of the Prevention of Corruption Act, 1988 is pending before the Special Judge, Manipur East. Similarly, the respondent No.9, selected as No.2, was placed.....

placed under suspension on 16.2.1998, though subsequently the suspension order was revoked without prejudice to the departmental proceeding pending against him. A regular case namely FIR case No.322 (8) 98-IPS, under Section 121/121-A/400/212 IPC, 13 UA(P) Act and 25(1-B) Arms Act was registered at Imphal Police Station against the said respondent and chargesheet was published in the Court of the Chief Judicial Magistrate, Imphal against the said person. Despite the above facts, the Selection Committee selected the aforesaid two persons overlooking relevant considerations. The applicants thus assailed the process of selection of respondent Nos.8 and 9 and further sought for a direction from this Tribunal for a review selection and to consider the case of the applicants lawfully.

3. The respondents contested the claim of the applicant and written statement has been filed on behalf of respondent Nos.2 and 5 in both the cases. Written statement has also been filed on behalf of the Union of India apart from the private respondents. The respondent No.8 in his written statement while contesting the claim of the applicant stated that the allegations made against him are reckless. It was also mentioned that the concerned Government had already taken a decision to drop the prosecution against the respondent No.8. The respondent No.9, similarly, in his written statement referred to the judgment and order passed by the Chief Judicial Magistrate in the criminal case discharging the accused persons including the applicant vide order dated 21.4.2001.

4. Mr B.K. Sharma, learned Sr. Counsel for the applicant in O.A.No.63/2001 submitted that the decision making process of the Selection Committee was vitiated since.....

since all relevant materials were not placed before the Selection Committee as to the integrity and other matters of the respondent Nos.8 and 9. The learned Sr. Counsel referring to the Regulations, more particularly as to the provisions regarding preparation of the list of suitable officers mentioned at Regulation 5 submitted that the Selection Committee under the law is required to consider the question of suitability of the officers for selection with reference to their integrity and should specifically record in their proceedings that they were satisfied from the remarks in the confidential reports of the officers selected by them for inclusion in the Select List that there was nothing against their integrity. Admittedly, the Selection Committee on the date of selection since not made aware of the proceedings mentioned, relevant materials were kept away from the Selection Committee and thereby affected the decision making process, contended Mr B.K. Sharma. The learned Sr. Counsel also submitted that particularly in the case of O.A.No.63/2001, the officer had a brilliant track record. Mr B.K. Sharma further contended that there was down gradation in the ACR of the applicant without adequate notice and therefore, the applicant in O.A.No.63/2001 did not receive fair consideration before the Selection Committee and thereby the applicant was denied the protection guaranteed under Articles 14 and 16 of the Constitution.

5. Countering the arguments of Mr B.K. Sharma, Mr A. Deb Roy, learned Sr. C.G.S.C., contended that under the constitutional and statutory scheme the eligible officers are only entitled for consideration of their case and there is no fundamental right for being appointed. The Selection Committee duly assessed the service records and thereafter.....

thereafter on assessment of individual merit the high-powered committee selected the persons in accordance with law. Mr Deb Roy submitted that the State Government intimated the fact of sanctioning of prosecution in respect of respondent No.8. However, the fact of chargesheet filed in the Court of Law was not brought to the notice of the Commission before the meeting of the Selection Committee. In respect of respondent No.9 it was mentioned that some vigilance/criminal cases were pending against him and chargesheet was filed against him in the Court of Law. There is no embargo for inclusion of officers in the Select List whose integrity certificate is withheld by the State Government or against whom departmental/criminal proceedings are pending. Their inclusion in the Select List remain provisional subject to furnishing of the integrity certificate by the State Government. The officers are eligible to be appointed to the IPS if they are exonerated from the disciplinary/criminal proceeding etc and integrity certificate is issued by the State Government during the period the Select List remain operative in terms of Regulation 7(4). Mr Deb Roy submitted that the Selection Committee which met on 20.12.2000 also included the respondent No.9 in the Select List at serial No.2 provisionally subject to grant of integrity certificate and clearance of disciplinary/criminal proceeding pending against him. Mr Deb Roy submitted that the Selection Committee on the basis of materials on record could not treat the disciplinary/criminal proceeding pending against respondent No.8 as the said fact was not brought to the notice of the Selection Committee and therefore, he was included unconditionally. Till the filing of the written statement.....

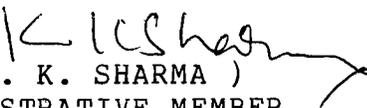
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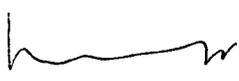
statement the Select List was not approved. If before the approval of the Select List the State Government would have brought into the notice of the authority the Select List could have been modified and the name of respondent No.8 might have been made provisional in the Select List at the time of approval of the Commission in terms of the provisions of Regulation 7.

6. In this proceeding we are basically concerned with the process of selection. From the facts alluded, the State Government intimated that the prosecution sanction was accorded in respect of respondent No.8, but the Commission was not made aware that chargesheet was filed in the Court of Law against the said respondent before the meeting of the Selection Committee. The integrity certificate of respondent No.8 was issued by the State Government, whereas the integrity certificate in respect of respondent No.9 was withheld. The Selection Committee could not be faulted in considering the cases of respondent Nos.8 and 9 in the situation. As per the Government of India decision vide G.I., M.H.A. letter No.28/38/64-AIS (III) dated 5.1.1965, the Selection Committee is required to consider the question of suitability of the officers for selection with reference to their integrity and is required to consider record the satisfaction from the remarks of the confidential report of the officers selected. They are to act only on the basis of the materials furnished. On the materials available it is difficult to upset the assessment of the merits of the persons selected. No malafide or arbitrariness is discernible. There is no allegation of malafide against the Selection Committee. On consideration of the materials on record we are of the opinion that the Selection Committee fairly considered the case of the eligible.....

eligible officers on the basis of the service records. The Regulation is a complete code by itself, which has provided due safeguard.

7. In the set of circumstances we do not find any merit in these applications. Accordingly both the applications are dismissed. There shall, however, be no order as to costs.


(K. K. SHARMA)
ADMINISTRATIVE MEMBER


(D. N. CHOWDHURY)
VICE-CHAIRMAN

केन्द्रीय प्रशासनिक अधिकरण
 Central Administrative Tribunal
 182 - 3 FEB 2001
 BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
 GUWAHATI BENCH
 DA No. 63/2001

Title of the case :

BETWEEN

M. Mani Singh

... Applicant

- versus -

Union of India & Ors.

... Respondents

I N D E X

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Selection Case
 28/2/2000

Filed by:
 Mani Singh
 Advocate

FILED BY
M. Mani Singh,
Thropt's Applicant
Ann, Krishna, Navin, Ananta

THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH
GUWAHATI

(Application under Section 19 of the Central
Administration Tribunal Act, 1985)

O.A. No. 63 of 2001

BETWEEN

Moirangthem Mani Singh, MPS,
son of M. Bidhu Singh
presently working as Superintendent
of Police, Vigilance & Anti
Corruption, Manipur, Imphal.

... Applicant

- AND -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Home, New Delhi.
2. The Union Public Service Commission, represented by its Chairman, Dholpur House, Sahjahan Road, New Delhi-110001.
3. The State of Manipur, represented by the Chief Secretary to the Government of Manipur, Imphal.
4. The State of Tripura, represented by the Chief Secretary, Agartala.
5. The Selection Committee, (for selection of MPS officers for promotion to IPS, held on 20.12.2000), represented by Shri Mata Prasad, Member, UPSC, Dholpur House, Sahjahan Road.
6. Shri D.L. Vohra, Director General of Police, Government of Tripura, Agartala.
7. Shri V.C. Goul, Inspector General Border Security Force, Government of India, New Delhi.
8. Shri N. Nagaraipam, MPS, Commandant, Home Guard (Valley), Manipur Imphal.

Mani

9. Shri L.K. Haokip, Superintendent of Police, Crime Branch, Manipur, Imphal.

... Respondents

DETAILS OF APPLICATION

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

The present application is directed against the selection of the Respondents No. 8 and 9 for promotion to IPS from amongst the Manipur Police Service Cadre Officers of the Manipur Segment of the Manipur-Tripura Joint Cadre and non-inclusion of the name of the Applicant in the select list for such promotion in gross violation the statutory Rules, Regulations and Government guidelines holding the field.

2. JURISDICTION OF THE TRIBUNAL :

The Applicant declares that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :

The Applicant declares that the present application have been filed within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 That the Applicant is a citizen of India and as such he is entitled to all the rights and privileges as guaranteed under the Constitution of India and laws

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framed thereunder.

4.2 That the Applicant is a member of the Manipur Police Service (herein after referred to as MPS) and presently posted as Superintendent of Police, Vigilance & Anti Corruption of the State Vigilance Commission, Manipur at Imphal.

4.3. That the Applicant entered the services of the Manipur Police way back in the year 1964 (31.3.64) as Sub-Inspector of Police. On 27.12.78 he was promoted as Inspector of Police on Adhoc basis which was subsequently regularised with effect from 9.3.79. Thereafter he was promoted as Deputy Superintendent of Police (Legal) on Adhoc basis with effect from 11.2.81. He was regularised in the Manipur Police Service with effect from 2.12.81. Riding on the ladder of promotion, the Applicant became the Additional Superintendent of Police with effect from 19.12.86 and thereafter became the Superintendent of Police with effect from 19.9.94, the rank in which the Applicant is presently discharging his duties. Presently he is holding the Post of Superintendent of Police, Vigilance & Anti Corruption of the State Vigilance Commission, Manipur at Imphal.

4.4 That as Superintendent of Police, the Applicant had the occasion to work as Commandant, 5th Battalion Manipur Rifles in Tamenglong Hill District with effect from 19.9.94 to 13.8.96. Thereafter he was posted as S.P, Bishnupur with effect from 13.8.96 to 10.2.97.

Ways

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During the period from 10.2.97 to 10.3.98, he was the SP, Senapati Hill District. He is holding the present post with effect from 10.3.98. While the Applicant was posted at Tamenglong Hill District as Commandant, Manipur Rifles, he was also given the task of the post of Superintendent of Police, Tamenglong for about 10 months in addition to his own duties. During which period General Election of 1995 was held. The Applicant has a distinguished service career and he has been awarded Police Medals for meritorious and distinguished services including that of President Award/Medal twice.

Copies of the documents pertaining to such Meritorious service are annexed as Annexure-1 series.

4.5 That as per the provisions of the IPS (Appointment by Promotion) Regulation, 1955 the members of the State Police Service are entitled to be promoted to IPS on fulfillment of the criterias laid down in the said Regulations. In terms of Regulation 5(3) the selection Committee shall not consider the cases of those members who have attained the age of 54 years on the 1st day of January of the year in which the selection committee meets. The Applicant has already attained the age of 54 years and thus will not be eligible to be considered for such promotion hereafter. His only chance was in the last selection held on 20.12.2000 in which he has been illegally left out due to improper consideration

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of his case.

4.6 That as already stated above the Applicant has a distinguished service career and at no point of time there was any occasion to communicate to him any adverse remarks. To the best of the knowledge of the Applicant he has got a better service record than the others who were considered for promotion to IPS including the Respondents No. 8 and 9. Although 6 officers including the Applicant were considered for promotion to IPS by the selection committee constituted for the purpose which met at New Delhi on 20.12.2000. As per the informations gathered the selection committee constituted of the following members.

1. Shri Mata Prasad, Member, UPSC --- President (Respondent No.5) ✓
2. Shri Rakesh, Chief Secretary,
Government of Manipur ----- Member, (Respondent No.3)
3. Shri V. Thulasigas, Chief Secy. --- Member, (Respondent No.4)
Government of Tripura
4. Shri D.L. Vohra, DGP --- Member, (Respondent No.6)
Government of Tripura
5. Shri V.C. Goul, IG Border --- Member, (Respondent No.7)
Security Force, Govt. of India

The selection committee in its meeting held on 20.12.2000 considered the case of the following 6 officers of the MPS cadre

<u>NAME</u>	<u>DATE OF BIRTH</u>
A. Rajendra Singh -	28.6.50 .
B. S. Tualchinkham (ST)	1.3.47
C. N. Ngaraipam (ST)	5.3.47 (Respondent No. 8)
D. L.K. Haokip (ST)	1.3.53 (Respondent No. 9)
E. M. Mani Singh	1.2.46 (Applicant)
F. S. Manglemjao Singh	1.3.56

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The selection was held for 2 posts. The Applicant was the only candidate to have 5 "Outstanding" in his ACR's for the last five years which were taken into consideration by the selection committee against this the other candidates including the candidates namely the Respondents No. 8 and 9 whose names have been included in the select list of 2000-2001 did not have any consistent grading in their ACR's for the last five years, not to speak of having five "Outstanding" like that of the Applicant.

A comparative chart of ACR's grading of the said 6 officers is annexed as Annexure-2.

4.7 That as per the minutes of the selection committee held on 20.12.2000 the Respondents No. 8 and 9 have been selected for promotion to IPS forming the select list of 2000-2001. Unfortunately, although the Applicant was the most meritorious with an outstanding and unblemished service records, has been left out from being included in the select list due to improper consideration of his case vis-a-vis the Respondents No. 8 and 9. It will be most pertinent to mention here that the State of Manipur did not forward the full service particulars and details of their service to the selection committee, but for which the things would have been different and the name of the Applicant would have been invariably included and the names of the private Respondents would have been excluded. Apart from such serious lapses even the full ACR's of the

candidates were not sent as will be reflected from comparative statement at Annexure-2. In spite of such position, selection was carried out on the basis of incomplete ACR's. Be it stated here that the selection committee took into consideration the ACR's for the last five years viz 1994-95, 95-96; 96-97; 97-98 and 98-99. The State Manipur did not intimate anything regarding the pendency of disciplinary and criminal proceedings of very serious nature involving the very integrity of the Respondents No. 8 and 9 and only a half truth was conveyed to the selection committee in respect of Respondent No. 9 L.K. Haokip.

4.8 That the Respondent No. 8 who has been nominated as selectee No. 1 was placed under suspension by an order dated 21.7.93 in connection with FIR NO. 368 (7)/93 of Imphal Police Station registered under section 120(B)/409/466/468/471 IPC and section 13(20) M/W Section 13(C) of the Prevention of Corruption Act, 1988 which is now pending in the Court of the Special Judge Manipur East being registered as Special Trial No. 1/2000. The case has been registered alleging misappropriation of Rs. 35,698,92,601/- which was sanctioned for purchase of uniform items for Jawans of Manipur Rifles. The incident has come to light as 'Uniform Scan'.

Copies of the suspension order, revocation order and the charge sheet are annexed as Annexure-3, 4 and 5 respectively.

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4.9 That similarly the Respondent No. 9 who has been nominated as selectee No. 2 was placed under suspension by an order dated 16.2.98 although the same was subsequently revoked without prejudice to the departmental proceeding pending against him. A regular FIR case No. 322 (B) 98-IPS, U/S 121/121-A/400/212 IPC, 13 UA(P) Act and 25(1-B) Arms Act was registered at Imphal P.S. against him and a chargesheet No. 32/IPS/99 dated 12.5.99 has already been submitted in the Court of the Chief Judicial Magistrate, Imphal against him. The charge relates to harbouring in his house the members of KNF(P) one of the active Extremist organisations operating in Manipur. 6 persons were arrested from his house and arms and ammunition were recovered as reflected in the charge sheet which has been registered as Cril(P) 10/99 in the Court of CJM, Imphal. Further a departmental proceeding is also pending against him initiated vide memorandum being No.4/59/76-MPS/DP(Pt) dated 22.4.99 for committing acts of misconduct, misobservation and financial impropriety, mismanagement of Home Guard involving a sum of Rs. 23,17,700/- sanctioned by the Home Department vide order No. 315(64)/97-H dated 9.2.98. The proceeding is now pending before the Commissioner of Departmental Enquiries being DE No. 1/4/CDE/2000.

Copies of the suspension & revocation orders are annexed as Annexure-6, 7, 8 and 9 respectively.

Copies of the FIR and the chargesheet are annexed as Annexure-10 and 10(1) respectively.

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Further the copy of the memorandum is annexed as Annexure-11.

4.10 That apart from the above, prosecution has been accorded in respect of the Respondents No. 8 and 9 vide orders dated 28.9.98, 12.4.99 and 22.8.2000 in respect of their involvement in connection with the offence mentioned in the orders of sanction itself.

Copies of the orders dated 28.9.98, 12.4.99 and 22.8.2000 are annexed hereto as Annexure-12,13 and 14 respectively.

4.11 That the above facts which are of very serious nature involving the very integrity of the Respondents No. 8 and 9 who have been selected for appointment to IPS were never brought to the notice of the selection committee and those vital informations were deliberately withheld from the selection committee, but for which they would not have been selected. It will be pertinent to mention here that although the Government of Manipur in the department of Personal and Administrative Reforms (Personnel Division) had asked for informations as to whether any case is pending against the above mentioned 6 officers and the concerned department had clearly indicated about the pending cases, mentioned above, against the Respondent No. 8 & 9 but however to the best of the knowledge of the Applicant inspite of receipt of the said informations, same were not furnished and/or made known to the selection committee and the same were

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deliberately withheld facilitating selection of the Respondents No. 8 and 9.

The Applicant craves leave of the Hon'ble Tribunal for a direction to the Respondents to produce the copies of the communications/correspondence pertaining to the integrity certificate of the officers considered for selection to IPS.

4.12 That the Applicant states that as per the informations gathered from the offices of the Respondents, the Respondents No. 8 and 9 have been selected for promotion to IPS as selectee No. 1 & 2 against the 2 available vacancies for promotion and both of them were graded as "Very Good" along with the Applicant and Shri S. Mangelemjao Singh. However, because of their seniority the Respondents No. 8 and 9 have been included in the select list as the sole selectees leaving aside the Applicant. As regards Shri A. Rajendro Singh and Shri S. Tualchinkham they have been graded as "Good" and thus naturally could not compete with the other four officers who have been graded as "Very Good". Going by the ACR's of the officers as reflected at Annexure-2 of this OA there is not even an iota of doubt that the Applicant has always scored a march over the other officers. Further he is the only recipient of presidential medal/award (twice) along with other awards/medals amongst the 6 officers who were considered for promotion to IPS. It is the

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definite information of the Applicant that the fact of such a meritorious service of the Applicant was not brought to the notice of the selection committee. On the other hand the above mentioned deficiencies pertaining to the services of the Respondents No. 8 and 9 which ought to have been brought to the notice of the selection committee were deliberately not brought to its notice. Further, it appears that there was down gradation so far as ACR's of the Applicant are concerned so as to exclude his name from the select list to pave the way for inclusion of the names of the Respondents No. 8 and 9, while doing so contrary to the reflections in their ACR's coupled with their involvements in the cases mentioned above, there was upgradation in their ACR's. Such down gradation was done in respect of the ACR's of the Applicant without any notice to him as already stated above, the records pertaining to the meritorious service of the Applicant including the fact of he being an awardee of Presidential Medal/Award and other awards/medals were not placed on records and accordingly the selection committee was deprived of those materials very vital towards consideration of the case of the Applicant. Thus there was no proper consideration of his case, rather there was improper consideration and the same has resulted in miscarriage of justice.

The minutes of the selection committee meeting held on 20.12.2000 has not been made public and as such the applicant prays for a direction to the Respondents

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to produce the records of the selection including the minutes of the meeting of the selection committee held on 20.12.2000.

4.13 That the Applicant states that as per the requirements of the above mentioned promotion regulation the selection committee in respect of a joint cadre must be comprised of the Director General of Police of the State whose officers are being considered. In the instant case the DGP, Manipur who was the better person to know the service credentials of the officers was not included in the committee and the DGP of the State of Tripura was included. Thus in absence of the DGP, Manipur the selection committee was not properly constituted and the relevant consideration were left out from the purview of the selection committee.

4.14 That the Applicant states that adding insult to the injury a move is on to issue integrity certificate in respect of the Respondents No. 8 and 9 facilitating their appointment to IPS. The Applicant has reliably learnt that the appointment of the said Respondents to IPS is being materialised very soon. The Government of Manipur for the reasons best known to them are moving fast towards issuing the integrity certificate so that the said Respondents are appointed in no time. It is under these circumstances that this OA has been filed seeking urgent and immediate relief. As already stated above the Applicant having already crossed the age of 54 years, this is his last chance for promotion to IPS.

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Had there been proper consideration of his case based on his ACR's and service records, he would have been selected for such promotion. Instead the Respondents No. 8 and 9 have been picked up for promotion to IPS inspite of their bad ACR's and service records.

4.15 That the Applicant states that as per the requirements of the promotion regulations, the select list should have been prepared in such a way so that it contains the names of the selected candidates twice the number of substantive vacancies anticipated in the course of the period of 12 months. Had this requirement been followed the name of the Applicant would have been included in the select list, he being next in line and thereby would have got a chance to be considered for promotion to IPS. Even if he is not promoted to IPS, his inclusion in the select list would have ensured consideration of his case for promotion to IPS in the next select list.

4.16 That the Applicant having come to know about his deprivation as stated above submitted a representation on 22.1.2001 before the UPSC with the copies thereof to the concerned authorities making a prayer therein for review of the select list prepared by the selection committee in its meeting held on 20.12.2000. Instead of repeating the contentions raised therein, the Applicant craves leave of the Hon'ble Tribunal to refer to the said representation and the contentions raised therein may be treated to be the contentions raised in this OA.

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A copy of the representation dated 22.1.2001 is annexed as Annexure-15.

4.17 That the Applicant states that as per the requirements of the promotions regulations the select list will attain its finality only then when the UPSC will consider the said select list and give its final approval to the same. Keeping in view such a provision in the regulation the Applicant has submitted the representation to the UPSC so that final approval is not given to the select list. However, it is the apprehension of the Applicant that the UPSC must have given the final approval to the select list without considering the aforesaid representation of the Applicant. The apprehension of the Applicant is further fortified from the speed at which the thing are being moved in favour of the Respondents No. 8 and 9 towards issuance of their integrity certificates which is the condition precedent for appointment to IPS on promotion. Having regard to the facts and circumstances of the case it is a fit case for passing an interim order as has been prayed for.

4.18 That the Applicant states that some of the annexures pertaining to the Respondents No. 8 and 9 as annexed to the OA are the photocopies obtained from the concerned deptt. and/or the court. The original documents from which the photo copies have been obtained being hand written, naturally the photo copies are not that legible as one expects. It is also not

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possible to type out all the Annexures accordingly the Applicant prays for acceptance of those Annexures annexed to the DA, with a direction to the Respondents to produce the original records if considered necessary.

5. GROUND'S FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the proper procedure having not been followed in the selection of MPS officers for promotion to IPS, such selection is not sustainable and liable to be set aside and quashed.

5.2 For that the State of Manipur having not placed the adverse materials against the Respondents No. 8 and 9 and the selection committee having been kept in dark about those materials, the names of those two Respondents having been included in the select list which is per-se illegal.

5.3 For that the Applicant having scored overall grading of "Outstanding" in all his ACR's relevant for the purpose of selection coupled with his excellent service records, he ought to have been selected for promotion to IPS in preference to the Respondents No. 8 and 9 who apart from not having outstanding service records like that of the Applicant also have adverse materials against them.

5.4 For that the charges pending against the selected candidates being very serious which may even render them unfit to be retained in service would have a vital

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bearing on the process of selection and the same having been withheld from the purview of consideration, the entire process of selection is liable to be reviewed.

5.5 For that the excellent service records of the Applicant having not been placed before the selection committee and the selection committee having considered only the ACRs of the Applicant and others, that too incomplete ACR's in respect of the Respondents No. 8 and 9 there was no proper consideration of the case of the Applicant and accordingly the entire process of selection is liable to be reviewed.

5.6 For that the haste in which things are being moved towards issuance of integrity certificates in respect of the Respondents No. 8 & 9 speaks volumes of the malafide and colourable exercise of power on the part of the official Respondents and accordingly judicial intervention is called for in the matter.

5.7 For that selection committee being not comprised of the most important member viz., the DGP of the State of Manipur, who was/is in the know how of the things, improper consideration crept up in the process of selection in which vital aspects of the matter were withheld, but for which the Applicant would have got his selection.

5.8 For that as per the requirements of the Regulation 5 of the promotion Regulation the size of the select list should have been double the number of vacancies and had that requirement been followed, the name of the

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Applicant would have been surely included in the select list facilitating his appointment to IPS by promotion against the available vacancies during the validity of the select list.

5.9 For that the selection committee ought to have considered the case of the Applicant with all its fairness more particularly having regard to the fact that the selection in question was the last opportunity for the Applicant.

5.10 For that the selection committee ought not to have been guided by the ACR's alone and ought to have considered all other relevant service records of the officers considered, but the selection committee even while considering the ACR's, down graded the grading of the Applicant and upgraded the gradings of the Respondents No. 8 and 9 without any reasonable basis.

5.11 For that in any view of the matter the impugned select list is not sustainable and liable to be set aside and quashed.

The Applicant craves leave of the Hon'ble Tribunal to urge other and such legal grounds as may be admissible to him at the time of hearing of the case.

6. DETAILS OF REMEDIES EXHAUSTED :

The Applicant declares that he has no other alternative and efficacious remedy except by way of filing this application. He is seeking urgent and

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immediate relief.

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

The Applicant 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 :

Under the facts and circumstances stated above, the Applicant prays that this application be admitted, records, more particularly the records of the selection committee, be called for and notice be issued to the Respondents to show cause as to why the reliefs sought for in this application should not be granted and upon hearing the parties and on perusal of the records, be pleased to grant the following reliefs :

8.1 To set aside and quash the select list and/or the minutes of the selection committee meeting held on 28.12.2000 for promotion to IPS from amongst the members of MPS.

8.2 To direct the Respondents to hold a review selection placing all the relevant materials in respect of the officers as reflected under the head "Facts of the case".

8.3 Cost of the application.

8.4 Any other relief/reliefs to which the Applicant is

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entitled to and as may be deemed fit and proper by the Hon'ble Tribunal.

9. INTERIM ORDER PRAYED FOR :

Pending disposal of the OA the Applicant prays for an interim order restraining the official Respondents from promoting the Respondents No. 8 and 9 to IPS pursuant to the impugned select list prepared on the basis of the minutes of the selection committee held on 28.12.2008

10.

The application is filed through Advocate.

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

- i) I.P.O. No. : 54 42/943
- ii) Date : 30.01.2009
- iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

Handwritten signature

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

I, Shri Moirangthem Mani Singh, MPS, son of M. Bidhu Singh presently working as Superintendent of Police, Vigilance & Anti Corruption, Manipur, Imphal. do hereby solemnly affirm and verify that the statements made in paragraphs 1, 2, 3, 4, 1, 4, 2, 4, 3, 4, 4, 4, 5, 4, 6, 4, 7, 4, 11, 4, 12, 4, 13, 4, 16, 4, 17 and 5 to 12 are true to my knowledge ; those made in paragraphs 4, 8, 4, 9 and 4, 10 are true to my information derived from records and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 6th day of February 2001.

M. Mani Singh

Annexure-1 series

No. 8/14/1/85-H (Pt)
GOVERNMENT OF MANIPUR
SECRETARIAT : HOME : DEPARTMENT

Imphal, the 29th August, 1986

To
The Inspector General of Police,
Manipur.

Subject :- Award of Police Medal for meritorious
service on the occasion of Independence Day, 1986.

Sir,
I am directed to send herewith a copy of letter
No. 1-HA/86-CA(II) dt. 14.8.86 received from the
President's Secretariat, Rashtrapati Bhavan, New Delhi
and the above subject for your information and
necessary action.

Sd/- (K.P. Singh)
Joint Secretary (Home) Govt.
of Manipur.

enclo : As above

Copy to :

The Special Secretary to the Governor, Manipur,
Rajbhavan, Imphal with a copy of the above mentioned
letter.

GOVERNMENT OF MANIPUR
POLICE DEPARTMENT

Endst.No.E/33/16/82-PHQ: Imphal, the 4th Sept. '86

Copy to :

1. The Dy. Inspector General of Police/CID, Manipur.
2. The S.P./CID, Manipur.
3. The Accountant General, Manipur, Imphal.
4. Shri M. Mani Singh, DSP/CID

Sd/- Illegible

For Inspector General of Police,
Manipur, Imphal.

*Attested
Advocate*

Annexure-1 Series

COPY

CONFIDENTIAL/IMMEDIATE

PRESIDENT'S SECRETARIAT
RASHTRAPATI BHAVAN
NEW DELHI-110004

No.4-HA/86-CA(II)

To

The Secretary to the Govt. of Manipur,
Secretariat Home Department, Imphal.

Sub.: Award of Police Medal for meritorious service on
the occasion of Independence Day, 1986

Ref : Your State Govt. letter No. 8/14/1/85-H dt.
21.4.86 and 21.5.86.

Sir,

I am directed to say that the President has approved
the award of the following medal on the occasion of
Independence Day, 1986:

POLICE MEDAL FOR MERITORIOUS SERVICE

Shri Moirangthem Mani Singh,
Dy. Supdt. of Police, CID, Imphal.

2. An announcement to this effect will be made in the
morning Newspapers of the 15th August, 1986, and the
award will be notified in the Gazette of India on
Saturday to the Governor of Manipur, Raj Bhavan,
Imphal.

3. Similar intimation has been sent to the Secretary to
the Governor of Manipur, Raj Bhavan, Imphal

4. Please acknowledge receipt.

Yours faithfully,

Sd/- (S. Nilakantan)
Deputy Secretary to the President.

Copy to :

The Ministry of Home Affairs.
New Delhi.

Attested
Advocate



DIRECTOR GENERAL OF POLICE, MANIPUR
IMPHAL-795001

Series

PHONE—Office 21166
Home 21177

E/33/18/92-PHQ(Adm) /46665
D.O. No.....

Dated... 14-8-1993

M.D.Sharma

My dear Sir,

I convey my sincere congratulations to you on your being awarded the Manipur Chief Minister's Police Medal for Outstanding Devotion to Duty on the occasion of the Patriots' Day, the 13th August, 1993. This is a befitting appreciation of your continued excellent performance & devotion to duties displayed over the years.

Please keep it up. You have all my Best Wishes for a bright future.

*With best wishes,
Yours sincerely,
(M.D. Sharma) 16.8.93*

Shri M.Mani Singh, MPS
By. Commandant,
7th Bn. Manipur Rifles,
Khabeisoi, Imphal.

*Attested
Advocate*



- 24 -

D. S. Grewal, I.P.S.
Director General of Police, Manipur
Imphal-795 001
Phone : OFFICE 221166
RES. 221177

ANNEXURE-1

D.O. No. E/33/15/94- PHQ(Admn)/56
Series
40

Dated 19th Aug. '97

My dear *Mani Singh,*

Congratulations to you on being conferred
President's Police Medal for Distinguished Service on
the occasion of Independence Day, 1997 vide Govt. of
India Ministry of Home, New Delhi No. 11019/11/97-PMA-
Cell dated 14.8.97.

With Best Wishes

Yours *Sincerely,*

(D.S. Grewal)

Shri M. Mani Singh, MPS
Supdt. of Police, Senapati.

*Attested
Ann. Advocate*

- 25 -

91
ANNEXURE- 1

No. 3/GM/97

Series



सत्यमेव जयते

GOVERNOR OF MANIPUR

RAJ BHAVAN
IMPHAL

Aug 15, 1997.

My dear M.M. Singh,

I am glad to learn that you have been awarded the President's Police Medal for Distinguished Services on the occasion of the Independence Day, 1997.

You have done the Manipur Police proud. Please accept my heartiest congratulations.

