

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

✓ (DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 150/2001

R.A/C.P No.

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SECTION OFFICER (Judl.)

uitreco

FORM NO. 4
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::::::: GUWAHATI

ORDER SHEET

Original APPLICATION NO. 150 OF 2001.

Applicant (s) A. Rayinden Singh

Respondent (s) U. O. I. Form

Advocate for Applicants (s) B.K-Sharma, S.Savona, U.K.Nair

Advocate for Respondent (s) CGS

Notes of the Registry	Date	Order of the Tribunal
Applicant is in form of application. Condonation petition is filed or filed vide P.R. No. C.F. or R. No. 501 - deposited vide PO/BD No. 66792176	8.5.01	Application is admitted. Issue usual notice. Call for the records.
Dated..... 4.6.2001 <i>Dr. R. M. Agarwal</i> <i>W.S. 3/5/2001</i>		List on 8.6.2001 for written statement and further orders.
pg 28.5.01 (Imphal) The 8 Requisites by two No. Short, prepared and Sent to dispatch for Respondent the Respondent 5.8. Wide D/N No 1847 to 1854 dtd. 23-5-01 by Regd. A/D.		<i>CC Usha</i> Member
		<i>L</i> Vice-Chairman
		Present : The Hon'ble Mr Justice A. Agarwal, Chairman & Hon'ble Mr K.K. Sharma, Administrative Member.
		The applicant is an aspirant for promotion from the cadre of Manipur Police Service to the Indian Police Service. In the selection held for considering the selection for candidates for promotion on 20.12.2000 the applicant though was recommended by the State Government for promotion has not been selected, whereas respon- dents No. 6 to 10 have been selected. According to the applicant certain adverse remarks found in the ACR

(2)

O.A. 150/2001

28.5.01
(Imphal)

of the respondents No.8, 9 and 10 but their names have been forwarded by the State Government. In the circumstances though ineligible on account of the said remarks they have been selected. In case of their cases being considered the applicant will also be entitled to be promoted. This is the substance of the case made out in the O.A. to issue a direction to hold a review DPC.

Present O.A. has been admitted by an order passed on 8.5.2001 and notices have been directed to be issued though Mr A. Deb Roy, learned Sr.C.G.S.C has accepted notice on behalf of respondents No.1, 2 and 5, who are official respondents. The rest of the respondents have not so far been served. In the circumstances the present O.A. is stood over in order to await service on unserved respondents and for aforesaid official respondents to put in their reply.

List on 9.7.2001 for orders.

BB
By order

17.7.01

Further four weeks time is granted to the respondents to file written statement.

List on 14.8.2001 for order.

U.C.Ushan
Member

Vice-Chairman

17.7.2001

bb

W/S has been submitted by Respect. 8.
at. 3 P.M.

BB

23.7.2001
W/S submitted by
the Respondent No. 2 & 5.

Notes of the Registry	Date	Order of the Tribunal
30.7.2001 Adv/s on behalf of Respondent No.1 has been filed.	14.8.01 mb	List on 13/9/01 to enable the respondents to file written statement. ICC (Chairman) Member Vice-Chairman
No. rejoinder has been filed.	13.9.01 16.9.01 mb	Pleadings are complete. The case now be listed for hearing on 16/10/01. The applicant may file rejoinder, if any. List on 16/10/01 for hearing. ICC (Chairman) Member Vice-Chairman
No. rejoinder has been filed.	16.10 11.12 10.1.02 15.2.02 26.2.02 pg	There is no Division Bench today. The case is adjourned to 11.12.2001. Mr. A.K.S. 16.10 There is no Division Bench today. The case is adjourned to 10.1.2002. B.K. A.K.S. 11.12 On the prayer of learned counsel for the applicant the case is adjourned. List again on 15.2.2002 for hearing. ICC (Chairman) Member Vice-Chairman List this case alongwith O.A. No. 63/2001 on 21.2.2002 for hearing. ICC (Chairman) Member Vice-Chairman On the prayer of Mr B.K.Sharma, learned senior counsel for the applicant the case is adjourned to 22.3.2002. Member Vice-Chairman

Notes of the Registry	Date	Order of the Tribunal
	21.2.02 mb	Mr. S.Sarma, learned counsel prayed for adjournment for little accommodation in this matter on behalf of Mr. B.K.Sharma learned Sr. counsel for the applicant. Prayer is allowed. List on 26.2.2002 for hearing. I C U Shetty Member
No. reminder has been bked. 21.3.02	26.2.02 pg	On the prayer of Mr B.K.Sharma, learned senior counsel for the applicant the case is adjourned to 22.3.2002. I C U Shetty Member
	22.3. Hearing Concluded, Judgment reserved.	Heard Mr. B.K. Sharma, learned counsel for the applicant Mr. A. Debroy, Sr. C.G.S.C. for the respondent B.K. 22.3.
	28.3.2002 nkm	Judgment pronounced in open court. The application is dismissed. No order as to costs. I C U Shetty Member

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. Nagarajpam, 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.

2
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 officer's 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. Nagarajipam, 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.....

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.

Sd/ VICE CHAIRMAN
Sd/ MEMBER (Adm)

फेन्ड्रीय प्रसासनिक बिधिकरण
Central Administrative Tribunal

11 APR 2001

गुवाहाटी न्यायालय
Guwahati Bench

THE CENTRAL ADMINISTRATIVE TRIBUNAL-GUWAHATI BENCH
GUWAHATI

D.A. No. 150 of 2001

Shri A. Rajendra Singh,

... Applicant

- Versus -

Union of India & Ors.

... Respondents

I N D E X

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Filed by : U.K. Nain

Advocate

Filed By ↗
The Applicant
Through
Guru Krishnam
Aruni, Advocate.

**THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI**

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

O.A. No. of 2001

BETWEEN

Shri A. Rajendra Singh,
son of Late A. Sajou Singh,
presently working as Commandant, 9th
Battallion, Manipur Rifles, Taphon,
District Senapati, Manipur.

... 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. Gouli, Inspector General Border Security Force, Government of India, New Delhi.
8. Shri N. Nagarajpam, 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

DETAILS OF APPLICATION

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

This 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, that too by a selection committee not constituted as per the Regulations holding the filed.

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 framed thereunder.

4.2 That the Applicant is a member of the Manipur Police Service (herein after referred to as MPS for the sake of

D. M. W.

brevet) and is presently posted as Commandant, 9th Battalion, Manipur Rifles at Taphon.

4.3. That the Applicant joined MPS way back in the year 1975 (25.3.75). In the year 1982 he was promoted as Addl. S.P., Manipur Police. Thereafter, in the year 1990, the Applicant was promoted as Superintendent of Police and was posted as Superintendent of Police, Crime Branch, Imphal. The Applicant was in the year 1994 posted as Commandant, Home Guards, Valley, Imphal a post wherein he continued till 1995 when he was transferred and posted as Superintendent of Police, Tamenglong. The Applicant with effect from April, 2000 is posted as Commandant, 9th Battalion, Manipur Rifles, the post he is currently holding.

4.4. That the Applicant states that as per the provisions of the IPS (Appointment by promotion) Regulations, 1955, the members of the State Police Service are entitled to be promoted to IPS on fulfillment of the criteria laid down in the said Regulations. The Applicant is the senior most member of the MPS satisfying all the criteria laid down under the said regulations. As such his name was duly forwarded to the selection committee but in the selection held on 28.12.2000 his name has been left out due to improper consideration. Be it stated here that the Applicant had discharged the responsibilities entrusted to him to the best of his abilities and without blemish to any quarter.

4.5. That the Applicant states that as per informations gathered by him, the selection committee constituted for preparation of list of selected members of MPS for promotion to IPS consisted of the following members :-

PLW

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. Thulasidas, Chief Secy. --- Member, (Respondent No.4)
Government of Tripura
4. Shri D.L. Vohra, DGP
Government of Tripura ----- Member, (Respondent No.6)
5. Shri V.C. Goul, IG Border
Security Force, Govt. of India ----- Member, (Respondent No.7)

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 -	28.6.58
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

Be it state here that the Applicant has an unblemished service career and no departmental and/or criminal proceeding is pending against him, whereas there are departmental as well as criminal proceedings pending against the Respondents No. 8, 9 and 10.

4.6 That as per informations gathered by the Applicant, the selection committee in its meeting held on 20.12.2000 have selected the Respondents No. 8 and 9 for promotion to IPS forming the select list of 2000-2001. In addition to above the Respondent No. 10 along with one M. Mani Singh have been graded as "very good". Unfortunately, the Applicant who has an unblemished career and was the senior most amongst the officers being considered, has been left out from being included in the select list due to improper consideration.

Ram

To the best of the knowledge of the Applicant he has been graded 'good' by the said committee vis-a-vis the Respondents No. 8, 9 and 10 who have been graded 'very good' inspite of the fact that they have serious charges made against them for which departmental as well as criminal proceedings are pending. The aforesaid irregularity has come to happen because the State of Manipur did not forward the full service particulars and details of the Respondents No. 8, 9 and 10 to the selection committee, but for which the things would have been different and the name of the Applicant would have been invariably included in the select list and the names of the private Respondents would have been excluded.

4.7 That the Applicant states that there are serious charges pending against each of the private Respondents and departmental as well as criminal proceedings have been instituted against them. The State of Manipur did not intimate anything regarding the pendency of departmental and criminal proceedings of serious nature involving the very integrity of the Respondents No. 8, 9 and 10 and only a half truth was conveyed to the selection committee in respect of the Respondent No. 9 L.K. Hackip.

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

Revd

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 Scam'.

Copies of the suspension order, revocation order and the chargesheet are annexed as Annexure-1, 2 and 3 respectively.

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 (8) 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. (Six) 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.

Am

Copies of the suspension & revocation orders are annexed as Annexure-4, 5, 6 and 7 respectively.

Copies of the FIR and the chargesheet are annexed as Annexure-8 and 8 (1) respectively.

Further the copy of the memorandum dated 22.4.99 is annexed as Annexure-9.

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-10,11 and 12 respectively.

4.11 That your Applicant states that about 60 cases have been registered against the Respondent No. 10 for payment of illegal ex-gratia amounts while he was posted as Superintendent of Police, Thoubal. His name has been mentioned in all the 60 F.I.R's filed and all these cases were registered in the month of June, 2000. The total misappropriation alleged against the Respondent No. 10 works out to around Rs. 60,000,000/- The Government of Manipur has vide notification dated 30.1.2001 handed over all the said 60 cases to the Central Bureau of Investigation for investigation. Be it stated here that the Respondent No. 10, S. Manglemiao Singh, MPS has been placed under suspension vide order bearing No. 4/16/83-MPS/DP dated 28.6.2000 and he still continues to be under suspension.

Copies of the notifications dated 30.1.2001 and the



order dated 20.6.2000 are annexed hereto as, Annexure 13 and 14 respectively.

The applicant craves the leave of this Hon'ble Court for a direction to the Respondents to produce the copies of the said F.I.R's filed against the Respondent no.10.

4.12 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 and the allegation against Respondent No. 10 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 and 10 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 deliberately withheld facilitating selection of the Respondents No. 8 and 9. Be it further stated that the fact of the Respondent No. 10 being placed under suspension was not communicated to the selection committee inspite of the fact that the said order of suspension was passed within a period of 6 months prior to the date of meeting of the selection committee.

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4.13 That the Applicant states that as per information gathered by him 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 vacancies available for promotion. The Respondents No. 8, 9 and 10 have been graded as "very good" and because of the said grading, the Respondents No. 8 and 9 by virtue of their seniority have been included in the select list. The above position would have been different in the event the deficiencies in the service of the said Respondents were brought to the notice of the selection committee and in such an eventuality the Applicant who has an unblemished service career would have been given better gradings vis-a-vis the said Respondents and he by virtue of his seniority position would have been invariably been included in the select list. Thus the exercise undertaken by the selection committee was incomplete in absence of the service particulars especially the deficiencies existing in respect of the services of the said Respondents and the same has resulted in improper consideration causing 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 to produce the records of the selection including the minutes of the meeting of the selection committee held on 20.10.2000.

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.

4.14 That your Applicant states that as per regulation 3 of the IPS (Appointment by promotion) Regulations, 1955, the selection committee is to be constituted of the following persons, in addition to the Chairman and/or the member of the commission, in case of a Joint Cadre :

- (i) Chief Secretary to the Governments of the Constituent States;
- (ii) Director General and Inspector General of police of the Constituent State.
- (iii) A nominee of the Government of India not below the rank of Joint Secretary.

In the case on hand, the Director General of Police, Manipur who was to be included as a member in the said selection committee, was left out. As such the selection committee being not constituted as per the requirements of law, the whole selection has been vitiated. The non-inclusion of the Director of General of Police, Manipur in the said committee was only with the view to prevent disclosure before the selection committee about the fact of pendency of disciplinary as well as Criminal Proceedings against the Respondents No. 8, 9 and 10. The said Regulation having prescribed a procedure to be followed while holding selections, the same must scrupulously be followed. The provisions of the said Regulations having been violated the whole selection process has been vitiated and the same is liable to be set aside.

4.15 That the Applicant states that as per the informations

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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 Shri M. Mani Singh and Shri S. Manglemjao 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. In the event the allegations pending against the Respondents No. 8, 9 and were placed before the selection committee, their gradings would have been different and the Applicant who has an unblemished service career would have been given higher gradings vis-a-vis the said Respondents and he invariably would have been promoted to IPS.

4.16 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.