With best wishes,

Yours sincerely,

15 8 97
(O.N. Shrivastava)

Shri M.M. Singh,
Supdt. of Police,
Senapati District,
SENAPATI

Allocated
Ann. Bd. 2
Advocate

Annexure-2

Sl. No.	Name of officers	1994-95	1995-96	1996-97	1997-98	1998-99	1999-2000
1.	A. Rejendra Singh, MPS	--	Average	Average	Very Good	Good	Very Good
2.	S. Tualchinkham, MPS	1.4.94 to 31.7.94 Good 1.8.94 to 31.3.95 Very Good	Very Good	Good	Good	Very Good	Good
3.	N. Ngaraipam, MPS	--	Very Good	Very Good	Very Good	Very Good	Good
4.	L.K. Haakip, MPS	Very Good	4.7.95 to 1.3.96 Very Good	4.6.97 to 31.3.97 Very Good	17.8.97 to 11.3.98 Good	--	Good
5.	M. Mani Singh, MPS	Outstanding	Outstanding	Outstanding	Outstanding	Outstanding	Outstanding
6.	S. Manglemjao Singh, MPS	1.4.94 to 31.7.94 Outstanding 1.8.94 to 31.3.95 Very Good	Very Good	Very Good	Outstanding	Very Good	Good

Attested
Tuni, bsh
Advocate.

GOVERNMENT OF MANIPUR
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS
(PERSONNEL DIVISION)

43

O R D E R S
Imphal, the 21st July, 1993.

No. 18/20/93-MPS/DP(A) : Whereas a disciplinary proceeding against Shri N. Ngaraipam, MPS, Commanding Officer of 2nd Bn. Manipur Rifles is contemplated.

Now, therefore, the Governor of Manipur in exercise of the powers conferred by sub-rule(1) of Rule 10 of the Central Civil Services (CCA) Rules, 1965, hereby places the said Shri N. Ngaraipam, MPS under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force the Headquarters of Shri N. Ngaraipam, MPS, Commanding Officer of 2nd Bn. Manipur Rifles should be Imphal and the said Shri N. Ngaraipam shall not leave the headquarters without obtaining the previous permission of the Government.

By order and in the name of
Governor,

(Signature)
(Ng. Lukham)

Joint Secretary(DP) Govt. of Manipur.

Copy to :-

1. The Secy. to the Governor, Raj Bhawan, Imphal.
2. The Secy. to Chief Minister, Manipur.
3. All P.S. to Dy. Chief Minister/Ministers & Ministers of State / Dy. Chairman, State Planning Board/Parliamentary Secretary, Manipur.
4. P.S. to Chief Secy./Addl. Chief Secretary, Govt. of Manipur.
5. The Director General of Police, Govt. of Manipur.
6. All Commissioners/Secretaries, Govt. of Manipur.
7. All Dk ICS/DIGS, Manipur.
8. The Accountant General, Manipur, Imphal.
9. The Joint Secy. (Home), Govt. of Manipur.
10. All SPs/COs, Manipur Rifles, Manipur.
11. Officer concerned.
12. Treasury Officer/Sub-Treasury Officer, Imphal.
13. The Under Secy (ACR) Govt. of Manipur.

ANNEXURE - 4

Government of Manipur
Department of Personnel & Admnv. Reforms
(Personnel Division)

ORDERS BY THE GOVERNOR, MANIPUR
Imphal, the 13th of April, 1995.

No.18/20/93-1PS/DP: Whereas Shri N.Ngaraijam, IFC, Commandant/2nd M.R. was placed under suspension with effect from 21-7-93 by an order of the Governor of Manipur vide Order No.18/20/93-1PS/DP(A) dated 21st July, 1993.

Now, therefore, the Governor of Manipur in exercise of the powers conferred by clause (c) of Sub-rule 5 of Rule 10 of the C.C.S.(C.C. & A) Rules, 1965, hereby revokes the said order of suspension of Shri N.Ngaraijam with immediate effect, without prejudice to the case pending against him.

On his reinstatement into service, the Governor of Manipur is pleased to transfer and post Shri N.Ngaraijam as Superintendent of Jail.

By order and in the name of the
Governor

(H. Deleap Singh)

Deputy Secretary(DP), Government
of Manipur.

Copy to:-

1. The Secretary to Governor, Raj Bhavan, Imphal.
2. The Secretary to Chief Minister, Manipur.
3. All P.Ss to Dy.Chief Minister/ Ministers/M.O.C./ Dy.Chairman, State Planning Board/Parliamentary Secretary, Manipur.
4. P.S. to Chief Secretary/Addl.Chief Secretary, Govt. of Manipur.
5. All Commissioners/Secretaries, Govt. of Manipur.
6. The Director General of Police, Manipur.
7. All IGP/DISG/SsP/COs of Police Dept. & M.Rs, Manipur.
8. The Accountant General(A&E), Manipur.
9. The Special Secretary(Home), Govt. of Manipur.
10. The officer concerned.
11. The Treasury Officer/Sub-Treasury Officer, Imphal.
12. The Under Secretary(ACR), Govt. of Manipur.
13. Guard File/Order Book.

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20 JAN

ANNEXURE- 5

IN THE COURT OF SPECIAL JUDGE, MANIPUR EAST.

Special Trial No. 1 of 2000.

Ref:-

F.I.R. No. 368(7)93 Imphal P.S.

U/S 120-B/409/466/468/471 I.P.C. &

Section 13(2) r/w Sec.13(c) PC Act, 1988.

The State of Manipur.

-Vrs-

1. Shri N.Ngaraipam TKL., Ex-C.O.

2nd Bn.MR. and 2 others.

-----Accused persons.

XEROX COPY OF THE CHARGE SHEET NO.33/IPS/2000 DATED 25/9/2000.



Examined by me and attested to be true copy of the original.
S. of Checker.

Attested
Ami. Inz
Advocate

contd.....2/-

-30- 20 JAN 46



P.P. no. 32/UP/AR/2K
9/10/2K

COUNTER FOLIO / CHARGE SHEET

DISTRICT Imphal West MANIPUR
POLICE STATION Imphal

CHARGE SHEET NO. 33/IPS/20
IN THE FIRST INFORMATION NO. 368

Name, age, sex, and occupation of complainant or informant	Set against up for trial whether arrested or not and whether in custody (show absconder in red ink)	Names and addresses of persons seen by complainant or informant in custody	Place and date of seizure of articles and whether forwarded to Magistrate
--	---	--	---

Shri. V K. Lengen, IPS, DIGP (Ops) Manipur

Shri S. Thampua, Dy. C.O. 2nd Br. Manipur

Retrieved in the court of Spl. Judge Manipur/each duly disposed of the case



NO 1/SP-10(CB)/2000
26-9-2000

Forwarded in the court of the Spl Judge, Manipur through A.D. SP (P) for early disposal.

Exempted by me and attested to be a true copy of the original.
S. of Checker

SP/10 (C.B.)
Superintendent of Police
CID (CB) Manipur, Imphal

Forwarded to the court for disposal of early case

OFFICE OF THE DISTRICT & SESSIONS JUDGE MANIPUR EAST

Recd. No. 1/10/2000
File No. 1/10/2000

Despatched at 3.31 P.M. on 19

Recd. by A.S.P.

- 1) Shri. N. N. Ngaveipam, TKL Ex-C, 2nd Br. M. (Ops) - 1 NO.
- 2) Shri. K. Pishark Singh, Ex-A.C. Enol Br. M. (Ops) - 1 pc.
- 3) Shri. N. Jashaband Singh, Ex-NAV, 2nd Br. M. (Ops) - 1 pr.
- 1) Ankle Boot (Black) - 1 pair
- 2) Attachment brasses (OG) - 1 pr.
- 3) Band. Pansh (Black) - 1 NO.
- 4) Beyond fany (OG) - 1 NO.
- 5) Cotton Drill (OG) - 1 pc.
- 6) Cotton Drill (Khaki) - 1 PC
- 7) Cotton Cellulose (OG) - 1 pc.
- 8) Cotton Cellulose (Khaki) - 1 pc.
- 9) Cotton Drill (White) - 1 PC.
- 10) Cotton Cellulose (White) - 1 PC.
- 11) Cotton Bands mshd - 1 pc.
- 12) Clr Draw Angula - 1 pc.
- 13) Hat Band (M) - 1 pr.
- 14) Woollen Sack (OG) (Small) - 1 pr.
- 15) Jute Mat (OG) - 1 pr.
- 16) Jute Mat (OG) - 1 NO.
- 17) 1/1 Shri (Brn) - 1 pr.
- 18) Leather Cross Belt (Brown) - 1 NO.
- 19) Rifle Slings (OG) - 1 NO.
- 20) Rifle in Billb - 1 NO.
- 21) Woollen Blanket - 1 NO.
- 22) Woollen Jersey (OG) - 1 NO.
- 23) Woollen Jersey (Khaki) - 1 NO.
- 24) Woollen Hat (Khaki) - 1 NO.
- 25) Woollen sack (OG) - 1 NO.

*Attested
Ann: bmk
Associate*

D.S.P. J.M.E.



2 - JAN 2000
23 JAN 2000

DAIED - 25/9/2000
DAIED - 16-7-93 - 19

7) 93

Name and addresses of witnesses.

Charge or information. Names of offences and circumstances connected with it in so far as certain and under what section of law charged

Complainant -
as noted in CO-1

Shri A. Pradip Singh, AIS (P/H)

Shri L.K. HAOKIP CO, 1st MR

Shri P. Dongel CO, 7th MR

Shri Singhjit Singh, Director in Service

Shri N. Saral Singh, Sr. 1st MR

Shri L. Chandrasekhore Singh, P & R - Impld

Shri S. Bodan Singh, Jr. Suptd & HO

Shri K. Manubabu, Dy. Commr, T. Jammam, attached to PDR.

Shri Ramkishan Jureka, Manager, CI. MR Canton.

Shri Subodha Kumar Agarwal, Manager in MR Canton

Shri Anand Kumar, Sr. Suptd, PDR, Thangal Bazar, Imphal.

Sh. Sharm for SP/IMODAL

Sh. R.K. Khondor for Sr. Suptd, PDR, Imphal.

The prosecution story of the case in brief is that on 16.7.93 Shri N. Dongel, IPS, D/S(O) Manipur lodged a written complaint to ex/Inspector Singh that on 16.4.92 a number of uniforms etc held in the DGP-post by the CO-2nd MR and CO-1st MR were ordered to be distributed to various units under D/S Manipur for issue to the personnel. Among these items the following items were held in CO-2nd Bn. MR and he was asked to distribute these to the various units:

1. Woollen sock (06)
2. Wood polish Tin (black)
3. Woollen jersey (09)
4. Woollen jersey (khaki)
5. Attachment brasses
6. Rifle sling (05)
7. Binocular strap (09)
8. Web pack bags (09)
9. Dressing kit
10. Cloth dress ornament
11. Cotton drill cloth (04)
12. Cotton Cellulose (04)
13. Cotton drill cloth (khaki)
14. Cotton Cellulose (khaki)
15. Rifle oil bottle.
16. Woollen blanket
17. Jungle hat
18. Track boot (black)
19. B.T. shoe (brown)
20. Web belt (khaki)
21. Web belt (khaki)
22. Hat badge (RIP)
23. ~~White drill cloth~~
24. Leather Cross Belt (Brown)
25. Five pointed buttons

Again, vide DGP/Manipur's order no. PR/13/15/91-PHR DT 1.9.92 some more items of uniform and web-equipment were distributed to the various units.

Signature of Investigating Officer



1-2-

Madra Dep/Manipur. These include amongst others the following items kept in the 2nd MR, BSR-Pad.

- 1) Jungle Bed.
- 2) Haversack
- 3) cloth cotton dress (uniform)

On not having received the ordered supplies in spite of the efforts made for securing delivery in the month of September, October and November 1992, a number of Unit commanders reported in writing to A/S (P/H) that 2nd MR has not supplied or short supplied the above mentioned items. On receipt of these complaints, Shri A. Pradeep Singh A/S (P/H) sent messages to all District S/P and COs vide no. PR/13/15/91-PHQ Dt 4.12.92 and 8.12.92 asking whether the items of uniform and web equipments distributed by Dep, Manipur have been received in full or not. All the unit commanders sent their replies indicating the items which had not been issued or short issued by CO. 2nd MR. Based on the reports submitted by COs 1, 2, 5, 6, 7, 8 & 9 MR BSR and SP SPT/COE A/S (P/H) vide his letter no. PR/13/15/92-PHQ dt 10.12.92 ordered CO 2nd MR to submit a factual report by 15/12/92 regarding deficiency of the items supposed to have been issued by the unit. A recommendation was again sent vide letter of even no. dt 18/12/92. The CO 2nd MR submitted a vague and unsatisfactory report vide his letter no. dt 1/10/87-2nd MR/2056 dt 23/12/92 in which he mentioned that the short supply was reportedly due to non receipt of the items in full from the suppliers and that 3 months time may be given to the suppliers to make up the deficiency.

Certified that I have book part III) and have absconders against whom been previously convicted

Also certified that the

Certificate to be signed

Certified that I have ca

A/S (P/H) Manipur, again sent another letter to CO 2nd MR vide no. PR/13/15/93-PHQ dt 14/1/93 giving a statement of items short supplied to S/P. Imphal/Thoubal/Chitwan/Sitahpur/Chuchachapm and Tamenglong and to submit a detailed report in this regard by 21/1/93. CO 2nd MR vide his letter no. C-10/89-2nd MR/2787 dt 11.1.93 again furnished a vague reply stating that some of the items had not been supplied in full by the suppliers and 2 months time may be given to make up the deficiency. In both the letters, CO 2nd MR also contended that the deficiencies indicated in PHQ's letters were on the higher side. To substantiate the same, he enclosed a number of issue/receipt vouchers in photostatic copies. The unit commanders were then asked to send the personal bond by them with authorization letters and issue/receipt vouchers maintained by their officers. These were loaned

Examined by me and attested to be a true copy of the original.
Sd/-
S. of Officer

Attested
Advocate

COUNTER FOIL CHARGE SHEET

CHARGE SHEET NO. _____

DATED _____ 19 ____

IN THE FIRST INFORMATION NO. _____

FILED _____ 19 ____

Names and addresses of accused persons sent up trial	On trial or recognisance	Property including weapons found, with particulars of where found, and whether forwarded to Magistrate.	Name and address of witnesses	Charge or information, Names of offences and circumstances connected with it in concise form, and mode of commission of the offence
In custody	On trial or recognisance	5	6	7
			<p>15) O. Subramaniam Supt, S.I. Panchanath now posted at PHE</p> <p>16) M. Tomba Saha Const. of SP/Panchanath</p> <p>17) L. Bomkha Sen HAV/SP Panchanath</p> <p>18) Md. Shireaj Ahmad Const. of SP/Chandul</p> <p>19) Mr. Ganesan Sen Asst. C.P.M.</p> <p>20) Chandrasekhar Asst. Const. of SP/C.P.M.</p> <p>21) Md. Shireaj Const. of SP/Chandul</p> <p>22) Mr. Shantikumar Supt, HAV of SP/ML</p> <p>23) Algramat Kuki HAV of SP/SPT</p> <p>24) A. Itchanbi Saha HAV of SP/TML</p> <p>25) N. Deben Singh NA of 1st MR</p> <p>26) Mr. Shakti Sen HAV of 5th MR</p> <p>27) Mr. M. K. M. M. M. JAM of 6th MR</p> <p>28) Mr. M. K. M. M. M. HAV of 7th MR</p> <p>29) M. Bibin Mithi HAV of 8th MR</p> <p>30) T. H. Shamu Sen HAV of 9th MR</p>	<p>- 3 -</p> <p>in comparison to those furnished by CO and MR. A number of discrepancies were brought out and in some cases the documents were found to be forged ones as per verbal unrecorded verification by AIG (P/H) as per his comments. Thereafter AIG (P/H) obtained the list of personnel involved in the issue and maintenance of this store.</p> <p>Therefore on 22/4/93 DGP Manipur constituted a committee of the officers headed by DIB (P) - Manipur; CO 7th MR, AC QR - Master MR as members to enquire into the matter with the following terms of reference:</p> <ol style="list-style-type: none"> (i) to enquire the circumstances leading up to the loss of uniforms items (ii) who are responsible for the loss (iii) to recommend suitable steps to be taken to avoid recurrence of such loss in future. <p>The committee on its enquiry found the items details of which are given in Annexure I to have not been issued by the 2nd MR. The valuation of the items worked out at the institution itself comes to Rs. 21,58,113.15P. This shortage pertains to the items which were shown to have been received from 2nd MR to the units and distribution order issued by DGP Manipur on 16.4.92 mentioned on the foregoing pages and which had</p>

Prepared by me and verified by me
 S. of Charge

A Hester
 Ann...
 S. of Charge

Signature of Investigating Officer

not been issued to the unit concerned as per sample checking.

As there was a strong suspicion that the remaining stocks after the issue in DGP-pool Subak 2nd MR was to hold after the two distribution orders may not be there, a physical stock checking was carried out by A. Pradeep Singh A15 (A11) along with his staff. In this process the items given in the Annexure II were found missing from the store on physical verification. The valuation of these items at the quotation rate comes to Rs 14,11,779.45 P. ~~were found to have~~ Thus in all items worth Rs. 35,67,892.60 P. were found to have been either misappropriated or unaccounted for. CO and MR has also submitted files for supply of these items certifying that the items have been received in full condition. Thereafter in most of the cases payment have also been made to the suppliers concerned on the basis of the report of CO and MR. All the relevant documents in this regard are available in the office of A15 (P/H) Manipure.

... in all other respects, made full enquiry of the records against whom the charge has been proved have been previously convicted and I find the

Identified
unidentified
the Jurisdiction
Certificate to be signed by the Court Officer.

As the consignee of the above mentioned items, CO and MR was entrusted for safe keeping of these items till their distribution to the various units by DGP, Manipure. As per reports submitted by CO and MR forwarding the bills submitted by various firms he had certified that the items had been received in full and good condition. As such his explanation dt. 23/1/92 and 11/1/93 alleging that the discrepancies were due to short supply by suppliers and that the ~~suspicious and concerned~~ individuals may be given 3 months and 2 months time to make the same stock in the stock that Shri N. Nageswaram CO and MR had full knowledge about the loss of the items and is responsible for the misappropriation of the lost items in conspiracy with others. Further the receipt and issue vouchers submitted by CO and MR along with the above two explanations submitted to A15 (P/H) have in a number of these, the figures are written, addition

Printed by me and attested to be
S. of Clerk

Attested
Advocate

- 6 -

to bring to book all the culprit/ culprits involved

On receipt of the above complaint OC/IPS registered a regular case under FIR no 388(7)93 IPS U/s 409/406 /468/471/120B IPC & 13(C) P.C. Act 1988. The case was transferred to CID (CB) on 17.7.93 and endorsed to N. Sankaran by S/O/CS and later to K. Jagdishore IAS by S/O/CS. On his retirement on superannuation the case has been finally endorsed to me for completion of the investigation.

During the course of the investigation of the case it has been established that there was requirement of Uniform items for the civil police and MR personnel for the year 1991-92. The proposal was accepted by the Govt of Manipur as economic cost vide letter no 3/5(1-)/90 -14 dt 27.11.91. Accordingly tender was floated on 16.7.91 vide tender notice no PR-13/14/91-DHR dt 16.7.91 by DGP Manipur. In response to the above notice inviting tender, the following firms had submitted their rates for different items. A tender opening committee was constituted by DGP Manipur and the tender was opened and the comparative statement was prepared. The proceedings of the tender opening committee was reported by the tender committee consisting of Mr. CS. Manjappa, DGP Manipur, Finance Secretary Manipur and jointly approved by the CM Manipur. Home Dept. Manipur vide letter no 3/5(12)/90 -11 dt 27.11.91 for purchase of various uniform items of P.S. Dept and supply order had been placed to the following firms

1) M/s. Puri Drugs & Trades Corporation, 42, Nehru Park Rd, Calcutta - 7 to supply the following items vide supply order no 13/14/90 - DHR dt 7/1/92

Item	Quantity	Rate
1. Wooden Sock (06)	28000 pairs	Rs 8.40 P/Pr.

2) M/s Bhowmik Bherwal & Sons, Cumbar Hill, Manipal to supply the following items vide supply order no 13/14/90 - DHR dt 1/6/91

Item	Quantity	Rate
1. P.T. Shoe (Brown)	50136	Rs 27.00

3) M/s Arvind Corporation, Thangal Bazar, Manipal to supply the following items vide supply order no PR-13/14/90 - 224 dt 7.1.92

Certified that I have carefully examined the Register of ... (book part III) and have in all other respects made full enquiry ... absconders against whom the charge has been proved have given ... been previously convicted and I find the

Also certified that the accused is Identified in the jurisdiction unidentified

Certificate to be signed by the Court Officer.

Certified that I have carefully searched the conviction Register

Placed in the custody of the Officer of Charge

Attested
Advocate

COUNTER FOIL CHARGE SHEET

CHARGE SHEET NO. _____
IN THE FIRST INFORMATION NO. _____

DATED _____ 19____
DATED _____ 19____

Names and addresses of accused persons sent up trial.		Property including weapons found, with particulars of where, when and by whom found, and whether forwarded to Magistrate.	Name and addresses of witnesses	Charge or information. Names of offences and circumstances connected with it in concise details and under what section of law charged
1	2	3	4	5
			44) K. Bulbul Singh CID (SB)	
			45) R. Jindumani Singh Inspector / M.P.R.	
			46) H. Gambhir Singh SI / C.M.T.	
			47) R.K. A.K. Sana Singh UDC / P.H.R.	
			48) P. Suresh Singh Rfm no. 53674 of 2nd MR	
			49) S. Tejmani Singh L/NK NO 22688 of 2nd MR	
			50) Shri Singh Bahadur Shingir (Aino) (4) H.A.V. - 6 MR	
			51) Th. Yashwanth Singh SI / CID (SB) (now retired)	
			52) M. Dilip Singh H.A.V. - M.P.T.C.	
			53) R. Jeyachandran ASI / Impul. S.P.	
			54) N.G. Suresh Singh H.A.V. - 9 MR	
			55) N. Sankar Singh SI / CID (CB) (now retired) / K.P.I.	
			56) R.K. Jyotiraj Singh SI / CID (CB) (now retired)	
			57) G. Yashwanth Singh SI / CID (CB)	
			58) Maibam Babu Singh (31)	
			59) M. Lakshmi Singh 9 Yashwanth Bishnu Naha.	

- 7 -

Item	Quantity	Rate
1. Bayonet (03)	3010 nos	Rs 3.70 per nos
2. Rifle oil bottle	6581 nos	Rs 1.90 per nos
3. Jungle hat	7463 nos	Rs 17.80 per nos
4. Havan Seck (cinn)	2579 nos	Rs 38.00 per nos

4) M/S Bawaral and Agarwal & Sons 1st MR
Contractor engaged to supply the following items vide supply order no P.R-13/14/90 - P.2nd dt. 19/12/91

Item	Quantity	Rate
1. Clerk Cotton Driv (white)	6643 mt.	Rs 16.87 per mt
2. Kettle (new) belt (brown)	300 nos	Rs 8.00 per nos
3. Wooden blanket	5617 nos	Rs 14.20 per nos
4. Jungle boot (black) (10)	110617 nos	Rs 44.88 per nos
5. Attachment brass	3010 nos	Rs 12.00 per nos

5) M/S Abdul Janikhan, Khatra Bagan
Contractor engaged to supply the following items vide supply order no 13/14/90 - P.H. DT 19/12/91

Item	Quantity	Rate
1. Boot polish (B)	2858	Rs 89.75 per nos

6) M/S Shankh Sahas Corporation 2844
Sardar Bagan, Indraprastha Delhi-6 to supply the following items vide supply order no 13/14/90 DT 1/8/91

Item	Quantity	Rate
1. Woolly Jony (M)	3339 nos	Rs 55.00 per nos
2. Woolly Jony (Khesi)	2328 nos	Rs 53.00 per nos
3. Bank book (black)	10800 nos	Rs 95.00 per nos

Signature of Investigating Officer

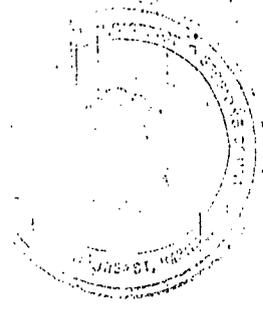
Prepared by me and attested to be a true copy of the original.
S. of Const.

A Hestel
Chini book
Advocate

52

7) M/s Sardar Brothers, Tharyal Bazar, Ludhiana to supply the following items vide supply order no. PR-13/14/90-PHQ DT. 11/7/91

Item	Quantity	Rate
1. Clark Cotton Sulk (02)	32700 mtr.	Rs 17.62 p.
2. Cotton Cellulose (02)	20523 mtr.	Rs 16.85 p.
3. Cotton drill (Khaki)	12210 mtr.	Rs 16.57 p.
4. Clark Dress fabric	9580 mtr.	Rs 46.71



8) M/s. Arvind Emporium, Tharyal Bazar, Ludhiana to supply the following items vide supply order no. PR 13/14/90-PHQ DT. 4/7/91

Item	Quantity	Rate
1. Clark Dress fabric (Khaki)	6286 mtr.	Rs 87.50

Certified that I have carefully examined the Register of prisoners (book part III) and, have in all other respects made full enquiry of absconders, against whom the charge, has been proved have given that been previously convicted and I find the

9) M/s. Shakti Sales Corporation 2344 Kt floor Sadar Bazar Delhi-6 to supply the following items vide supply order no. PR-13/14/90-PHQ DT. 11.7.91

Also certified that the accused is Identified in the Register as unidentified

Item	Quantity	Rate
1. Cotton Cellulose (Khaki)	12210 mtr.	Rs 12.98

Certificate to be signed by the Court Officer.

10) M/s Bhaskar Agarwal & Son, Ludhiana 1st MR Janghal to supply the following items vide supply order no. PR 13/14/90-PHQ Dt. 11.7.91

Certified that I have carefully searched the conviction Register

Item	Quantity	Rate
1. Web Belt (Khaki)	196/ nos	Rs 15.40

11) M/s Sardar Brothers, Tharyal Bazar, Ludhiana to supply the following items vide supply order no. PR-13/14/90-PHQ Dt. 9.8.91

Item	Quantity	Rate
1. Cotton Cellulose (White)	2192 mtr.	Rs 13.04 p.

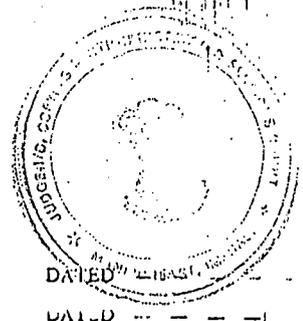
12) M/s Gyaneshwari Foreman's Agarwal, Ludhiana 2nd MR Janghal to supply the following items vide supply order no. PR 13/14/90-PHQ DT. 11/7/91 & 1/8/91

Item	Quantity	Rate
1. Rifle Belt (02)	4045 pms	Rs 7.82 p.
2. Hat Bands (MP)	4038 nos.	Rs 1.78 p.

Examinated by me and attested to be correct copy of the original. [Signature] D. of Checker.

Allesteele Adv. Advocate

COUNTER FOIL CHARGE SHEET



CHARGE SHEET NO. ---
IN THE FIRST INFORMATION NO. ---

DATED --- 19 ---
DATED --- 19 ---

Names and addresses of accused persons sent up trial.	Property including weapons found, with particulars of where, when and by whom found, and whether forwarded to Magistrate.		Name and address of witnesses.	Charge or information. Names of offences and circumstances connected with it in concise details and under what section of law charged.
	In custody.	On trial or recognisance.		

- 9 -
The case no. 1 at no. 4 was the Co. of 2nd Bn. during the relevant period. The case no. 2 by name of Camp Commandant 2nd MR. He appointed case no. 2 as the Co. of 2nd Bn MR vide his office order no. 3-2/11/87-2MR dt. 3/14/91 and the case no. 3 as delivery challan of 2nd Bn MR vide his office order no. 32/11/88-2MR/4472 DT. 28/1/88.

The supplier, who delivered the items mentioned in the supply order to the contractor, Co. MR vide delivery challan of 4472 as noted below -

- 1) M/s. Star Super Trade Corp. -
Delivery challan no. 28/1/91, 29/2/92 and 4/3/92 for the supply of 2000 p/s wooden box (03)
- 2) M/s. Bhaktivedal Agarwal & Sons -
Delivery challan no. 15, 17, 18, 22, 25 DT. 25/6/91, 29/6/91, 4/7/91, 25/7/91, 3/8/91 and 6/8/91 for the supply of 5000 p/s of 17 size (1000)
- 3) M/s. Bansal Enterprises -
Delivery challan no. 6/3/92 for the supply of 6581 nos of Rpx. w/ 3010 nos of Bayonet Proj. (03) and 7403 nos of Jungle hat (03)
- 4) M/s. Bhaktivedal Agarwal & Sons -
Delivery challan no. 29/12/91

Signature of Investigating Officer

Photocopy of this case sheet to be sent to the S. of Central

Attested
Anil Kumar
Srivastava

15/5/92 and 18/5/92 for the supply of
 663 mt of white drill cloth, 10617 mt of
 hunting boot (02), 300 mt leather cross belt
 (brown) and 3010 pms of Alfect suit brown
 2. Delivery challan dt. 28/2/92 and 5/3/92
 for the supply of 5817 nos of woollen blanket



5) M/s. Abdul Gaus Khan, Khatu Bagan —
 Delivery Challan dt. 28/2/92 for the supply
 of 2858 dozen of boot (black)

Certified that I have carefully examined the Register of persons
 book part III) and have in all other respects made full enquiry of
 absconders against whom the charge has been proved have given false
 been previously convicted and I find the

6) M/s. Shankha Sales Corporation —
 Delivery challan nos. 24, 28, 30, 33 dated
 2/8/91, 5/8/91, 27/8/91 and 28/11/91 for the
 supply of 3339 nos of woollen jersey (02), 2328 nos
 of woollen jersey (Kheki) and 10800 pms of Ankle
 boot (black)

Also certified that the accused is Identified in the jurisdiction unidentified

7) M/s. Sardar Brothers —
 1. Delivery challan dt. 20/2/91, 22/7/91 and 23/8/91
 for the supply of 32768 mt of Cotton drill (02)
 2. Delivery Challan dt. 20/1/91, 24/2/91, 5/8/91, 28/8/91,
 27/12/91 & 2/1/92 for the supply of 28523 mt of
 Cotton Cellulose (02)
 3. Delivery Challan dt. 5/8/92, 23/8/92 for the
 supply of 12210 mt of cloth (black)
 4. Delivery Challan dt. 19/7/91, 20/7/91 and 23/8/91
 for the supply of 9580 mt of cloth drill type

Certificate to be signed by the Court Officers.

Certified that I have carefully searched the conviction Register

8) M/s. Arvind Emporium —
 Delivery challan dt. 20/7/91 for the supply
 of 160225 mt (ant 628) and complete woollen
 dress m/s/m

9) M/s. Shankha Sales Corp. —
 Delivery Challan dt. 12/2/91, 21/8/91 and 3/8/91
 for the supply of 12210 mt of Cotton Cellulose (black)

10) M/s. ~~Sardar Brothers~~ ~~Life~~
 Delivery Challan no. 14, 26 & 28 dt. 1/8/91,
 5/8/91 and 24/8/91 for the supply of 2492 mt
 of Cotton Cellulose (white)

11) M/s. Bhairavi Agarwal sons —
 Delivery Challan dt. for the supply of 1961 nos
 of Web Belt (Kheki)

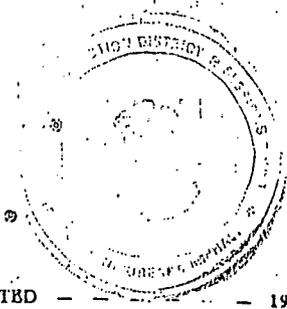
Attested
 Ann. hmr
 Advocate

This is a copy of the original
 of the Court.