4.17 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

ANW

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. Had there been proper consideration of his case based on his 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 and the Respondent no.10 has been graded highly inspite of their bad service records.

4.18 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 along with the requirement of placing the service records of the officers being considered the name of the Applicant would have been included in the select list.

4.19 That the Applicant having come to know about his deprivation as stated above submitted a representation on 15.2.2001 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 28.12.2000. 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

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contentions raised in this OA.

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

4.20 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.

4.21 That the Applicant states that some of the annexures pertaining to the Respondents No. 8, 9 and 10 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 possible to type out all the Annexures accordingly the Applicant prays for acceptance of those Annexures annexed to the OA, with a direction to the

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Respondents to produce the original records if considered necessary.

5. GROUNDS 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 full service particulars including the adverse materials against the Respondents No. 8, 9 and 10 before the selection committee and the selection committee having been kept in dark about those materials, the names of the Respondents No. 8 and 9 having been included in the select list is per-se illegal.

5.3 For that the Applicant having an overall unblemished service career ought to have been selected for promotion to IPS in preference to the Respondents No. 8 and 9 who apart from not having an unblemished service records like that of the Applicant also have adverse materials against them.

5.4 For that the charges pending against the Respondents no. 8, 9 and 10 being of very serious nature, which may even render them unfit to be retained in service would have a vital 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 haste in which things are being moved towards issuance of integrity certificates in respect of the

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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.

5.6 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.

5.7 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 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.

5.8 For that the selection committee ought to have considered the case of the candidates before it in its entirety and should not have adopted a piecemeal approach only to favour the private Respondents

5.9 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.

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 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 26.12.2000 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 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 20.12.2000

10.

The application is filed through Advocate.

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

i) I.P.O. No. :

ii) Date :

iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

Ranu

VERIFICATION

I, Shri A. Rajendro Singh, MPS, son of late A. Sajou Singh, M.Bidhu Singh presently working as Commandant, 9th Battalion Manipur Rifles, Taphon, District- Senapati, Manipur. do hereby solemnly affirm and verify that the statements made in paragraphs 1 to 3, 4, 5, 4, 2, 4, 3
4, 4, 5, 4, 6, 4, 7, 4, 12 to 4, 20 and 5 to 12 are true to my knowledge ;
those made in paragraphs 4, 8, 4, 9, 4, 10 and 4, 11
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 20th day
of March, 2001.

A. Rajendro Singh

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

O R D E R S

Imphal, the 21st July, 1993.

No. 10/20/93-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 (CCS) 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,

(Ngo. Lykham)

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 Bk 163/0163, 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.

Attested

Advocate

- 20 -

Annexure-2 91

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

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

No. 18/20/93-HS/DP: Whereas Shri N. Nigaraipan, I.C.S., 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-HS/DP(7) 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. Nigaraipan 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. Nigaraipan as Superintendent of Jail.

By order and in the name of the Governor

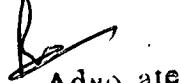
D.S.P.

(H. Deepsingh)
 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.Gs to Dy. Chief Minister/ Ministers/d.o.s./ 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/DIG/DSF/COs of Police Dept. & I.A.S., Manipur.
8. The Accountant General(AG), Manipur.
9. The Special Secretary(Hoag), Govt. of Manipur.
10. The officer concerned.
11. The Treasury Officer/Sub-Treasury Officer, Imphal.
12. The Under Secretary(A.C), Govt. of Manipur.
13. Guard File/Order Book.

Attested


 Advocate

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- 21 -

20 JAN

Annexure 3

IN THE COURT OF SPECIAL JUDGE, MANIPUR EAST.

Special Trial No. 1 of 2000.

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-

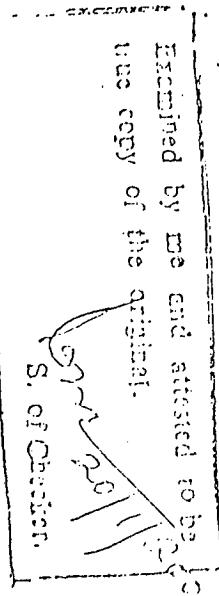
1. Shri N.Ngaraipam TKL., Ex-C.O.
2nd Bn.MR. and 2 others.

-----Accused persons.

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

Attested

Advocate



contd.....2/-

- 22 -

S. (I) 93

DATED - 25/9/2000
DATED - 16-2-93 - 19Name and address of
witnesses
Charge & information. Nature of offence
and circumstances connected with it in connection
with which section of law charged

6

1) Complainant. —
as noted in Cr. I
2) Shri A. Pradeep
Singh, AIG (P/H)
3) Shri L.K. Hukip
CO, 1st MR.
4) Shri P. Dongel.
CO, 7th MR.
5) Shri Singhrajit
Singh, Director
Fire Service
6) Shri N. Sardh
Singh, AC, 1st MR
7) Shri L. Chandra
Kishore Singh
7) S P R - Imphal
8) Shri S. Ibaton
Singh, Jr. Suptd P/H
9) Shri K. Manibalan
Singh 3/o (C) 16th Battalion
Jammrud, Jammrud
Handed to P/HQ.
10) Shri Ramkishan
Agarwal, Manager
1st. MR Canteen.
11) Shri Sudhakar Kumar
Agarwal, Manager
2nd MR Canteen
12) Shri Haridupal
Singh, prop. Sardar
Bhag. Thirial Bagar
mukh.
13) Sh. Shammi Singh
14) R.K. Khoridam Singh
Khoridam Singh
now Inspector.

The prosecutress story of the case
is that on 16.7.93 Shri A. Pradeep
Singh, AIG (P/H) Manipur delayed in
writing complaint to the Inspector of Shri
that on 16.9.92 a number of uniform items
held in the DGP-poss by the C.O. 2nd MR
and C.O. 1st MR were ordered to be distributed
to the various units under DGP Manipur
for issue to the personnel. Among these
items the following items were held in
C.O. 2nd MR and he was asked to
distribute these to the various units.

1. Woollen Sack (06)
2. Steel Polish Tin (Black)
3. Woollen grey (09)
4. Woollen grey (09)
5. Metal brass
6. Raga Slip (05)
7. Bridewell grey (05)
8. Steel pack bags (05)
9. Dots Kanga Unit
10. Cloth sheet on cotton
11. Cotton drill cloth (06)
12. Cotton Cellular (06)
13. Cotton drill cloth (khaki)
14. Cotton Cellular (khaki)
15. Rifle oil bottle
16. Woollen blanket
17. Jute bag
18. Towel Cloth (khaki)
19. F.T. Phone (Brown)
20. Web. Belts (khaki)
21. D.P.S.G (khaki)
22. STA. Badge (Khaki)
23. White drill (khaki)
24. Woollen Cross Belt (Brown)
25. Five pointed Star

Agarwal, asde DGP/Manipur's order
120/13/15/91-P/HQ DT 1.9.92 issued
more items of uniform and web-apparel
were distributed to the various units

Signature of Investigating Officer

- 2 -

- 2 -

Worder Dg/P/1/1982/PWTC. Those includes amongst others
the following items kept in MR and MR, DGP-Pool.

1) Tunic & Beret.

2) Trouser Pack and 3) cloth with draw (mark) Certified that I have
spare. On the 10th of November for securing delivery in the
month of September, October and November 1982, a number
of unit commanders reported in writing to DGP (P/H) book part III) and have
(that 2d. MR Rui not supplied or short supplied the above
mentioned items. On receipt of these complaints, the
A. Predeepsingh AIG (P/H) sent messages to all District SGP absconders against whom
and COs vide MR PR/13/15/91-PHQ Dt 4.12.91 and 8.12.92
asking whether the items of uniform and web equipments
distributed by DGP, Manipur have been received been previously convicted
in full or not. All the unit commanders sent
their replies indicating the items which had not
been received or short issued by CO. 2nd MR.

Based on the reports submitted by COs 1, 2, 5, 6, 7, 8 & 9
MR MR and SGP SPT/001 AIG (P/H) vide RIS letter.

No. PR/13/15/92 - PHQ Dt. 10.12.92 ordered CO 2nd MR

to submit a detailed report by 15/12/92 regarding the

difference in the items supposed to have been received by the unit. A memorandum was issued sent

vide letter of even no. Dt. 18/12/92. The CO 2nd MR

submitted a vague and unsatisfactory report vide

his letter no. C/1/10/87-2nd MR/2056 Dt. 29/12/92 in

which he mentioned that the short supply was reported by 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 difference

Also certified that this

Certificate to be signed

AIG (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 SGP - Imphal / Thoubal / CTRW / Bishnupur / Churachandpur

and Tamenglong and to submit a detailed report in

the required by 7/1/93. CO 2nd MR vide his letter no

C-10/87-2nd MR/2782 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

deficiencies in 6 MR. In addition, CO 2nd MR also

concluded 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

then asked to send the personal bank by them

with authentication letters and issue / receipt vouchers

maintained by their offices. These were examined

- 3 -

Attested


Advocate

(1)

COUNTER FOIL

CHARGE SHEET

CHARGE SHEET NO. - - - - -

IN THE FIRST INFORMATION NO. - - - - -

DATED - - - - - 19

DATED - - - - - 19

Names and addresses of accused persons sent up till

On trial or recognisance.

Property, including weapons found, with particulars of where, when, how found, and whether forwarded to Magistrate.

Name and address of witness.

Charge or information. Names of offence and circumstances connected with it in concise form, and date of information law charged

custody.

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4

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6

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(15) O. Jitendra

Supt, 51/Prsntnur
new post at P.M.R.(16) M. Tom Ba Singh
Const. of SP/Prsntnur(17) L. Ibomohi Singh
HAR/SP/Thoubal(18) Md. Skiraj Ahmad
Const. of SP/Churachand(19) Md. Dabir Singh
AS/SP/Churachand(20) Chandrasekhar
13th Const. of
SP/Churachand(21) Md. Suryaj
Const. of SP/Churachand(22) Md. Shantilal Singh
Supt, HAR of SP/ML(23) Ngapmat Kurki
HAR of SP/SP(24) A. Bholanath Singh
HAR of SP/TML(25) M. Dabir Singh
AS of SP. MR(26) Md. Sultana Singh
HAR of SP. MR(27) Narsingh Charman
TAM of SP. MR(28) Md. Khanan Singh
HAR of SP. MR(29) Md. Rabbu Singh
HAR of SP. MR(30) Md. Shambhu Singh
HAR of SP. MR

- 3 -

in comparison to those furnished by C.O. 2nd 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 A.I.S (P.H.) as per his comments. Thereafter A.I.S (P.H.) obtained the list of personnel involved in the scene and maintenance of the stores.

Therefore on 22/4/93 D.P.T. Manipur constituted a committee of 11 officers headed by D.I.S (P.H.) - Maneepur, C.O. 7th MR, A.C. Q.R. Master 1 MR as members to enquire into the matter with the following terms of reference:

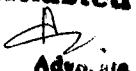
- to enquire the circumstances leading to the loss of uniform items
- who are responsible for the loss
- to recommend suitable steps to be taken to avoid recurrence of such loss in future

The committee on its enquiry found the items details of which are given in Annexure I to have suffered loss by the 2nd MR. The valuation of these worked out at the quoted rates comes to Rs 21,58113.15P. These shortage pertains to the items which were shown to have been issued from 2nd MR to the units as per distribution order issued by Maneepur on 16.4.92 mentioned in the foregoing para and which had

Signature of Investigation Officer

- 4 -

Attested



Adv. B.G.

-4-

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

As there was a long suspension then the remaining stocks after the issue in DGA post dated 21/11/82 was to be held after the two distribution orders may not be there, a physical stock checking was carried out by A. Prendip Singh AIG (P/H) along with his staff. In this inspection the items given in the memorandum were found missing from the store on physical revaluation. The valuation of these items at the quotation scale comes to Re 14,11,779.45 P ^{1/2} ~~total~~ found to have been in all items worth Re 35,678.92. 60 P. were found to have been either misappropriated or unaccounted from 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 AIG (P/H) Manipur.

With due respect I would like to state that I have carefully searched the conviction Register of the concerned units and the charge has been proved to have been previously convicted and I find that

Identified
unidentified

the Jurisdiction

Certificate to be signed by the Court Officer.

As the consignee of the above mentioned

items, CO and MR are entrusted for safe keeping of these items till these were distributed to the various units by DGP Manipur.

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 application dt. 23/1/82 and 4/1/83 alleging that the disappearance of the items was due to loss of property by corruption and that the suppliers had committed misappropriation may be given 3 months and 1 month time to make the same clear or establish that

Shri B. Niranjan 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 above complaint was submitted by CO and MR along with the above two applications submitted to AIG (P/H) DGP on a number of these, the figures are written, addition

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.

In custody. On trial or recognizance.

Property including weapons found, with particulars of where, when, how and 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 name and section of law charged.