6

- 40 -
- 19 -

COUNTER FOIL CHARGE SHEET



5

CHARGE SHEET NO. _____

DATED _____ 19____

IN THE FIRST INFORMATION NO. _____

Names and addresses of accused persons sent up trial to custody.	On trial or recognisance.	Facts, including weapons found, with particulars of where, when and whether forwarded to Magistrate.	Names of witnesses.	Charge or information and circumstances connected with it in popular language.	Names of offences and section of law charged.
- 11 -					
<p>12) M/s OB Agarwal, Cantt. 2nd ... delivery challan no - 152 of 20/3/19 and 28/3/19, for the supply of 4045 nos of Rifle slug (07) and for the supply 4038 nos of Ital. badge (MP)</p> <p>A line committee consisting of the following officers was constituted by the Dy P. Manipal for inspection of the items supplied by the suppliers to the consignee of the uniform items of the 59th ... with 1st Bn MR and 2nd Bn MR before distribution to the District SdP and MR Bns vide no. P.R-13/14/20- P.H. 2. 25/1/19.</p> <p><u>Officers</u></p> <ol style="list-style-type: none"> 1. Asst Inspector General of Police (P/H) - ... 2. Commandant 1st Bn MR - Member 3. ... 4. Superintendent of Police (Manipal) - " 5. Dy Supt of Police (R) Manipal - " <p>The receipt of the items were acknowledged by the a/cd no 3 ... N. Jastabanta ... on the delivery challan Janus. Accordingly a/cd no 2, ... informed AIG (P/H) P.H. Manipal for the receipt of the ... of items by him as the consignee from time to time vide his office message attached below.</p>					

Prepared by ...
 Checked by ...
 L.S. of Chitwan

Attested
 ...
 Advocate

Signature of Investigating Officer

- 41 -
- 20 -

- 12 -

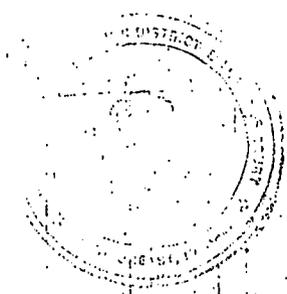
Messages in and date

1. No. CI/1/88 - 242/1262 - DT. 6/7/91
2. No. CI/1/88 - 242/1446 - DT. 23/2/91
3. No. CI/1/88 - 242/1611 - DT. 6/8/91
4. No. CI/1/88 - 242/1761 - DT. 29/8/91
5. No. CI/1/88 - 242/278 - DT. 31/11/91
6. No. CI/1/88 - 242/378 - DT. 30/2/91
7. No. CI/1/88 - 242/1096 - DT. 14/3/92
8. No. CI/1/88 - 242/1414 - DT. 28/5/92

As per the information the consignee (and not) listed above the following quantities of goods against the items are received:-

Sl. No.	Items	Qty.
1.	Amkle Boot (Black)	10800 pps
2.	Attachment boots with oil filter	3010 pps
3.	Boot polish (Black)	2858 doz.
4.	Bayonet Tag	3010 nos
5.	Cotton drill (Or)	32700 mtr
6.	Cotton drill (Khaki)	12210 mtr
7.	Cotton Cellular (Or)	20523 mtr
8.	Cotton Cellular (Khaki)	12210 mtr
9.	Cotton Drill (White)	6663 mtr
10.	Cotton Cellular (White)	2492 mtr
11.	Wool dress mixture (Khaki)	6286 nos
12.	Wool dress Angora	9580 nos
13.	Wool Gadge (M/D)	4038 nos
14.	Woolen Sock (Small) (Or)	2574 nos
15.	Woolen Sock (Or)	10617 nos
16.	Woolen Hat (Or)	7463 nos
17.	P/T Shoe (Brown)	5036 pps
18.	Woolen Sock (Small) (Or)	2574 nos
19.	Rifle Slip (Or)	4045 nos
20.	Rifle oil Gadge	6581 nos
21.	Woolen Jersey (Or)	3337 nos
22.	Woolen Jersey (Khaki)	2328 nos
23.	Woolen Blanket	5617 nos
24.	Web Belt (Khaki)	1961 nos
25.	Woolen Sock (Or)	28002 pps

- 13 -



... have in all... subjects made full enquiries... the charge has been proved... been previously convicted and I find the

Identified
unidentified

Certificate to be signed by the Court Officer.

... have carefully searched the...

Prepared by me and attested to be
a true copy of the original
10/11/92

Attested
Admin. In-charge
Admin. In-charge

COUNTER FOIL CHARGE SHEET

CHARGE SHEET NO. _____
IN THE FIRST INFORMATION NO _____

DATED _____ 19 _____

Names and addresses of accused persons sent up trial.

Place, date and time of seizure, with particulars of items found, and whether forwarded to Magistrate.

Charge or information. Name of offence and circumstances connected with it in concise form.

In custody.

On trial or recognisance.

3

4

5

6

7

In the state image CO 2nd BR being the consignor had already booked the date for inspection of the items he had received and also requested the A/S (M) and other members of the local committee to be present on the date fixed and inspected the items. A meeting of the committee consisting of the following officers was held on the date fixed at the BWH and inspected the items received by the consignor from time to time.

1. Shri A. Prasad Singh, A/S (M) - Chairman
2. " L.K. Haddup, Co. 1st. Br MR - Member
3. " N. Nigam from CO 2nd Br MR - "
4. " S. Shrinagaiah, Ex. Director furniture - "
5. " X. Chandrashekar, Ex. Dy SP (R) - "

On configuration of the quantity available in the SGP post of various uniform items which are recommended for acceptance by the Com. Committee, the SGP stamps were to distribute the items to the District SGP and CO 2nd Br MR by making proper allotment of specific quantity to each of the SGP and Unit commands in the distribution order in Part 13/1/77 - PWR dt. 4.9.72 and PR 13/14/91 - PWR dt. 1/9/92.

The District SGP and Commandants of MR Br MR had to collect the uniform items from the consignor (CO 2nd Br MR) and give allotment order above.

The distribution of the uniform items were reflected on the SGP post in clothing ledger no. 1 maintained on 25/1/72. The same had been examined and compared with the issue vouchers as well as the stock receipt register of the District SGP and MR Br MR and the stocks were finally found during the physical verification by the A/S (M) and the staff have been taken into consideration. A check stamp was issued by the District SGP and MR Br MR in the course of the investigation. The investigation was conducted about the supply and receipt of the items by the consignor and the shortage of uniform items happened only when the items had been received by the consignor. In furtherance of this investigation, the account allowed to the consignor to make unadjusted entries in the stock register of SGP post with a view to increase the quantity shown to deficit in the stock ledger. However, A. Thompson, Dy CO 2nd Br MR had been the receipt and disbursement of the uniform items from SGP post to the 2nd Br MR and as such he had not committed the alleged offence.

Signature of Investigating Officer

Approved by me and referred to be
sent to the
S. of District

Attested
Ann: Indr
Advocate

29

Further in further of the criminal conspiracy the accused no. 1 and no. 2 to prepare the false issue vouchers to the reduction of the book balance in the stock register and thus misappropriating the huge quantity of uniform items in the above work Rs 55,03,605.94 P.

The accused no. 2 who was the ACQ. master of consignments in the group with accused no. 1-3 collated the receipt and issue entries in the stock ledger and correct knowing fully well that most of the entries are incorrect. In furtherance to the conspiracy, they had by 3 accused persons the accused no. 2 counterfeited the false issue vouchers prepared by accused no. 3.

During investigation it has also been detected that accused no. 3 under the direction of accused no. 1 had prepared false issue voucher book counterfeited by accused no. 2, stopping issue of different items to different SgP and unit commanders thereby groups in reputation of different personnel of Civil Police and the items are withheld to adjust the uniform items from the conspiracy which has been supported by the expert opinion vide no. op/O/95/02 dt. 1/2/95.

From the factory papers it is evident that uniform items worth Rs. 55,03,605.94 had been misappropriated by the 3 accused persons.

Accused no. 1 was a member of the line committee to inspect the items delivered by the suppliers for acceptance/rejection. He had stated in his letters dt. 11/10/87-24/1/88 dt. 28/12/92 and dt. 11/10/87-24/1/88 dt. 11/1/93 that there was short receipt of some of the items as being not supplied by supplier firms which was quite untenable and unacceptable as the items of the given quantity had been inspected by the line committee including himself and the proceedings drawn and communicated to the DGP, Mumbai for acceptance of the items approved and rejection of the items found sub-standard.

From the above facts and circumstances it has been well established that there is prima facie evidence against the accused no. 1, 2 & 3 of Cr. no. 4, for commission of the offence u/s 120B/409/408/468/471 IPC & Sections 13(2) read with Sec. 13(c) PC Act 1988.

Hence the three accused persons are sent up before the court of Hon'ble Judge entrusted to stand their trial under the above subject sections of law for the end of justice.

Hon'ble Judge is prayed, kindly to fix the hearing up at an early date.

The documents are enclosed in Enclosure B in the appropriate exhibits in the course of the trial.

... previously convicted and I find that the... name and address...

Identified in the jurisdiction
unidentified

Certificate to be signed by the Court Officer.

... the conviction register and have...

RECEIVED BY THE COURT OFFICER
DATE: 11/11/93
BY: [Signature]

Submitted
By SP/CR (CO)

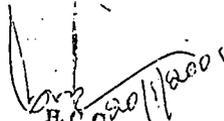
Certified to be a photostat copy

20-1-2001
District & Sessions Court
Mumbai East.

Attested
Ann: [Signature]
[Signature]

NO. CD/ME/PT. CF/2001/10

1. Date of application for copy	12.1.2001	(19 th day of January, Two thousand One)
2. Date fixed for notifying the requisite Number of folios stamps	20.1.2001	(20 th day of January, Two thousand One)
3. Date of Delivery of the requisite folios stamps	20.1.2001	(20 th day of January, Two thousand One)
4. Date on which the copy was ready for delivery	20.1.2001	(20 th day of January, Two thousand One)
5. Date of making over the copy to the applicant	20.1.2001	(20 th day of January, Two thousand One)
6. Cost of copy	R. 14/-	(Rupees fourteen) only.


 H. C. Choudhary
 Judge-in-Charge
 Copying Department
 Manipal Fort
 20th day of January
 2001

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- 23 -

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ANNEXURE- 6

**GOVERNMENT OF MANIPUR
SECRETARIAT: DEPARTMENT OF PERSONNEL & AR**

ORDERS BY THE GOVERNOR: MANIPUR

Imphal, the 16th February, 1998

No.4/59/76-MPS/DP(Pt): Whereas a disciplinary proceedings against Shri L.K.Haokip, MPS, Commandant, Home Guard is contemplated, on the basis of allegations that he is/has been using his influence and official position to assist his wife, a contesting candidate for Bye-election to 60 - Singhat(ST) Assembly Constituency as against another candidate.

Whereas such conduct of Shri L.K. Haokip is in violation of the provisions of Rule 5(4) of the CCS (Conduct) Rules, 1964 and instruction issued in this regard.

Now, therefore, the Governor, in exercise of the powers conferred by sub-rule (1) of rule 10 of the Central Civil Service (Classification, Conduct and Appeal) Rules, 1965, hereby places the said Shri L.K. Haokip under suspension with immediate effect.

It is further ordered that during the period that the order shall remain in force the headquarters of Shri L.K. Haokip, MPS, C.O., Home Guard shall be Imphal and the said Shri L.K. Haokip, MPS shall not leave the headquarters without obtaining the prior permission of the undersigned.

By orders & in the name of Governor


(P. Sharat Chandra) 16/2/98
Commissioner(DP),
Government of Manipur.

Copy to:-

1. The Secretary to Governor, Manipur
2. The Secretary to Chief Minister, Manipur.
3. P.Ss to all Ministers, Manipur.
4. P.S. to Chief Secretary, Govt. of Manipur.
5. The Principal Secretaries, Govt. of Manipur.
6. The Director General of Police, Manipur- for information & necessary action.
7. All Commissioners/Secretaries, Govt. of Manipur.
8. Chief Electoral Officer, Manipur.
9. The Secretary, Election Commission of India, New Delhi.
10. The Secretary, Ministry of Home Affairs,
Government of India, New Delhi.
11. Special Secretary (Home), Govt. of Manipur..
12. Commandant Home Guard, Manipur.
13. The Accountant General, Manipur.
14. The Treasury Officer concerned.
15. Shri L.K. Haokip, MPS c/o DGP, Manipur.
16. Guard File/Order Book.

*Attested
Ann: book
Advocate*

- 45 -
- 24 -

015

ANNEXURE- 7

GOVERNMENT OF MANIPUR
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS
(PERSONNEL DIVISION)

ORDERS BY THE GOVERNOR MANIPUR
Imphal, the 5th March, 1998.

No. 4/59/76-MPS/DP(nt). Whereas an order placing Shri L.K. Haokin, MPS under suspension was made on 16/2/1998.

2. Now, therefore, the Governor of Manipur in exercise of the powers conferred by Clause (c) of sub rule 5 of rule 10 of the Central Civil Services (Classification Control and Appeal) Rules, 1965, hereby revokes the said order of suspension with immediate effect, without prejudice to the Departmental proceedings pending against the officer.

3. Shri L.K. Haokin, MPS will report for duty to the Director General of Police, Manipur, Imphal until further orders.

By Orders & in the name of the
Governor.

R. Raghmani Singh
3/3/98

(Kh. Raghmani Singh)
Deputy Secretary (DP) to the Govt. of Manipur.

Copy to :-

- 1) The Secretary to the Governor, Manipur.
- 2) The Secretary to Chief Minister, Manipur.
- 3) The P.S. to Dy. Chief Minister, Manipur.
- 4) All P.Ss. to Ministers, Manipur.
- 5) The P.S. to Chief Secretary, Manipur.
- 6) The P.Ss. to Principal Secretaries, Govt. of Manipur.
- 7) The Election Commission of India, New Delhi.
- 8) The Director General of Police, Manipur.
- 9) The Accountant General, Manipur, Imphal.
- 10) All Commissioners/Secretaries, Govt. of Manipur.
- 11) The Secretary, Ministry of Home Affairs, Govt. of India New Delhi.
- 12) The Chief Electoral Officer, Manipur.
- 13) The Special Secretary (Home), Govt. of Manipur.
- 14) The Heads of Departments/offices, Manipur.
- 15) The Treasury Officer concerned.
- 16) Shri L.K. Haokin, MPS, C/O Director General of Police, Manipur.
- 17) Guard file/order book.

*Attested
Anil Moh
Associate*

...

- 46 -
- 88 -

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ANNEXURE- 8

GOVERNMENT OF MANIPUR
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE SERVICES
(PERSONNEL DIVISION)

ORDERS BY THE GOVERNOR, MANIPUR:
Imphal, the 3rd August, 1998.

No. 4/59/76-MPS/DP(Ft): Whereas a case against Shri. L.K. Haokip, MPS, Comndt. Home Guard, Manipur in respect of a criminal offence is under investigation.

Now, therefore, the Governor of Manipur, in exercise of the powers conferred by the Sub-rule (1) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, hereby places the said Shri. L.K. Haokip, MPS, CO/Home Guard under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force the headquarters of Shri L.K. Haokip should be Imphal and the said Shri. L.K. Haokip shall not leave the Head Quarter without obtaining the previous approval of the undersigned.

By orders & in the name of
Governor,


(P. Sharat Chandra) 3/8/98

Commissioner (DP) to the Govt. of
Manipur.

Copy to:-

- (1) The Secretary to Governor, Manipur.
- (2) The Secretary to Chief Minister, Manipur.
- (3) The R.S. to Chief Secretary, Govt. of Manipur.
- (4) The Director General of Police, Manipur
w.r.t. his letter No. 2/PA/PHG/98/51 dt. 3-8-98.
- (5) The Accountant General, Manipur.
- (6) The Spl. Secretary (Home), Govt. of Manipur.
- (7) The D.I.G. (Range/Ops), Police Department, Manipur.
- (8) The Comndt. (Home Guard), Manipur.
- (9) The Treasury Officer concerned.
- (10) Shri L.K. Haokip, MPS, C.O./HG, Manipur.
- (11) Guard File/Order Book.

*Attested
Ann: mlh
Advocate.*

- 47 -
- 26 -

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ANNEXURE- 9

GOVERNMENT OF MANIPUR
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS
(PERSONNEL DIVISION)

ORDERS BY THE GOVERNOR: MANIPUR
Imphal, the 25th May, 1999.

No. 4/59/76-MPS/DP (Pt): Whereas an order placing Shri. L.K. Ha okip, MPS, the then Commandant, Home Guard, Manipur under suspension was made by the Governor of Manipur vide order No. 4/59/76-MPS/DP (Pt) dated 3-8-1998.

2. Now, therefore, the Governor of Manipur in exercise of the power conferred by Clause (c) of Sub-rule (5) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, hereby revokes the said order of suspension with immediate effect.

3. This is without prejudice to the Departmental Enquiry pending.

By Order & in the name of
Governor,

[Signature]
(Kh. Raghmani Singh)

Deputy Secretary (DP) Government of
Manipur.

Copy to:-

1. The Secretary to Governor, Manipur Raj Bhawan.
2. The Secretary to Chief Minister, Manipur.
3. P.S. to Deputy Chief Minister, Manipur.
4. P.S. to Ministers/M.C.S./Dy. Chairman State Planning Board, Manipur.
5. P.S. to Chief Secretary, Govt. of Manipur.
6. The Director General, Intelligence Police, Manipur.
7. The Accountant General, Manipur.
8. The Addl. P.G.P. Manipur.
9. All IGPS/DIGS/SPs/AIGS/Co. Mr. Manipur.
10. The Special Secretary (Home) Govt. of Manipur.
11. The Treasury /STO/ T.C. Imphal, Imphel.
12. The concerned Officer.
13. Order Book/guard file.

*Attested
Order Book
Advocate*

FIRST INFORM

FIRST INFORMATION OF A COGNIZABLE CRIME REPORT UNDER SECTION 154 CRIMINAL PROCEDURE CODE AT POLICE STATION-

Sub-Division Imprial (17) District: Imprial (17)
 FIR No. 222 (28) P/S 121/2-1/400/212 PC date & hour of occurrence 23 July 98
1304 PM at 01:00h
 Date and hour when reported. Place of occurrence & distance & direction from Police Station Date of despatch from Police Station.

1-8-98
at 8:45 Am

In the Home of
Commandant Home
Guled M. K. Harip
at New Lambdama
Simpal
About 1 km

N.B. -- A first information must be authenticated by the signature, mark of thumb impression of informant and attested by the signature of the officer recording it.

Name & residence of informant/complainant.	Name & residence of accused	Brief description of offence with section and of property carried off, if any	Steps taken regarding investigation, explanation of delay in recording information.	Result of the case
No. TC 20672 Rank - SCB J. B. Singh Narang Colony 57 mtdiv.	(1) Yang Khorlum (2) Kup-heng e. kande (3) es 2/4 yang omilkang e. Shanbye e. oitem (4) es capt. Sei- Khalingame Nyameha engt ambun (5) manglum Harip (6) Shang somran e. Tamokan momokun (7) mstilm jankho mang e. mang (8) L. K. Harip	Waging case against the Govt. by delay ing to a gang Warrant of prosecution of case & case with warrant a. b. v. c. d. e. have been P. m. e. n. a. b. l. e. J. B. C. 121/2-1/400/ 212 PC, 1304 PM -25-7-1998	SI. K. Malabab Singh will investigate the case. Verd. Pt. II NO 6/98	

Signed _____
 Designation INSPECTOR (S.C.)
SCB
1-8-98

[Handwritten signatures and notes at the bottom left of the page]

Police Station

Army Column
57 mbr. RVN

Trust information Report

On receipt of specific information regarding some KAF ID card holders sheltering in the houses of Communist Home-Guards in the vicinity of New General Hospital Army Column of 57 mbr. Div received and search of this house at 0100h on 31 Jul 68 and apprehended six KAF ID card holders. Belong along with other mentioned agents there.

- (1) Shengkholum Kuchong e Kaupha Age 26
 No. (2) Shengkholum Kuchong
 Vill - Nongdam
 Dist - Dakshin

Small self styled card of KAF ID card holder
Articles seized - 32 device pistol with 100
(02) live rounds 320 (32) KAF ID card

- (2) Self styled A.L. Yangnamkang e Shambay
 e Coilsen Age 25 No. (2) Kakhalein Harkip
 Vill - Bongbat Khallan
 Dist - Senapati

Small is Town Commander of C.C.P.W
Articles seized - 01 (one) live round T-62 mm AK47
539/88.

- (3) Self styled Capt. Sakhotingum e Ngamcha e
 Ngamcha Age 22 No. (2) Chohan Kapho
 Vill. Maphad Dam
 Dist. Senapati

Small is attached Area Commander
Articles seized

- (i) three (03) live rounds 7.62 mm (32) KAF
- (ii) one (01) live round - 32 auto KAF ID
- (iii) one (01) live round - 32 auto WEAPON
- (iv) one (01) - filed. C.C. 7 062 070 9408 W

Attested
Ann. Inkr
Advocate

Special Police Station - 29

Army Column
ST. INDR. DIV.

Force Information Report

For receipt of specific information regarding people KVF (P) activities sheltering in the house of Commandant Home-Guards in the village of Nam Chandulani District Army Column of 1st Div. received and located at this house at 0100h on 31 Jul. A group of approximately six KVF (P) activists were seen along with vehicles mentioned above.

(1) Thesangkholim Kucheng & Kausia Ageas
S/O: S. S. Kucheng
Vill - Nongdum
Dist - Dkhruel

Small self-styled unit of KVF (P) District
Articles seized - 32 live rounds
(02) Live rounds 320 (32) KVNOC

(2) Self-styled Lt. Yangnamkung & Thambog
& Colson Ageas S/O: Kakholein Hachip
Vill - Dongbat Khallein
Dist - Samarpai

Small unit of Commandant of CAPW
Articles seized - 01 (one) live round
530/28

(3) Self-styled Capt. Sakhotingum & Ngumela
Ngumelom Ageas S/O: Chohan Kuch
Vill - Maphao Dam
Dist - Samarpai
Small unit of District Area Commandant

Articles seized:
(i) (01) Live rounds 7.65 mm (32) KF.
(ii) one (01) Live round - 32 auto KVNOC.
(iii) one (01) Live round - 32 auto WELTER
(iv) None (01) - filter cap. 7062 OFU 9408 W.

Attested
Sgt. Advanta

FIRST INFORMATION

(a) Mangin Harko (28) of Sejam Harko
vill - mangbung - 28
Dist CEPUR

(b) Mangin Harko of Sejam Harko
vill - mangbung - 28
Dist CEPUR

(c) Mangin Harko of Sejam Harko
vill - mangbung - 28
Dist CEPUR

2. The above apprehended are also graduated as Black
-being members of - banned underground organization
KVIC (B) are being handed over to you along
with seizure memo on 01 Aug 58 at 0745 hours.

3. You are requested to register a case
against the individuals and intimate FIR
numbers for our records. The above appre-
hended being top leaders of the outfit
it is requested that they be subjected to
interrogation by the joint-interrogation cell
in order to gain much more valuable
information which would help the security
forces in tackling the emergency to bring
peace and normalcy to Manipur.

Yours faithfully,
Dated at Imphal,
Jal
NSC 20672 Rank Esib
Name - J B Singh

Approved as per
FIR No. 320 (B) 98. 100
vill - mangbung - 28
Dist CEPUR
(Imp. N. 6411 - 98)

Attested
Adv. Inr
Advocate

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FIRST INFORMATION

(a) Manglu Harker (28) 7/0 Sengamang Harker
vill - mongbung - 31
Dist - CEPUR

(b) Moulam Jankhomang e Mang Age 35
vill - m. Janghen
vill - Khongkhayang 118 Suibong
Dist - CEPUR

2. The above apprehensions were graded as Black - being members of banned underground organisations have (a) been being traveled over to you along with seizure memo on 01 Aug 98 at 0745 hours.
3. You are requested to register a case against the individuals and intimate FIR members for sure release. The above apprehensions being top lead of the outfit, it is requested that they be subjected to interrogation by the joint interrogation cell in order to gain much more valuable information which would help the security forces in tackling the insurgency to bring peace and normalcy to Manipur.

Initiated as OP of
FIR No. 322 (2) 98 IBC
D/O 121121 1/100121210
121121 2/25(1-2) Home Act
Call
(121121 2/25)

Yours faithfully,
Stanley S. Seng
Call
NOC 20672 Rank SSB
Name - J B Singh

Attested
Am. Indr
Adwick

- 32-53 -



19 JAN 2000

19 JAN 2000

ANNEXURE-10(I)

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, IMPHAL.

Cril.(P) Case No. 10 of 1999.

Ref:- F.I.R. No. 322(8)98 Imphal P.S.

The State of Manipur.

-Vrs-

- 1. Thongkholun Lupheng @ Kansha (25)
s/o Late Thangboi Lupheng of
Nongdam Village, Chief of Army of
K.N.F.(P) and 6 others.

---Accused persons.



XEROX COPY OF THE CHARGE SHEET NO.32/IPS/99 DATED 12-5-99 IN CONNECTION WITH F.I.R. NO.322(8)98 I.P.S.

contd.....2/-

Examined by me and found to be true copy of the original.

S: of Checker.

*Attended
Linn
Advocate*

Call (P) 10/99

U/N.O. 200/UP/101/99
28/5/99

R.R.No. 208/SOP-1/99-36
Call 21/5/99 P. 72

COUNTER FOIL
CHARGE SHEET

DISTRICT Dumpty POLICE STATION Dumpty R.R. NO. 41/UP/101/99 IN THE FIRST INFORMATION NO. 322
28/5/99

Name, address and occupation of complainant or informant	Name and address of accused persons sent for trial (whether arrested or absconders (show amount in red ink).	Names and addresses of persons in custody	Property including weapons and, with particulars of same, when and by whom found, and whether forwarded to Magistrate.
<p>Subedar Jai Bin Singh J.C. NO - 20672 of SF Mtn Division C/O 99 A.P.O.</p> <p><i>M.No. 370/19/99 12/5/99 Submitted for disposal of early case</i></p> <p><i>Submitted in the court of court through early disposal of early case</i></p> <p><i>Submitted in the court of court through early disposal of early case</i></p> <p><i>Submitted in the court of court through early disposal of early case</i></p> <p><i>Submitted in the court of court through early disposal of early case</i></p>	<p><i>in the court of court through early disposal of early case</i></p> <p><i>Submitted in the court of court through early disposal of early case</i></p> <p><i>Submitted in the court of court through early disposal of early case</i></p> <p><i>Submitted in the court of court through early disposal of early case</i></p> <p><i>Submitted in the court of court through early disposal of early case</i></p>	<p><i>Submitted in the court of court through early disposal of early case</i></p> <p><i>Submitted in the court of court through early disposal of early case</i></p> <p><i>Submitted in the court of court through early disposal of early case</i></p> <p><i>Submitted in the court of court through early disposal of early case</i></p> <p><i>Submitted in the court of court through early disposal of early case</i></p>	<p><i>Submitted in the court of court through early disposal of early case</i></p> <p><i>Submitted in the court of court through early disposal of early case</i></p> <p><i>Submitted in the court of court through early disposal of early case</i></p> <p><i>Submitted in the court of court through early disposal of early case</i></p> <p><i>Submitted in the court of court through early disposal of early case</i></p>

M/acc. 35/SOP-1/99
Call 20/5/99

Submitted in the court of court through early disposal of early case

Submitted in the court of court through early disposal of early case

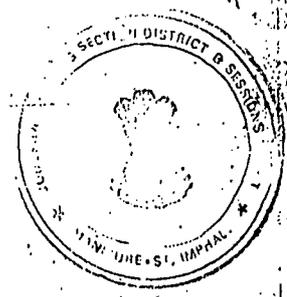
Divisional Police Officer
Imphal, M. I. O.

Despatched at 28/5/99

Call (P) 10/99

Attested
Advocate

Examined by me and attested to be a true copy of the original.



Contd.

persons were graded as black being members of underground organisation of KNF (P) and handed over to Simphal P.S. with seized articles along for taking up necessary legal action. On receipt of the exahare, seized articles along with the arrested and persons, registered a case for investigation and investigated the case as follows-

That, during the course of investigation examined the complainant and other PWs including the attached PWs who fully corroborated and supported the of. of the case. Certified that I have carefully examined the Register of persons convicted (village book part III) and have in all other respects made full enquiry whether the accused persons against whom the charge has been proved have given false names and addresses previously convicted and I find that the accused persons have their correct name & address

6 (Six) KNF (P) activists who were arrested by the army/compt. were jointly interrogated. On interrogation they all admitted the charge labelled against them and also admitted that they have committed the prejudicial activities at different places, in Simphal valley area and also in the hilly areas etc.

by attacking the security forces in order to snatch the arms and amms. In addition to that they had also set fire the villages of inhabited. Therefore, the said persons were

found to be involved in the following FIR cases and they were also arrested in the cases

- 1. FIR NO 228 (X) 46 Cps. U/s - 181/181-A/309/307/326/398/34 IPC, 25G (B) Arms Act & 13 U/A Act
- 2. FIR NO - 443 (U) 97 Cps. U/s - 121/121-A/120-B/307/302/326 IPC, 25 (1-B) Arms Act and 13 U/A (P) Act.
- 3. FIR NO. 65 (Q) 92 IPC U/s - 451/364A/365/384/511/31 IPC & 13 U/A (P) Act & 25 (1-B) Arms Act.
- 4. FIR NO - 46 (Z) 418 Cps. U/s - 31/362 IPC

Further, they have formed present gang of KNF (P) and committed dacoity at different places from the interrogation statement of the arrested persons it transpire that after commission of crime at different places they used to come and take shelter in the house of Mr. L. K. Hrokip at New Lambalane the then no. home guard now and then as the house is heavily guarded by Manipur Rifles (const. of no. 100) became safe sanctuary of the said persons and they were hatching conspiracy for such prejudicial activities like kidnaping for ransom attacking the security forces. Such hatching of conspiracy in the house of Mr. L. K. Hrokip is easier as Mr. Hrokip & all the assets belongs to are Kuki community.

Examined by me and attested to be true copy of the original.
S. of Checker
Attended
Advocate

Identified / in the jurisdiction
unidentified /

Certificate to be signed by the Court Officers.

Certified that I have carefully searched the conviction Register and have found

- 56 -
- 35 -



24

2

COUNTER FOIL
CHARGE SHEET

CHARGE SHEET NO. _____
IN THE FIRST INFORMATION NO. _____

DATED _____ 19 ____
DATED _____ 19 ____

Names and addresses of persons sent up:		Property including weapons found, with particulars where, when and whether forwarded to Magistrate.	Charge or information. Name of person who was sent up with it in connection with the offence.
In custody:	On trial or recognisance.		
3	4	5	6
		<p>1) R/M No. 6028 Sathbahadur Das 1st Bm Manipal P.O.</p> <p>2) R/M No. 6029 Sathbahadur Das 1st Bm Manipal P.O.</p> <p>3) R/M No. 6031 Sathbahadur Das 1st Bm Manipal P.O.</p> <p>4) I.C. Inspector S. S. Singh S.O. of the case</p> <p>5) I.C. Inspector S. S. Singh S.O. of the case</p> <p>6) I.C. Inspector S. S. Singh S.O. of the case</p> <p>7) I.C. Inspector S. S. Singh S.O. of the case</p>	<p>In fact it is evident that Mr. J. K. Haskip is voluntarily extending his help hand to the accused persons knowingly and well knowingly had done the harboring of the accused persons who had committed grave & serious offences.</p> <p>In the circumstances the accused filed a petition to the 1st Session Judge (ME) for granting him anticipatory bail having a guilty mind of his being for harboring the offender and the recovery of 32 pistol from him by army personnel. In respect of the seized 32 pistol, verified the concerned records in the office of Dist. Magistrate Dumkhal West and found out that one small arm having No L/564/IE dated 4-8-86 for 32 pistol bearing no-5907K AC-44 Part India Arm Co was issued to Mr. J. K. Haskip by the then I.M. Dumkhal. However on verification with the seized 32 pistol there is a constable's record of the issue having on the slide inside is 83099 and another no. is 839591 on the barrel but the body no. was found tampered. Accordingly</p>

Examined by me and attested to be true copy of the original.
S. of Checker

Signature of Investigating Officer.

Attested
S. of Checker



Central
a notification certificate from the District Magistrate being confirmed by issued licence to Mr. L. K. Haugrip had been collected. Despite objection report submitted to the Session Judge (M.E.) the a/c Mr. L. K. Haugrip have been granted absolute bail on condition that seizure memo prepared by the army personnel was produced before the court stating that was left by the army on the day of the seizure. On this date granted a/c L. K. Haugrip had been released on bail by executing P.R. bond of Rs 10,000/- (ten thousand) only with one security of like amount and he was also directed to appear before the I.O. of the case. Accordingly the a/c L. K. Haugrip had approved for simplified P.R. being summoned by police on interrogation he admitted all the above facts. Although in compliance with the directions of the Session Judge (M.E.) the a/c had been released on bail by executing P.R. Bond of Rs 10,000/- with a security of like amount.

Certified that I have carefully examined the Register of persons (book part III) and have in all other respects made full enquiry into the case against whom the charge has been proved have given full and true information and I find that

Identified to the jurisdiction
unidentified

that during the stage of investigation, the seized 32 pistol and ammunition seized in the case had been sent to the expert of FSL Pangee Vile-memo No. 12481/IPS/98 dt. 24-9-99 by Sr. IPS for obtaining his opinion. The expert examination report with opinion No. 57 (D) 98/Pri dated 25-9-99 and the Lab. ref. No. 73 (D) 98/Pri dated 24-9-99 had been collected from the FSL Pangee. The ballistic expert opined that the seized exhibit 'A' (pistol) is a 32 pistol caliber and is in working condition. Exhibit R1 to R5 are 32 caliber pistol cartridges, Exhibit R6 to R7 are 32 caliber revolver cartridges. Exhibit R8 to R10 are 32 caliber live ammunition. The original number of the fire arm (pistol) is important and would not be recalled.

Certified that I have carefully searched the conviction Register of

Further prosecution suggestion of the seized 32 pistol and the ammunition had been made under Sec-39 Arms Act to the Dist. Magistrate simplified for prosecuting the a/c persons before the court.

Examined by me and attested to be true copy of the original.
S. of Checker

Attended
Advocate



3

Contd

-(2)-

COUNTER FOIL CHARGE SHEET

CHARGE SHEET NO. _____
IN THE FIRST INFORMATION NO. _____

DATED _____ 19 ____
DATE _____ 19 ____

Name and addresses of accused person sent up	In custody	On trial or recognisance	Property including weapons found, with particulars where, when and by whom found, and whether forwarded to Magistrate.	Name and address of Magistrate	Charge or information filed with it in concise form and nature of charges
	3	4	5	6	7
					<p>The D.M. Dimpal - west reported accidental prosecution document under order NO-DM/(10)/1/22/CON/97 (A) dated 22-7-98.</p> <p>In view of the above circumstances a prima facie case is made up for IPC sect 302 with S.I. 20-B IPC and 45 (1-B) Arms Act had been established to prosecute upon the accused L.K. Harkip persons noted in column No-3 st no. 1 to 6 and up- 21/1/98 upon the accused L.K. Harkip.</p> <p>Thus the accused persons had been set up in the court.</p> <p>The following are the papers exhibits/documents to be exhibited by the prosecution to be produced the charge upon the accused persons at the time of trial of the case.</p> <ol style="list-style-type: none"> 1) C.F. of the case FIR No. 322/98 IPC at 100 hrs. 2) Seizure list dt. 21-7-98 at 100 hrs for the seizure of 32 pistol and 2 live rounds. 3) Seizure list dated 21-7-98 at 105 hrs for the seizure of 5 rds & one empty case. 4) Seizure list dated 21-7-98 at 110 hrs for the seizure of 1 (one) live rd of AR 97 5) R - seizure list dt. 1-8-98 at 910 hrs for seizure of 4 nos to 4 nos.

Examined by me and attested to be true copy of the original.
S. of Checker

Signature of Investigating Officer.

Admitted
Advocate

Content



- 6) Seizure list dt. 6-5-98 at 12:05 pm.
- 7) Rough sketch map of the P.O. with circles showing all relevant points dt. 1-3-98.
- 8) Code's copy passed by Jct. Session Judge (MC) dt. 22-8-98
- 9) Daily Manipuri news paper 'Pokhapham' dt. 1-2-98
- 10) Requisition to access prosecution conviction dt. 28-9-98 from an IP address to SP/Imphal-west.
- 11) Letter No. 17/9/98-R(1)/1669 from Dy. I.S. (R-1) dt. 15-10-98.
- 12) Letter No. C-1/1/98-15(120)/1505 dt. 17-10-98.
- 13) Letter No. U/2(prosecution conviction)/98-PHR/6560 dt. 21-10-98
- 14) Letter No. A-14/9/98-R(1)/1723 dt. 26-10-98.
- 15) Letter No. C-1/1/98-15(120)1664 dt. 29-10-98. Certified that I have carefully examined the Register of persons convicted (book part-III) and have in all other respects made full enquiry whether the absconders against whom the charge has been proved have given false names been previously convicted and I find that the said persons their correct names are
- 16) Letter No. 10/1(42)/98-MHA/9008 dt. 16-12-98 (photostat)
- 17) Letter No. 10/1(42)/98-PHR/1223 dt. 27-1-99
- 18) Code's copy of H. Jolhiani, Chief Secy Govt. of Manipur dt. 12-1-99.
- 19) Letter No. 6/1(22)/99-11/55 dt. 20-1-99. Also certified that the accused is Identified in the the jurisdiction. unidentified
- 20) Code's copy of Session Judge (MC) dated 5-3-98 in civil misc. (B) case no. 31 of 98
- 21) Extract copy of code passed on 5-3-98 by Jct. S.J. Imphal.
- 22) Certificate issued on 10-3-98 by DM/W Certificate to be signed by the Court Officers.
- 23) 2- photostat copies of entry register sheet marked as A/1 and A/2 duly certified by Shri A.K. Angouana Cough DM-W.
- 24) PR Bond and Bail Bond copy by ACP I.K. Hlawkip dt. 22-9-98. Certified that I have carefully searched the conviction Register and have
- 25) Forwarding letter No. 1213/1P/98 dt. 21-9-98 addressed to AD Pongei having 3 (three) sheets.
- 26) Forwarding letter No. 31/10/98-F.C. (Ba)/98 dt. 22-9-98 with opinion No. 57(9)98/Ra dt. 23-9-98 and Lab. No. 78(9)98/Ba dt. 24-9-98
- 27) Code's copy of DM/W in file no. 39 Am. Act dt. 28-9-98

12/08
A.S.P.

Submitted
12/08/98
Officer in-charge,
Imphal Police Station

Examined by me, and attested to be true copy of the original.
S. of Checker.

Certified to be a photostat copy

19-1-2000
District & Sessions Court
Imphal East.

attested
Advocate

78

NO. CD/MF/Ph. CF/2001/91

- 1. Date of application for copy: 19/1/2001 (19th day of January, 2001)
- 2. Date fixed for affixing the stamps: 19/1/2001 (19th day of January, 2001)
- 3. Date of Delivery of the copy: 19/1/2001 (19th day of January, 2001)
- 4. Date of delivery of the copy to the applicant: do
- 5. Date of returning over the copy to the applicant: do
- 6. Cost of copy Rs. 6.00 p. (Rupees Six only)


 H. C. Judge in Charge
 Copying Department
 Manipur
 19/1/2001
 Received by [Signature]

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ANNEXURE - 11

MOST IMMEDIATE
BY SPECIAL MESSENGER

No. 4/59/76-MPS/DP(PT)
GOVERNMENT OF MANIPUR
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS
(PERSONNEL DIVISION)

M E M O R A N D U M

Imphal, the 22nd April, 1999

It is proposed to hold an inquiry against Shri L.K. Hookip, MPS, Commandant/Home Guards (now under suspension) under rule 14 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965. 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 (Annexure -II). A list of documents by which and a list of witness by whom, the articles of charges are proposed to be sustained are enclosed (Annexure -III & IV).

2. Shri L.K. Hookip is directed to submit within 15 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

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

4. Shri L.K. Hookip is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the Inquiring Authorities or otherwise fails or refuses to comply with the Provisions of Rule 14 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965 or the orders/directions issued in pursuance of the said rule, the Inquiring Authority may hold the inquiry against him ex-parte.

5. Attention of Shri L.K. Hookip 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 interests in respect of matters pertaining to his service under the Government. If any representation is received on his

...2/-

Subscribed
Comptroller
12/04/99

Attested
Advocate

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behalf from another person in respect of any matter dealt with in those proceedings, it will be presumed that Shri L.K. Haokip is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of rule 20 of the Central Civil Services (Conduct) Rules, 1964.

6. The receipt of this Memorandum may be acknowledged.

Attested
Gresham
15.01.01
Commissioner (A.P.)
Govt. of Manipur

By order & in the name of
Governor,

[Signature] 22/11

(H. Jai Shyam)
Chief Secretary to the Govt. of Manipur

20

Shri L.K. Haokip, M.P.S.,
Commandant/Home Guards,
Manipur (Now under suspension)
Care of AIG(Hqrs), Imphal.

[Signature]
Helen
26/4/99

[Signature]

Attested
Anni Imbz
Advocate

- 47

STATEMENT OF ARTICLES OF CHARGE

Mr. L.K. Haokip, I.P.S (now under suspension) is hereby charged of committing acts of misconduct, in-subordination and financial impropriety, mis-management of the Home Guard, Manipur as detailed below :

1. That, while working as Commandant, Home Guard of Manipur from 29.9.97 to 3.8.98 Mr. L.K. Haokip did not attend the office regularly and he functioned only from his own residence and he did not pay attention to his official works and as a result the periodical reports and returns to be submitted to the State Govt. and Central Govt. were never sent in time from the office of the Commandant, Home Guard, Manipur.

2. That, he had not properly utilised the money sanctioned by the Govt. of Manipur vide order No. 3/5(64)/97-II dated 9.2.98 for enrolment of Home Guard and their deployment for the last Parliamentary Election, 1998 held on 15th February, 1998 and the Home Guards who were enrolled were not given food in the mess of training centres, but the amount drawn for the purpose was shown as expended fully while purchasing ration items for the Home Guard with malafide intention. Moreover, the Home Guard deployed for security duty during the Parliamentary Elections were underpaid by manipulating the records by the Commandant. He had caused manipulation of records of procurement of ration items which were not procured fully but shown as issued correctly and physically.

3. That, he had enrolled more than 400 persons as members of the Home Guards and called out for training and duties without consulting the Commandant General, Home Guard, Manipur starting from 30th March upto 26th June, 1998 by issuing inappropriate orders. Moreover, those unauthorisedly enrolled Home Guards who did not attend the training programme during the month of April, 1998 were paid training allowances etc without any valid reason. Thus he had caused loss of Govt. money on unreported training.

4. The full name and address and personal name of the unauthorisedly enrolled members were never subjected to verification as laid down in the compendium of instructions for administration of the Home Guards circulated by the Ministry of Home Affairs, Govt. of India.

Contd...2

*Attested
15.01.01
Commissioner (D.I.)
Dy. Commr. of Manipur*

*Attested
Ann. Imhr
Advocate*

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A 5. That, he had furnished wrong figures of expenditure statement to the PIR by concealing the fact that more than 400 persons have been unauthorisedly enrolled as members of Home Guard on pretext of imparting training thereby attempting to dupe the higher authority with effect from 30th March, 1998 upto July, 1998.

B 6. That, he had given shelter to anti-social criminals wanted by Police at his own residence where armed security guards were provided.

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF ARTICLES OF CHARGE.

1. Mr. L.K. Liakip while working as Commandant (Home Guard), Manipur did not attend the office of the Commandant (Home Guard) located at Porompat where all the ministerial staff and other functionaries normally attend office. He did not pay attention to his official works as was expected from a Govt. servant. He did not submit periodical reports and returns to the State Govt. as well as to the Central Govt. in time. As a result of his negligence and non-attendance of office the functioning of the Home Guard Organisation was in shambles.

2. The Govt. of Manipur vide order No. 215(64)/97-H dated 9.2.98 of the Home Department sanctioned a sum of Rs. 23,17,700 (Rupees twentythree lakhs seventeen thousand and seven hundred) only. As parade allowance, messing allowance and pocket allowance for a total of 3370 Home Guards and also as duty allowance for holding Parliamentary Elections in the month of February, 1998. However, he mismanaged the sanctioned amount and did not pay some of the Home Guards who were sent for duties during the election. Moreover, he manipulated the accounts by showing unsupplied ration items as having been procured and issued to the Home Guard personnel supposed to be undergoing training.

3. Mr. L.K. Liakip while function as Commandant (Home Guard) Manipur called out more than 400 persons as members of the Home Guard in the name of imparting training without the concurrence of the Commandant General (Home Guard), Manipur starting from 30.3.98 to 30.6.98. Although such called out persons were supposed to be undergoing training at 2nd En. Manipur Rifles under the supervision of the Asst. Comdt., Shri E. Anu Singh and Subedar M. Dhange Meitel. These persons did not join in time and also did not complete the training. However, these volunteers were paid training allowance, messing allowance and pocket allowance fully without proper verification and reason. Thus, he incurred extra and avoidable expenditure from the Govt. account.

Contd...2/-

*Retained
Cashier
19.01.01
Commissioner (D.B)
Govt. of Manipur*

*Attested
Advocate*

4. As per the compendium of instruction issued by the Ministry of Home Affairs, Govt. of India for the administration of Home Guard the character and antecedents of such persons enrolled as members of the Home Guards are supposed to be verified through the Police or CID. The full name and address and parental name of such enrolled persons are supposed to be maintained properly in the office of the Commandant(Home Guard), Manipur. However, these requisite details were never maintained. The whereabouts of the enrolled persons were never checked or verified through any agency.

5. That all the Heads of office under the Police Dept. have to submit monthly statement of expenditure for controlling expenditure. The Commandant(Home Guard), Manipur was also submitting such statement of expenditure every month. However, Shri L.K.Maokip while functioning as Commandant (Home Guard), Manipur submitted wrong figures of statement from the month of April, 1998 onwards by concealing the fact that excess number of Home Guards were enrolled and paid starting from the month of March, 1998. That he did not maintain proper records of expenditure as prepared under the rules and he committed gross act of financial impropriety. The cash book and the bill register maintained in the office of the Commandant(Home Guard) were not signed properly and there was discrepancy in the statement of expenditure incurred during the period from April, 1998 to July, 1998.

*Attested
19.01.01*

Commandant (H.G.) Manipur

6. That while functioning as Commandant(Home Guard), Manipur Mr.L.K.Maokip was provided house guards as well as security escorts as a Police Officer. However, instead of working as a sincere Police Officer he allowed to use his own house as a sheltering place to anti-social elements wanted by the Police for having committed several crimes in different parts of the State. That on the night of 31.7.98 an Army Column led by Subedar J.B.Singh of 57 Mountain Division conducted search at the house where Mr.L.K.Maokip was residing. During the search, the Army Column arrested 6 (six) persons namely:-

Contd...3/-

*Attested
Ann: Mohz
Advocate*

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SV-2412-1-1

ANNEXURE

- i) Mr.Thongkhosei Lupheng - One '32 service pistol
 @ Kansa (26) s/o (L) with 2 rds of 7.62 amm.
 Thangboi Lupheng of
 Mongdam village,
 C-in-C of KMF(P).
- ii) S.S.2nd Lt.Yangminthang - One 1rd of AK-47
 Haokip @ Thangboi @ Wil- (7.62 amm).
 son(24) s/o (L) Lalkho-
 hen Haokip of Bo-ngbal
 Khullen.
- iii) S.S.Capt. Seikhotin- - 5 rds of '32 amm.
 ngam @ Ngancha @ Ngan-
 mam(23) s/o Laphoshoen
 of Maphou Dam.
- iv) Mr.Thangsonmoun @ Janathan
 @ Monoun (22) s/o (L)
 Khuphal of Sumchivung.
- v) Mr.Manghen Haokip(28) s/o
 Mr.Seijamang Haokip of
 Manghong villag.
- vi) Mr.Monlun Zankhomang @ Mang
 (35) s/o W.Janghen of Khongchai-
 jang village.

The persons so arrested by the Army had been taking shelter in the house of Shri L.K.Haokip for considerable period of time with the full knowledge of Shri L.K.Haokip. Thus, he committed gross acts of misconduct unbecoming of a Govt. servant.

Attested
 Anni
 Schowale

LIST OF WITNESS BY WHOM THE ARTICLES OF CHARGES ARE SOUGHT TO BE PROVED.

The following persons/officials shall give statement to prove charge No.1.

1. Jemadar O.Rajen Singh of 7th Bn Manipur Rifles attached at the office of DIG/OPS-I cum DCG(HG), Manipur.
2. Jemadar Ak.Sadananda Singh of 1st Bn Manipur Rifles attached to the office of DIG/OPS-I cum DCG(HG), Manipur.
3. Shri Pallenthang Kom, Head Cl of the office of Commandant(Home Guard), Manipur and
4. Shri Krishnamohon Singh, Accountant of the office of Commandant(Home Guard), Manipur.

The following officers shall prove the proposed charge No.2.

1. JC No.368 Essak Shiberay now posted at the office of Commandant (Home Guard), Manipur.
2. Shri P.Biren Singh, Division Commander of Home Guard.
3. Shri L.Kanhailal Singh, Division Commander of Manipur Home Guard.
4. Shri N.Ibochoubi Singh, Division Commander of Manipur Home Guard.
5. Md.Habilulah, Division Commander of Home Guard.
6. Shri Samananda Singh, Division Commander of Manipur Home Guard.
7. Md.Rajak, Division Commander of Manipur Home Guard.
8. Md.Tollen, Coy. Commander of Manipur Home Guard.
9. Md.Rasimuddin, Division Commander of Home Guard.
10. Md.Anuwar Hussain, Division Commander of Home Guard

The following documents shall be utilised as evidence to prove draft charge No.2.

1. Letter No.Election/65/3/96-HG/566 of CO/HG(VA), Imphal dated 9.7.98 alongwith original APRs for Rs.2,62,754/- 2(two) sheets.
2. Letter No.Election/65/3/96-HG/439 dated 23.5.98 of CO/HG(VA), Imphal regarding payment of election TA/DA and submission of APRs by the District Training Commanders concerned alongwith the enclosures in all 40(forty) sheets.
3. Payment of Election TA/DA advance of LPI Dist. in all 20(twenty) sheets.
4. Payment of Election TA/DA for Chandel Dist, 4(four) sheets.

....2/-

Attested
Commissioner
 15.01.01
 Commissioner (I & S)
 Govt. of Manipur

Attested
 Ann: Imhr
 Advocate.

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- 48 -
5. A.C. Roll for payment of Election TA/DA for Tamenglong District- 10(ten) sheets.
 6. A.C. Roll for payment of Election TA/DA for Ukhrul District- 11(eleven) sheets.
 7. A.C. Roll for payment of Election TA/DA for CCpur District-34(thirtyfour) sheets.
 8. Copy of the order of Commandant/IG, Imphal for submission of APLs of the TA/LA missing allowance.
 9. A.C. Roll for payment of Election TA/DA for Thoubal District- 25(twenty six) sheets.
 10. A.C. Roll for payment of Election TA/DA for Thoubal Leichangthem Training Centre- 10(ten) sheets.
 11. A.C. Roll for payment of Election TA/DA for Bishnupur District- 24(twentyfour) sheets.
 12. A.C. Roll for payment of Election TA/DA for Senapati District- 8(eight) sheets.
 13. A.C. Roll for payment of Election TA/DA for Imphal West District- 27(twentyseven) sheets.
 14. A.C. Roll for payment of Election TA/DA for Imphal East District- 26(twenty six) sheets.

All the above documents are now available with SP/Vigilance. One register bill used as AC Roll for payment of Training Allowance of Home Guard volunteers.

As regards charge No.3 the following officials shall give evidence to prove the charge.

1. - Shri M. Shyamananda Singh, DIG/OPS-I cum IIG/Home Guard, Manipur.
2. Shri M. Amu Singh, Retired Asstt. Comdt.
3. Subedar Dhang Meitei, in-charge of Training, Home Guard.
4. Shri Pallenthang Kom, Head Clerk, office of the Commandant, Home Guard, Manipur.
5. Shri Krishnamohun Singh, Accountant, office of the Commandant, Home Guard, Manipur.
6. Stock ledger of ration showing entries for having procured ration items during the month of February, 1998.

The following documents shall be produced as evidence.

1. Copies of order issued by Shri L.K. Maokip order No. 52/Trg-1-IG/98 dated 20.3.98 and O.P. No. 26498 dated 26.4.98 and order No. 52/11/98 dated 26.5.98. Copy of the report submitted by the Training Staff of Home Guard signed by M. Amu Singh, Retired Asstt. Comdt, Training in-charge of Home

Relieved
Commissioner
19/01/01
Commissioner (D.I.)
Govt. of Manipur

Attested
Amu Singh
Advocate

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- 47 -

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Guard, Subedar N. Dhangme Meitei of Training, Home Guard and Shri L. Chandramani Singh, Training/CHM of Home Guard, Manipur collectively.

The following officials shall tender evidence to prove charge No.4.

1. The SSP of Imphal West and Imphal East.

The following documents shall be produced as prosecution evidence.

1. Despatch register of the office of Commandant Home Guard, Manipur for the year 1998.
2. Compendium of instruction issued by the Ministry of Home Affairs, Govt. of India for the administration of Home Guard, Manipur.

The following officials shall prove charge No.5.

1. Shri K. Khatsong, Accounts Officer/PHQ,
2. Shri W. Meenakumar Singh, AIG (P/II), PHQ, Manipur.

The following documents shall be produced as prosecution evidence.

1. Copy of statement of expenditure submitted by the office of Commandant, Home Guard under letter No. F/45/4(HG)/97 dated 26.3.98 dated 22.4.98, dated 20.5.98, dated 23.6.98 and dated 9.7.98.
2. Copies of bills of the office of CO/HG bearing bill Nos. 21(V) dated 18.5.98 for a sum of Rs. 1,68,000, bill No. 31(V) dated 9.6.98 for a sum of Rs. 1,73,600/-, bill No. 32(V) dated 9.6.98 for an amount of Rs. 1,73,600 and bill No. 41(V) dated 9.7.98 for an amount of Rs. 5,04,000/-.

The following documents shall be produced as evidence to prove charge No.6.

1. Copy of FIR No. 322(8)98 IPS u/s 121/121-A/400/212 IPC, 13 UA(P) Act and 25(1-B) Arms Act.
2. Copy of seizure Memo dated 31.3.98 prepared by Army Office's conducting raid.
3. Interrogation statements of persons arrested on 31.7.98 at 1 p.m. namely, (1) Thongkolun Lupheng of Mengdam village, Chief of KNF(P) army, (2) Seikhotingam @ Ngancha @ Ngambou of Maphou Dam S/S captain, (3) Yangminthang Haokip of Mongbung village, (4) Manglung Haokip of Mongbung, (5) Thangsonmoun of Sunchimoun and (6) Moutun Jankhomang of Thongchajiang village a/p Tuibong.

Contd...4/-

Relinquished
Commissioner (U.E.)
Govt. of Manipur
15.01.01

Attended
Ann. Imphal
Adm. Secy

CIA-2000-111

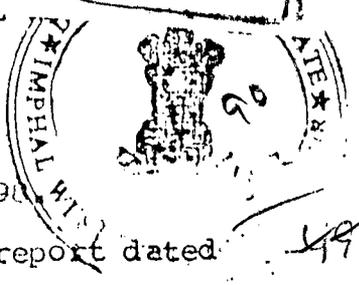
-: 4 :-

The following witnesses shall be produced as witnesses to prove the charge.

1. Inspector S. Mohindra Singh now posted as CI/Sugou PS.
2. Shri Th. Umashi, Inspector of Special Interrogation Team of Imphal West District Police.
3. Shri S. Hocha Singh, SP/Imphal West District.
4. Subedar G.E. Singh of 57 Mountain Division.

Attended
Ami
Adm Cafe

IN THE COURT OF THE DISTRICT MAGISTRATE: IMPHAL
MANIPUR



O R D E R - S

Imphal, the 28th September, 1998.

No. DM(IW)/1/22/CON/94(Pt) : Seen the Police report dated 28-9-98 submitted by O.C. N. Gourakishwar Singh of Imphal Police Station I.O. of the case praying for according sanction for prosecuting the accused persons namely Thongkholun Lupheng @ Kansha (26) s/o (L) Thangboi Lupheng of Nongdam Village, (2) Saikhotingam @ Ngamcha @ Ngamboma (23) s/o late Sohen Lupho of Maphou Dam and (3) Yangminthang Haokip @ Thangboi @ Wilson (23) s/o late Letkhohen Haokip of Bongbal Khullen who were arrested on 1-8-98 at 8.45 AM from the house of Commandant Home Guard Mr. L.K. Haokip at New Lambulane, Imphal and seized one .32 Pistol (Lama) bearing No. 830991 (on slide inside) and 839591 (on barral) with Magazine. from the possession of accused No. 1, six nos of .32 live round of ammunitions seized from the possession of accused No. 2 and one live round of AK 47- 539/88 seized from the possession of accused No. 3. The seized .32 Pistol and ammunitions were produced before me by the police.

I have perused the Police report and its relevant paper in connection with FIR No. 322(8)98 IPS U/S 400/212 IPC and 25 (1-B) Arms Act. I am satisfied that it is a fit case to accord sanction for prosecuting the above accused persons for recovery of the arm and ammunitions from the unauthorised possession of the said above accused persons.

I, therefore, accord sanction for prosecution of the above accused persons U/S 39 of the Indian Arms Act, 1959.


(H. Imocha Singh)
District Magistrate, Imphal
West District, Manipur

- Copy to :-
1. The P.S. to the Chief Secretary, Govt. of Manipur.
 2. The Superintendent of Police, Imphal West District, Manipur.
 3. The O.C. Imphal Police Station.
 4. The relevant file.

...

*attached
Ann: Mr
Advocate*

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a)

No. 18/19/88-MCS/DP
GOVERNMENT OF MANIPUR
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS
(PERSONNEL DIVISION)

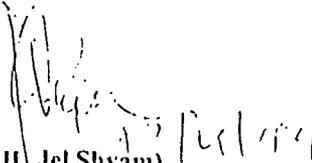
ANNEXURE- 13

ORDERS BY THE GOVERNOR : MANIPIUR

Imphal, the 12th April, 1999.

- Whereas it is alleged that Shri Lulkhel Khaijamang Haokip, MPS aged about 45 years S/O Sonkhojao Haokip of New Lambulane, Imphal, formerly Commandant Home Guard, Manipur committed harbouring of K.N.F(P) members knowingly in his residential house at New Lambulane, Imphal on 31-07-1998 at about 0100 hrs. during his service as Commandant Home Guard which is punishable under section 212 I.P.C.
2. And whereas, it is alleged that on 31-07-1998 at about 0100 hrs. Sub. Jai Bir Singh, J.C. No. 20672 of 57 mountain Division and his party conducted a raid in the house of Shri Lulkhel Khaijamang Haokip (L. K. Haokip), MPS, the then Commandant Home Guard, Manipur at New Lambulane, Imphal and apprehended 6 (six) K.N.F. (P) activities namely (1) Thangkholun Lupheng of Nongdam Village, Chief of the KNF (P) army, (2) Seikhotingam alias Ngamcha alias Ngambou of Maphou Dam, Self Styled Captain, (3) Yangminthang alias Thangboy alias William of Bongbal Klullen, S/S 2nd Lt., (4) Manglun Haokip of Mongbung, Singhat (Finance Cell), (5) Thangsonmuon alias Jonathan alias Maomon, (Finance Cell) of Sumchinvum, Churachandpur District and (6) Manlun Jamkhomang alias Mang of Khongkhajang A/P Tuibung Churachandpur and recovered (1) one .32 Service Pistol (LLAMA) bearing No. 830991 and No. 839591 with one magazine, (2) Two live rounds of .32 ammunitions (3) 6 (six) rounds of .32 ammunitions and (4) One live round of AK-47. The arrested members of the underground organisation of KNF(P) along with arms and ammunitions were handed over to O.C. Imphal P.S. who registered a regular case being F.I.R. No. 322(S)98-IPS U/S 121/121/A/400.212 I.P.C., 13 U.A.(P) Act & 25(I-B) Arms Act and investigated into.
 3. And whereas, the investigation so far reveals prima facie evidence against Shri Lulkhel Khaijamang Haokip (L. Haokip), MPS, the then Commandant Home Guard for knowingly harbouring K.N.F(P) members which is punishable U/S 212 I.P.C.
 4. Now. Therefore, the Governor, of Manipur is pleased to accord sanction under section 197 Cr P.C. for prosecution of the said Shri Lulkhel Khaijamang Haokip (L. Haokip), MPS for the aforesaid offences and any other offences punishable under the provision of Law in respect of the facts aforesaid and for taking cognizance of the said offences by a Court of competent jurisdiction.

By orders & in the name of the Governor


(H. Jel Shyam)

Chief Secretary, Government of Manipur.

- Copy to :
- 1) The Director General of Police with reference to his letter No. IC1(42)/98-PHQ9008 dated 16-12-98
 - 2) The Commissioner(Finance), Govt of Manipur
 - 3) The Secretary(Law), Govt of Manipur
 - 4) The Special Secretary/Addl Secretary(Home), Govt of Manipur
 - 5) The Deputy Secretary(Home), Govt of Manipur with reference to letter No.6/1(22)/94-11/166 dated 23-1-99
 - 6) The A.I.G. (Admn), Govt of Manipur.
 - 7) The Superintendent of police/Imphal West District, Manipur
 - 8) Guard File/Order Book.

*Attended
Ann. Mohr
Action take*

GOVERNMENT OF MANIPUR
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS
(PERSONNEL DIVISION)

92

ORDERS BY THE GOVERNOR, MANIPUR
Imphal, the 22nd August, 2000

No. 13/293/2000-PDP: Whereas it is alleged that Shri N. Ngaraipam Tangkhul S/O (1) N. Yangshung Tangkhul of Ningchow Village while posted and functioning as the Commandant of 2nd MR (2) Shri K. Pishak Singh S/O (1) K. Ibotombi Singh of Kangabam Leikai as AC Quarter Master and Shri N. Jasobanta Singh S/O (1) N. Tombi Singh of Kutao Makhong Tera, Hav. as Store in-charge of 2nd MR during the year 1990 to 1993 entered into a criminal conspiracy in the matter of misappropriation of uniform items of the Director, General of Police, Manipur's Pool worth Rs.55,03,605.91 paise.

And whereas it is alleged that the DGP, Manipur with the approval of Government of Manipur purchased huge quantity of uniform items through suppliers by floating tender vide approval letter No.3/5(12)90-11 dated 27-11-1991 of Government of Manipur, Home Department. The Commandant, 1st Bn. Manipur Rifles and the Commandant 2nd Bn. Manipur Rifles were appointed as the consignee of the uniform items supplied by the supplier firms appointed in this regard.

And whereas it is alleged that Shri N. Ngaraipam Tangkhul, Commandant, 2nd Bn. Manipur Rifles failed to issue various uniform items allotted by the DGP, Manipur to the Manipur Rifles Battalions and District Civil Police in the State of Manipur for which complaints have been received in the office of the DGP, Manipur regarding short supply of uniform items against the quantity allotted by the DGP, Manipur to the Manipur Rifle Battalions as well as to the District Police in the State of Manipur.

And whereas the DGP, Manipur vide his office letter No.PR/13/15/93-PHQ dated 22-4-1993 constituted a Committee headed by Shri W.K. Lengen, the then DIG(OPS), Manipur to verify the uniform items actually issued by the Commandant 2nd Bn. Manipur Rifles and the District Police. The DGP, Manipur vide his another letter No.13/14/90-PHQ dated 25-1-91, Constituted another Committee headed by Shri A. Pradeep Singh, the then AIG(Prov. & Housing) to verify the Book balance for the uniform items held by CO 2nd Bn. Manipur Rifles.