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- 31) Mr. Bhagwan Singh
UDC / PHQ.
- 32) Suresh Kohiyani
S/o Satyanarayan
Kohiyani, 112, Nalini
Sthal Road, Calcutta - 7
- 33) Niranjan Agarwal
- 34) S/o C. Bishambher
Dwivedi, Agarwal q-
2344 Tulsian, Sadar
Bazar, Delhi
- 35) Mr. Niranjan Singh
UDC / PHQ.
- 36) Ph. Harindra Singh
Sharma, S/o to
CIS (OPS) - PHQ
- 37) T. Dangar Singh
Subedar / PHQ
- 38) S. D. Wijayamurthy
MR / PHQ
- 39) S. Gurumurthy Singh
S/o C. D. (CIS)
(now S. P. / Central Wing)
- 40) U. Sharmin Singh
A. S. / CIS (CIS)
(now S. P. / Central Wing)
- 41) M. A. Akbar Pashayev
S/o Amin / CIS (CIS)
- 42) S. R. D. Singh / T. G. B.
S/o (41) S. S. K. K. K. K.
(7) Nagarpur, Poonam
Kumar
- 43) T. D. S. S. Singh
C. S. / CIS

Extradition etc. Other forgery
has also been committed at these
documents. There have been known
used by CO and MR and other concern
in this unit dealing with matters
At present these officers are liable
under Section 409/466/468/471/
120 B IPC and 13 (c) P.C. Act. 1988
Apart from CO and MR (15) by CO 2nd
(404) by virtue of his having to
supervise the Quarter Master Staff
at the unit (11) AC. Q. Master 2nd MR
(111) HAV no. 23068 in Jaiselgarh Co
of 2nd MR store in charge of the above
item are liable under the above
mentioned section of law. Shri
A. Thampurit, MR was posted as
to CO and MR. He was made
responsible to look after both the
works of 03 CO (OPS) and 03 CO (AD)
from 11/1/92 vide CO 2nd MR order
No. 32/11/91 - 2 MR d. 11/1/92. Shri
K. Pichkar G.A. AC 2nd MR was the
AC. QR Master 2nd MR during the
referred period. Apart from
the above named officials there is
possibility of involvement of other
individuals and the suspicion lies
in the commission of the above
crime. A regular case may be
opened for investigation and
investigation may be taken up.

Signature of Investigating Officer

Attested

Advocate

On receipt of the above complaint
OC/IPS registered a regular case under
P.R.W. 368(7) of 1951 & 405/468/1468/1
471/120B IPC & 13(c) P.C. Act 1988. The
case was transferred to CID (C3) on 17.7.83
and endorsed to Mr. Subhash Singh IPS and
letter to the Inspectorate Dist. 1981/83. 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 165 case it has been established that there was requirement of uniform items for the civil police and MR personnel for the year 1981-92. The proposal was incorporated by the Govt. of Manipur as common case vide letter no 3/5(1-)/80 dated 16.7.91. Accordingly tender was floated on 16.7.91 under letter no PR-Y3/14/91-DPR. D.P. 11.7.91 by DGP Manipur. In response to the above notice inviting tender, the DGP/Police Board submitted their rates for different items. A tender open committee was constituted by DGP Manipur and the tender was opened and the comparative statement was prepared. The proceedings of the tender open committee was reopened by the tender committee consisting of the C.I. Commissioner, DGP Manipur, Finance Secretary Manipur and finally approved by the C.I. Commissioner, Home Dept. committee vide letter no 3/5(12)/80-21 on 22.11.91 for purchase of various items from items of first weight and secondly orders had been placed to the Govt. of Manipur.

Item	Quantity	Rate
1) woven Sack (Ct)	28000 psc.	\$8.40
2) 1/8 Brandy / Agency. 3 cans, Cans 1/2 pt.		1.00

1. P.T. Shore (Brown) 50136 Ex 27.60

Attested

Adventus

COUNTER FOIL

CHARGE SHEET

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

Names and addresses of accused persons sent up trial.

3 custody. On trial or recognisance.

Property including weapons found, with particulars of where, when and by whom found, and whether forwarded to Magistrate.

Names and addresses of witnesses

DATED - - - - - 19

DATED - - - - - 19

Charge or information. Names of offences and circumstances connected with it in concise details and under what section of law charged

Item	Quantity	Rate
1) Bayonet fury(02)	3010 nos	Rs 3.70 p/each
2) Rifle carbent 6.58	658 nos	Rs 1.90 each
3) Jungle hat	7463 nos	Rs 17.80 each
4) Flame Torch (each)	2579 nos	Rs 38.00 each
5) L/NK NO 22688 of 2nd MR		
6) Clerk Cotton Driv.(Walt)	6663 nos	Rs 16.87
7) Leather Cross belt (Brown)	300 nos	Rs 68.00
8) Woolen blanket	3617 nos	Rs 148.00 p/each
9) Jungle Gurd. Anti Gp(02)	110617 nos	Rs 49.85 p/m
10) Attendant blanket	3010 nos	Rs 12.00 p/each
11) M/S Bawali and Agarwal & Sons 181AR Contract implied to supply the following items under supply and war PR-13/14/20 - P.M.W. 02.12.1971		
12) Clerk Cotton Driv.(Walt)	6663 nos	Rs 16.87
13) Leather Cross belt (Brown)	300 nos	Rs 68.00
14) Woolen blanket	3617 nos	Rs 148.00 p/each
15) Jungle Gurd. Anti Gp(02)	110617 nos	Rs 49.85 p/m
16) Attendant blanket	3010 nos	Rs 12.00 p/each
17) M/S AGCUL Lyanikalan, Khetri Bagora Implied to supply the following items under supply order no 13/14/20 - P.M.W. DT 19/12/71		
18) Broad Polka(3) Cherry Blossom	858	Rs 69.95
19) 1/1/1 (Kashmir State Corporation 2846 Second Regn. Tukwale Delhi-6 to Supply 1/1/1 (Kashmir State under supply order no 13/14/70 DT 1/8/71		
20) 2/L. Jaya Krishan S/o 2/1/1 (01)/01 (new revised)	1872 nos	
21) 2/L. Jaya Krishan S/o 2/1/1 (01)/01 (new revised)	1872 nos	
22) 2/L. Jaya Krishan S/o 3/1/1 (01) - 163	19800 nos	Rs 95.00
23) Maitham Balan (31)		
24) M. L. Khan (Signature of Investigation Officer)		
25) Yawnpoch Business naha		

Attested

Advocate

- 8 -

7) M/s Sardar Brothers, Tharpal Bazar, Lakhpati to supply the following items under Supply order no. PR-13/14/20 - P24Q DT 1/7/91

Item	Quantity	Rate
1. COTTON COTTON DULL (02)	32700 mtr.	Rs 17.62 p.
2. COTTON COTTON (02)	20523 mtr.	Rs 16.85 p.
3. COTTON COTTON (khaki)	12210 mtr.	Rs 16.52 p.
4. COTTON SEAS TOPPIE	9580 mtr.	Rs 48.71

8) M/s Adarsh Emporium, Tharpal Bazar Lakhpati to supply the following items under Supply order no. PR-13/14/20 - P24Q DT 4/7/91

Item	Quantity	Rate
1. COTTON COTTON KHAKI (khaki)	6286 mtr.	Rs 87.50

9) M/s Shrikha Sales Corporation 2344 4th floor Lakhpati Bazar Delhi - 6 to supply the following items under Supply order no. PR-13/14/20 - P24Q DT 11/7/91

Item	Quantity	Rate
1. COTTON COTTON (khaki)	12210 mtr.	Rs 12.98

10) M/s Brasselat Agarwal & Sons, Canfield 16 AMR Imperial to supply the following items under Supply order no. PR-13/14/20 - P24Q DT 11/7/91

Item	Quantity	Rate
1. COTTON COTTON (khaki)	1961 mtr.	Rs 15.40

11) M/s Sardar Brothers, Tharpal Bazar Lakhpati to supply the following items under Supply order no. PR-13/14/20 - P24Q DT 9/7/91

Item	Quantity	Rate
1. COTTON COTTON (white)	872 mtr.	Rs 13.07 p.

12) M/s Gyanmukt Enterprises Agarwal Canfield 2nd AMR Imperial to supply the following items under Supply order no. PR-13/14/20 - P24Q DT 11/7/91 (1/8/91)

Item	Quantity	Rate
1. COTTON COTTON (02)	4045 mtr.	Rs 17.82 p.
2. STYL BADGE (NP)	1038 nos.	Rs 1078 p.

Attested

Adv. 216

Certified that I have carefully examined the Register of a book part III and have in all other respects made full enquiry absconders, against whom the charge has been proved have not been previously convicted and I find the

Also certified that the accused is Identified in unidentified to the

Certificate to be signed by the Court Officer

Certified that I have carefully searched the conviction Regi

Attested

COUNTER FOIL

CHARGE SHEET

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

DATED 21-6-91 - - - - - 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 which section of law charged

In custody. On trial or recognisance.

3 4 5

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- 9 -

The accused no. 1 & 2, i.e. was the C.O. of 2nd Bn. during the relevant period. The accused no. 2 by name of Bapuji Commandant 2nd MR being appointed accd no. 2 as the Q.M. of 2nd Bn. MR vide an order dt. 3-2-1982-2412 & 3-4-1991 and 11th accd no. 3, as Sub WO 1st M/S of 2nd Bn. MR vide an order dt. 32-11-1988-2412/4472 DT. 28-1-1989.

The accused no. 2 as above detailed & also along with and to the supply order to the constables, C.O. MR vide delivery challan of 11th as indicated below:

- 1) M/s. Star Dugout Trade Corp.
- 2) Security Challan no. 28/1/91, 23/1/92 and 4/3/92 for the supply 28000 nos. of wooden box (p2).
- 3) M/s. Bhadrakali Sgarw. Arts & Delivery Challan no. 15-17, 18, 22, 25, DT. 25/6/91, 28/6/91, 4/7/91, 25/7/91, 3/8, 6/8/91 for the supply of 5000 nos. of 1 T. sack (green).
- 4) M/s. K.D. Impex +

Delivery Challan no. 8/3/92 for the supply of 6581 nos. of Raja 10% C.R. 3010 nos. of Bayonet Proj. (62) and 7403 nos. of Jingle bell (62).

5) M/s. Bhadrakali Sgarw. Arts & Delivery Challan no. 28/1/92

Signature of Investigating Officer

Attested

Advocate

10

-10-

15/5/92 and 18/5/92 for the supply of
663 mts of white drill cloth, 10617 mts of
hunting boot (02), 300 mts leather cross belt
(Khaki) and 3010 mts of Alfa cloth brace
2. Delivery challan no. 20/2/92 and 5/8/92
for the supply of 5617 mts of woollen blanket.

5) M/s Alidil Garments, Khilgaon —

Delivery Challan no. 28/2/92 for the supply
of 2858 dozen of Gurd. (Black)

6) M/s Shantikar Textiles Corporation —

Delivery challan nos. 24, 20, 30, 33 dated
7/8/92, 5/8/92, 27/8/92 and 28/8/92 for the
supply of 3338 mts of woollen jersey (02), 2328 mts
of woollen jersey (Khaki) and 10800 mts of Alfa
Gurd. (Black)

7) M/s London Brothers —

1. Delivery Challan no. 20/2/92, 21/2/92 and 23/8/92
for the supply of 3000 mts of Cotton drill (02)

2. Delivery Challan no. 20/2/92, 21/2/92, 5/8/92, 28/8/92
22/12/92 and 2/1/93 for the supply of 20523 mts
Cotton Drill (02)

3. Delivery Challan no. 5/8/92, 23/8/92 for the supply of 12210 mts of Gurd (Khaki). Certified that I have carefully searched the conviction Rec.

4. Delivery Challan no. 19/7/92, 20/7/92 and 23/8/92
for the supply of 7580 mts of Gurd. (Khaki)

8) M/s Arvind Engineers —

Delivery Challan no. 20/2/92 for the supply

of 160225 mts (Khaki) and complete leather
clothes material.

9) M/s Shantikar Textiles Corp. —

Delivery Challan no. 18/2/92, 23/8/92 and 5/8/92
for the supply of 12210 mts of Cotton Drill (Khaki)

10) M/s Parijat Textiles (Khaki)

Delivery Challan no. 19/26 & 28, 21/10/92,
5/8/92 and 24/8/92 for the supply of 160225 mts
of Cotton Drill (Khaki)

11) M/s Blackbird Agencies —

Delivery Challan no. for the supply of 1961 mts
of Web Belt (Khaki).

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

Also certified that the accused is Identified to Unidentified

Certificate to be signed by the Convict Officer.

Certified that I have carefully searched the conviction Rec.

11-

Attested

Advocate

COUNTER FOIL
CHARGE SHEET

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

DATED - 19

10

names and addresses of accused,
persons sent up trial,
in custody, on recognisance.

Property, including weapons,
found, with particulars of
what is still missing,
found, and whether forwarded
to Magistrate.

Mathematics

Charge or information Names of offenders
and circumstances connected with it in compassio-
nate, or any other action of the charged.

12) 4/1/s OB Agorwest. *Canibus* 2nd
schiffen Christian no - 1 & 2 & 1/9
and 28/4/91 for the supply of 4045 m
of Ryle stug (OB) and for the supply
4038 nos of steel wedge (MP)

A line committee consisting of the following officers was constituted by the DGP Manipur for inspection of the stores supplied by the suppliers to the Consignee of the armaments of the DGP proceeding with 1st. On MR. and 2nd. On MR. before distribution by the District SGP and MR. Bns. vide no. PR. 13/14/20 - P.H. 2. 25/1/71
8/2/71

1. West Inspector General of Police (P/H) - Sherman
2. Commissioner of Police, 1st P.M. - Mandel
3. " " 2nd P.M. - " " " "
4. Inspector General of Police (from Service) - " "
5. Inspector General of Police (R) - Knappell - " "

The documents of the items were
not forwarded by the agent no. 3, S. S.
V. G. G. G. G. S. S. on the 1st January Cheban
James, Steadman, D. Reed no. 1, Co. 2212
informed M. S. (1/4) P. M. L. M. L. L. L. L.
concerning the 2nd month of items
by him as the consignee from him to
the said his office message
not send below.