And whereas it is alleged that in the verification made by a Committee headed by Shri W.K. Lengen, the DIG(OPS), it was found that uniform items worth Rs.21,58,113.15 paise were not issued to the MR Bns and the District Police of Manipur. In the verification of the stock of uniform items held by CO 2nd Bn. Manipur Rifles by the Committee headed by Shri A. Pradeep Singh it was found that there was shortage of uniform items worth Rs.14,11,779.45 paise against the Book balance.

And whereas Shri W.K. Lengen DIG(OPS), Manipur lodged a written complaint to the OC/Imphal Police Station about the mis-appropriation of uniform items worth Rs.35,69,892.60 paise by Shri (1) N. Ngaraipam, CO 2nd MR, (2) A. Thanpuia, Dy. CO 2nd MR, (3) K. Pishak Singh, AC Quarter Master. The OC/Imphal Police Station on the basis of the said complaint registered a criminal case against (1) N. Ngaraipam CO 2nd MR, (2) A. Thanpuia, Dy.CO 2nd MR (3) K. Pishak Singh, AC Quarter Master 2nd MR (4) N. Jasobanta Singh, Hav. Store-in-charge, 2nd MR vide FIR No.368(7)93 IPS u/s 4(b)/466/468/120-B IPC and Section 13(1)(c) P.C. Act for investigation. The case was transferred to the CID Crime Branch for investigation.

And whereas the investigation reveals that Shri N. Ngaraipam Tangkhul was posted as the Commandant 2nd MR during 1990-92 and Shri A. Thanpuia was posted as Dy. Commandant 2nd MR and Shri K. Pishak Singh was posted as the AC 2nd MR holding the charge of Quarter Master of the said Battalion and Shri N. Jasobanta Singh, Hav. of 2nd MR was the store in-charge of the Battalion during the above said period. However Shri A. Thanpuia, Dy.CO 2nd MR had no role in the receipt and disbursement of the uniform items from the DGP Pool being held by the CO 2nd MR and as such he had not committed the alleged offence.

Attsted
Ann: Imh
Advocate

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And whereas the investigation further reveals that the DGP, Manipur vide his office letter No. PR/13/14/88-PHQ dated 24-5-1989 entrusted Shri N. Njamipam, CO 2nd MR as the consignee of the uniform items purchased through supplier Firm as per Supply Order No. as below:-

Sl.No.	Supplier Firms	Items	Quantity	Supply Order No.
1.	M/S Shree Durga Trader Corporation Calcutta.	1. Woolen Sock(OG)	28,000 prs.	13/14/90-PHQ, dated 7-1-1992
2.	M/S Bhaurihal Agarwal, 1st MR Canteen.	1. P.T. Shoe(Brown)	50,136 prs.	13/14/90-PHQ, dated 1-6-1991
		2. White Drill Cotton	6,663 mtrs.	-do-
		3. Hunting Boot(OG)	10,617 prs.	-do-
		4. Leather Cross Belt(Brass)	300 nos.	-do-
		5. Attachment Brass	3,010 prs.	-do-
		6. Web Belt (Khaki)	1,961 nos.	13/14/90-PHQ, dated 11-7-1991
		7. Woolen Blanket	5,617 nos.	-do-
3.	M/S Arbind Emporium, Thangal Bazar.	1. Rifle Oil (bottle)	6,581 nos.	13/14/90-PHQ dated 7-1-92
		2. Bayonet Frog	3,010 nos.	-do-
		3. Jungle Hat	7,463 nos.	-do-
		4. Flaver Sack(OG) small	2,574 nos.	-do-
		5. Cloth Drab mixture (Khaki).	6,286 nos.	13/14/90-PHQ, dated 1-7-91
4.	M/S Abdul Ganikhan Khetri Bengoon.	1. Boot Polish(Black)	2,858 Coz.	13/14/90-PHQ, dated 19-12-91.
5.	M/S Shrutika Sales Corporation Delhi.	1. Woolen Jersey (OG)	3,339 nos.	13/14/90-PHQ, dated 1-8-91.
		2. Woolen Jersey(Khaki)	2,328 nos.	-do-
		3. Ankle Boot (Black)	10,800 prs.	-do-
		4. Cotton Cellular (Khaki)	12,210 mtrs.	13/14/90-PHQ, dated 11-7-91
6.	M/S Sardar Brother, Thangal Bazar.	1. Cotton Drill (OG)	32,700 mtrs.	13/14/90-PHQ, dated 4-7-91
		2. Cotton Cellular(OG)	20,523 mtrs	-do-
		3. Cotton Drill(Khaki)	12,210 mtrs.	-do-
		4. Cloth Drab Angola	9,580 mtrs.	-do-
		5. Cotton Cellular (White)	2,492 mtrs.	13/14/90-PHQ, dated 9-8-91
7.	M/S O.B. Agarwal 2nd MR Canteen	1. Rifle Sling (OG)	4,045 nos.	13/14/90-PHQ, dated 11-7-91
		2. Hat Badge(MP)	4,038 nos.	13/14/90-PHQ, dated 1-8-91

The supplier firms supplied the following items for the quantity noted against each of the items to the CO 2nd MR which is evident from the records and the items were shown duly received in the stock receipt and issue register maintained by the CO 2nd MR particularly for those items noted above.

And whereas the investigation further reveals that the DGP, Manipur issued order constituting Line Committee headed by Shri A. Pradeep Singh, the then AIG(Prov./H), Manipur for physical checking of the items supplied by the Suppliers which were in the custody of the CO 2nd MR. The Line Committee after checking had submitted a report about the supply and receipt of the quantity in good condition and as per the specification in the supply order.

(Contd . . . 3/-)

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And whereas the DGP, Manipur vide his office letter No. PR/13/1591-PIB dated 16-4-92 allotted the uniform items of DGP Pool to the MR Bus and District Police of Manipur for the uniform items held by the CO 2nd MR.

And whereas the investigation further reveals that the CO 2nd MR issued the uniform items to the Manipur Rifle Battalions and District Police short of the quantity allotted by the DGP, Manipur to the respective Battalions and Districts.

And whereas the investigation further reveals that Shri N. Ngaraipam Tangkhul, CO 2nd MR, (2) Shri K. Pishak Singh, AC(QM) and (3) Shri N. Jasobanta Singh, Hav. Store incharge of 2nd MR manipulated the quantity of uniform items issued to the MR Bus and District Police by preparing false receipt and forging the signature of the official authorised by the MR Bus and District Police to collect the uniform items allotted from the 2nd MR, thereby inflating the quantity more than the quantity issued to the MR Bus and District Police.

And whereas during investigation the total quantity of uniform item received by CO 2nd MR during 1991-92 being supplied by the above mentioned suppliers and the quantity actually available with the CO 2nd MR and the quantity actually issued to the MR Bus and District Police of Manipur were calculated and quantity of uniform items misappropriated would be calculated as Rs. 55,03,505.94 paise. Thus it has been established that Shri (1) N. Ngaraipam Tangkhul, CO 2nd MR, (2) K. Pishak Singh, AC(QM) 2nd MR, (3) N. Jasobanta Singh, Hav. Store incharge 2nd MR entered into a criminal conspiracy and in pursuance thereof they had misappropriated various uniform items of DGP Pool held by CO 2nd MR worth Rs. 55,03,605.94 paise during the year 1991-92.

Now, therefore the Governor of Manipur being the authority competent to remove Shri (1) N. Ngaraipam Tangkhul, CO 2nd MR, (2) K. Pishak Singh, AC(QM) 2nd MR, (3) N. Jasobanta Singh, Hav. of 2nd MR from office, after carefully examining the materials and circumstances in regard to the allegation of the case, considers that the said Shri (1) N. Ngaraipam Tangkhul, (2) K. Pishak Singh, AC(QM) 2nd MR and (3) N. Jasobanta Singh, Hav. Store incharge 2nd MR should be prosecuted in the Court of law for commission of the offences u/s 420-13/409/466/468/471 IPC and Section 13(2) read with Sec. 13(1)(e) of P.C. Act 1988.

Now, therefore, the Governor of Manipur do hereby accord sanction under Section 197 Cr.P.C. and also under section 19(1)(b) P.C. Act for prosecution of the said (1) N. Ngaraipam Tangkhul (54) s/o (L) N. Yangshung Tangkhul of Ningchow village, now CO 6th MR, (2) K. Pishak Singh (57) s/o (L) K. Ihotombi Singh of Kangabam Leikai, now Adtl. SP/UKhul and (3) N. Jasobanta Singh (37) s/o (L) N. Tombi Singh of Kurao Makhong Tera, Hav. 2nd MR for the said offences committed by them and any other offences mentioned above and for taking cognisance of the said offence/offences by a Court of competent jurisdiction.

By orders & in the name of the Governor

Rakesh
(RAKESH)

Chief Secretary to the Government of Manipur

Copy to:-

1. The Director General of Police, Manipur.
2. The Commissioner Home, Government of Manipur.
3. The Secretary(Law), Government of Manipur.
4. The DIO(Adm.), PIB, Imphal.
5. The SP/CD(CB), -- with reference to his letter No. 4/SP/CD(CB) Imp dated 19-5-2000.
6. The Superintendent of Police, Imphal West, Manipur.
7. Guard File/Orders Book.

*Attested
Adv. Advocate*

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ANNEXURE- 15

No. SP/V/PER/2000/ 74
Government of Manipur
The State Vigilance Commission
Office of the S.P. Vigilance & Anti Corruption

Imphal, the 22nd January, 2001.

To

**The Chairman,
Union Public Service Commission,
Dholpur House, Shahajahan Road,
New Delhi - 110 001.**

Through Proper Channel.

**Subject :- Appointment by promotion to the Indian
Police Service against 2 (two) vacant posts
of I.P.S. for the State of Manipur in 2000.**

A representation of Shri M.Mani Singh, MPS, the undersigned for reviewing the proceedings of the D.P.C, meeting held on 20-12-2000 in the Office of Union Public Service Commission, New Delhi for full facts as to the Department proceedings and Criminal Prosecutions pending against N. Ngaraipam, MPS and L.K. Haokip, MPS were not placed before the D.P.C. meeting for promotion of 2 (two) MPS Officers to the I.P.S.

Sir,

I, the undersigned have the honour to refer to the above subject and to state and submit the following few facts and points of law for reviewing the proceedings of the D.P.C. meeting held in the Office of the Union Public Service Commission, New Delhi on 20-12-2000.

1. That, the following Police Officers in order of seniority being within the zone of consideration for appointment by promotion to the I.P.S. against two vacant posts of I.P.S. for the State of Manipur were considered by the meeting of the D.P.C. held on 20-12-2000 in the Office of the Union Public Service Commission, New Delhi.

*Attested.
Adv: Mr.
Advocate*

The names of the M.P.S. Officers are as follows:

1. A. Rajendra Singh, MPS.
2. S. Tualchinkham, MPS.
3. N. Ngaraipam, MPS.
4. L.K. Haokip, MPS.
5. M. Mani Singh, MPS.
6. S. Manglemjao Singh, MPS.

2. That, I beg to state and submit that Shri N. Ngaraipam (Sl.No.3 above) in contemplation of a disciplinary proceeding against him was placed under suspension by the orders of the Governor of Manipur being No. 18/20/93-MPS/DP(A) dated Imphal, the 21st July, 1993 in connection with FIR No. 368(7)93 Imphal P.S. U/S 120-B/409/466/468/471 I.P.C. and Section 13(20 r/w Section 13(c) P.C. Act, 1988 which is now pending in the Court of Special Judge, Manipur East being registered as Spl. Trial No.1 of 2000.

Subsequently, the suspension order of Shri N. Ngaraipam was revoked without prejudice to the case pending against him by the orders of the Governor of Manipur being No. 18/20/93-MPS/DP dated Imphal, the 13th April, 1995.

The facts of the above case were for misappropriation of Rs. 35,698,92,601/- which was sanctioned for purchase of Uniform items for jawans of Manipur Rifles (Uniform Scam).

The charge sheet of the above FIR was issued on 25/9/2000 and it was received by the Special judge, Manipur East on 17-10-2000.

Photostat copies of the above suspension order, revocation order and the charge sheets are enclosed herewith as Annexures-A/1, A/2 and A/3 respectively.

In connection with the above. I beg to submit that Sealed Cover procedure is applicable in the case of N. Ngaraipam in the D.P.C. meeting as the charge sheet was submitted before the Special Judge, Manipur East on 25-09-2000.

3. That, I beg to state and submit that Shri L.K. Haokip (Sl.No.4 above) in contemplation of a disciplinary proceeding against him was placed under suspension by the Governor of Manipur under his order No. 4/59/76-MPS/DP(Pt.) Imphal, the 16th February, 1998. However, the said suspension order was revoked without prejudice to the Departmental proceedings pending against him by the Governor of Manipur under his order No. 4/59/76-MPS/DP(Pt.) Imphal, the 5th March, 1998.

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Shri L.K. Haokip (Sl.No. 4) above a regular FIR case No. 322(8)98-IPS U/S 121/121-A/400/212 I.P.C., 13UA(P) Act and 25(1-B) Arms Act was registered at Imphal P.S. against the said L.K. Haokip and 6(six) others and a charge sheet No. 32/IPS/99 dated 12/5/99 has been submitted in the court of Chief Judicial Magistrate, Imphal against Lupkholct Khaijamang Haokip (L.K. Haokip) appearing at Sl.No.7 column No.3 of the charge sheet for harbouring members of K.N.F.(P), one of the active extremist Organisation operated in the State of Manipur in the house of L.K. Haokip where his house was heavily guarded by Manipur Rifles Jawans when he was Commandant Home Guards. The accused person in column No.3 from Sl.No.1 to 6 were arrested from his house and recovered arms ammunitions mentioned at column No.5 of the charge sheet. The said charge sheet has been registered as Cril(P)10/99 has been registered in the Court of Chief Judicial Magistrate, Imphal for hearing. Subsequently L.K. Haokip's suspension order was revoked without prejudice to the Departmental Enquiry pending by the Governor of Manipur under order No. 4/59/76-MPS/DP(Pt.) Imphal, the 25th May, 1999.

Photostat copies of the above suspension and revocation orders are enclosed herewith as Annexures- A/4, A/5, A/6 and A/7 respectively.

Photostat copy of F.I.R. and the charge sheet is enclosed herewith and marked as Annexures A/8 and A/8(1)

It is also submitted that a Departmental proceeding is pending in respect of the Memorandum being No. 4/59/76-MPS/DP(Pt.) dated 22nd April, 1999 for committing acts of misconduct, in subordination and financial impropriety, mismanagement of the Home Guard involving a sum of Rs. 23,17,700/- sanctioned by the Home Department vide order No. 315(64)/97-H dated 09-02-1998 of the Home Department for functioning Home Guard Organisation before the Commissioner, Departmental Enquiries, Manipur Shri I.S. Laishram, I.A.S. being D.E. No. 1/4/CDE/2000.

Photostat copy of the Memorandum dated 22-04-1999 is enclosed herewith as Annexure A/9.

In view of the above, I beg to submit that the sealed cover procedure is applicable in the case of L.K. Haokip as the charge sheet was submitted on 12-05-1999 and Departmental proceedings initiated on 22-04-1999 and Departmental proceedings is still pending before the Commissioner, Departmental Enquiries.

*Attested
L.K. Haokip
Advocate*

4. That, I beg to state and submit that the Hon'ble Supreme court in Union of India & Others - Vs- Dr. (Smt) Sudha Salham reported in A.I.R. 1998 S.C. 1094, held that

"If on the date of which the name of a person is considered by the Departmental Promotion Committee for promotion to the higher post, such person is neither under suspension nor has any departmental proceedings been initiated against him, his name, if he is found meritorious and suitable, has to be brought on the select list and the "sealed cover" procedure cannot be adopted. The recommendation of the Departmental Promotion Committee can be placed in a "sealed cover" only if on the date of consideration of the name for promotion, the departmental proceedings had been initiated or were pending or on its conclusion, final orders had not been passed by the appropriate authority".

Further, in Union of India -Vs- K.V. Jankiraman reported in A.I.R. 1991 S.C. 2010, the Supreme Court in respect of Promotion-sealed cover procedure -Resort to-when permissible, agreed with the decision of the Full Bench of the Tribunal that it is only when a charge-memo in a disciplinary proceedings or a charge sheet in a Criminal prosecution is issued to the employee that it can be said that the Departmental proceedings/Criminal prosecution is initiated against the employee and the sealed cover procedure is to be resorted to only after the charge memo/charge sheet is issued.

In view of the above, it is submitted that if the above Criminal prosecution cases and the Departmental proceedings pending against N. Ngaraipam, MPS and L.K. Haokip, MPS are brought before the D.P.C. meeting held on 20-12-2000 the sealed cover procedure would have been resorted to and their names should not be included in the select list prepared by the selection committee and the said concealment of facts before the D.P.C. had denied my right to promotion which is my fundamental rights under the Constitution of India.

5. That, I beg to state and submit that the Department concerned has not prepared the ACRs of the MPS Officers eligible according to the service record maintained in the Department.

I as an M.P.S. have been serving with dedication to my duties and as such I was awarded (i) President's Medal for Meritorious Service on the occasion of Independence day vide No. 4-HA/86/CA(II) dated 14-08-1986, (ii) Manipur Chief Minister's Police Medal for meritorious vide notification

Attested
Smt. Indu
Advocate

No.8/14(2)/85-H dated 12-08-1993, (iii) President's Police Medal for distinguish service in the occasion of Independence day 1997 vide Govt. of India, Ministry of Home, New Delhi vide No.11019/11/97-PMA-CELL dated 14-08-1997. The then I.G.P., D.G.P. and Governor of Manipur wrote appreciation letters for awarding such meritorious medals.

The above awards are reflected in the ACR and the other MPS Officers eligible for promotion are not awarded as much as I was awarded. As a matter of fact, I am expecting that my grading is outstanding for 6(six) years continuously commencing from 1994 onwards.

True copies of the above awards and appreciation letters are enclosed herewith and marked as Annexures - A/10, A/11, A/12, A/13, A/14, A/15 and A/16 respectively.

6. That, I beg to state and submit that if the selection committee in the D.P.C. meeting held on 20-12-2000. classified the eligible officers as outstanding, very good, good or unfit as the case may be on the over all relative assessment of their service record as per Rule No. 5(4) of the Indian Police Service (Appointment by Promotion) Regulations, 1955, my name, I believe ought to have been listed as No.1 in the list prepared by the selection committee in as much as my service career or record is much better than the other eligible officers but the correctness of the memo prepared by the Department in this regard is very much doubted for the reasons not known to me and the sealed cover procedure is applicable to them in the present DPC.

7. That, I beg to state and submit that having regard to my eligibility to the promotion to I.P.S. according to which the selection Committee cannot consider a member of the MPS who has attained the age of 54 years on the 1st day of January of the year in which it meets under Rule No. 5(3) of the Regulation, 1955 as my date of birth is 1st February, 1946 and having reported that N. Ngaraipam, MPS and L.K. Haokip, MPS against whom Departmental proceeding and Criminal Prosecution as mentioned above are pending have been selected by the selection committee in the DPC meeting held on 20-12-2000, the present representation for reviewing the DPC meeting held on 20-12-2000 is filed for not placing the facts relating to the suspension, departmental proceedings and criminal prosecution pending against them at the time of consideration by DPC. And the said fraudulent acts of the department concerned have deprived my rights of promotion as guaranteed and envisaged by the Constitution of India. Not only that, the rule of Natural justice has been denied to me.

Attested
Ann. Inm
Advocate

8. That, it may not be out of place to submit that in a case reported in ATR 1987(I) CAT 547 it is held that the proceeding of the DPC can be reviewed if full facts were not placed before it earlier. Relying on the above point I beg to submit that the DPC proceeding of the DPC meeting held on 20-12-2000 should be reviewed for not placing the departmental proceedings and Criminal prosecutions pending against N. Ngaraipam, MPS and L.K. Haokip, MPS before the DPC and the sealed cover procedure is applicable to them.

9. That, I beg to state and submit that the fraudulent acts above-said of the Department and intentional concealment of facts by the Department concerned has rendered denial of my right of promotion and denial of the Rule of law and the Principles of Natural Justice as well.

10. That, I beg to state and submit that if the DPC proceedings of 20-12-2000 is not reviewed as stated above my chance of being promoted to I.P.S. shall be denied in my life which is an irreparable loss to me and the proceedings of the D.P.C. held on 20-12-2000 may be reviewed on compassionate ground.

11. That, I beg to state and submit that the commission in exercise of the power under Rule 7 of the Regulation, 1955 may be pleased to pass an order for review of the DPC for taking into consideration of the facts as given above relating to N. Ngaraipam, MPS and L.K. Haokip, MPS.

Regard being had to the above, the undersigned pray that the proceedings of the DPC meeting held on 20-12-2000 be reviewed in the interest of justice and public policy.

For which act of kindness, I shall ever remain grateful to you.

Yours faithfully,

Dated/Imphal
The 22nd January, 2001.

(M. Mani Singh)
Superintendent of Police,
Vigilance & Anti Corruption,
Manipur, Imphal.

Advanced copy to :-

1. Shri Surinder Nath,
Lt.General (Rtd.),
Chairman,
Union Public Service Commission,
Dholpur House, Sahajahan Road,
New Delhi - 110011.
2. The Chief Secretary,
Government of Manipur.

- for favour of information.

Attested
Ann: Gmbr
Advocate

3 APR 2001

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
Guwahati Bench
GUWAHATI BENCH

IN OA No. 63 OF 2001

10/1
Ready
12/2/2001
(A. DEB ROY)
Sr. C. G. S. C.
Guwahati Bench

BETWEEN

M. MANI SINGH

APPLICANT

Vs.

UNION OF INDIA & ORS.

RESPONDENT

WRITTEN STATEMENT ON BEHALF OF THE UPSC (RESPONDENT
NO. 2 & 5)

1. I, Manjit Kumar S/o Shri Bujha Ram, aged 44 years, working as Under Secretary in the office of the Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi am authorised to file the present reply statement on behalf of Respondent No. 2 & 5. The deponent is also fully acquainted with the facts of the case deposed below:

2. That the deponent has read and understood the contents of the above Original Application and in reply he submits as under:

3.1 The Union Public Service Commission being a Constitutional Body under Articles 315 to 323 part XIV Chapter-II of the Constitution discharge their functions, duties and Constitutional obligations assigned to them under Article 320 and other relevant Articles of the Constitution of India as per the Rules and Regulations in force.

3.2 Under Article 312 of the Constitution, the All India Service Act, 1951 was passed by the Parliament. In exercise of the powers conferred by sub-section(1) of

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section 3 of the All India Service Act 1951, the Central Government after consultations with the State Governments have framed various Recruitment Rules for recruitment/promotion to the IAS/IPS/IFS. In pursuance of these rules, the IPS (Appointment by Promotion) Regulations, 1955 have been framed by the Government of India duly approved by the Hon'ble President as per provisions of the Constitution of India (Article 309). In accordance with the provisions of these Regulations, the Selection Committee presided over by the Chairman or a Member of the Union Public Service Commission makes selections of the State Police Service officers for promotion to the Indian Police Service based on the proposal and records sent by the concerned State Government including the seniority list and other relevant documents.

3.3 Thus, in discharge of their Constitutional obligations the Union Public Service Commission, after taking into consideration the records received from the State Government under Regulation 6 and observations of the Central Government received under Regulation 6A of the Promotion Regulations, accord their approval to the recommendations of the Selection Committee in accordance with the provisions of Regulation 7 of the aforesaid Regulations. Selections so done in a just and equitable manner on the basis of relevant records and following the relevant Rules and Regulations are not open for interference by any authority whatsoever, inasmuch as, it would tantamount to curtailment or modification of the Constitutional powers of the Union Public Service Commission.

PRELIMINARY SUBMISSIONS

4.1 Most respectfully, the deponent submits that selections of State Police Service Officers for promotion to the IPS are governed by the IPS (Appointment by Promotion) Regulations 1955. Regulation 3 of the said Regulations provides for a Selection Committee consisting of the Chairman of the Union Public Service

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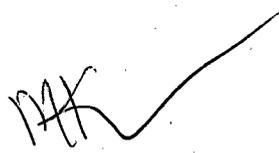
Commission or where the Chairman is unable to attend, any other Member of the Union Public Service Commission representing it and in respect of the Joint cadre of States of Manipur and Tripura the following officers as members: -

- i) Chief Secretary to Government of Manipur
- ii) Chief Secretary to Govt. of Tripura
- iii) D.G. & I.G. of Police, Govt. of Manipur
- iv) D.G. & I.G. of Police, Govt. of Tripura
- v) A nominee of the Government of India not below the rank of Joint Secretary.

The meeting of the Selection Committee is presided over by the Chairman/Member, UPSC.

4.2 In accordance with the provisions of Regulation 5(4) of the said Regulations, the aforesaid Committee duly classifies the eligible SPS officers included in the zone of consideration as 'Outstanding', 'Very Good', 'Good' or 'Unfit', as the case may be, on an overall relative assessment of their service records. Thereafter, as per the provisions of Regulation 5(5) of the Promotion Regulations, the Selection Committee prepares a list by including the required number of names, first from the officers finally classified as 'Outstanding', then from amongst those similarly classified as 'Very Good' and thereafter from amongst those similarly classified as 'Good' and the order of names within each category is maintained in the order of their respective *inter se* seniority in the State Police Service.

4.3 The ACRs of eligible officers are the basic inputs on the basis of which eligible officers are categorised as 'Outstanding', 'Very Good', 'Good' and 'Unfit' in accordance with the provisions of Regulation 5(4) of the Promotion Regulations. The Selection Committee is not guided merely by the overall



grading that may be recorded in the ACRs but in order to ensure justice, equity and fair play makes its own assessment on the basis of in-depth examination of service records of eligible officers, deliberating on the quality of the officer on the basis of performance as reflected under various columns recorded by the Reporting/Reviewing Officer/Accepting Authority in the ACRs for different years and then finally arrives at the classification to be assigned to each eligible officer in accordance with provisions of Promotion Regulations. While making an overall assessment, the Selection Committee takes into account orders regarding appreciation for meritorious work done by the concerned officer. Similarly, the Selection Committee also keeps in view orders awarding penalties or any adverse remarks communicated to the officer, which, even after due consideration of his representation have not been completely expunged.

4.4 The matter relating to assessment made by the Selection Committee has been contended before the Hon'ble Supreme Court in number of cases. In the case of Nutan Arvind Vs. UOI & others, the Hon'ble Supreme Court have held as under:

"When a high level committee had considered the respective merits of the candidates, assessed the grading and considered their cases for promotion, this Court cannot sit over the assessment made by the DPC as an appellate authority."

[(1996) 2 SUPREME COURT CASES 488]

4.5 In the matter of UPSC Vs. H.L. Dev and Others. Hon'ble Supreme Court have held as under: -

"How to categorise in the light of the relevant records and what norms to apply in making the assessment are exclusively the

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functions of the Selection Committee. The jurisdiction to make the selection is vested in the Selection Committee.”

[AIR 1988 SC 1069]

4.6 In the case of State of Madhya Pradesh Vs. Shrikant Chapekar, the Hon'ble Supreme Court have held as under: -

“We are of the view that the Tribunal fell into patent error in substituting itself for the DPC. The remarks in the ACR are based on the assessment of the work and conduct of the official/officer concerned for a period of one year. The Tribunal was wholly unjustified in reaching the conclusion that the remarks were vague and of general nature. In any case, the Tribunal outstepped its jurisdiction in reaching the conclusion that the adverse remarks were not sufficient to deny the Respondent his promotion to the post of Dy. Director. **It is not the function of the Tribunal to assess the service record of a Government servant, and order his promotion on that basis. It is for the DPC to evaluate the same and make recommendations based on such evaluation.** This Court has repeatedly held that in a case where the Court/Tribunal comes to the conclusion that a person was considered for promotion or the consideration was illegal, then the only direction which can be given is to reconsider his case in accordance with law. It is not within the competence of the Tribunal, in the fact of the present case, to have ordered deemed promotion of the Respondent.”

[JT 1992 (5) SC 633]

4.7 In the case of Dalpat Abasaheb Solunke Vs. B.S. Mahajan, the Hon'ble Supreme Court have held as under: -

“It is needless to emphasise that it is not the function of the Court to hear appeals over the decisions of the Selection Committees and to

scrutinise the relative merits of the candidates. Whether a candidate is fit for a particular post or not has to be decided by the duly constituted Selection Committee which has the expertise on the subject.”

[AIR 1990 SC 434]

4.8 In the case of Smt. Anil Katiyar Vs. UOI & Others, the Hon'ble Supreme Court have held as under: -

“Having regard to the limited scope of judicial review of the merits of a selection made for appointment to a service of civil post, the Tribunal has rightly proceeded on the basis that it is not expected to play the role of an appellate authority or an umpire in the acts and proceedings of the DPC and that it could not sit in judgement over the selection made by the DPC unless the selection is assailed as being vitiated by malafide or on the ground of it being arbitrary. It is not the case of the appellant that the selection by the DPC was vitiated by malafide.”

[1997(1) SLR 153]

Hon'ble Tribunal would appreciate that in view of the aforementioned authoritative pronouncements of the Hon'ble Supreme Court, the assessment made by the Selection Committee constituted under Regulation 3 of the Promotion Regulations is not open for scrutiny by any authority/institutions or an individual.

FACTUAL POSITION OF THE CASE

5.1 It is most respectfully submitted that a meeting of the Selection Committee for promotion of SPS officers to IPS cadre of Manipur-Tripura Joint Cadre (Manipur Segment) was held on 20.12.2000 to prepare the Select List of the year 2000. The maximum number of State Police Service officers to be included in the

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Select List was 2 (two) against existing 2 (two) vacancies in the promotion quota of the State Cadre as determined by the Central Govt. in terms of Rule 4(2)(b) of the IPS (Recruitment) Rule 1954 read with Regulation 5(1) of the Indian Police Service (Appointment by Promotion) Regulations 1955. As per the provisions of the IPS Promotion Regulations, the zone of consideration was 6. The Govt. of Manipur vide their letter dated 12.9.2000 (received in the office of UPSC on 12.10.2000) submitted a proposal to the Commission for convening the Selection Committee Meeting for preparing the Select List of 2000. The name of the Applicant was included at Sl. No. 5 of the eligibility list furnished by the State Govt. The names of the Respondent Nos. 8 and 9 were included at Sl. No. 3 and 4 of the eligibility list.

5.2 The State Govt. also furnished the information regarding the disciplinary/criminal proceedings pending against the eligible officers. It was *inter-alia* intimated by the State Govt. that a prosecution sanction had been accorded in respect of Respondent No. 8, Sh. N. Nagaraipam. However, the fact that a charge-sheet had been issued to him was not brought to the notice of the Commission before the meeting of the Selection Committee. In respect of Sh. L.K. Haokip, Respondent No. 9, it was intimated by the State Govt. that a vigilance case and a criminal case was pending against him and a charge-sheet had been filed in the court of law on 12.5.1999.

5.3 As per the provisions of the IPS Promotion Regulations, the Selection Committee which met on 20.12.2000 considered the ACRs and other service records of the eligible officer as furnished by the State Govt. On an overall relative assessment of their service records the Selection Committee assessed the Applicant and Respondent Nos. 8 and 9 as 'Very Good'. The Respondent Nos. 8 and 9, being senior to the Applicant, were included in the Select List at Sl. No. 1 and 2 respectively whereas the name of the Applicant could not be included in the

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List due to the statutory limit on the size of the Select List. The name of the Respondent No. 9, Sh. L.K. Haokip was, however, included provisionally in the Select List subject to clearance of disciplinary and criminal proceedings pending against him and grant of integrity certificate by the State Govt. in terms of the provisions of the IPS Promotion Regulations Respondent No. 8 was included unconditionally as the fact of issue of a charge-sheet to him or filing in a court of law was not brought to the notice of the Selection Committee by the State Govt. The Select List is yet to be approved by the Commission in terms of Regulation 7 after obtaining the observations of the State Govt. of Manipur, the Joint Cadre Authority of Manipur-Tripura and the Govt. of India (MHA).