Signature of Investigator (if applicable)

Affasted


Adel S. Amin

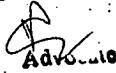
Message no and date

1. no. C/1/188 - 24m/1262 - 07.6.7/71
2. no. C/1/188 - 24m/1446 - 01.23/2/71
3. no. C/1/188 - 24m/1011 - 07.6.8/71
4. no. C/1/188 - 24m/1261 - 07.29/6/71
5. no. C/1/188 - 24m/228 - 07.31/11/71
6. no. C/1/188 - 24m/978 - 07.30/2/71
7. no. C/1/188 - 24m/1096 - 07.14/3/71
8. no. C/1/188 - 24m/1611 - 07.20/5/71

As per the information P.D. concerning (case no-1)
related above the following quantities as noted against
the items are received:-

Sl. No.	Items	Qty.	Weight of each item received	Identified unidentified
1.	Shanki Body (Black)	10.000	lbs	
2.	Blackened Brass 1000 gm	3.010	lbs	
3.	Body part (Black)	28.18	Box	
4.	Bayonet Frog	3.010	lbs	
5.	Cotton cloth (02)	327.00	inch	
6.	Cotton cloth (white)	122.10	inch	
7.	Cotton Cellular (02)	201.523	inch	
8.	Cotton Cellular (white)	122.10	inch	
9.	Cotton Cloth (white)	66.63	inch	
10.	Cotton Cellular (white)	24.92	inch	
11.	Cloth cloth	61.56	inch	
12.	Cloth cloth Angre	75.80	inch	
13.	Shirt Garage (01)	110.3.8	lbs	
14.	Handi Sack (small) (01)	23.7.4	lbs	
15.	Garage Gar. (01)	100.17	lbs	
16.	Garage Gar. (01)	74.03	lbs	
17.	Off. Shoe (Brown)	361.00	lbs	
18.	Garment Cross G.C.L (Brown) Bag	300.00	lbs	
19.	Print Slip (02)	10.45	lbs	
20.	Wife and G.C.L	65.81	lbs	
21.	Wife G.C.L (02)	33.33	lbs	
22.	Garment Garment (Khaki)	23.28	lbs	
23.	Overcoat Blanket	56.17	lbs	
24.	Wife Belt (Khaki)	19.61	lbs	
25.	Woolen Sack (02)	2.800	lbs	

Attested



Advocate

-13-

COUNTER FOIL

CHARGE SHEET

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

Names and addresses of all persons
persons seen up till

To custody. On trial or
recognition.

Report and memorandum
of all persons seen up till
now, with particulars of
what was found, and whether forwarded
to Magistrate.

Witnesses

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

Charge or information Names of persons
and circumstances connected with it in concise
and plain language

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which in furtherance of the criminal conspiracy, the aforesaid W is
said to have in 2003 to prepare the false voter voter list
and declaration of his birth before the election register and thus
appropriating the huge amounts of cash mentioned above.

approx Rs 35,03605.94/-
The said sum also was the A.C. (P.)-Master of investigations B.S.
because with said no 143 authorise the receipt and issue
entries in the Stock ledger as if correct. Noting fully well that
rest of the entries are incorrect. In furtherance to the conspiracy
stated by 3rd person the aforesaid 2 concerned and the Justice
some volunteer prepared by a.m. no. 3

From the Farleyo parcs it is evident that unclaimed items worth \$8,55,03, less 74 Rad. Gage misappropriated by the Farleyo parcs.

Accd. no. 7 was a member of the line committee to inspect the items delivered by the suppliers for acceptance/rejection. He laid stated in his witness c/1/10/87-2/11/2/87 DT 23/1/2/87 and then c/1/10/87-2/11/2/87 DT 11/1/93 that "the was short sample of some of the items as they were supplied by Laysplint Items which were quite controllable and reasonable as the items of the given quantity had been inspected by the line committee including himself and the procedure of accept and communicated to the DGP, Nagpur for acceptance of the items. Approved and rejection of the items found Pus Standard

Fixing the above facts and etc. in view of this (now well-established) that there is prima facie evidence against the accused nos 1, 2 & 3 of Cr. No. 1, for commission of the offence s. 120 B/407/408/416/471 PC & Section 13(2) read with Sec. 13 (c) PC Oct 1988.

When the three acced persons were sent up before the court of King's Bench, they were compelled to stand like beasts under the strict judgment of law for the end of justice.

Störung, welche er für sie gehabt, sie jetzt aber wieder
auf ein anderes Dalei.

The following is a list of the principal topics to be considered in the course of the study.

Attasted

Advocacy

✓ 100% 5.0/2.00 (10)

Concordia & a Philibis Cypri

ALD-CB/ME/PL-2. (EF/200)/10

1. Date of application for copy 12.1.2001
2. Date fixed for notifying the requisite Number of folios stamps 12.1.2001
3. Date of Delivery of the requisite folios stamp 20.1.2001
4. Date on which the copy was ready for delivery 20.1.2001
5. Date of mailing over the copy to the applicant 20.1.2001
6. Cost of copy Rs. 19/-

(19th day of January, Two thousand One).
(20th day of January, Two thousand One).
(Rupees Fourteen) only.

U. S. C.
Judge-in-Charge
Copying Department
Manuscript Page

6000000

GOVERNMENT OF MANIPUR
SECRETARIAT: DEPARTMENT OF PERSONNEL & AR

ORDERS BY THE GOVERNOR:MANIPUR

Imphal, the 16th February, 1998

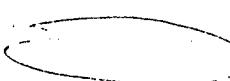
No.4/59/76-MPS/DP(PI): Whereas a disciplinary proceedings against Shri L.K.Haokip, MPS, Commandant, Home Guard is contemplated, on the basis of allegations that he is/has been using his influence and official position to assist his wife, a contesting candidate for Bye-election to 60 - Singhat(ST) Assembly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

16/2/98

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.

Attachment


Advocate

GOVERNMENT OF HANIBUR
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE RECORDS
(PERSONNEL DIVISION)

ORDERS BY THE GOVERNOR OF HANIBUR
Dharmal, the 5th March, 1998.

No. 4/59/76-HPS/DP(St). Whereas an order placing Shri L.K. Hookin, IPS under suspension was made on 16/2/1998.

2. Now, therefore, the Governor of Hanibur 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. Hookin, IPS will report for duty to the Director General of Police, Hanibur, Dharmal until further orders.

By Orders & in the name of the Governor.

13/3/98
(Kh. Raghunani Singh)
Deputy Secretary (Dm) to the Govt. of Hanibur.

Copy to :-

- 1) The Secretary to the Governor, Hanibur.
- 2) The Secretary to Chief Minister, Hanibur.
- 3) The P.S. to Dr. Cries Minister, Hanibur.
- 4) All P.S. to Ministers, Hanibur.
- 5) The P.S. to Chief Secretary, Hanibur.
- 6) The P.S. to Principal Secretaries, Govt. of Hanibur.
- 7) The Election Commission of India, New Delhi.
- 8) The Director General of Police, Hanibur.
- 9) The Accountant General, Hanibur, Dharmal.
- 10) All Commissioners/Secretaries, Govt. of Hanibur.
- 11) The Secretary, Ministry of Home Affairs, Govt. of India, New Delhi.
- 12) The State Election Commission, Hanibur.
- 13) The Central Secretariat (Home) Govt. of Hanibur.
- 14) The Head of Departmental Accounts, Hanibur.
- 15) The Treasury Officer, Hanibur.
- 16) Shri L. Hookin, IPS, Director General of Police, Hanibur.
- 17) Guard of the Order Book.

Attested

Advocate

- 38 -

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

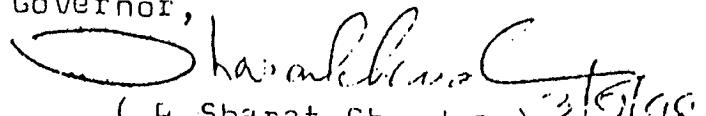
ORDERS BY THE GOVERNOR: MANIPUR:
Imphal, the 3rd August, 1959.

No. 4/59/76-NPS/DP(Pt): 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-section (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 shall be Imphal and the said Shri. L.K. Haokip shall not leave the Head Quarter without obtaining the previous approval of the undersigned.

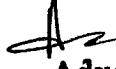
By orders & in the name of Governor,


(P. Sharat Chandra) 3/8/59
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. h. his letter No. 2/PA/PH/98/51 dt. 7-8-98.
- (5) The Accountant General, Manipur.
- (6) The Spl. Secretary (Home), Govt. of Manipur.
- (7) The D.I.C. (Range/Ops), Police Department, Manipur.
- (8) The Comndt. (Home Guard), Manipur.
- (9) The Treasury Officer concerned.
- (10) Shri L.K. Haokip, MPS, C.O./HQ, Manipur.
- (11) Head Office/Local bank.

Attested


Advocate

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. I. 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,

Kh. Raghumani 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./Dr. Chairman State Planning Board, Manipur.
5. P.G. to Chief Secretary, Govt. of Manipur.
6. The Director General, Law & Police, Manipur.
7. The Accountant General, Manipur.
8. The Auditor, P.G.B. Manipur.
9. A.I.I.M.S/DI.G.S/S.P.S/A.I.G.S/C.G. H.C. Manipur.
10. The Special Secretary (Home) Govt. of Manipur.
11. The Treasury /S.T.O/ T.C. Imphal, Lamphel.
12. The concerned officer.
13. Order Book/guard file.

Attested



Advocate

FIRST INFORMATION

- Annexure - 8

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

Sub-Division Imphal West (1) District: Imphal (1).

FIR No 322 (2) 38 P.U/S 12/12/14/00/21210 date & hour of occurrence 31 JUL 8
 1300 (23hr 25 (13) 00 hrs 1000
 Date and hour when reported. Place of occurrence & distance & direction from Police Station Date of despatch from Police Station

1-8-38

OF 8-15 Am

See The Hordeig

Command and Control

Billboard Mro L. K. Wanski

El-Nebo Lemurian

Sopthal.

Aboul-Liham

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

Attasted

Signed

Designation (P.D.C.L.P.)

卷之三

1. - Q - 10 - 0

Army Column
57 m.s. B.V.N.

Attested

Advocate

5-11-1988. Informed on Repairs.

1. The first of the following is for the commandant of the garrison at Fort Lee KVF (P) in charge of sheltering the third division of commandant Hovey - Guard
2. In the event of a raid on the commandant's group.
3. After the raid is over, the commandant will direct and
4. Directs this order at 100h on 31 Jul
5. After the commandant of Fort Lee KVF (P) receives
6. and the commandant of the fort along with his command
7. (P) in charge of the fort.

(1) Es handelt sich um die Pleiengenkung in Kontrast zu den
Folgen der Pleiengenkung in Kontrast zu den
Vill-Nordengenken.
Dort - Ukhitse.

Small is self styled in a knobbed foot.
Architectural ^{knobbed} 32 Louise style with foot.
(02) Live resemble 320 (-32). known by.

(ii) 5116 - delayed till 11.45 am on 11th Aug, 1988
 C. Dillon Age 25 SLO (C) Calkhoven Handicap
 Will - Bonn, Germany
 D.S.L. - Sonnenkopf
 Small C. Town Committee of C.C. P.W.C
 Vehicles seized - 01 (one) Live round T-62 min AKA
 530/28.

(c) Sells, stryed (Cipr.). Geukhatingun (Geukhatingun). Ngumela
Nigumelaum. Ag. D. S. S. L. Chokam Kibbo
will. maghado Dain
will. Geukhatingun

General de Estoril Beach Airport (Cabeceiras de Basto)

Article 22. signed.

(ii) There are (a) live intermediate forms and (b) dead forms.

(iii) There are (a) living forms and (b) dead forms.

(iii) one (01) live. received - 32 auto KPNQET.
 (iv) one (01) live. received - 32 auto WDEAM.

IV) 6112 (P1) - 111044. C. 7062871021084.

Attasted

Advanc.

George Palkitally,
Deputy Collector of Income Tax,
F.C.I.I.
S.C. & O.L.T.M. Rank F.C.I.I.
Deputy Collector of Income Tax Singh.

Attested

Advocate

1054 Cypur

Constitutionalism in the 20th century, age 8, 2
1981-1982

III. *Calligraphis* (1872)

... in Jangher
will be

111. Khorngchajang (Khorngchajang) 10.5 libong

3. You are requested to register a case against the malpractices and to inform PIR members for sure protection. The above apprehended being top leaders of the cult, it is requested that they be subjected to investigation by the Joint Directorate cell in order to get much more valuable information which would help the security forces in tracking the underground to bring people and malpractices in discipline.

$\Sigma_{\tau,1})$

1991, 1992,

Science - Pathology

Chances of success

- 12 -

W.C. 30672. Rank 8012

Mohamed T B Singh

Answers

~~Advocat~~

19 JUN

45-

19

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. Thongkholum 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/-

*Tested**Advocate*

Established by me and is a true copy of the original.
S. of Checker.

୧୮୫୮

DATED - 18-05-99 - 14

DATED : - - - - - 19

Name and addresses of
williebed.

Charge or information. Name of officer and circumstances connected with it in concise details and under 5 not subject of law clerks

1) Compdt. Jais Bir Singh
Army No-13619449
Bd. 5th Mtn. Division
C/for 99 A.P.O.

2) Ram Kallari
Army No-13619449
Bd. 5th Mtn. Division
C/for 99 A.P.O.