CONTENTIONS OF THE APPLICANT

6. The Applicant has made the following contentions in the OA:-

- (i) That the Applicant has a distinguished service career and at no point of time there was any occasion to communicate to him any adverse remarks. The Applicant have scored overall grading 'Outstanding' in all his ACRs relevant for the purpose of selection coupled with his excellent service records he ought to have been selected for promotion to IPS in preference to the Respondent No. 8 and 9.
- (ii) That the State of Manipur did not forward the full service particulars and details of the service career of Respondent Nos. 8 and 9 to the Selection Committee. The State Govt. did not intimate anything regarding pendency of disciplinary and criminal proceedings of very serious nature involving the very integrity of Respondents 8 and 9 but for which the name of the Applicant would have been included in the Select List and the names of the Respondent Nos. 8 and 9

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would have been excluded. Respondent No. 8 who has been nominated selectee No. 1 was placed under suspension by an order dated 21.7.93. The criminal case registered under prevention of corruption act is now pending in the court of Special Judge, Manipal East. The charge-sheet has been filed in the court of law. Similarly, Respondent No. 9 who has been nominated as selectee No. 2 was placed under suspension by an order dated 16.2.98 and the departmental proceedings are still pending against him. Though the suspension order in respect of both the officers have been revoked, prosecution sanctions have been accorded in respect of both the officers in some fresh cases. The vital information in respect of Respondent No. 8 and 9 were deliberately withheld from the Selection Committee. On the other hand, the information regarding presidential medals/awards received by the Applicant was withheld by the State Govt. from the Selection Committee.

- (iii) That the Selection Committee ought not to have been guided by the ACRs alone and ought to have considered all the relevant records of the officers concerned, but the Selection Committee even while considering the ACRs downgraded the grading of the Applicant and upgraded the gradings of the Respondents No. 8 and 9 without any reasonable basis. That there was downgradation of the ACRs of the Applicant so as to exclude his name from the Select List to pave the way for inclusion of the name of Respondent No. 8 and 9. However, there was upgradation in the ACRs of Respondents No. 8 and 9 contrary to the reflections in their ACRs coupled with their involvements in the case mentioned above. The downgradation of ACRs was done without any notice to him. Further, the Selection Committee was deprived of information regarding meritorious



service of the Applicant. Thus, there was no proper consideration of his case that has resulted in miscarriage of justice.

- (iv) That the Selection Committee in respect of a joint cadre must be comprised of the Director General of Police of the State whose officers are being considered. In the instant case, the DGP, Manipur who was the better person to know the service credentials of the officers was not included in the Committee and the DGP of the State of Tripura was included. Thus, in the absence of the DGP of Manipur, the Selection Committee was not properly constituted.
- (v) That there is a move to issue integrity certificate in respect of Respondent No. 8 and 9 facilitating their appointment to IPS which is malafide and misuse of the official powers on the part of official respondents.
- (vi) That the size of the Select List should have been double the number of substantive vacancies anticipated in the course of the period of 12 months. Had this requirement been followed, the name of the Applicant would have been included in the Select List.
- (vii) That the Applicant had submitted a representation on 22.1.2001 before the UPSC with the copies thereof to the concerned authorities with a prayer to review the Select List prepared by the Selection Committee in its meeting held on 20.12.2000 and not to give final approval to the Select List. However, it is the apprehension of the Applicant that the UPSC must have given the final approval to the Select List without considering the aforesaid representation of the Applicant.



REPLY TO THE CONTENTIONS

7.1.1 As regards the contentions made in para 6(i), it is respectfully submitted that for making an overall relative assessment, the Selection Committee as per practice followed in the Union Public Service Commission examines the service records of each of the eligible officers, with special reference to the performance of the officers during the last five years (preceding the year in which the Select List is being prepared.). The Selection Committee deliberates on the quality of the officer as indicated in the various columns recorded by the reporting/reviewing officer/accepting authority in the ACRs for different years and then after a detailed mutual deliberation and equitable discussion finally arrives at a classification assigned to each officer. While doing so, the Selection Committee also reviews and determines the overall grading recorded in the CRs to ensure that the overall grading in the CRs is not inconsistent with the grading/remarks under various specific parameters or attributes. The Selection Committee takes into account orders regarding appreciation for the meritorious work done by the officers concerned and also keeps in view orders awarding penalties or any adverse remarks duly communicated to the officer, which, even after due consideration of his representation by the competent authority are not expunged.

7.1.2 It is further submitted that the Committee undertakes a the detailed exercise as enumerated above, with a view to ensure objectivity, equity and fair play in the Selections. Regulation 5(4) simply prescribes that the Selection Committee will classify the officers into four different categories i.e., 'Outstanding', 'Very Good', 'Good' and 'Unfit', as the case may be, on an overall relative assessment of his service records. The IPS (Appointment by Promotion) Regulations, 1955, do not provide for the detailed methodology on how to classify the officers and it is solely the domain of the Selection Committee manned and

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presided over by competent and able members to devise its own norms and yardsticks for evaluation of the ACRs. The Selection Committee is, as per Regulations, presided over by the Chairman or a Member of the Union Public Service Commission who have got adequate expertise in the field. The Selection Committee adopts a uniform and consistent norm or yardstick for evaluation that is applied to all States/Cadres. The Applicant is substituting his own judgment to that of a statutorily set-up Selection Committee which consists of very high ranking and responsible officers. The assessment made by the high powered Selection Committee is not open to challenge/scrutiny by any authority/institution or an individual as already averred in the various pronouncements made by the Hon'ble Supreme Court enumerated in para 4 above.

7.1.3 In this connection, it is further submitted that the grading given by reporting/reviewing officer in the ACRs reflects the absolute merit of the officers reported upon whereas the classification made by the Selection Committee on the basis of deep examination of the service records of all the eligible officers in the zone of consideration reflects the merit of the officer in relation to other officers in the zone of consideration. The Selection Committee adopts uniform and consistent norms and yardsticks in order to ensure equity, justice and fairplay in the assessment of ACRs. The modes, norms and yardsticks adopted by the Selection Committee constituted under Regulation 3 of IPS (Appointment by Promotion) Regulations, 1955 for making just and equitable assessment of ACRs are not open for scrutiny by any institution or individual. The Hon'ble Supreme Court vide their judgement dated 22.3.1988 while deliberating upon a similar issue in the matter of UPSC Vs. H.L. Dev and Ors. have held as under:-

“How to categorise in the light of the relevant records and what norms to apply in making the assessment are exclusively the

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functions of the Selection Committee. The jurisdiction to make the selection is vested in the Selection Committee”.

7.1.4 It is respectfully submitted that absence of any adverse remarks in the ACRs of an officer does not imply that the officer gets automatically selected by the Selection Committee. It is the overall assessment of ACRs of the officer vis-à-vis other officers in the zone that forms the criteria for merit selections. The statement of ACRs enclosed with the OA perhaps indicate the gradings of the ACRs which are confidential documents of the State Govt and they may be making submissions in this regard. As already submitted above, the Selection Committee adopts uniform and consistent norms and yardsticks in order to ensure justice, equity and fairplay in the matter of selection. Selection Committee is statutorily set up body which includes the Chairman or a Member UPSC as its President and several very senior officers both from the State Govt. and Govt. of India as its members. The basic idea behind setting up of a Selection Committee statutorily is to ensure equity, justice, fairplay and objectivity in selections. Thus, the contention of the Applicant that he ought to have been selected by the Selection Committee only on the basis of ACRs is misconceived, misguided and malicious.

7.2.1 As regards the contention made in 6(ii), it submitted that as already mentioned in paras 5.1 and 5.2, the State Govt. furnished the relevant information/documents to the Commission alongwith the complete proposal for convening the meeting of the Selection Committee for preparing the Select List of the year 2000. The State Govt. intimated that a prosecution sanction had been accorded in respect of Sh. N. Nagaraipam, Respondent No. 8. However, the fact that a charge-sheet had been filed in a court of law was not brought to the notice of the Commission before the meeting of the Selection Committee. In respect of Sh. L.K. Haokip, Respondent No. 9, it was mentioned that some vigilance/criminal

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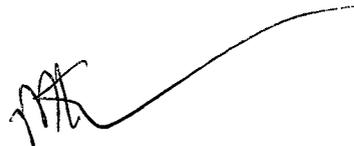
cases were pending against him and a charge-sheet had been filed against him in the court of law. The integrity certificate of Respondent No. 8, Sh N. Nagaraipam had been issued by the State Govt. whereas the integrity certificate of Respondent No. 9, Sh. L.K. Haokip was withheld.

7.2.2 In this connection, it is submitted that Regulation 5(4) of IPS Promotion Regulations specifically provides for inclusion of officers in the Select List whose integrity is withheld by the State Govt. or against whom departmental or criminal proceedings are pending or against whom anything adverse which renders them unsuitable for appointment to service comes to notice of the State Govt. However, their inclusion in the Select List remains provisional subject to furnishing of integrity certificate by the State Govt. or clearance from departmental/criminal proceedings or expunctions of adverse remarks. The disciplinary/criminal proceedings shall be treated as pending if a charge-sheet has been issued to the officer concerned or filed in a court of law. These officers are eligible to be appointed to IPS if they are exonerated from the disciplinary/criminal proceedings or the adverse remarks are expunged or their integrity is certified by the State Govt., as the case may be, during the period the Select List remains in force in terms of Regulation 7(4). There is no bar under the regulations to include such officers in the Select List. However, their appointments to the IPS can be made only after their names are made unconditional in the Select List by the Commission strictly in accordance with the provisions of first proviso to Regulation 7(4). The intention of the Promotion Regulations is not to penalise such officers unless their guilt is proved. The Selection Committee that met on 20.12.2000 included Respondent No. 9 in the Select List at Sl. No. 2, provisionally subject to grant of integrity certificates and clearance of disciplinary/criminal proceedings pending against him in accordance with the provisions of IPS Promotion Regulations. In respect of Respondent No. 8, the disciplinary/criminal proceedings could not be treated as pending in terms of

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IPS Promotion Regulations as the fact of issue of charge-sheet to him or filing in court of law was not known to the Selection Committee and was included unconditionally. Further, if before the approval of the Select List the State Govt. informed that a charge-sheet has been filed in a court of law against Respondent No. 8, the Select List prepared by the Selection Committee of 20.12.2000 can be suitably modified and his name can be made provisional in the Select List at the time of approval by the Commission in terms of the provisions of Regulation 7. Thus the contention of the Applicant that the officer(s) provisionally included in the Select List was inferior and blameworthy is against the statutory provisions of IPS Promotion Regulations. The contention of the Applicant is, therefore, malicious misconceived and not tenable both in law and fact. Regarding the issue of a charge-sheet to Respondent No. 8 prior to the SCM, the State Govt. may be making separate submission in this regard.

7.3.1 As regards the contention made in para 6(iii), it is respectfully submitted that the Selection Committee which met on 20.12.2000 assessed the service records of the SPS officers in the zone of consideration as furnished by the State Govt. As already submitted in reply to the contentions in para 6(ii), the selections of Respondent No. 8 and 9 have been made on the basis of overall relative assessment of their service records strictly in accordance with the provisions of IPS Promotion Regulations. As already submitted in para 4.3 above, the ACRs of the officers in the zone of consideration are the basic inputs to the Selection Committee for making selections. The ACRs dossiers contain the appreciation or adverse remarks/orders of penalties, if any, in respect of the officer concerned. The grading given by the reporting/reviewing officer in the ACRs reflects the absolute merit of the officers reported upon whereas the classification made by the Selection Committee on the basis of deep examination of service records of all the eligible officers in the zone of consideration reflects the merit of the officer in comparison with the other officers in the zone of consideration. The



Selection Committee adopts uniform and consistent norms and yardsticks in order to ensure equity, justice and fair-play in the assessment of ACRs. It is further submitted that the Selection Committee abides by the provisions of the IPS Promotion Regulations and these do not stipulate that the reasons are to be recorded by the Selection Committee for the assessment or selections made by them. However, Regulation 5(4) of the IPS Promotion Regulations requires that the Selection Committee classify the eligible officers as 'Outstanding', 'Very Good', 'Good' and 'Unfit' as the case may be on an overall relative assessment of their service records. It is reiterated that it is the prerogative of the Selection Committee to adopt certain norms and yardsticks for making just and equitable assessment of ACRs.

7.3.2 As regards the contention of the Applicant that his complete service records were not placed before the Selection Committee, it is respectfully submitted that the service records as furnished by the State Govt. was placed before the Selection Committee. The State Govt. who maintains the service records of SPS officers of State may make further submissions in this regard. As such, the contentions made by the Applicant regarding selections made by the Selection Committee only on the basis of assessment of ACRs, are without any basis and hence not tenable.

7.4 As regards the contention made in para 6(iv), it is submitted that the Selection Committee to make promotions to the IPS is constituted under Regulation 3 of the IPS Promotion Regulations. Regulation 3(3) clearly provides that the absence of a member other than the Chairman or the Member of the Commission shall not invalidate the proceedings of the Committee if more than half of the members of the Committee had attended its meetings. Thus, the absence of Director General of Police, Manipur who was a member of the Selection Committee does not entail any illegality or vitiate in the selections made

by the Selection Committee. The meeting of the Selection Committee was held in the office of the Union Public Service Commission at New Delhi and it was attended by the Chief Secretary, Govt. of Manipur, the Chief Secretary, Govt. of Tripura, DGP, Govt. of Tripura and I.G., Border Security Force, a Govt. of India nominee. Thus, the argument that only DGP, Govt. of Manipur could have furnished proper information to the Selection Committee relating to the work, service credentials of the officers in the zone of consideration has no force as the Selection Committee cannot be guided by personal predilections. The Selection Committee is required to make assessment on the basis of the service records which are placed before the Selection Committee. Even though, DGP, Manipur is a member of the Selection Committee, it cannot be argued that his absence has affected the assessment of the officers by the Selection Committee which comprised of five other senior members including the Member of the UPSC who presided over the Selection Committee. It is further submitted that the Selection Committee Meeting for preparing the Select List of the year 2000 had to be convened by 31.12.2000 as per the provisions of the IPS Promotion Regulations. The proposal from the State Govt. for convening the meeting of the Selection Committee was received only on 12.10.2000. The proposal was scrutinised and deficiencies were called for from the State Govt. and after duly examining the same, the Commission fixed the meeting for 20.12.2000. The State Govt. were requested by the Commission vide Fax message dated 1.12.2000 to make it convenient to attend the meeting of the Selection Committee as per schedule alongwith other members of the Selection Committee. However, DGP, Govt. of Manipur could not attend the meeting as per schedule on 20.12.2000. As the quorum of the meeting was complete in terms of the provisions of the IPS Promotion Regulations, the Selection Committee proceeded to prepare the Select List of the year 2000. It is worthwhile to mention that the Commission have a busy schedule and their schedules are prepared well in advance and it is not possible for the Commission to postpone the meetings without valid reasons.

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Moreover, the framers of the IPS Promotion Regulations have provided for quorum on foreseeing such eventualities and have not made any exception for the absence of a member of the Selection Committee other than the Chairman or the Member of the Commission. As such, it is submitted that this contention of the Applicant is based on his own perception and is without any merit.

7.5 As regards the contention made in para 6(v), it is submitted that the integrity certificate of SPS officers are issued or withheld by the State Govt. The matter is primarily within the domain of the State Govt. who may be making necessary submissions in this regard.

7.6 As regards the submissions made in para 6(vi), it is respectfully submitted that the IPS Promotion Regulations have since been amended on 31.12.1997 and the Provisions quoted by the Applicant relating to the size of the Select List have since been modified. As per the amended provisions of Regulation 5(1), the number of members of the State Police Service to be included in the list have now to be determined by the Central Govt. in consultation with the State Govt concerned and shall not exceed the number of substantive vacancies as on the first day of the January of the year in which the meeting is held. As such, the size of the Select List for the year 2000 was 2 (two) against existing 2 (two) vacancies as on 1.1.2000 in the promotion quota of the State cadre as determined by the Central Govt. in terms of Rule 4(2)(b) of IPS Recruitment Rules, 1954 read with Regulation 5(1) of the IPS (Appointment by Promotion) Regulations 1955. The contentions made by the Applicant in this para are, therefore, based on wrong information relating to the provisions of IPS Promotion Regulations.

7.7 As regards the contentions made in 6(vii), it is respectfully submitted that the State Govt. of Manipur vide their letter dated 6.2.2001 have submitted their observations on the representation dated 22.1.2001 of the Applicant. The



State Govt. have stated that the fact of filing of charge-sheet against Sh. N. Nagaraipam, Respondent No. 8 was not intimated to the Commission as it was reportedly not known to the department at that time. The State Govt. have further stated that entire ACR dossiers of the 6 (six) eligible officers in the zone of consideration were placed before the Selection Committee and that the fact and period of suspension of Respondents No. 8 and 9 in the last 8 years was also intimated to the Commission. In this connection, it is submitted that the entire service records of the eligible officers received from the State Govt. were placed before the Selection Committee. As already submitted in para 7.2.1 to 7.2.3 in reply to the contentions made in para 6(ii), it is submitted that there is no bar in the IPS Promotion Regulations to include the name of the officers against whom disciplinary/criminal proceedings are pending. There is no provision in the IPS Promotion Regulations to follow a sealed cover procedure for selections for promotion to IPS. Such officers are included provisionally subject to clearance of disciplinary/criminal proceedings pending against them. Regulation 7(4) of IPS Promotion Regulations further provides that the Select List shall remain in force till the 31st day of December of the year in which the meeting of the Selection Committee was held or upto 60 days from the date of approval of the Select List by the Commission under the provisions of Regulation 7(1), whichever is later. The names of provisionally included officers in the Select List can be made unconditional by the Commission on a proposal received from the State Govt., during the period when the Select List remains in force, to declare a provisionally included officer in the Select List as unconditional. The Commission decides on the matter within a period of 90 days or before the date of meeting of the next Selection Committee, whichever is earlier and if the Commission declares the inclusion of the provisionally included officer in the Select List as unconditional and final, the appointment of the concerned officer shall be considered by the Central Govt. under Regulation 9 and such appointments shall not be invalid merely for the reason that it was made after the Select List ceased to be in force. It



is submitted that the Select List prepared by the Selection Committee on 20.12.2000 is yet to be approved by the Commission in terms of Regulation 7. The process of approval of the Select List is in progress and the observations of the State/Central Govt. and Joint Cadre Authority in terms of Regulation 6 are being received. In view of the submissions made above, the contentions made by the Applicant in this para are denied.

8 That save those points which have expressly been admitted hereinabove others may be deemed to have been denied by the answering Respondent.

9. That in the premises as aforesaid it is respectfully submitted that the present application is devoid of merit and is not maintainable both in law and fact and as such it is liable to be dismissed with costs in so far as the answering Respondent is concerned.


DEPONENT

VERIFICATION

I do hereby declare that the contents of the above Statement are believed by me to be true based on the records of the case. No part of it is false and nothing material has been concealed.

Verified at New Delhi on

26th day of March, 2001


DEPONENT

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
14 MAY 2001
गुवाहाटी न्यायपीठ
Guwahati Bench

Filed by: 121
RK. Lait
14/05/01 Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUAHATI BENCH

D.A. NO.63 OF 2001

Shri Moirangthem Mani Singh

.. Applicant

- Vs -

The Union of India & 8 Ors.

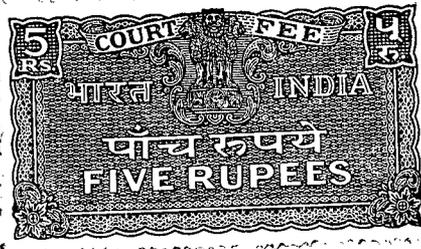
.. Respondents.

I N D E X

Sl.No.	Particulars of Documents	Page No.
1.	Reply Affidavit with Verification	1 to 11
2.	<u>ANNEXURE-A</u> Gazette notifications	12 to 14
3.	<u>ANNEXURE-B</u> Caveat Application	15 to 18
4.	<u>ANNEXURE-C</u> Judgment & order of CJM	19 to 31
5.	Vakalatname	32
6.	Notice	33

R7(4)

31/12-2000
2520/-
2001/



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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: GAUHATI BENCH
GAUHATI

O.A. No. 63 of 2001

In the matter of :-

Shri Moirangthem Mani Singh, M.P.S.

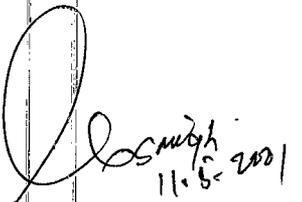
... Applicant

-Versus-

1. The Union of India.
2. The U.P.S.C.
3. The State of Manipur.
4. The State of Tripura.
5. The Selection Committee
(for selection of MPS Officer of
promotion to I.P.S.)
6. Shri D.L., Vohra, D.G.P, Tripura.
7. Shri V.C. Goul, I. G., BSF.
Govt. of India.
8. Shri N. Hgaraipam, M.P.S.
Commandant, Home Guards(V)
Manipur.
9. Sri L.K. Haokip, M.P.S.
S.P.(Crime Branch), Manipur.

... Respondents

-AND-


Oath Commissioner
Manipur

..2/-

In the matter :-

Reply affidavit for and on behalf
of the Respondent No.9.

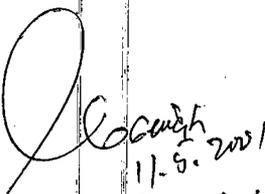
I, L.K.Haokip, M.P.S. now serving as Superintendent of Police, C.I.D., Crime Branch, Manipur, do hereby solemnly state as follows :-

1. That I am the respondent No.9 in the present proceedings/case and as such I am competent to swear this affidavit. I have gone through the application as well as the annexures enclosed therewith and I am fully conversant with the facts of the same.

2. That the Respondent No.9 begs to submit that the application of the applicant is not maintainable for there is no cause of action in as much as the result of the Selection Committee held on 20-12-2000 for promotion to I.P.S. from amongst the cadre officers of the Manipur Police Service including Respondent No.9 is not yet published and as such the application is premature and deserves outright dismissal/rejection.

3. That with reference to paragraph No.1 to 3 of the application under reply the answering Respondent No.9 begs to submit that since the result of the selection Committee held on 20-12-2000 for promotion of the Manipur Police Service cadre officers to IPS is not yet published there is no question of the inclusion or non inclusion of the names

..3/-


Oath Commissioner
Manipur

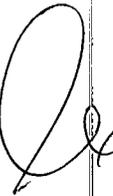
of the answering Respondent or the applicant in the select list as of now and as such there is no question of violation of statutory Rules, Regulations and Government guidelines holding the field, and also of running the period of limitation for filing application for challenging the said selection.

4. That with reference to paragraph No.4.1 and 4.2 of the application the answering Respondent have nothing to say.

5. That with reference to paragraph No.4.3 and 4.4 of the application the answering Respondent begs to submit that the applicant entered the services of the Manipur Police way back in the year 1964 (31-3-64) as Sub-Inspector of Police and during this relevant period the minimum age for entering service as Sub-Inspector of Police under direct recruitment is 20 years as per relevant Recruitment Rules. As per record, the recorded date of birth of the applicant is 30-01-46 which means that the applicant entered his service on 31-3-1964 when he was hardly 18(eighteen) years of age whereas under the relevant recruitment rules the minimum age for joining service as Sub-Inspector of Police is 20(twenty) years. Under the facts and circumstances stated above there is every room to have doubt that the applicant's original date of birth has been illegally changed/manipulated. In any case the date of birth of the applicant cannot be later than March 1944 for joining his service as Sub-Inspector of Police on 31-3-1964.

Copies of the Gazette notification showings the minimum age for entries in service as Sub-Inspector of Police are annexed as Annexure-'A'.

..4/-


11.5.2011
Oath Commissioner
Manipur

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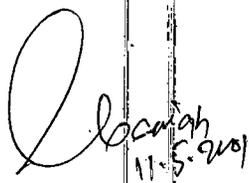
6. That as regards paragraph No.4.5 of the application under reply, the answering Respondent begs to submit that the submission of the applicant that he was illegally left out in the last selection held on 20-12-2000 for promotion to IPS due to improper consideration of his case, is false, incorrect and misleading in as much as the result of the selection held on 20-12-2000 is not yet published. It is a matter of surprise that how did the applicant gain access to the records of the proceedings of the said selection Committee and that too before the result is made public ;

Further it is submitted that as already stated in paragraph No.5 above the applicant has already crossed 54 years of age on 1-1-2000 and he was not eligible to be included in the zone of consideration for promotion to I.P.S. in the selection committee held on 20.12.2000. Yet the applicant managed to have his name included in the zone of consideration by showing his dubious date of birth (30.01.46).

It is also submitted that the applicant's submission that the said year being the last year eligible for consideration of the applicant for promotion to P.P.S. has got no relevance to the rules for the said promotion as the applicant is not required to get promotion merely because it is his last chance.

7. That, with reference to paragraph No.4.6 of the application under reply it is denied that the Applicant, who is a promotee MPS officer of 1981 batch, has got a better service record than the Respondents No.8 and 9 who are direct recruit MPS officers of 1975 batch. It is highly questionable and objectionable as to how the applicant came to know the

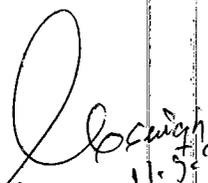
.. 5/-


11.5.2001
Oath Commissioner
Manipur

grading of the officers including his own and of other officers, which are highly confidential as it amounts to violation of the provisions of the official Secrets Act and official decorum and norms, on the part of the Applicant to gain access to the said confidential documents. From the conduct of the Applicant as shown in his application under reply it may be submitted that if averments of the Applicant regarding the ACRs is correct, there is every possibility that the Applicant might have managed and manipulated the ACRs in his favour and against the Respondent No.8 and 9.

It may be pertinent to mention here that in the present application under reply the applicant stated that the Respondents No.8 and 9 have been selected for promotion to IPS in the selection committee held on 20.12.2000 and the said selection is being challenged in the present case before this Ld. Tribunal on one hand and on the other the answering Respondent No.9 received a true copy of the CAVEAT application dated 2nd April, 2001 filed by the Applicant in the Hon'ble Gauhati High Court, Imphal Bench. The CAVEAT application discloses that the Applicant files the same in expectation of a Writ Petition likely to be filed by the answering Respondent (non-Caveator) praying for a writ/order/direction in the nature of Mandamus for directing the concerned authorities to declare the result of the Selection Committee meeting held on 20/12/2000 for preparing a list of members of the Manipur (State) Police Service (MPS) under Regulation 5 and 7 of the Indian Police Service (Appointment by Promotion) Regulation, 1955 for promotion to the Manipur/Tripura Joint Cadre of the I.P.S.

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11.5.2001
Oath Commissioner
Manipur

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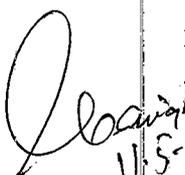
The present application under reply and the Caveat application mentioned above are quite contradictory. The applicant files the present application on mere surmise and not basing on facts that constitute cause of action. Therefore, the application is liable to be rejected/dismissed.

Photocopy of the Caveat application dated 2nd April, 2001 is enclosed as ANNEXURE-8.

8. That, with reference to paragraph No.4.7 of the application under reply the answering Respondent No.9 begs to reiterate that the result of the meeting of selection committee held on 20.12.2000 is not yet published and the averments/allegations made in the said application are based on surmise. The averments made in the said paragraph speaks volumes of about the integrity of the applicant himself who could get access to the records of the proceedings of the said selection committee meeting held on 20.12.2000 at New Delhi for which result is also not yet published.

Regarding the applicant's averment that the Selection Committee took into consideration the ACRs for the last five years viz 1994-95, 1995-96, 1996-97, 1997-98 and 1998-99 the answering Respondent have nothing to comment except that during the said period there was no disciplinary proceedings pending against the Respondent No.9 and also there was no charge sheet filed against the answering Respondent during the said period in connection with any criminal case.

.. 7/-


11.5.2001
Oath Commissioner
Manipur

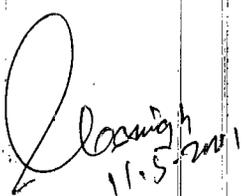
9. That, regarding the averments made in paragraph No.4.8 the answering Respondent No.9 has nothing to comment and the same is to be replied by the Respondent No.8.

10. That, with reference to paragraph No.4.9 and 4.10 of the application under reply the answering Respondent begs to submit that a false case being FIR No.322(8)98 IPS, U/S. 121/121-A/400/212 IPC, 13 UA(P) Act and 25(I-B) was registered against six persons initially and the same FIR was later on manipulated and the name of the answering Respondent was also included as the 7th(Seventh) accused at the behest of some interested person and charge sheet dated 12.5.99 was submitted. The case has been disposed of finally by the Chief Judicial Magistrate, Imphal on 21.04.2001 holding that there is no material for framing charge against the accused and all the accused persons have been discharged from the liability of the case. It is also submitted, as stated in paragraph No.8 above, during the relevant period from 1994-1995 upto 1998-99 there was no departmental proceeding pending against the answering Respondent.

Copy of the Judgment and order dated 21.04.2001 passed by the Ld. CJM, Imphal is annexed as ANNEXURE-C.

11. That, with reference to paragraph No.4.11 of the application under reply the answering Respondent begs to say that as stated above the result of Selection Committee meeting held on 20.12.2000 is not yet published, the allegations and averments of the Applicant made therein are unfounded, baseless and cannot be believed as the Applicant or the answering Respondent are not supposed to know all those things.

.. 8/-


11.5.2001
Oath Commissioner
Manipur

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12. That, as regards the allegations and averments made in paragraph No.4.12 of the application under reply the answering respondent submits that the same are wild allegations which are devoid of truth. It is for the Selection Committee to select or not to select any candidate according to their wisdom and practice, basing on the materials they require. Until the result of the said selection is out the Applicant and also the answering respondent cannot question anything pertaining to the said selection. Therefore, the submission of the Applicant that his case was not properly considered or that there was improper consideration and the same has resulted in miscarriage of justice is out and out false, hence denied.

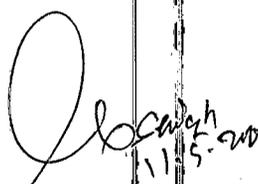
The ACR gradings mentioned by the Applicant is his own assessment based on no material basis and as such cannot be acted upon.

From the submissions made by him in his application under reply it is apparent that the Applicant has lost sight of the aspect that he is junior to the Respondents No.8 and 9 by more than 6(six) years.

13. That, as regards paragraph No.4.13 of the Application under reply it is submitted that the composition of the Selection Committee was made as per rules governing the Manipur and Tripura joint Cadre of I.P.S. However, it is submitted that this matter may be best replied by the concerned Respondent.

14. That, as regards paragraph No.4.14 and 4.15 of the application under reply the answering Respondent No.9 submits that he has no knowledge if a move is on in the

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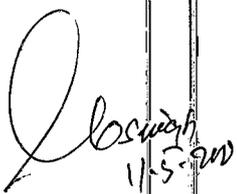

11/5/201
Oath Commissioner
Manipur

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Government of Manipur for issuing the integrity certificate in respect of the Respondents No.8 and 9. From the submissions of the applicant it may not be wrong to say that the Applicant is indulging in the habit of stealing confidential documents from different departments including UPSC which per se speaks about his integrity being a responsible officer of the Manipur Police. Otherwise, the present O.A. has been filed by the Applicant on mere surmise. It is submitted that the applicant has been playing hide and seek game from his initial appointment as Sub-Inspector of Police way back on 31.03.1964 in which his minimum age for joining the said service was 20 years and later on he managed to show his date of birth as 1.2.1946 for the purpose of including his name among the eligible candidates for promotion to I.P.S. in the Selection Committee meeting held on 20.12.2000. Thus, the Applicant has shown that he has two different sets of dates of birth viz one for entering in service and another for other service benefits. From all the said acts and conduct of the Applicant it is submitted that he has not come with clean hands in filing the present O.A. and the same deserves dismissal.