3) S.I. Livingstone
Kinni 99 A.P.O.

4) S.I. Md. Chhoba
Bd. Deuphal P.S.

5) S.I. Suryit Singh
Haw. No. 113493649
Bd. 5th Mtn. Division
C/for 99 A.P.O.

6) Thanggangam
Khongcari (As) S/o
Yamktuosi khon
Sai of Langkung
village, Capur
7) Paokholai (As)
S/o Khongthang
Bd. Singkai Nuklung

8) Jais Bir Singh
Bd. Deuphal
P.S.

9) Jais Bir Singh
Bd. Deuphal
P.S.

10) S.I. K. Srikant
Bd. Deuphal
P.S.

11) S.I. Y. Melababu
former 10.

12) R/M No-56185
Saptauk Kien Singh
(As) 99 A.P.O.

13) S.I. Chhoba
Bd. Deuphal
P.S.

14) The prosecution story in brief
The case is that on 1-8-49 at
9.15 am. the Comptdt. Subadar JC
No. 8072 of 5th Mtn. Division C/for
99 A.P.O. posted an order with
S.I. Deuphal P.S. alleging that on
receipt of a specific information
regarding some K.N.F. (P) activists
were taking shelter in the house
of the 99th Home Guard Mr. L. K.
Mukkip at New Lambulam
Deuphal. Based on the specific
information Army column by 5th
Mtn. Division moved out search
at his house at 10.00 hrs by 347
and apprehended two K.N.F. (P)
activists: (1) Thongthayum Supheng
Mukkip in column No. 3 and recover
d. 1. rifle. 32 pistol Loma bearing
No. 820441 (in slide) and No. 8319
(in barrel) with magazine 2 (two)
liter rounds, 13.2 mm (2) No.
111. Lomtongjai (2) Ngamnaha noted
in column No. 3. 1. No. 2 and recover
d. 1. rifle 13.2 mm (3) 13.2 mm from
the prosecution. (3) Mr. Yangminthong
Mukkip noted in column No. 3 S.I.
No. 2 and recovered one live 13.
2 AR. 17 assault rifle from his
possession (4) Mr. Manglun Thakip
noted in column No. 3 S.I. No. 4 (5)
file 13.2 AR. 17 assault rifle from
column No. 3 S.I. No. 5 (6) (6)
Mr. Manglun Thakip noted in
column No. 3 S.I. No. 6. The record

Signature of Investigating Officer.

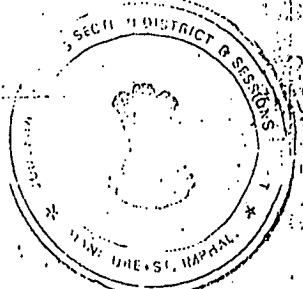
Contd

Persons were graded as black being members of underground organization of KMF (P) and handed over to Manipur Police. Seized articles along with the accused up necessary legal action. On receipt of the状, seized articles along with the arrested accd persons, registered in case for investigation and investigated the case as follows-

That, during the course of investigation examined the complainant and other PwD including the accused attached PwD who fully corroborated [Certified] that I have carefully examined the Register of persons convicted and supported the O.E. of the case. The absconders against whom the charge has been proved have given false names to (S/o) several KMF (P) activists who were arrested by the army/ compn. were jointly interrogated. On interrogation they all admitted that they have committed the prejudicial activities at different places in Imphal Valley also certified that the accused by attacking the security forces in order to snatch the arms and amm. In addition to that they had also left those villages of Manipur & South inhabited. Therefore, the accused persons were found to be involved in the following FIR cases and they were also arrested in the FIR No. 228(X)96 Cops U/s- 121/101-A/309/307/326/398/31 IPC, 25(1-P) Arms Act- 2-13 U/s(1)Act. Certificate to be signed by the Court Officer.

② FIR No- 473(1)97 Cops. U/s- 121/121-A/120-A/307/302/326/326(1-P) Arms Act and 13 U/s(1) Act. FIR No. 65(9)97 IPC U/s- 451/365/384/511/31 IPC & 12 U/s(1) Act & 25(1-P) Arms Act. ③ FIR No- 46(2)98 Cops. U/s- 121/120 IPC.

Further, they have joined persons of KMF (P) and committed robbery at different places from the interrogation statement by the accused persons is to transpose that they committed robbery at different places they used to come and take shelter in the house of Mr. J. K. Harkipati New Jamulbari heavily guarded by Manipur Rifles (army) which became a safe haven by the accused persons and they were hatching conspiracy for such premeditated activities like kidnapping for ransom, attacking the security forces, hatching conspiracy in the house by Mr. J. K. Harkipati easier as Mr. Harkipati all the goods belongs to one kuki community.



Identified in the FIR
unidentified

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

Attested

Advocate

S. of Check



- (2) -

CONTENⁿ FOIL
CHARGE SHEET

CHARGE SHEET NO. 1
IN THE FIRST INFORMATION NO.

DATED - 19
DATED - 19

Charge or information. Name of witness
and his address, if connected with him, and
the date of the action of law taken.

1) R/M No. 1251
Dealt with by Mr. J. K. Harsip in voluntarily
knowing he is extracting his help and the
village. No foul play the case, persons knowingly
had been stamping the well tampering had done
so.

2) R/M No. 1252
Concerning the
Government
Mafatl (24) State of
character of the
well being situated
Debtors App. No.
Manipur Police.

3) R/M No. 1253
Concerning Acci-
tenti (24) (11) No. 1
happening in village
of Manipur village
Sangpuri Ward App.
1253 P.M.

4) R/M No. 1254
Concerning
Sikhami Lhamba
Sikhami (24) No. 1
Accident caused by
Debtors App. 1254
P.M.

5) I.C. Inspector
W. Government
Sikhami the three
nos.

6) Inspector J.
Government
of Manipur
S. O. of the case

7) Dr. S. S. Sircar
Dra. Singh, Section
Officer, Assistant
P.M., Parmaid.

8) H. Inspector
P.M. Laphai

The fact is it is evident that
Debtors are extracting his help and the
village. No foul play the case, persons knowingly
had been stamping the well tampering had done
so.

In the circumstances the
accused filed a petition to the
Session Judge (M.E) for granting
him anticipatory bail
having a guilty mind to his
accuse for having been the stander
and the recovery of 32 pistol
from him by some personnel.
The report by the seized 32
pistol, seized the revolver
carried in the office by Dr. Sircar
Magistrate, Laphai - not and
found. on that one small arm
bearing No. 1/561/1E dated 4-8-86
for 32 pistol bearing no. 5907K
AC-14 fact India Ann Co was
belonged to Mr. J. K. Harsip by the
then Laphai. However on
application with the said
32 pistol, there is a contradiction
by the no. having on the
blade inside is 83099 and
in other no. is 839591 on the
blade. but the body no. was
found unperceal. Accordingly

Signature of Investigating Officer.

Attested

✓
EVONIK



Crashed

a representation was made to the District Magistrate bringing to his notice that the license issued to Mr. J. K. Haworth had been cancelled. Despite objection report submitted to the Session Judge (M.C.) the court J. K. Haworth have been granted absolute bail on condition that Seizure Money paid partially or in part by the enemy personnel was produced before the court that was left by the enemy on the day of the Seizure. On this date granted bail. J. K. Haworth had been released on bail by executing P.R. bond of Rs 10,000/- (Ten thousand) along with one security of like amount and he was also directed to appear before the S.C. of the case. Accordingly the court J. K. Haworth had approved the complaint being summoned by police. On investigation he admitted all the above facts. Although in complicity with the collaboration of the Seizure Judge (M.C.) the court had been informed 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 of absconders against whom the charge has been proved have given false been previously convicted and I find the

Identified
unidentified
in the case jurisdiction
Also certified that the accused is _____
to the _____

that during the storage by investigating
the seized 32 pistol and ammunition
Seized in the case had been sent to the expert of FSL Panjisi Valsad _____
No. 12431/IPS/78 dt. 24-9-79 by C. I. P. S. for obtaining
the opinion. The expert examination report
with opinion No. 12431/IPS/78 dated 24-9-79
and its Job ref. No. 12431/IPS/78 dated 24-9-79
had been collected from the FSL Panjisi. The
ballistic expert opined that the seized
exhibit A (pistol) is a 32 pistol made
out of marking cartridge exhibits
to be area 32 Calibre pistol made
from 32 Calibre cartridge
cartridges. Exhibit B is 32 Calibre
cartridges. The exhibit R to R² are all
live ammunition. The original number of the
seize even (pistol) is 12431 and would not
be recovered.

Further prosecution was taken by the seized
32 pistol and the ammunition had been sent
M.C. 37 Arms Act to the Dist. Magistrate Dumas
for prosecuting the seized persons before the court.

Attested

Advocate

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

266
S. of Checker



COUNTER FOIL
CHARGE SHEET

CHARGE SHEET NO.

IN THE FIRST INFORMATION NO.

Names and addresses of accused persons sent up	On trial or recognisance.	Property including weapons found, with particular where, when and how found, and whether surrendered to Magistrate.	Names and addresses of persons sent up
In custody.	4	5	6
3			

DATE D. 19
DATE 19

Change of information. Many changes and circumstances connected with it in consequence of which a revision of law cannot

Mr. B.M. Simphal - not granted
corrected prosecution levied
under Rule 103-A(1)(a) / 1/22/con
11 (4) dated 23-7-93.

In view of the above circumstances in Florida five extra officers - 1001pc ready with 100-10-1pc and 85 (1-12) Anne Arl had been established to prosecute upon the arrest of the following persons noted in column No. 3 at No. 1 to 6 and 4-5-81-1pc upon the arrest of the 1-12.

These the next persons had been struck in the face before the tower.

The following are the papers
and documents to be
exhibited by the prosecution to
be presented the Judge upon the
trial by the court.

1) Q.F. by the said fir. No. 322 (8) 49
IPC at 0100 hrs.

2) Seizure list dt. 31-7-98 at
Plat. and 3. live rounds.

3) Seizure list dated 31-7-98
at 0105 hrs for the seizure of
5 sets & one empty case.

4) Seizure list dated 31-7-98
at 0110 hrs for the seizure of
1 (one) live round of AR 94

5) Dr. Seizure list dt. 1-8-98 at 900m
for seizure by ST Regd. to S.No. 4

Signature of Investigating Officer.



Courtland

68

6) Evidence test. No. 613 dat 12-9-98, Pm.

7) Rough sketch map by the P.C. with circles showing all relevant points dat 13-1-98.

8) Circular copy passed by Dist. Session Judge (mt) dat 22-8-98

9) Daily Manipuri news paper "Prokarmpham" dat. 12-9-98

10) Application to record prosecution conviction dat 12-9-98

from S.C.P. addressed to SP/Dumphat -mt.

11) Letters No. 17/9/98 - R(1)/1669 from SP/Dumphat -mt.

12) Letters No. C-1/7/98 - R(1)/1669 from SP/Dumphat -mt.

13) Letters No. V/1/prosecution conviction) /92- P110/6660 dat. 21-10-98

14) Letters No. A-17/9/98 - R(1)/1669, dat 26-10-98.

15) Letters No. C-1/4/98 - R(1)/1669 - dat. 20-10-98. Certified that I have carefully examined the Register of persons absconders against whom the charge has been proved have been previously convicted and I find that the accused persons their correct name

16) Letters No. 10/1(12)/98 - P110/9028 dat. 16-12-98 (photostat)

17) Letters No. 10/1(13)/98 - P110/1223 dat. 27-1-99

18) Circular copy of H. Jolaiyam, chief Secy. Govt. by Manipur dat 12-1-99.

19) Letters No. 6/1(22)/97-11/98 - dat. 20-1-99. Also certified that the accused is identified in the above jurisdiction

20) Circular copy of Session Judge (mt) enclosed.

21) Encl. copy of order passed on 5-9-98 by Dist. Session/Dumphat.

22) Certificate received on 10-9-98 by S.M./W.C. Certified to be signed by the Court Officer.

23) 2-photostat copies of entry register sheet marked as A/1 and A/2 clearly certified by Shri R.K. Angomarwa Singh D.M. - Dumphat.

24) P.R. Record and serial number copy of - dat 1-9-98.

25) For writing letters No. 1813/190/98 - dat 21-9-98

as required to A.D.F.L. Pongee having 3 (three) sheets.

26) For writing letters No. 31/10/98 - P.S. (B) /98 dat. 24-9-98

with opinion No. 57(1)98/P.S. dat. 23-9-98 and L.R. No.

27) Circular copy of S.M./W.C. in "P.W. wife - 391 A.M. Adr" dat 24-9-98.

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MOST IMMEDIATE
BY SPECIAL MESSENGER

No. 4/59/76-NPS/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, NPS, Comendant/ 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

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. Hackip 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.

By order & in the name of
Governor,

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

To

Shri L.K. Hackip, M.P.S.,
Commandant/Hma Guards,
Manipur (Now under suspension)
Care of AIG(Bgrs), Imphal.

Chu
H. Jel Shyam
26/4/99

Attested

Advocate

STATEMENT OF ARTICLES OF CHARGE

M.L.K. Haokip, IPS (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. I.K. Haokhliong 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, Joon held on 15th February, 1998 and the Home Guards who were enrolled were not given food in the meroes 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, Joon were paid training allowances etc without any valid reason. Thus he had caused loss of Govt. money on unexpired training.
4. The full name and residence and present address 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.

Contents

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Advocato

5. That, he had furnished wrong figures of expenditure statement to the PWD 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.

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

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

1. Mr. L.K. Haokip 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. 315(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. Haokip 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 20.3.98 to 30.6.98. Although such called out persons were supposed to be undergoing training at 2nd Bn. Manipur Rifles under the supervision of the Asstt. Comdt., Shri A. Amu Singh and Subedar N. Bhange Meitei. 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/-

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 Deptt. 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.Haolip 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.

6. That while functioning as Commandant(Home Guard), Manipur Mr. L.K.Haolip 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.Haolip was residing. During the search, the Army Column arrested 6 (six) persons namely; -

Contd... 3/-

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Advocate

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- i) Mr. Thongkhesei Lupheng
④ Kansa (26) s/o (L)
Thangboi Lupheng of
Mongdiam village
C-in-C of KMP (p). - One 132 service pistol
with 2 rds of 7.62 mm.
- ii) S.S. 2nd Lt. Yangminthang
Haokip & Thangboi & Will-
son (24) s/o (L) Laikho-
hen Haokip of Boengbal
Khullen. - One 1rd of AK-47
(7.62 ammn).
- iii) S.S. Capt. Seikhottin-
ngam & Ngamcha & Ngam-
mai (23) s/o Luphoshokhon
of Naphiou Dam. - 5 rds of 132 ammn.
- iv) Mr. Thangsonmoun ④ Janathan
④ Noinoun (22) s/o (L)
Khuphal of Sunchinvung.
- v) Mr. Janghen Haokip (20) s/o
Mr. Seijamang Haokip of
Manghong village.
- vi) Mr. Monlun Zamkhomang ④ Mang
(35) s/o ④ Janghen of Khongchai-
Jeng 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.

- SF -

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

Annexure-A/9

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

1. Jemadar O.Bajen 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 C.I. 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 Issak Shingay now posted at the office of Commandant (Home Guard), Manipur.
2. Shri M.Kiran Singh, Division Commander of Home Guard.
3. Shri L.Kanhaiyal 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 Samanand 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.Anwar 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 EPI. Dist. in all 20(twenty) sheets.
4. Payment of Election TA/DA for Chandel Dist, 4(four) sheets.

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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 Ukhirul 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 APBs of the TA/DA 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 Leishangthem 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 A.C. Roll for payment of Training Allowance of Home Guard volunteers.

Subscribed
Given on
14/01/01
Commandant (D.E.)
Govt. of Manipur

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

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

The following documents shall be produced as evidence.

1. Copies of order issued by Shri L.K.Haokip order No. 52/Trg-1-HG/98 dated 30.3.98 and O.P. No. 26498 dated 26.4.98 and order No. 52/11/HG/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

Attested


Advocate

- 3 -

Guard, Subedar N. Dhange Meitei of Training, Home Guard and Shri L. Chandramani Singh, Training/CLM 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. Khatsung, Accounts Officer/PHQ,

2. Shri Vilasakumar Singh, AIGI (P/H), 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.2.04,000/-.

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

1. Copy of FIR No.322(A)98 IPS u/s 121/121-A/400/212 IPC, 18 U.A(P) Act and 25(1-B) Arms Act.

2. Copy of seizure Memo dated 31.7.98 prepared by Army Officer's conducting raid.

3. Interrogation statements of persons arrested on 31.7.98 at 1 p.m. namely, (1) Thongkholum Luheng of Mengdam village, Chief of KMF(P) army, (2) Seikhotingam & Ngamcha @ Ngambou of Maphou Dam S/S captain, (3) Yangmihthang Haokip of Mongbung village, (4) Lianglun Haokip of Mongbung, (5) Thongsomoun of Sunchimoun and (6) Moutur Jankhomang of Chongchajang village a/p Tullong.

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Attested


Advocate

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

1. Inspector S. Bhupinder Singh now posted as C/Sugnu PS.
2. Shri Th. Nimesh, Inspector of Special Interrogation Team of Imphal West District Police.
3. Shri S. B. Singh, SP/Imphal West District.
4. Subedar G.D. Singh of 57 Mountain Division.

Notes

IN THE COURT OF THE DISTRICT MAGISTRATE: IMPHAL
MANIPUR

O R D E R S

Imphal, the 29th September, 1998

No. DM(IW)/1/22/COM/94(Pt) : Seen the Police report dated 28-9-98 submitted by U.C. N. Gourakishwar Singh of Imphal Police Station I.O. of the case praying for according sanction for prosecuting the accused persons namely Thong Kholun Lupheng @ Kansha (26) s/o (L) Thangboi Lupheng of Nongdam Village, (2) Saikhotingam @ Ngamcha @ Ngamboma (23) s/o late Sohen Lupho of Mapou 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. Haokipat New Lambulane, Imphal and seized one .32 Pistol (Lamp) bearing No. 830991 (on slide inside) and 839591 (on barrel) 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 arms 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

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.

Attested


Advocate

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

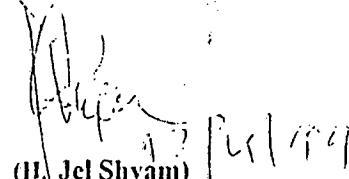
ORDERS BY THE GOVERNOR : MANIPUR

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) Thangkhel Luhpeng 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 Khullen, 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 (L.L.A.M.A) 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(8)98-IPS U/S 121/121/A/400.212 I.P.C., 13 U.A.(P) Act & 25(1-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) 11/11/99
 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-II/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.

Attested


 Advocate

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

1453
RS/8/2K

Annexure-12

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

No.18/293/2000-P/DP: Whereas it is alleged that Shri N. Ngaraipam Tungkhul 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 Kangubum Leikai as AC Quarter Master and Shri N. Jasobanta Singh S/O (1) N. Tombi Singh of Kurao Maklong Tera, Hov. as Store incharge 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.55,03,605.94 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 floatation tender vide approval letter No.3/5(12)90-H 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 Tungkhul, 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 misappropriation of uniform items worth Rs.35,69,892.60 paise by Shri (1) N. Ngaraipam, CO 2nd MR, (2) A. Thampuia, 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. Thampuia, Dy.CO 2nd MR (3) K. Pishak Singh, AC Quarter Master 2nd MR (4) N. Jasobanta Singh, Hov. Store-in-charge, 2nd MR vide FIR No.368(7)93 IPS u/s 409/466/468/120-B IPC and Section 13(1)(e) 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 Tungkhul was posted as the Commandant 2nd MR during 1990-92 and Shri A. Thampuia 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, Hov. of 2nd MR was the store incharge of the Battalion during the above said period. However Shri A. Thampuia, Dy.CO 2nd MR had no role in the receipt and disbursal 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.

Advocated
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. Ngaruipam, 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 Bhurilal Agarwal, 1st MR Canteen.	1. P.T. Shoe(Brown) 50,136 prs. 2. White Drill Cotton 6,663 mtrs. 3. Hunting Boot(OG) 10,617 prs. 4. Leather Cross Belt(Brass) 300 nos. 5. Attachment Brass 3,010 prs. 6. Web Belt (Khaki) 1,961 nos. 7. Woolen Blanket 5,617 nos.		13/14/90-PHQ, dated 1-6-1991 -do- -do- -do- -do- -do- 13/14/90-PHQ, dated 11-7-1991 -do-
3.	M/S Arbind Emporium, Thangal Bazar.	1. Rifle Oil (bottle) 6,581 nos. 2. Bayonet Frog 3,010 nos. 3. Jungle Hat 7,463 nos. 4. Haver Sack(OG) 2,574 nos. small 5. Cloth Drab mixture 6,286 nos (Khaki).		13/14/90-PHQ, dated 7-1-92 -do- -do- -do- 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 Shruti Sales Corporation Delhi.	1. Woolen Jersey (OG) 3,339 nos. 2. Woolen Jersey(Khaki) 2,328 nos. 3. Ankle Boot (Black) 10,800 prs. 4. Cotton Cellular 12,210 mtrs. (Khaki)		13/14/90-PHQ, dated 1-8-91. -do- -do- 13/14/90-PHQ, dated 11-7-91
6.	M/S Sardar Brother Thangal Bazar.	1. Cotton Drill (OG) 32,700 mtrs. 2. Cotton Cellular(OG) 20,523 mtrs 3. Cotton Drill(Khaki) 12,210 mtrs. 4. Cloth Drab Angola 9,580 mtrs. 5. Cotton Cellular 2,492 mtrs. (White)		13/14/90-PHQ, dated 4-7-91 -do- -do- -do- 13/14/90-PHQ, dated 9-8-91
7.	M/S O.B. Agarwal 2nd MR Canteen	1. Rifle Sling (OG) 4,045 nos. 2. Hat Badge(MP) 4,038 nos.		13/14/90-PHQ, dated 11-7-91 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/II), 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.

Attested

Adj. 10

And whereas the DGP, Manipur vide his office letter No. PR/1/1/15/91-PHQ dated 16-4-92 allotted the uniform items of DGP Pool to the MR Bns 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 Bns and District Police by preparing false receipt and forging the signature of the official authorised by the MR Bns 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 Bns 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 Bns and District Police of Manipur were calculated and quantity of uniform items misappropriated would be calculated as Rs.55,03,605.94 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 120-B/109/166/168/171 IPC and Section 13(2) read with Sec. 13(1)(c) 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 (1) N. Yangshung Tangkhul of Ningchow village, now CO 6th MR, (2) K. Pishak Singh (57) s/o (1) K. Ibotombi Singh of Kangabam Leikai, now Addl.SP/Ukhru and (3) N. Jasobanta Singh (37) s/o (1) 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)

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 DIG(Adm.), PHQ, Imphal.
5. The SP/CHD(CB), -- with reference to his letter No.1/SP/CHD(CB) Imp dated 19-5-2000.
6. The Superintendent of Police, Imphal West, Manipur.
7. Guard File/Orders Book.

Approved

Ad. o. 20

- 65 -

Annexure- 13

GOVERNMENT OF MANIPUR
SECRETARIAT: HOME DEPARTMENT

NOTIFICATION

Imphal, the 30th January, 2001.

No. 4/14(17)/2000-HH : In pursuance of the provisions of Section 6 of Delhi Special Police Establishment Act, 1946 (Act 25 of 1946) the Governor of Manipur is pleased to accord the consent to the extension of powers and jurisdiction of the Members of the Delhi Special Police Establishment in the whole of the State of Manipur for investigation of the offenses in regard to alleged commission of fraud in payment of Ex-gratia in Thoubal District, Manipur involving 60 FIR cases as Annexure 'A'.

By Orders & in the name of
Governor of Manipur.

(/)/
i.P.S. (Hr. Jri)
I. Pr. Secretary (Home),
Government of Manipur.

Copy to :-

1. The Secretary to the Government of India, Department of Personnel & Training, New Delhi with a request to entrust the investigation to CBI.
2. The Secretary to the Government of India, Ministry of Home Affairs, New Delhi.
3. The Director, CBI, CGO Complex, Lodhi Road, New Delhi; 110 003 for information and necessary action.
4. P.S. to Chief Secretary, Govt. of Manipur.
5. The Director General of Police, Manipur. For handing over the cases to CBI.
6. The Principal Secretary (Finance), Govt. of Manipur.
7. The Secretary (Revenue), Govt. of Manipur.
8. The Deputy Commissioner/Thoubal District, Manipur.

Attested



Advocate

Attasted

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

ORDERS BY THE GOVERNOR : MANIPUR

Imphal, the 20th June, 2000.

No.4/16/83-MPS/DP : Whereas a disciplinary proceeding against Shri S. Manglemjao Singh, MPS, Supdt. of Police, Bishnupur District is contemplated.

Now, therefore, the Governor of Manipur, in exercise of the powers conferred by Sub-rule (1) of Rule 10 of Central Civil Services (Classification, Control and Appeal) Rules, 1965, hereby places the said Shri S. Manglemjao Singh, 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 S. Manglemjao Singh, MPS shall be at Imphal and the said Shri S. Manglemjao Singh, MPS shall not leave the headquarters without the previous permission of the Chief Secretary, Government of Manipur.

By orders & in the name of the Governor ;

H.Gyan Prakash
(H.Gyan Prakash)
Deputy Secretary (DP),
Govt. of Manipur.

Copy to :

1. The Secretary to the Governor, Raj Bhavan, Imphal.
2. The Secretary to the Chief Minister, Manipur.
3. The PPS/PS to Dy. Chief Minister, All Ministers/Ministers of State, Manipur.
4. The PS to Chief Secretary, Govt. of Manipur.
5. The PS to all Principal Secretaries/Commissioners/Secretaries, Govt. of Manipur.
6. The Director General of Police, Manipur.
7. All Officers concerned.
8. Guard File.

Attested


Advocate

-(0)-

NO: UMR/PER/2000/99
GOVERNMENT OF MANIPUR
OFFICE OF THE COMMANDANT, 9TH BN. MANIPUR RIFLES, TAPHOU.

Taphou, the 15th February, 2001.

TO

The Chairman,
Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi - 110001.

Through Proper Channel.

Subject :- Submission of representation
by Shri A. Rajendra Singh, M.P.S
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 to the departmental
proceedings and criminal prosecution
against S/Shri S. Teulchinkham, ^{M.P.S} W. Ngai-
rakpam, M.P.S, L.K. Hackip, M.P.S and S.
Manglemiao Singh, M.P.S were not placed
before the D.P.C. meeting for promotion
of 2(two) M.P.S. Officers to the
Indian Police Service against 2(two)
vacant posts of I.P.S. for the State of
Manipur in 2000.