15. That, with reference to paragraph No.4.16,4.17 and 4.18 of the application under reply the answering Respondent begs to state that since the result of the said Selection Committee is not yet published there is no question of deprivation of any right of the Applicant. The rests of the averments are to be dealt with by the concerned authorities.

.. 10/-


11.5.2001
Oath Commissioner
Manipur

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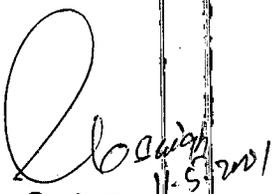
16. That, as regards to paragraph No.5.1 to 5.11. of the application under reply, the answering Respondent No.9 begs to submit that the grounds stated therein may be raised by and available to the applicant only after the cause of action for filing the present case has taken place i.e., after the result of the said Selection Committee held on 20.12.2000 has been made public as stated in the foregoing paragraphs. Therefore, the grounds made by the Applicant are premature and not tenable and deserves outright rejection.

17. That, as regards paragraph No.6 and 7 of the application under reply, the Applicant is put to strict proof of the contents thereof.

18. That, with reference to paragraph No.8 and 9 of the application under reply the answering Respondent begs to state that in view of the facts, circumstances and statements made in the foregoing paragraphs of this reply affidavit the Applicant has no cause of action and he is not entitled to any of the reliefs in as much as the application is premature and as such the Applicant has no right to install the process of selection without any tangible ground/basis and merely on surmise. Therefore the Applicant is not entitled to the interim relief for restraining official Respondents from promoting the persons duly selected by the selection Committee to the post of IPS during the pendency of this application.

The application of the applicant is devoid of merit and deserves to be dismissed.

.. Verification..11/-


Oath Commissioner
Manipur

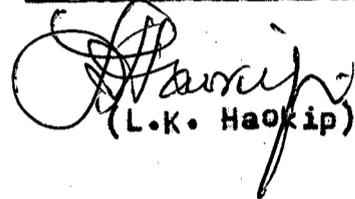


V E R I F I C A T I O N

Verified that the statements made in this Reply Affidavit in paragraph No.1 to 18 are true to my knowledge which I derive from the records and the annexures annexed herewith are true copies of the original.

Dated/ Imphal,
the 11 th day of May, 2001.

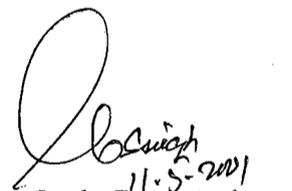
Signature of Deponent.


(L.K. Haokip)

BY:-

Veisiron L.
Advocate.

Solemnly affirm before me on...11.5.2001
at...Imphal...at the Court premises
by the Deponent who is identified
by *Veisiron L. Advocate*
The Deponent seems to understand
the contents fully well on their
being read over and explained to him.


11.5.2001
Oath Commissioner
Manipur

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12

Separate paging is given to this Part in order that it may be filed in a separate compilation.

PART IV
MANIPUR ADMINISTRATION

SUPERINTENDENT OF POLICE MANIPUR, IMPHAL.
ADVERTISEMENT

Imphal, the 6th Decmber, 1961.

Applications for some posts of Sub Inspector of Police, Manipur (Cadets) will be received by the undersigned upto 16.12.61. The candidates must be of good physique having minimum qualifications of Intermediate passed or equivalent standard of a recognised University and age between 20 and 24 years. Qualifications in respect of Scheduled Tribes/Castes are relaxable in case they are otherwise well qualified. The candidates are to appear personally with all University Certificates and other testimonials if there be, before the Police D. P. C. on 19.12.61 at 1000 hours at Police Reserve Office, Imphal at their own expenses. Selected candidates will have to join Police Training College, Barrackpore, West Bengal, on 2nd January, 1962.

L. GOPAL SINGH,
Superintendent of Police, Manipur, Imphal

OFFICE OF THE EXECUTIVE ENGINEER STORES & WORKSHOP
DIVISION P. W. D. MANIPUR.

NOTICE

The last date of receiving tender for the works (i) "Development of Lamphelpat, Sub-head providing main storm water drains" and (ii) Development of Lamphelpat Area (providing Road) preparation of sub-grade amounting to Rs. 2,57,375/- and Rs. 63,518/- circulated under this office endorsement No. SW/CT/1/60/II/10367-S dated 24.11.61 and No. SW/CT/1/61-II/10389-404 dated 24.11.61 (respectively) has been extended upto 1500 hours on 14/12/61 and sale of tender form shall be upto 1500 hours on 13/12/61. Other term & conditions will remain the same.

HARISH CHANDRA,
Executive Engineer,
Stores & Workshop Division, P.W.D. Manipur.

TRUE COPY
Advocate

OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES.
NOTIFICATIONS.

Dated Imphal, the 21st October 1961.

No 9/cs/61-62.—It is notified for general information that pursuant to section 11 (2) of the Assam Co-operative Societies Act, 1949 (Act 1 of 1950) the Potsangbam Labour Contract Co-operative Society Ltd has been registered and numbered as No. 9 of 1961-62 dated the 21st day of October of the year one thousand nine hundred and sixty one Anno Domini.

No. 10/cs/61-62.—It is notified for general information that pursuant to section 11(2) of the Assam Co-operative Societies Act, 1949 (Act 1 of 1950) the Tolloi Co-operative Labour Contract Society Ltd has been registered and numbered as No. 10 of 1961-62 dated the 21st day of October of the year one thousand nine hundred and sixty one Anno Domini.

No. 11/cs/61-62.—It is notified for general information that pursuant to section 11 (2) of the Assam Co-operative Societies Act, 1949 (Act 1 of 1950) the Phungton Co-operative Labour Contract Society Ltd has been registered and numbered as No 11 of 1961-62 dated the 21st day of October of the year one thousand nine hundred and sixty one Anno Domini.

Dated, Imphal the 23rd October 1961.

No. 12/cs/61-62.—It is notified for general information that pursuant to section 11 (2) of the Assam Co-operative Societies Act, 1949 (Act 1 of 1950) the Top Sapam Liekai Co-operative Labour Contract Society Ltd has been registered and numbered as No. 12 of 1961-62 dated the 23rd day of October of the year one thousand nine hundred and sixty one Anno Domini.

M. SHIVANNA
Registrar, Co-operative Societies, Manipur.

OFFICE OF THE ASSISTANT REGISTRAR, INDUSTRIAL CO-OPERATIVE SOCIETIES MANIPUR.

NOTIFICATIONS.

Dated, Imphal the 31st August 1961.

No. 9/INDCOS/61-62 It is notified for general information that pursuant to section 11 (2) of the Assam Co-operative Societies Act 1949 (Act 1 of 1950) as extended to the Union Territory of Manipur the Meitei Slate Producers Co-operative Society Ltd, has been registered and numbered as No. 9 of 1961-62 dated the thirty first August of the year one thousand nine hundred and sixty one Anno Domini.

Certified true xerox copy of G. No. 12 dated 13.12.1961

Oath Commissioner
Manipur

(TH. SURCHAND SINGH)
Librarian

Printing & Stationery
Manipur.

APPENDIX

GOVERNMENT OF MANIPUR RECRUITMENT RULES FOR CLASS III/IV POSTS

Name of post	No. of post	Classification	Scale of pay	Whether selection or non-selection post (for promotion posts only)	Method of recrt. whether by direct recrt. or by promotion or transfer and percentage of the vacancies to be filled by various methods.	Age limit	For direct recrt. only.		Whether age and educational qualifications prescribed for D.P.C. will apply in the case of promotion.	In case of recruitment by promotion transfer, grades from which promotion/transfer to be made.	Circumstances in which UPSC is to be consulted in making recrt.
							Educational & other qualifications reqd.	Period of probation trial, if any			
1	2	3	4	5	6	7	8	9	10	11	12
1. Inspector of Police (Police Officer)	1	G.C.S. Class II (Gazetted)	Rs. 20-350-EB-20-450 Plus allowances as admissible to Inspector of Police in C.I.D.	Selection	Promotion or Direct Recruitment	25 to 57 yrs.	(1) Graduate in Science or Arts or Commerce. (2) Bachelor's Degree in Law or in Criminal Law. (3) Three years' experience of practice in Criminal Law or 5 years' service as S.I. or Assistant Public Prosecutor.	Two years	Yes in respect of educational qualification.	(a) Sub-Inspector of Police Class III or (b) Asst. Public Prosecutor D.P.C. of the Deptt. with minimum of 5 years' service in the rank.	
2. Inspector of Police (Scientific Assistant)	1	G.C.S. Class III (Gazetted)	do	do	Promotion (filling which by direct recruitment)	21 to 29 yrs.	(1) B.Sc. with Physics and Chemistry. Preference with three years' experience of working in a Forensic Science Laboratory in an educational institution or 5 years' service as S.I./Asst. Public Prosecutor.	Two years	Educational qualification only will apply.	Sub-Inspectors of Police Class III with five years' service in D.P.C. of the rank of S.I. and having the Deptt. educational qualification as per column 8.	
3. Sub-Inspector of Police (Assistant Public Prosecutor)	1	G.C.S. Class III (Non-Gazetted)	Rs. 20-312-50-250-EB-12-15-350-EB-15-507 Plus allowances as admissible to Sub-Inspector of Police in C.I.D.	do	Direct recruitment	21 to 29 yrs.	(1) Graduate Arts or Science or Commerce. (2) Bachelor's Degree in Law or in Criminal Law.	Two years	do		Class III D.P.C. of the Deptt.

TRUE COPY
Advocate

Printed and published by the Supt. Prtg. & Sty. Manipur, C-260, 21-4-69.

(Signature)
11.5.2001
Oath Commissioner
Manipur

Certified that xerox copy of
E/G No. 15 - E-12 dt. 21.4.1969.

(Signature)
11/10/93
P. Surchand Singh

Litho. and
Printing & Stationery
Manipur.

1.										
2.	Sub-Inspector of Police.	50% GCS	100-7-160	Selection.	1. By direct recruitment 50% of the cadre posts. 2. By promotion 50% of the cadre posts.	Minimum 20 yrs. max.	Essential	1.1 years trf. in the police trf. as		Py P. The
3.	per- III ma- ment,	Class III	-23-9-250/-				1. Graduate of a recognised Univer-college as stly; 2. Min. a cadet height 5'3" (height for repairs 5'2" 1 post), 3. Min. chest measurement (for males only) 34"-37" Doctrable	1.1 years trf. in the police trf. as	N.A.	are POL
4.	tem- para- ry.	plus DA.	SI under training will get 2.75/- plus usual DA etc)					2.2 yrs. practical trf. in the Dis- rict as a professional - ry SI. 3. Drawal of 2nd increment & confirmation as SI are sub- ject to (a) passing of prescribed test & (b) successful completion of prescribed trgs. in		fail are POL

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Advocate

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Oath Commissioner
Manipur

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1.	2.	3.	4.	5.	6.	7.	8.	9.
3. Asst. Sub-Inspector of Police.	54 permanent 27 temporary.	GCS Class III	60-2-30-EB-124-100% D.A.	Selection.	By promotion 75% of the Cadre (60 Posts) by direct recruitment 25% of the Cadre (21 Posts)	13 yrs. Max. 25 yrs.	Essential 1) Matriculation of equivalent of a college. 2) Recognise University. 3) Min. height 5'3"; 3) Min. chest measure-31" 33" & confirmation as ASI 4) Knowledge of Hindi, 2. ITB. in MCC.	1. Nine months training in a police college. 2. 1 yrs' probation in the district. 3. Drawal of 2nd increment & confirmation as ASI (a) Passing of departmental test & (b) successful completion of prescribed training.

19

[Signature]
11-5-2021
Oath Commissioner
Manipur

ANNEXURE - B

197

STATE : MANIPUR
DISTRICT : IMPHAL WEST.

IN THE GAUHATI HIGH COURT
(The High Court of Assam, Nagaland, Meghalaya,
Manipur, Tripura, Mizoram and Arunachal Pradesh)

IMPHAL BENCH

CIVIL MISC. (CAVEAT) APPLICATION NO. OF 2001.

To

The Hon'ble Chief Justice,
Sri N.C. Jain, B.A., LL.B.
of the Gauhati High Court
and his Lordship's Associate
Justices of the same High
Court.

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N. Rome

ADVOCATE

IN THE MATTER OF -

Caveat Petition of the Caveator named below, in expectation of a Writ Petition (under Art. 226) with an interlocutory application likely to be filed by the Non-Caveator named below, for issuing a writ/order/direction in the nature of Mandamus directing to declare the result of the meeting of the Selection Committee meeting held on 20-12-2000 for preparing

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N. Rome
Advocate

[Signature]
Oath Commissioner
Manipur
11-5-2001

... 2/-

(2)

a list of members of the Manipur (State) Police Service under Regulation 5 of the I.P.S. (Appointment by Promotion) Regulation, 1955 for promotion to I.P.S. and for further process/steps in the matter.

AND

IN THE MATTER OF -

Sri M. Mani Singh, M.P.S.,

S/O, M. Bidhu Singh, presently working as Superintendent of Police, Vigilance and Anti Corruption, Government of Manipur at Imphal.

- CAVEATOR

-Versus-

1. Sri L.K. Haokip, M.P.S.,

presently working as Superintendent of Police, Crime Branch, Manipur, Imphal.

- NON-CAVEATOR

Most Respectfully Sheweth:-

1. That, the Caveator above named beg to lodge this Caveat application in expectation of a Writ Petition with an interlocutory application for interim order/direction likely to be filed by the

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Advocate

... 3/-

Joseph
11.9.2011
Oath Commissioner
Manipur

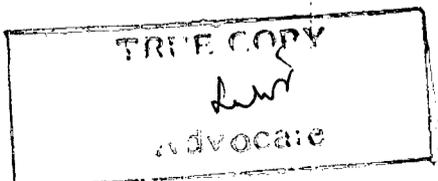
(3)

Non-Caveator above named praying for a writ/order/direction in the nature of Mandamus for directing the concern authorities to declare the result of the Selection Committee meeting held on 20-12-2000 for preparing a list of members of the Manipur (State) Police Service (M.P.S.) under Regulation 5 and 7 of the Indian Police Service (Appointment by Promotion) Regulation 1955 for promotion to the Manipur/Tripura Joint Cadre of the I.P.S.

2. That the Caveator had already preferred an application being Original Application (O.A.) No.63 of 2001 before the Central Administration Tribunal, Guwahati Bench, challenging the proceedings of the said meeting of the Selection Committee constituted under Regulation 3 of the I.P.S. (Appointment by Promotion) Regulation, 1955 on the ground of illegality and procedural lapses committed by the Selection Committee and the same is now pending. The non-Caveators herein are made parties in that proceeding before the C.A.T., Guwahati Bench.

3. That in order to avoid the orders passed in the said O.A. No.63/2001, there is every possibility for the Non-Caveators to file a Writ Petition under Art.226 of the Constitution of India with an Interlocutory Petition seeking an order from this Court directing the concerned authorities to declare the result.

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[Signature]
11.5.2011
Oath Commissioner
Manipur

(4)

4. That in the event, the Non-Caveator, do file a Writ Petition with an Interlocutory, Petition, as described in the proceeding paragraph No. 3, the Caveator may be given an opportunity of being heard before any interim order is passed by this Hon'ble Court.

5. That, a copy of this Caveat Application has been sent to the address of the Non-Caveator by registered post with acknowledgment due. The Postal Receipt issued by the Post Office for sending the Caveat Application by post is filed/ enclosed herewith for kind reference of the Hon'ble Court.

SJK

Dated/Imphal,
2nd April, 2001.

Signature of Caveator.

Encl:-

1. Postal Receipts.
2. Vakalatnama.

Drawn by:- SJK.

(A. Jiten Singh)
Advocate,
C/O, N.P.C. Singh,
Senior Advocate.

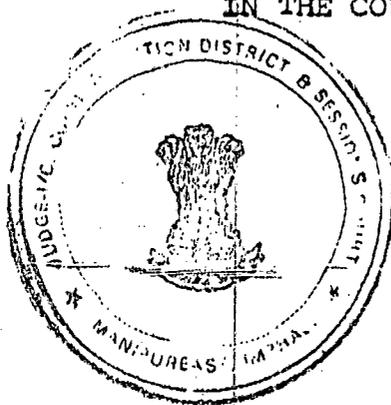
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Advocate

[Signature]
11-5-2001
Oath Commissioner
Manipur



प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	रटाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित रटाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
24/4/2001	4/5/2001	5/5/2001	5/5/2001	5/5/2001

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, IMPHAL, MANIPUR.



Cril.(P)Case No. 10/99/2/2001.

Ref:- FIR Case No. 322(8)98 I.P.S.

U/S 400 IPC; 120-B IFC and
25(1-B) Arms Act.

The State of Manipur.

-Versus-

1. Thongkholun Lupheng & Kansha (25)
s/o (L) Thangboi Lupheng of
Nongdum Village.
2. Seikhotingam @ Ngamcha (23), s/o
Lupho Shohen of Maphou Dam,
Senapati District.
3. Yangminthang Haokip @ Thangboi
@ Wilson (23) s/o (L) Lalkholun
Haokip of Bungbal Khullen.
4. Manglun Haokip (28) s/o Seijamang
Haokip of Motbung Village.
5. Thangsonwoun @ Janathan (22) s/o(L)
Khupal of Sumchivan Village,
Churachandpur.
6. Manlun Jamkhomang @ Mang (35) s/o
M. Janghen Khongkhajang of Khong-
khajang Village.

Examined by me and attested to be
true copy of the original.

S. P. Checker

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Advocate

Oath Commissioner
Manipur

contd....2/-



142

प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आपेक्षक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
24 APR 2001	04 MAY 2001	05 MAY 2001	05 MAY 2001	05 MAY 2001

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7. Lulkhel Khaijamang Hockip (45) s/o
Sonkhojao Hackip of New Lambulane,
Imphal.

... Accused persons.

B E F O R E

Smt. Kh. Gomati Devi : Chief Judicial Magistrate,
Imphal.

P R E S E N T

For the accused : R.K. Lalit Singh, Advocate;
Veisirou L. Advocate.

For the State : Ng. Tejkumar Singh, Assistant
Public Prosecutor.

Date of Order : 21-04-2001.

JUDGEMENT AND ORDER

1. This is to dispose of the hearing on whether charge should be framed against the accused above or not.

2. I have heard the Id. counsel for the accused and the Id. Asst. P.P. the State. Perused the record.

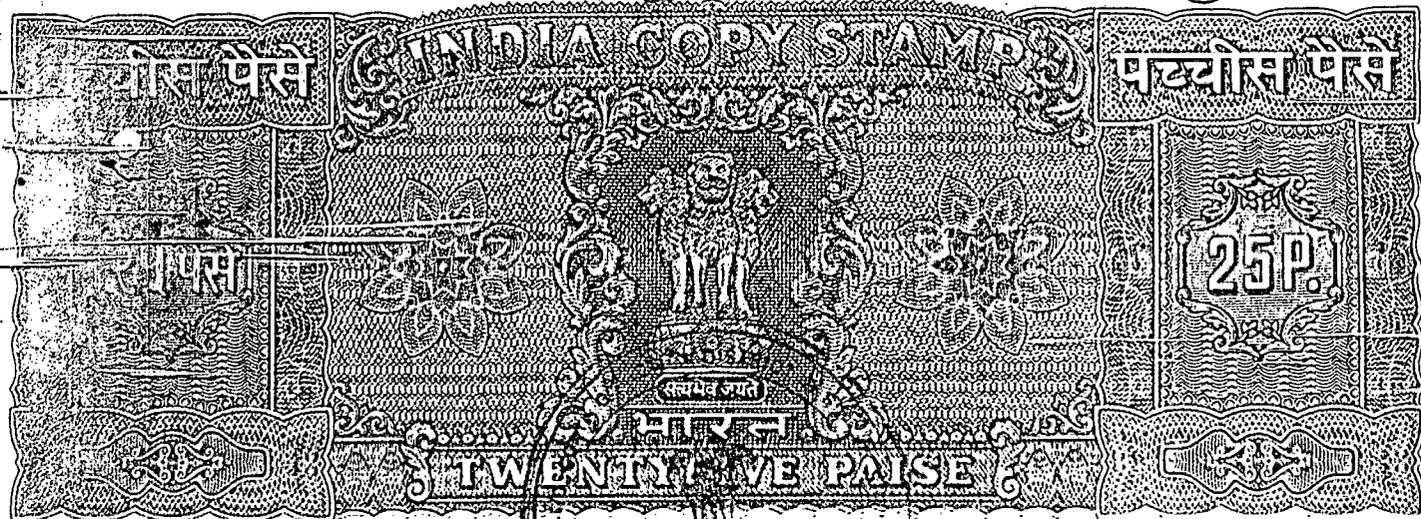
Examined by me and attested to be true copy of the original.
S. of Checker

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Advocate

[Signature]
11.5.2001
Oath Commissioner
Manipur

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43



प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की तिथि तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तिथि *Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
24 APR 2001	04 MAY 2001	05 MAY 2001	05 MAY 2001	05 MAY 2001

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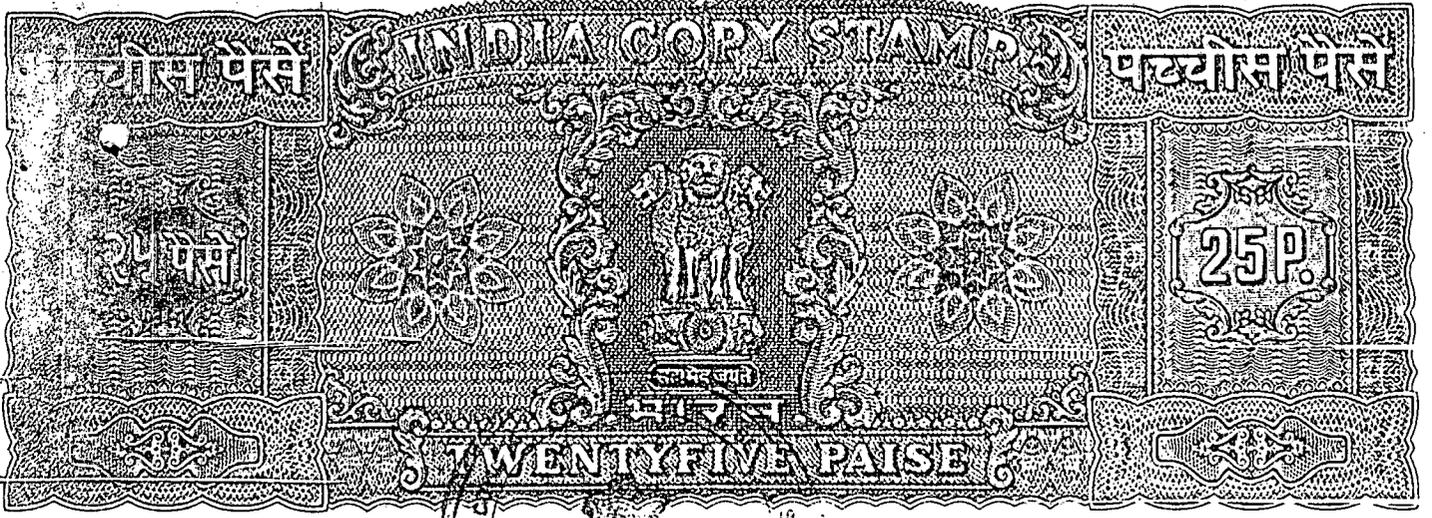
3. The prosecution story of the case is that on 01.08.1999 at about 8.45 a.m., the Complainant Subedar J.C. No. 20672 Jai Bir Singh of 57 Mtn. Division C/O 99 APO lodged an ejarah to the Officer-in-charge, Imphal Police Station stating that on receipt of a specific information regarding some K N F (P) activists are taking shelter in the house of C.O, Home Guard, Mr. L.K. Haokip (accused No. 7) at New Lambulane, Imphal, an Army Column of 57 Mtn. Division carried out search at his house at 0100 Hours of 31.07.1998 and apprehended six KNF(P) activists, the accused No.1 to 6 and recovered one .32 Pistol Lama bearing No.830991 (on slide inside) and No. 839591 (on barrel) with magazine, 2(two) live rounds of .320 KYNOCH from the possession of Thongkholun Lumpheng, accused No.1, six rounds of .32 arms from the possession of accused No.3 Seikhotingam @ Ngamcha, one live round of A.K.47 assault rifle

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of Checker.

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[Signature]
Advocate

[Signature]
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Manipur

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149

प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोटिओ की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and follow	अपेक्षित स्टाम्प और फोटिओ देने की तारीख Date of delivery of the requisite stamps and follows.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
24 APR 2001	04 MAY 2001	05 MAY 2001	05 MAY 2001	05 MAY 2001

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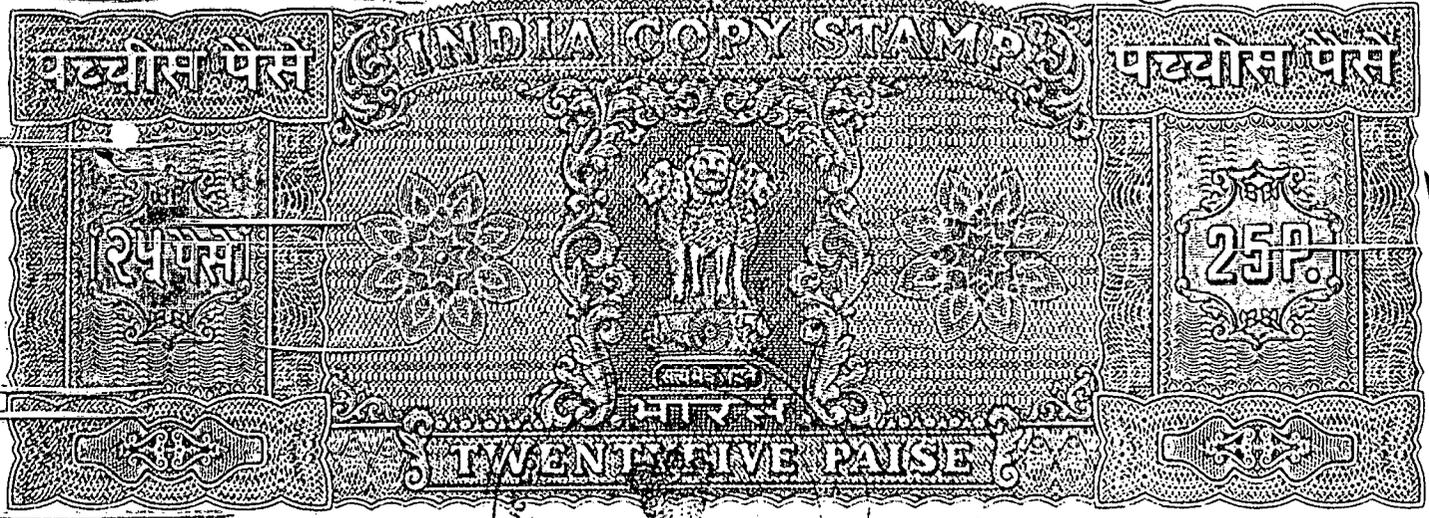
from the possession of the accused No.2 Yangmin-
 thang. It is stated that the six accused were
 -graded black being members of underground organi-
 sation of KNF(P) and the accused were handed over
 to the Officer-in-charge, Imphal Police Station
 alongwith the seized articles. The Officer- in-
 Charge, Imphal Police Station registered the re-
 ferred case and endorsed to S.I. Melababu Singh of
 Imphal Police Station for investigation. During the
 course of investigation, the seized articles were
 sent to the FSL, Pangei. The expert opined that the
 seized .32 Pistol is in working condition and seized
 ammunition of .32 Calibre cartridges and 7.62 mm
 calibre A.K. Cartridge except one are all live ones.
 The I.O. examined 16 witnesses. He then obtained
 prosecution sanction U/S 39 A.Act for prosecuting
 the accused No.1 Thongkholun Lupheng, accused No. 2
 Seikhotingam @ Ngamcha @ Nganbona and accused No. 3
 Yangminthang Haokip @ Thangboi @ Wilson from the

Examined by me and attested to be
 true copy of the original.
 S. of Officer

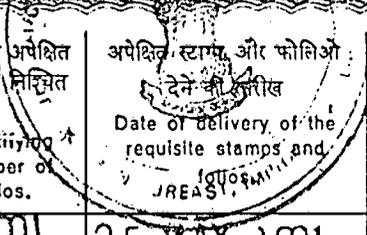
TRUE COPY
 Advocate

District Magistrate, Imphal West District, Shri H. Imocha Singh under Letter No. DM(IW)/1/22/CON/94(Ft)

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 11.5.2001
 Oath Commissioner
 Manipur



145



प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
24 APR 2001	04 MAY 2001	05 MAY 2001	05 MAY 2001	05 MAY 2001

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dated 28.09.1998 for their unauthorised possession of the above arms and ammunitions. The I.O. again obtained prosecution sanction U/S 197 Cr.P.C. for prosecuting the accused No. 7 Lulkhel Khaijamang Haokip, MPS for prosecuting U/S 212 I.P.C. for knowingly harbouring KNF(P) members on the said day of occurrence. Then submitted Charge Sheet U/S 400 I.P.C. read with Sec. 120-B I.P.C. and Sec.25(1-B) Arms Act against accused No.1 to No. 6 and U/S 212 I.P.C. against the accused No. 7.

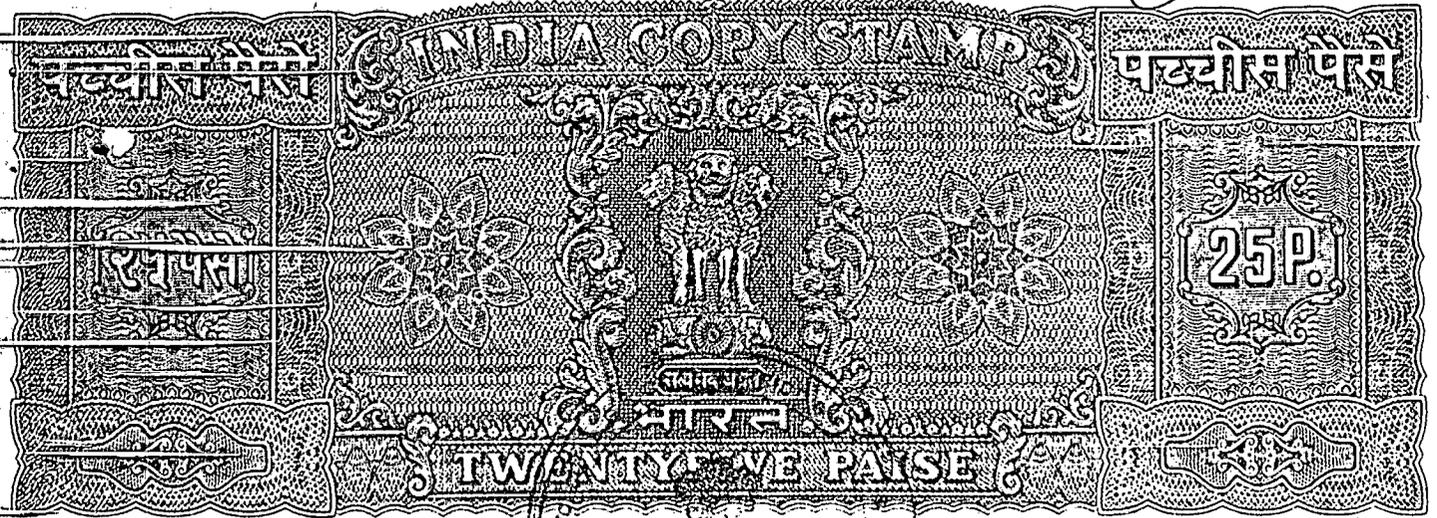
4. The accused appeared before the Court and furnished with copies of the relevant documents. Of the above offences, Sec. 400 IPC is exclusively triable by the Court of Sessions. Accordingly on 22.01.2001, the accused were committed to the Court of Sessions Judge, Manipur East to stand trial. However, the Ld. Sessions Judge, Manipur East Vide order dated 08-03-2001 in his S.T. Case No. 2 of

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S. of Checker

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Advocate

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24 APR 2001	04 MAY 2001	05 MAY 2001	05 MAY 2001	05 MAY 2001

-(6)-

2001 ordered that there is no sufficient basis for framing charge for the alleged commission of the offence U/S 400 I.P.C. and sent down the record to this Court for consideration about the question of framing charges in respect of the alleged remaining offences and proceeding in accordance with law U/S 228(1)(a) Cr.P.C. Section 228(1)(a) Cr.P.C. runs as follows :-

- (1) If after such consideration and hearing as aforesaid, the Judge is of opinion that there is ground for presuming that the accused has committed an offence which
 - (a) is not exclusively triable by the Court of Sessions, he may, frame a charge against the accused and by order, transfer the case for trial to the Chief Judicial Magistrate and thereupon the Chief Judicial Magistrate shall try the offence in accordance with the procedure for the trial of warrant cases instituted on a police report.