Sir,

I have the honour to submit the following few facts
and points of Law for reviewing the proceedings of the D.P.C.
meeting held in the Office of Union Public Service Commission,
New Delhi on 20/12/2000.

That, the following M.P.S. Officers in order of
seniority were 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 in the meeting of
D.P.C. held on 20/12/2000 in the Office of the Union Public
Service Commission, New Delhi.

Attested


Advocate

Contd... 2/-

The names of those M.P.S. Officers are furnished ^{g/f} as under :-

- 1): A. Rajendro Singh, M.P.S.
- 2): S. Tualchinkham, M.P.S.
- 3): N. Ngataipam, M.P.S.
- 4): L.K. Haokip, M.P.S.
- 5): N. Mani Singh, M.P.S.
- 6): S. Manglenjee Singh, M.P.S.

That, it is submitted that Sl.No.3, N.Ngataipam was placed under suspension vide Order No.18/20/93-MPS/DP (A) dated 21/1/93 in contemplation of a disciplinary proceedings against him in connection with FIR Case No.369(7)93-Imphal P.S. U/S 120-B/409/466/468/471 IPC, and section 13 (c) P.C. Act, 1990 which is now pending for trial in the Court of Special Judge, Manipur East being Special Trial No.1 of 2000. The case was for misappropriation of Rs.35,698,9260/- which was sanctioned for the purchase of Uniform items for Jawans of Manipur Rifles which is known as Uniforms SCAM. The Charge Sheet of the said FIR Case was issued on 25/9/2000 and it was received in the Court of Special Judge, Manipur East on 17/10/2000.

That, the suspension order of Shri N.Ngataipam was revoked without prejudice to the case pending against him vide Order No.18/20/93-MPS/DP dated 13/4/95. Photo copies of suspension order, revocation order and Charge Sheet are enclosed as ANNEXURES- A/1, A/2 and A/3 respectively.

It is also submitted that Sl.No.4, Shri L.K.Haokip was placed under suspension vide Order No.4/59/76-MPS/DP(pt) dated 16/2/98 but the suspension order was revoked without prejudice to the departmental proceedings pending against him vide Order No.4/59/76-MPS/DP(pt) dated 5/3/98.

That, a regular FIR Case No.322(9)98-IPS U/S 121/121-A/400/212 IPC, 13 U.A.(P) Act & 25(1)-B Arms Act was registered at Imphal P.S. against Shri L.K.Haokip and 6(six) others and Charge Sheet No.32/IPS/99 dated 12/5/99 has been submitted in the Court of Chief Judicial Magistrate, Imphal against Shri Lupkholot Khaijamang Haokip (L.K.Haokip) appearing at Sl.No.7 column No.3 of the charge sheet for harbouring members of K.N.P.(P), an 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 persons in column

Attested

No.3 from Sl.No.1 to 6 were arrested from his house and recovered arms and ammunitions as mentioned in column No.5 of the Charge Sheet which has been registered in the Court of Chief Judicial Magistrate, Manipur Imphal who committed in the Court of Special Judge, Manipur East for hearing and for which he was placed under suspension vide Order No.4/59/76-MPS/DP(pt)dtd.3/8/98.

That, the suspension order of Shri L.K.Haokip was revoked without prejudice to the departmental enquiry pending against him vide Order No.4/59/76-MPS/DP(pt) dated 25/5/99.

Photo copies of the suspension order, revocation order, FIR and Charge Sheet are enclosed marking as ANNEXURE-A/4, A/5, A/6, A/7, A/8 and A/8(1) respectively.

It is, further submitted that a departmental proceedings against Shri L.K.Haokip is pending vide Memorandum No.4/59/76-MPS/DP(pt) dated 22/4/99 for committing act of misconduct, insubordination and financial impropriety mismanagement of the Home Guards personnel involving a sum of Rs.23,17,700/- sanctioned by the Home Department vide Order No.315(64)/97-H dated 9/2/98 of the Home Department for functioning Home Guards Organisation before the Commissioner, Departmental enquiries, Manipur, Shri I.S.Laishram, I.A.S. in connection with D.E.No.1/4/CDE/2000. Photo copy of the said Memorandum along with articles of charge etc. is enclosed as ANNEXURE-A/9.

That, vide Order No.18/203/2000-P/DP dated 22/8/2000 the prosecution sanction has been accorded against Shri N. Ngaraipam Tangkhul, MPS to prosecute him in the Court of Law for commission under section 120-B/409/466/468/471 IPC and section 13(2) read with section 13(1)(c) of P.C.Act,1983 in connection with FIR Case No.368(7)93-IPS. A photo copy of the said prosecution order is enclosed marking as ANNEXURE-A/10.

That, vide order No.18/19/88-MCS/DP dated 12/4/99 the prosecution sanction has been accorded against Shri Lul-khel Khaijamang Haokip, MPS for harbouring K.N.P.(P) members which is punishable under section 212 IPC in connection with FIR Case No.322(8)98-IPS under section 121/121-A/400/212 IPC, 13 U.A.(P) Act and 25(1-B) Arms Act. A photo copy of the said order is enclosed as ANNEXURE-A/11.

Attested

Advocate

It is further submitted that Shri Tualchinkham 88
Saini appearing at Sl.No.2 in order of seniority has been
placed under suspension vide Order No.4/65/76-MPS/DP(1)
dated 29/3/2000 in contemplation of a disciplinary proceedings
instituted against him while he was Commandant 9th Bn.Manipur
Rifles. A photo copy of the said order is enclosed marking as
ANNEXURE-A/12.

That, Shri S.Manglajee Singh,MPS(Sl.No.6) in the
list has also been placed under suspension vide Order No.4/16/
83-MPS/DP dated 29/6/2000 in contemplation of a disciplinary
proceedings instituted against him while he was S.P.Bishnupur.
A photo copy of the said order is enclosed as ANNEXURE-A/13.
60(sixty) P.I.R.Cases have been registered against him for
drawl of illegal ex-gratia amounting to Rs.60,00,000/- (Rupees
sixty lakhs) and the Govt. of Manipur referred those PIR Cases
to C.B.I. for thorough investigation.

That, all these facts regarding criminal proceedings,
departmental proceedings as well as registration of PIR Cases
against the above 4(four) M.P.S. Officers were not brought to the
notice of the D.P.C. meeting held on 20/12/2000 in the Office
of Union Public Service Commission, New Delhi. It is surprising
that how the concerned Department certified the integrity of
these 4(four) M.P.S. Officers.

That, under Rule 3 of THE INDIAN POLICE SERVICE
(APPOINTMENT BY PROMOTION) REGULATION 1955 regarding the
constitution of the select committee, the D.G.P.,Manipur
who is aware of all these criminal proceedings and depart-
mental proceedings as well as registration of P.I.R.cases
against those Officers was not included in the committee
whereas the D.G.P.,Tripura was included. But, one V.C.Coul.
I.G. Boarder Security Force was included in the Committee
and as such the Selection Committee was not properly consti-
tuted .

That, I am the senior most M.P.S. Officers within
the zone of consideration among the 6(six) M.P.S. Officers
for promotion of 2(two) M.P.S. Officers to the I.P.S. and
I am more than due for the said promotion as I have been
serving more than 25 years as M.P.S. Officer.

Attested


Advocate

Contd... 5/-

That, the concealment of the above facts by the Department concerned cause deprivation of my right for promotion to I.P.S. which is against the Rule of Law and principle of natural justice .

It is, therefore, earnestly prayed that the proceedings of D.P.C. held on 20/12/2000 be reviewed for the concealment of the above criminal proceedings and departmental proceedings as well as registration of criminal cases against those Officers in the interest of justice and public policy.

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

Enclosure:- As above.

Date, Taphou,
the 15th February, 2001.

Yours faithfully,

(A. RAJENDRO SINGH),MPS,
Commandant 9th BN. Manipur Rifles,
Taphou.

Advanced Copy to:-

1. Shri Surinder Nath,
Lt.General(Rtd),
Chairman,
Union Public Service Commission
Dholpur House, Sahajahan Road,
New Delhi-110011.
2. S.K. Pillai,
Joint Secretary, North East,
Govt. of India,
Ministry of Home Affairs,
New Delhi.
3. The Chief Secretary,
Govt. of Manipur.

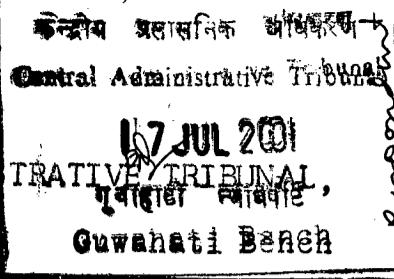
- for favour of
kind information.

(A. RAJENDRO SINGH),MPS,
Commandant 9th BN. Manipur Rifles,
Taphou.

o/c

Attested


Advocate



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH

ORIGINAL APPLICATION NO. 150 OF 2001.

Shri A. Rajendro Singh. ...Applicant.
- VRS -

The Union of India
and others. ...Respondents.

I N D E X

Sl. NO.	Particulars of Documents	Page No.
1.	Reply Affidavit with verification.	1 to 12.
2.	Vakalatnama.	13
3.	Notice.	14

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORIGINAL APPLICATION NO. 150 OF 2001

B E T W E E N

Shri A. Rajendro Singh,

Commandant 9th Bn. MR,

Taphou; Manipur.

...Applicant;

-VRS-

1. The Union of India

2. The U.P.S.C.

3. The State of Manipur

4. The State of Tripura and

6 others.

...Respondants.

WRITTEN STATEMENT OF THE RESPONDANT

NO.8 (SHRI N. NGARAIPAM, M.P.S.)

I, N. Ngaraipam, aged about 54 years, the Respondant No.8, now serving as Commandant, Home Guards(V) Manipur do hereby state as follows:

1. That, I have gone through the original application, the annexures annexed thereto and fully acquainted with the facts of the case. All the statements made in this written statement are true to my knowledge and these statements are made on the basis of records.

Contd... 2/-

2. That, before making reply to the statements made by the petitioner in his application under reply the answering Respondent submits that the application is not maintainable for the reason that no cause of action has taken place and at the same time no cause of action is also disclosed. As per the facts disclosed in the application, the matter relates to the promotion/appointment of MPS Officers to I.P.S. The matter is to be dealt with by the authority concerned and at present the process for selection is going on and the same is yet to be completed. If any case is to be filed ~~before the Hon'ble Tribunal~~ should be against the order of promotion only and not prior to the result of the Selection and as such the present case is pre-matured, ill-conceived and not maintainable and liable to be rejected/dismissed at the threshold without going into the trial on merits.

3. That, as regards para No. 1, 2 and 3 of the application 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. 4.1, 4.2 and 4.3 the answering Respondent have nothing to say.

5. That, as regards para No. 4.4 of the application under reply the answering Respondant submits that the applicant was not selected for promotion/appointment to the post of I.P.S. by the Selection Committee of merit. Even if his statement that this name has been left out from select list, there is no question of improper consideration as the applicant has no right for promotion/ selection and his only right is that his name should be included in the consideration as he is within the zone of consideration. In the instant case his case for promotion was considered by the duly constituted Selection Committee and the result of the selection is yet to be announced. Hence, the application is devoid of merit and deserves outright rejection at the thredshould.

6. That, as regards para No. 4.5 of the application under reply the answering Respondant 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 a 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 in charge of Home Department;
- iii) Director-General and Inspector-General of Police;

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 Goa-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

Contd... 5/-

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.

(G) For Joint Cadre of Arunachal Pradesh-Goa-Mizoram Union Territories:

- i) Chief Secretary, Govt. of Arunachal Pradesh;
- ii) Chief Secretary, Govt. of Goa;
- iii) Chief Secretary, Govt. of Mizoram;
- iv) Chief Secretary, Delhi;
- v) Chief Secretary, Pondicherry;
- vi) Inspector General of Police, Arunachal Pradesh;
- vii) Inspector General of Police, Goa;
- viii) Inspector General of Police, Mizoram;
- ix) Commissioner of Police, Delhi;
- x) Inspector General of Police, Pondicherry;
- 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. Further, the answering Respondent submits that pendency of Departmental and Or Criminal Proceedings against any of the incumbents is to be dealt with as provided under the Regulation and the applicant need not worry for the same.

7. That, as regards para No. 4.6 of the application under reply, the Respondent submits that the result of the Selection is not yet published. As per the Regulation No. 5, the Committee has to prepare a Select list of suitable officers in the manner provided therein. Thereafter, the list so prepared in accordance with regulation No. 5 shall then be forwarded to the Commission (UPSC) as provided under regulation 6 for consultation. The Commission, ^{after} consideration and making any changes/modification, if necessary, by taking consent of the State as well as Central Govt. may approve the list finally as provided under Regulation 7, and only thereafter the appointment is to be made by the Central Govt. to the IPS, from the Select list as provided under Regulation 9 of the IPS (Appointment by promotion) Regulations, 1955.

In the circumstances, the select list prepared by the Committee is a confidential record and the applicant perhaps by using unfair means managed to know the names of the selected persons contained in the select list prepared by the Selection Committee in the Meeting held on 20/12/2000 for which the applicant is liable to be prosecuted or otherwise dealt with departmentally for disciplinary action. Not only the Select list, the applicant also managed to know the ACR gradings of the encumbents as disclosed in the paragraph under reply which is also confidential and not ~~accessible~~ by the encumbents such act on the part of the applicant is also highly irregular and unbecoming of a Govt. servant and liable to be penalised with the extent of removal from service.