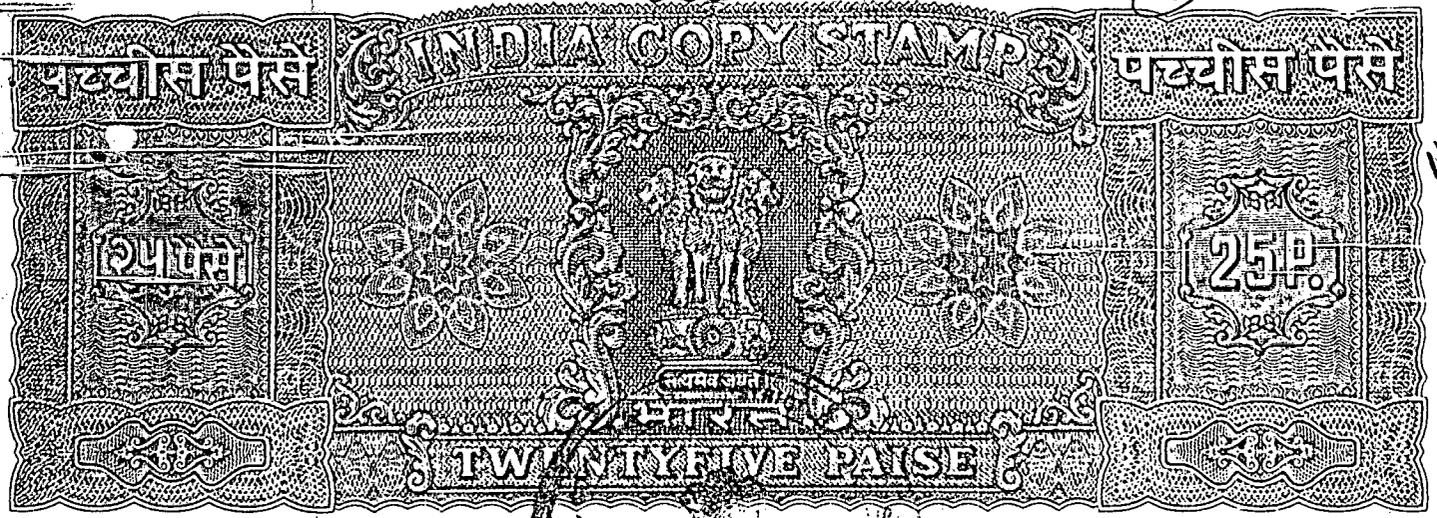
5. The remaining offences are Sec. 25(1-B) Arms Act and Sec. 212 I.P.C.

Examined by me and attested to be true copy of the original.
S. of Checker.

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[Signature]
Advocate

[Signature]
11.5.2001
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Manipur

contd....7/-



147

प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
24 APR 2001	04 MAY 2001	05 MAY 2001	05 MAY 2001	05 MAY 2001

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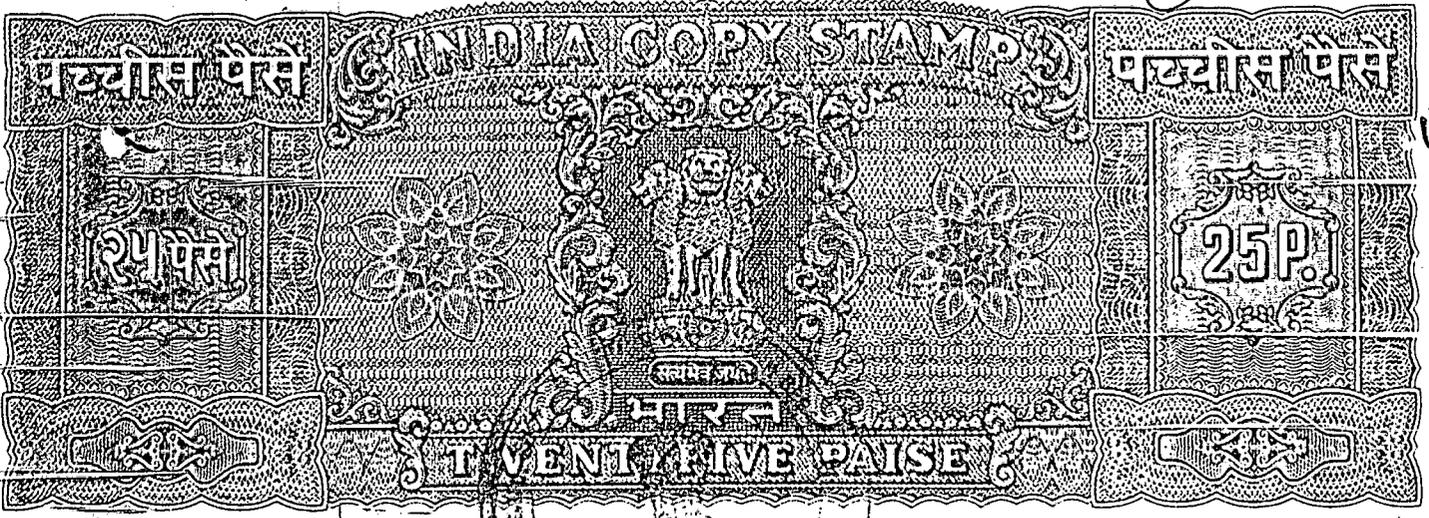
6. The trial of warrant cases by Magistrates of cases instituted on a police report deals in Chapter XIX of Cr.P.C. from Sec. 238 to Sec. 243. As Sec. 238 Cr.P.C. have already complied with proceeded U/S 239 Cr.P.C. The parties are heard on whether there is sufficient ground for framing charges against the accused or not. At the very outset, the Ld. counsel for the accused submitted that there is no sufficient ground for framing charge against the accused. The Ld. counsel submitted that the sanction issued U/S 39 Arms Act was issued by District Magistrate, Imphal West who is incompetent to issue the same in the present case. He submitted that the alleged occurrence took place at the house of the accused at New Lambulane which is situated within the Imphal East District. Hence, sanction U/S 39 Arms Act in the present case is to be issued by the District Magistrate, Imphal East. As the sanction was issued by the incompetent authority, it is an invalid sanction and no prosecution can be launched U/S 25(1-B) against the accused.

Examined by me and attested to be true copy of the original.
S. of Checker
11/5/2001

[Signature]
11.5.2001
Oath Commissioner
Manipur

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[Signature]
Advocate

No. 1 to 6.



148

प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टांप और फोलियो की अपेक्षित संख्या सूचित करने की तिथि तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
24 APR 2001	04 MAY 2001	05 MAY 2001	05 MAY 2001	05 MAY 2001

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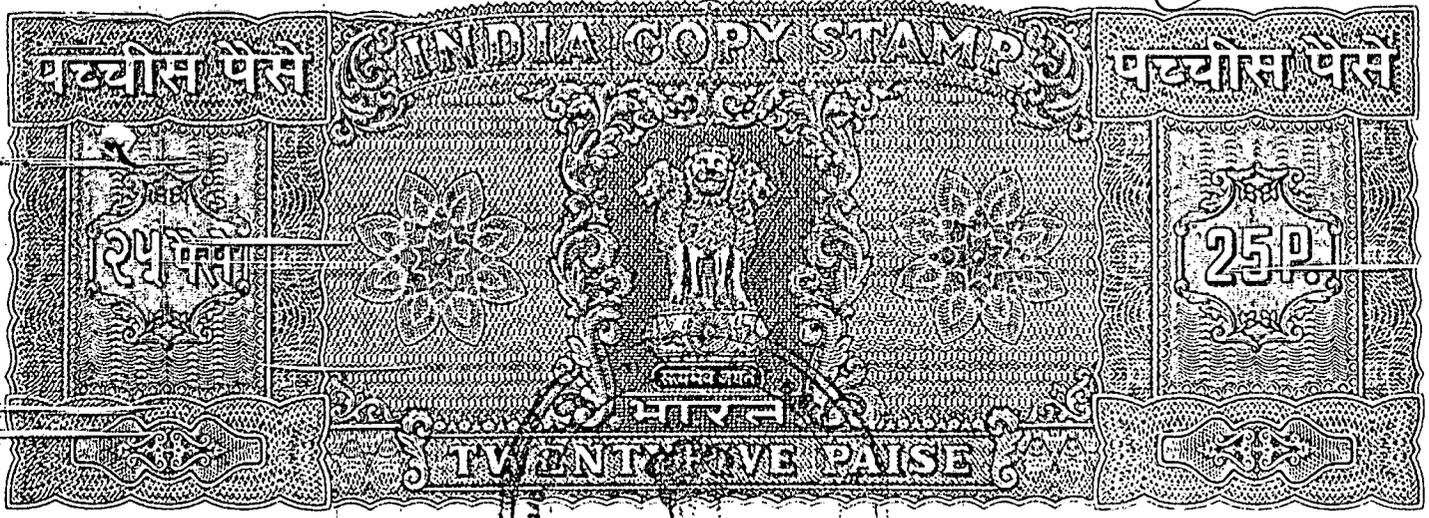
7. It is worth to mention that the first information report lodged by Sub. J.B. Singh of 57 Mtn.Divn. C/O 99 APO alleged that the accused No.1 Thongkholun Lupheng @ Kansha is in possession of one .32 service pistol with 2 live rounds KYNDCH, accused No. 2 Yangminthang @ Thangboi @ Wilson is in possession of one live round of 7.62 mm A.K. 47 539/88 and accused Seikhotingam @ Ngamcha is in possession of 3 live rounds of 7.65 mm (.32) KF, one live round of .32 auto KYNDCH, one live round of .32 auto WESTERN and one fired case of 7.62 OFV 9408W. There is no recovery of arms and ammunitions from the possession of the other accused No.4 to 6. The prosecution sanction issued by D.M./I.W. is for prosecuting the accused No. 1 to 3 only U/S 25(1-B) Arms Act.

8. In reply to the submission of the Ld. counsel for the accused, the Ld. Asst. P.P. for the State submitted that there is notification of the Govt. of the Government of Manipur which shows that the present sanction issued by the District Magistrate, Imphal

Examined by me and found to be true copy of the original.
S. of Checker

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Advocate

[Signature]
11.5.2001
Oath Commissioner
Manipur



149

प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की उपेक्षित संख्या सूचित करने की तिथि Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तिथि Date of delivery of the requisite stamps and folios.	तारीख, जब तक देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
24 APR 2001	04 MAY 2001	05 MAY 2001	05 MAY 2001	05 MAY 2001

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West is a proper one in the present case. No notification or order in this respect was filed by the Ld. Asst. P.P. However, Ld. Asst. P.P. on 5-4-2001 filed an application dated 5-4-2001 stating amongst other that through bonafide mistake the prosecution sanction was obtained from the District Magistrate, Imphal West. Considering the fact that the case was investigated by police station which is within the jurisdiction of District Magistrate, Imphal West instead of obtaining the said sanction from the District Magistrate, Imphal East and prayed for withdrawal of the charge sheet with a prayer for allowing to file fresh charge sheet after obtaining prosecution sanction against the accused persons. The said application was rejected Vide Order dated 19.4.2001.

From the above application it-self, over and above the submission of the Ld. counsel for the accused, it is cleared that the present sanction issued by the District Magistrate, Imphal West was not issued by the

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Advocate

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Oath Commissioner
Manipur

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प्रातिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
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proper and competent authority. Hence, the present sanction is a wrong sanction. Hence, by virtue of Sec. 39 Arms Act, prosecution against the accused under Sec. 25(I-B) Arms Act cannot be instituted.

9. The next point to be considered is that whether in the above facts and circumstances, charge under Sec. 212 I.P.C. should be framed against the accused No. 7 or whether there is any materials for framing charge U/S 212 I.P.C. against the accused No. 7. For framing charge U/S 212IPC, prosecution is to show the following materials. Viz.

- (i) an offence must have been committed i.e.; completed, and there must be an "offender"
- (ii) there must be harbouring or concealment of the person known or reasonably believed to be the offender; and
- (iii) there must be intention on the part of the accused, to screen the offender from the legal punishment i.e mere giving of food and shelter as a matter of humanity, to a person in distress is not punishable.

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10. Prosecution case is that the accused No. 7 Lulkhel Khaijamang Haokip has harboured the accused No. 1 to 6 on the said day of occurrence knowing or having reason to believe at the time that they have committed an offence U/S 400 I.P.C. read with Sec.120-B I.P.C. and Sec. 25(I-B) Arms Act with the intention to screen them from legal punishment, and thereby committed an offence U/S 212 IPC of the offence regarding Sec. 400 I.P.C. Ld. Sessions Judge, Manipur East held that there is no material for framing charge under Sec. 400I.P.C. In order to make a person triable under this Section i.e. S.212 I.P.C. there must be in the first place, the commission of an offence. Hence, the first thing to be proved is that an offence had been committed by the person harboured and until he is convicted of the offence, no prosecution can be launched U/S 212 I.P.C. for harbouring the offender (Parichan Singh 1944 P.W. N . 521), Sec. 212 I.P.C. never speaks of harbouring an accused or an absconder. It concerns for harbouring of an offender with intention to screen him

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from punishment. The accused No.1 to 6 like other accused are presumed to be innocent until they are convicted after due procedure. Further, the intention required U/S 212 I.P.C. is to screen the offender from legal punishment. But not to screen the accused from legal prosecution. There can be no legal punishment unless the offender was guilty. Only Court can say after necessary proceeding that they are offender or not. But, the accused persons are still not subjected to any proceeding and until the Court has pronounced upon the fact, a prosecution for harbouring the accused is clearly premature. So long as there is not a clear finding of guilt as against the said accused No.1 to 6 in respect of the alleged offences by a competent Court, there cannot be any prosecution against accused No.7.

11. Apart from the above discussions in the present case as there is no proper sanction for prosecution, of the accused No.1 to 6, this Court is not competent to proceed the case against the accused No. 1 to 6.

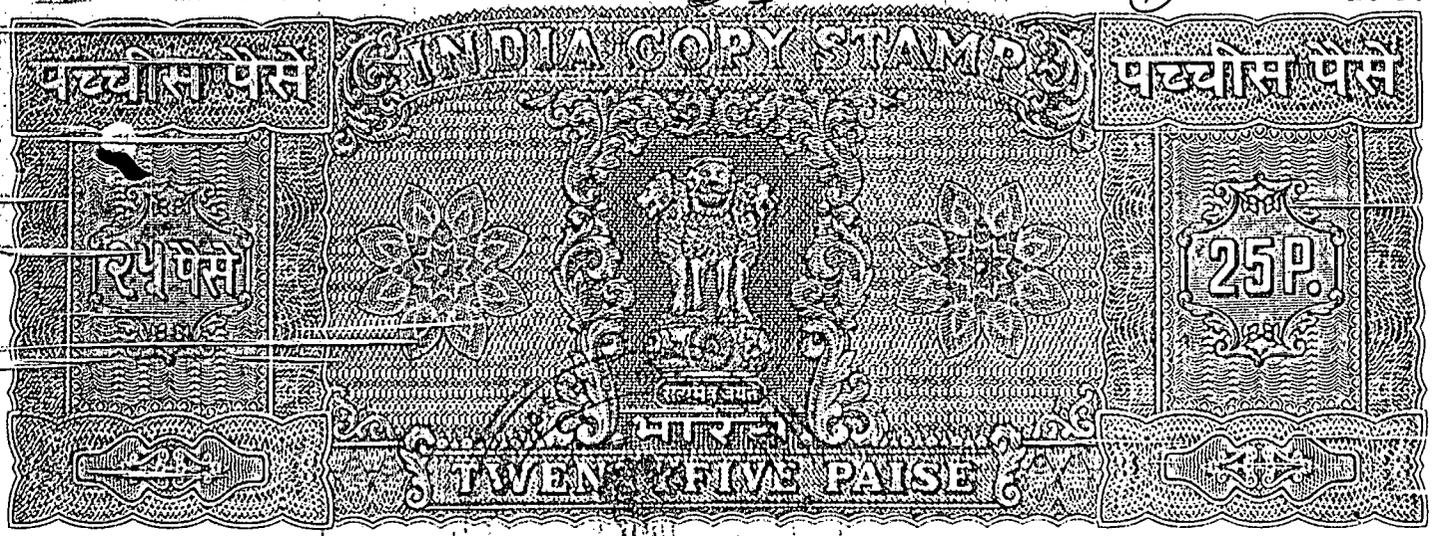
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Advocate

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11.5.2001
Oath Commissioner
Manipur

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12. For the foregoing reasons, I find no materials for framing charge against the accused. The accused are discharged from the liability of the case. Their bail bonds and surety bonds are discharged.

It is ordered that the seized arms and ammunitions are confiscated to the Government.

Announced in the open Court.

Sd/- (Smt. Kh. Gomati Devi)
Chief Judicial Magistrate, Imphal, Manipur.

Typed by :-

K. Chandrajaya Singh

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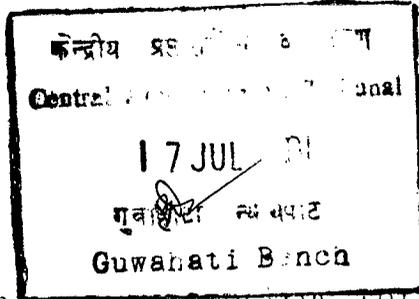
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District & Sessions Court,
Manipur.
Sheristadar,
District & Sessions Court
Manipur East.

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[Signature]
S. of Checker

TRUE COPY
[Signature]
Advocate

...
[Signature] 11.5.2001
Oath Commissioner
Manipur



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Filed by Respondent
No. 8 Through Counsel,
N. Surendrajit Singh
Advocate
17/7/2001

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

" GUWAHATI BENCH "

O.A. NO. 63 OF 2001

Shri Moirangthem Mani Singh,
MPS.

...Applicant;

-VRS-

1. The Union of India and
8 others.

... Respondents.

I N D E X

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3.	Notice.	16

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

" GUWAHATI BENCH "

O. A. NO. 63 OF 2001

IN THE MATTER OF :-

Shri Moirangthem Mani Singh,
M.P.S. ... Applicant;

-VRS-

1. The Union of India.
2. The U.P.S.C.
3. The State of Manipur.
4. The State of Tripura.
5. The Selection Committee
(for selection of MPS Officer
for promotion to I.P.S.)
6. Shri D.L.Vohra, DCP,
Tripura.
7. Shri V.C.Goul, IG, BSF,
Govt.of India.
8. Shri N.Ngaraipam, RMS, MPS,
Commandant, Home Guards(V),
Manipur.
9. Shri L.K.Haokip, SP,
Crime Branch, Manipur.

... Respondents.

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--:2:--

--AND--

IN THE MATTER OF :-

Reply affidavit for and on
behalf of the Respondent No.8.

I, N.Ngaraipam, M.P.S., now serving as Commandant, Home Guards(V), Manipur, Imphal do hereby take oath and solemnly state as follows:

1. That, the deponent herein is the Respondent No.8 and as such he is competent to swear this affidavit. The deponent gone through the application as well as annexures annexed thereto and understood the contents of the same. All the statements made in this reply affidavit are true to the knowledge of the deponent and these statements are made on the basis of records.

2. That, at the outset the Respondent No.8 submits that the application is not maintainable for the reason that no cause of action has taken place as yet as no promotion has been made to any person whatsoever. Till today, the result of the selection for promotion to IPS from amongst the Manipur Police service cadre is not published and as such the application is premature and liable to be dismissed/rejected on this ground

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3. That, as regards para No.1 & 3 of the application under reply, the answering Respondent No.8 denies the statement that the non-inclusion if any of the name of the applicant in the select list for promotion to IPS was the result of violation of Statutory Rules or Regulations or Guidelines holding the field. It is unfortunate that the applicant without having full knowledge and facts of the selection as well as consideration of all the eligible candidates for promotion who are within the zone of consideration, filed the application on assumption and mere surmise and that too even before the result of the selection. Hence, the application is very much premature and not maintainable. At the same time, since, the time for challenging the selection has not come up, there is no question of running the period of limitation.

4. That, as regards para No.2 of the application, the answering Respondent No.8 have nothing to say.

5. That, as regards para No.4.1 and 4.2 the answering Respondent have nothing to say.

6. That, as regards para No.4.3, the answering Respondent No.8 submits that as per the then relevant recruitment rules, the age limit for entering service as Sub-Inspector of Police by

direct recruitment is minimum 20 yrs. and maximum 25 yrs. As per record, the recorded date of birth of the applicant is 30-01-46. However, if he entered service as Sub-Inspector of Police on 31/3/64 he should be minimum 20 yrs. of age on this day. Hence, his date of birth should be prior to 1944 for entering service as Sub-Inspector of Police on 31-3-64. In the situation, the applicant has crossed the age limit for consideration for promotion to IPS and as such he is not even eligible for consideration. Accordingly, as per facts of the case there is every room to have doubt in the date of birth of the applicant.

7. That, as regards para No. 4.4 of the application, the answering Respondent has nothing to say.

8. That, as regards para No. 4.5 of the application under reply, the answering Respondent No. 8 submits that the fact that the present year being the last year eligible for consideration has got no relevance to the rules for promotion to IPS as the incumbent is not required to be promoted merely because it is his last chance.

9. That, as regards para No. 4.6 of the application under reply, the answering Respondent No. 8 submits that the averment/statement made herein are merely self praising. It is not only the appli-

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cant who has a distinguished service but it is also the answering respondent who has perhaps better service record than the applicant. Apart from this, it is not understood as to how the applicant has gathered informations, which are highly confidential. It is highly questionable as to how the applicant has come to the conclusions that he has got as many as 5 outstandings during the last five years. More so as to how he has come to know of the gradings of the answering respondents. The applicant is liable to be punished as per the law for having access to the documents, which are highly confidential. It is also possible that if the averments made regarding ACRs is correct there is every possibility that the applicant might have managed and manipulated the ACRs in his favour and against the respondent 8 & 9.

10. That, as regards para No. 4.7, of the application, the answering Respondent No. 8 submits that it is highly questionable and objectionable as to how the applicant has come to know of the results of the selection Committee which is not even made public as yet. It is also questionable as to how the applicant has come to know that the entire details about respondent 8 & 9 were not placed before the Selection Committee.

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If at all any disciplinary or criminal proceedings are pending against any of the incumbents it is not for the applicant to have a knowledge of the same as to whether the same has been placed before the selection Committee or not. Mere pendency of such proceedings does not debar anyone from being considered for promotion. Disciplinary proceeding should be initiated against the applicant himself for giving false informations regarding his date of birth as stated in the foregoing paragraph and for acquiring confidential documents and using it.

11. That, as regards para No. 4.8 & 4.10 of the application, the answering Respondent submits that it is a serious matter and highly objectionable that the applicant has come to know of the fact that the respondent No. 8 has been nominated as selectee No. 1 though the result of the said selection has not yet been made public. The amount of allegedly misappropriated as mentioned in the application is to the tune of more than 356 (three hundred fifty six) crores which is unimaginative as even the entire budget of the State for the said period did not reach that amount. Therefore the applicant deserves to be severely penalised for making such reckless allegation wherein the figure is given in such a manner as if the

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applicant has the full knowledge of the same. Such an act of the applicant making wild allegation to such density amounts to giving misinformation to the Hon'ble Court which amounts to perjury and hence the applicant should not be left unpanished. As regards the charges it is submitted that the Govt. had already taken the decision to drop the same as it was found to be baseless and unsustainable. Further, mere according of sanction for prosecution of a Criminal charge against the Respondent No.8 does not mean that the charges are proved and that the encumbant can not be considered for promotion. Apart from that the Govt. of Manipur had already took a decision to dropped the prosecution against the Respondent No.8, However, the same is yet to be materialised.

12. That, as regards para No. 4.9 of the application under reply, the answering Respondent No.8 have nothing to say as the same is to be replied by the Respondent No.9.

13. That, as regards para No. 4.11 of the application under reply the answering Respondent No.8 submit, that it is for the Selection Committee to consider about the suitability of the candidates who are to be selected or not. The examinee cannot be the examiner himself. The applicant being a candidate himself is not supposed to know the results of the selection before the same is made public

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and this is exactly what has happened in the present case. All the charges that has been levelled against the respondent No.8 are the handiworks of some vested interest and from the disclosures made in the applications the involvement of the applicant himself cannot be ruled out. None of the charges has been proved therefore respondent No.8 cannot be victimised on the basis of mere allegations and reports which is yet to be proved. Hence, it is denied that any information was deliverately with held from the Selection Committee by the concerned authority.

14. That, as regards para No.4.12 of the application under reply, the Respondent No.8 submits that the contents of the present para is highly objectionable as it contains the disclosures which are highly confidential which could not be made public even after the declaration of the result of the Selection Committee. The averment are such that it appears that the applicant himself was not only a member of the Selection Committee but he was the Chairman of the same. A candidate is never supposed to know what has been stated in the present application.

The respondent No.8 has been awarded the Presidents' Police Medal for gallantry for his excellent valour shown during the C.I. operations apart from other medals he recieved.

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The entire sub-para contained facts and figures as well as submission which cannot be possibly stated by a candidate in petition filed by him. It is reiterated that the applicant is liable to be prosecuted for having access to the contents of the minutes of the Selection Committee which is confidential and which cannot be made public even after the announcement of the result.

The ACR gradings stated by the applicant is his own calculation and not based on any materials. Hence, the same has nothing to do with the present case.

15. That, as regards para No. 4.13 of the application under reply, the answering Respondent No. 8 submits that a Committee for selection of suitable persons for appointment of State Police Officers to I.P.S. by promotion has been constituted under Regulation No. 3 of the Indian Police Service (Appointment by Promotion) Regulations, 1955; which runs as follows.

"3. Constitution of the Committee to make selection:-

(1) There shall be constituted for a State Cadre or & Joint Cadre a Committee constituting of the Chairman of the Commission or, where the Chairman is unable to attend, any other Member of the Commission representing it and the following other member namely:-

(a) For State other than Joint Cadre:

i) Chief Secretary;

ii) Officer not below the rank of Secretary to the Government incharge of Home Department;

iii) Director-General and Inspector-General of Police;

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Where no Cadre post of Director-General and Inspector General of Police exists, then the Inspector General of Police;

- iv) A member of the Service not below the rank of Deputy Inspector-General of Police; and
 - v) A nominee of the Govt. of India ~~not~~ below the rank of Joint Secretary.
- (b) For joint Cadre posts other than Arunachal Pradesh Coa-Mizoram-Union Territories:
- i) Chief Secretary to the Govts. of the Constituent States;
 - ii) Director-General and Inspector General of Police of the Constituent States;

OR

Where no cadre posts of Director, General and Inspector-General of Police exists, then the Inspector General of Police of the constituent States:

- iii) A nominee of the Govt. of India not below the rank of Joint Secretary.
- (c) For Joint Cadre of Arunachal Pradesh-Coa-Mizoram Union Territories;
- i) Chief Secretary, Govt. of Arunachal Pradesh;
 - ii) Chief Secretary, Govt. of Coa;
 - iii) Chief Secretary, Govt. of Mizoram;
 - iv) Chief Secretary, Delhi;
 - v) Chief Secretary, Pondichary;
 - vi) Inspector General of Police, Arunachal Pradesh;
 - vii) Inspector General of Police, Coa;

- viii) Inspector General of Police, Mizoram;
ix) Commissioner of Police, Delhi;
x) Inspector General of Police, Pondichery;
xi) Chief Secretary, Andaman and Nicobar Islands.
xii) Inspector General of Police, Andaman and
Nicobar Islands.
xiii) Joint Secretary (UT) Ministry of Home Affairs;
xiv) One nominee of the Govt. of India not below
the rank of Joint Secretary;

NOTE :-1. (Omitted)

(2) (The Chairman or the member of the Commission shall preside at all meetings of the Committee at which he is present.

(3) The absence of member, other than the Chairman or member of the Commission, shall not invalidate the proceedings of the Committee if more than half the members of the Committee had attended its meetings."

In the circumstances, since the Selection Committee consists of the Respondent No. 3 to 7, the Committee is a duly constituted committee as provided under Regulation No. 3 of the I.P.S. (Appointment by promotion) Regulations, 1955.

16. That, as regards para No. 4.14 and 4.15 of the application under reply, the answering Respondent No. 8 submits that the applicant is not supposed to know everything which is going on ⁱⁿ the Govt. of Manipur. The applicant is worried of the integrity

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of the answering Respondent but he failed to see his own integrity in stating many facts which are not supposed to be in his knowledge and more so when such facts are mere surmise. The applicant has flouted all the norms and rules of official secrets and have disclosed all i.e. Secret and confidential which are of highly irregular in nature and the same are made only for the purpose of gathering sympathy of the Hon'ble Tribunal and not for any other purpose.

Hence, the applicant failed to approach the Tribunal with clean hands and as such his application is liable to be rejected. From the statements made in this paras, it is indicated that the applicant is seemed to have been knowing everything about the selection as well as the action of the Hon'ble Tribunal. Such acts are highly objectionable as it could be a miscarriage justice if the applicant is let to go off without any penal action.

17. That, as regards para No. 4.16, 4.17 and 4.18 of the application under reply, the answering Respondent No. 8 have nothing to say as the same are to be dealt with by the authority concerned.

18. That, as regards para No. 5 of the application under reply, the answering Respondent No. 8 submits that the grounds described under ground No. 5.1 to 5.11 are the grounds to be dealt with after the cause of action of the present case has been taken place. Hence, these grounds can not be considered in a premature petition.

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The challenge to a promotion is to be made only when the result of the selection Committee is available and the promotion has been made and not prior to the completion of the selection process leading to the promotion. At the same time, the gradings of the ACRs of all the concerned candidates are to be appreciated by the Selection Board only and the gradings are not supposed to be known by any candidate and as such the grounds made by the applicant are not tenable and deserves to be rejected outright.

19. That, as regards para No. 6 & 7 of the application under reply, the answering Respondent have nothing to say except that the correctness of the same are subject to the strict proof to be made by the applicant.

20. That, as regards para No. 8 & 9 of the application, the answering Respondent submits that in view of the facts and statements made in this reply affidavit the applicant is not entitled to any of the reliefs inasmuch as the application is premature and the applicant has no right to install the process of selection except his right to challenge the promotion after the issuance of the order of promotion and not prior to such occurrence. If such selection process is installed on the mere surmise of the applicant that will amount to open a flood

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gate and no employee can get promotion by the entire finance in the process of selection. Hence, the applicant is also not entitled to the interim relief for restraining the official Respondent from promoting the persons duly selected by the Selection Committee to the post of IPS during the pendency of the application.

VERIFICATION

Verified that the statements made in this Reply Affidavit in para No. 1 to 20 are true to my knowledge and these statements are made on the basis of records.

Dt/Imphal,
the 7th July, 2001.

SIGNATURE OF THE DEPONENT.

By:-

N. Sureshrajit

Advocate


(N. NCARAIPAM)