Further, as stated above, the preparation of select list was made in the manner provided under Regulation No.5 and as such there was no irregularity or improper consideration. As submitted above, pendency of disciplinary and/or Criminal proceedings against the Respondent No.8, 9 & 10 has nothing to do with the selection inasmuch as till the penalty is imposed after conclusion of the enquiry/trial, the ~~ex~~ encumbents shall be treated as innocent as per law of the land and as such the applicant need not worry for the same.

8. That, as regards para No.4.7, 4.8 and 4.10 of the application under reply, the answering Respondant No.8 submits that the applicant is not supposed to know the process made by the State for selection and consideration by the Committee. Hence, the statement that

the State of Manipur did not intimate anything regarding the pendency of Departmental/Criminal Proceeding to the Selection Committee is based on no records and the same is not at all relevant. As regards the suspension in connection with F.I.R Case No. 368(7) 93. I.P.S. or the pendency of the Special Trial No.1/ 2000 before the Special Court, Manipur the same are to be dealt with its own merits and will follow the due consequences only after the closure/conclusion of the proceedings. The applicant has no authority to presume that the Respondent No.8, 9 & 10 are guilty because of the pendency of the Departmental/Criminal Proceedings. Further, it is very clear that the applicant as stated by him is ^{not} selected or in other words his name is not included in the select list prepared by the Committee constituted under the Regulation. From this, it is concluded that the merit of the applicant is lower to the Respondent No.8 & 9 and as such he could not qualify in the selection and accordingly, for reasons best known to him, the applicant is interested in delaying the promotion by raising matters which are not relevant. It is also worth mentioning that the applicant claims himself to be the seniormost amongst the incumbents, but he failed to know that seniority is for the purpose of inclusion in the Zone of consideration only and not for inclusion in the select list and that the select list is to be prepared strictly in terms of merit in the manner provided under Regulation No. 5 of the Regulations, 1955.

Contd... 9/-

9. That, as regards para No. 4.9 & 4.11 of the application, the answering Respondent has nothing to say as the same is to be answered by the Respondent No. 9 and 10.

10. That, as regards para No. 4.12 & 4.13 of the application, the answering Respondent No. 8 submits that it is for the selection Committee to consider about the suitability of the candidates who are to be included in the select list. The examinee cannot be the Examiner himself. The applicant being a candidate is not supposed to know the result of the Selection. All the charges contained in the Departmental/Criminal Proceedings are yet to be proved and till the charges are held proved the Respondent No. 8 can not be victimised on the basis of the pendency of the proceedings. The applicant also has no right and authority to compel the selection Committee to performed its duty as desired by him. The contents of these paragraph under reply are also highly objectionable as it contains the disclosure of the highly confidential matters which could not be made public after the appointment of ~~the Selection~~. It seems that the applicant himself was the chairman of the Selection Committee.

It is submitted that the Respondent No. 8 has been awarded the President's Police Medal for gallantry for his excellent valour shown during the counter insurgency operation apart from other medals he received in his service career.

The applicant is neither the authority nor the proper person who is supposed to know the ACR gradings of the incumbents. Over and above these, as stated above, the applicant is not a member of the Committee and he cannot compel the Committee to include his name in the Select list.

11. That, as regards para No. 4.14 of the application under reply, the answering Respondent No. 8 submits that Note No. (3) of the Notes appended to Regulation 3 of the I.P.S. (Appointment by promotion) Regulations, 1955 is very clear. It states that absence of member other than the Chairman or 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. Hence, the absence of the Director General of Police, Manipur in the Meeting held on 20/12/2000 has nothing to do with the Selection. There is no question of non-inclusion of the Director General of Police, Manipur in the Committee. He is a member of the Committee. He was absent in the sitting of the Committee and as such the Contention of the applicant that because of non-inclusion of the D.G.P., Manipur in the Meeting of the Committee held on 20/12/2000 the Selection is vitiated is not at all tenable or maintainable as per provision of Note No. (3) to the Regulation No. 3 of the Regulations, 1955. Hence, the Committee which met on 20/12/2000 is a duly constituted committee in terms of Regulation 3 of the Regulations, 1955 and there is no question of violation of any provisions of the Regulations, 1955.

12. That, as regards para No. 4.15 to 4.21 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 of the private Respondents but he failed to see his own integrity in stating many facts which are not supposed to be in his knowledge. The applicant has flouted all the norms and rules of official secrets and have disclosed such secret and confidential matters. Such act on the part of the applicant is highly irregular in nature for which he is incompetent to be a member of the discipline Police Force not to speak of promotion. In the circumstances, the Hon'ble Tribunal is requested to pass appropriate order and direction for taking appropriate disciplinary action against the applicant.

However, the answering Respondent submits that the allegations/statements pertaining to the records of the State of Manipur or the Govt. of India or of the UPSC, the same are to be replied by the authority concerned.

13. That, as regards the grounds stated under para No. 5 of the application under reply the answering Respondent submits that the same are not tenable or deserves to be considered. Further, grounds taken therein are also not applicable in the instant case.

At the same time, it is the most important ground that the application is premature and not maintainable in the eye of law and as such the same deserves to be dismissed as not maintainable and that no cause of action is disclosed as per facts of the case.

14. That, the application is also liable to be dismissed as under Section 19 of the Administrative Tribunals Act, 1985, the application is to be made against an order issued by the authority. In the instant case, the applicant is not aggrieved by any order inasmuch as the order of promotion is yet to be issued as the process for selection and approval under the provisions of I.P.S. (Appointment by promotion) Regulations, 1955 are yet to be completed. Hence, the applications ~~deserves~~ to be rejected summarily as there is nothing to be tried and the cause of action is yet to be arose.

15. That, in view of the facts and statements made in this written statement, the applicant is not entitled to any of the reliefs prayed in the application and no interim order is required to be passed.

VERIFICATION

Verified that the statements made in this Reply Affidavit in para No.1 to 15 are true to my knowledge and these statements are made on the basis of records,

Dt/Imphal,

the 17th July, 2001.

SIGNATURE OF THE DEPONENT

By:- N. Sircendmajit Singh
Advocate

(N. NGARAIPAM)

BEFORE THE HON'BLE CAT GUWAHATI BENCH

Central Admin. Court of India

IN OA No. 150 OF 2001

23 JUL 2001

BETWEEN

A. RAJENDRO SINGH

APPLICANT

Vs.

UNION OF INDIA & ORS.

RESPONDENT

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

I, G.C. Yadav S/o Shri Kamal Singh Yadav aged about 45 years serving as Assistant Director in the Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi am authorised to file the present reply on behalf of Respondent No. 2 & 5. The deponent is also fully acquainted with the facts of the case as gathered from the records of the Commission.

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 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

G. C. Yadav

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Sr. C. C. S. C.
A. T., Guwahati Bench

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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. The selections so done, in a just and equitous 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 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. or I.G. of Police, Govt. of Manipur



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- iv) D.G. or I.G. of Police, Govt. of Tripura
- v) A nominee of the Govt. 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. This procedure is uniformly and consistently adopted for all States/Cadres. While making an overall assessment, the Selection Committee takes into account orders regarding appreciation for **meritorious work done by the concerned officer**.



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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]

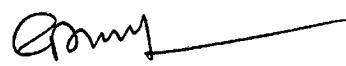
4.5 **In the matter of UPSC Vs. H.L. Dev and Others. Hon'ble Supreme Court have held as under: -**

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



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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: -

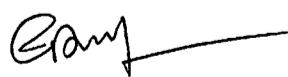
“It is needless to emphasise that it is not the function of the Court to hear appeals over the decisions of the Selection Committees and to scrutinise the relative merits of the candidates. Whether a candidate is fit for a particular post or not has to be decided by the duly constituted Selection Committee 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.

CONTENTION OF THE APPLICANT

5. The Deponent most respectfully submits that Shri A. Rajendro Singh, a State Police Service officer of Manipur has filed the instant Original Application before this Hon. Tribunal praying that the Hon. Tribunal may be pleased to set aside and quash the select list/minutes of the Selection Committee which met on 20.12.2000. The applicant has contended that :-

- (i) in the selection held on 20.12.2000 his name was left out due to improper consideration;
- (ii) the applicant has unblemished service career and no departmental/ criminal proceedings are pending against him whereas there are departmental as well as criminal proceedings are pending against the respondent No. 8 & 9 who have been selected by the Selection Committee for promotion to the IPS;
- (iii) the facts relating to pending disciplinary/criminal proceedings against respondents no. 8 & 9 were never brought to the notice of the Selection Committee. Had these been brought to the notice of the Selection Committee, the applicant who has an unblemished service records would have been given better grading vis-à-vis respondents No. 8 & 9;
- (iv) the Selection Committee was not constituted as per the requirement of the law because Director General of Police, Manipur was left out;
- (v) as per the requirement of the Promotion Regulations the Select List should have been prepared consisting of names of SPS officers twice

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the number of substantive vacancies anticipated during the course of 12 months from the date of the meeting.

(vi) The applicant has also apprehended that the final approval to the select list is being given without considering his representation dated 22.1.2001.

BACKGROUND OF THE CASE

6. The Deponent most respectfully submits that as required under Regulation 5(1) of the Promotion Regulations, the Govt. of India, Ministry of Home Affairs vide their letter dated 11.5.2000 had determined 2 vacancies in the promotion quota for recruitment by promotion to the IPS, during the year 2000 in respect of Manipur Segment of joint Manipur-Tripura cadre. As per the provisions of the Promotion Regulations, the State Government had forwarded the names of six officers in the order of their seniority in the State Police Service. The applicant Shri A. Rajendro Singh was considered at S.No. 1 in the eligibility list of 2000. On an overall relative assessment of his service record, he was assessed as "Good". Respondents No. 8 & 9, S/Shri N. Ngaraipam and L.K. Haokip, on an overall relative assessment of their service records, were graded as "Very Good". In accordance with the provisions of Regulation 5(5) of the Promotion Regulations, the names of respondents No. 8 & 9 were included at S.No. 1 & 2 in the Select List of 2000 for promotion of SPS officers of Manipur to the IPS cadre of joint Manipur-Tripura cadre. At the time of the meeting, the State Government had informed that disciplinary/criminal proceedings instituted against Shri L.K. Haokip were pending. Accordingly, as per the provisions of proviso to Regulation 5(5) of the Promotion Regulations, the inclusion of the name of Shri L.K. Haokip in the select list for the year 2000 was made provisional, subject to clearance in the disciplinary and criminal proceedings pending against him and grant of integrity certificate by the State Government.

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REPLY TO CONTENTIONS

7.1 As regards the contention of the applicant that his name was left out due to improper consideration, the Deponent submits that the applicant was duly considered by the Selection Committee which met on 20.12.2000. As per the provisions of Regulation 5(4) of the Promotion Regulations, the Selection Committee is required to categorize the eligible officers as "Outstanding", "Very Good", "Good" or "Unfit", as the case may be, on an overall relative assessment of their service records. On an overall relative assessment of his service records, the applicant was assessed as "Good". However, on the basis of this grading, his name could not be included in the Select List for the reason that the officers with higher overall grading than that of the applicant were available, and thus in accordance with the Provisions of Regulation 5(5) of the Promotion Regulations their names were included in the Select List. The name of the applicant could not find a place in the Select List due to lower overall grading and the statutory limit on the size of the Select List. Further the Hon. Supreme Court in the case of UPSC vs. H.L. Dev (AIR 1988 SC 1069) have held that how to categorise in the light of the relevant records and what norms to apply in making the assessment are exclusively the function of the Selection Committee. Accordingly the contention of the applicant that his name was left out due to improper consideration has therefore, no foundation and the same is far from truth.

7.2 Regarding contention of the applicant that he has unblemished service career and no departmental/criminal proceedings are pending against him, the Deponent submits that the promotion of State Police Service officers to the IPS are made on the basis of positive merit in accordance with the provisions of the IPS (Appointment by Promotion) Regulations 1955. The mere absence of disciplinary/criminal proceedings is no criterion for assessing the quality of an officer or for his inclusion in the Select List. As per the provisions of the Promotion Regulations, the suitability of a State Police Service officer for promotion to the IPS is assessed on the basis of his service records. The pendency

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of disciplinary/criminal proceedings, unless the same are concluded and a suitable penalty is imposed, **has no effect on the assessment made** by the Selection Committee on the basis of the service records of the concerned officer. The effect of the pending disciplinary/criminal proceedings has been provided in proviso to Regulation 5(5) of the Promotion Regulations. Proviso to Regulation 5(5) of the Promotion Regulations reads as under:-

“Provided that the name of an officer so included in the list shall be treated as provisional if the State Government withholds the integrity certificate in respect of such an officer or any proceedings, departmental or criminal are pending against him or anything adverse against him which renders him unsuitable for appointment to the service has come to the notice of the State Government.”

7.3 Regarding contention of the applicant that the facts relating to pending disciplinary proceedings against respondents no. 8 & 9 were never brought to the notice of the Selection Committee, the Deponent submits that the Govt. of Manipur vide their letter dated 12.9.2000 had intimated that prosecution sanction has been accorded against Shri N. Ngaraipam. As per explanation-1 under proviso to Regulation 5(5) of the Promotion Regulations and also reproduced in the preceding paragraphs, the proceedings shall be treated as pending only if a charge sheet has actually been issued to the officer or filed in a court as the case may be. Since the State Government had not confirmed that a charge sheet had been filed against Shri Ngaraipam as per the aforementioned explanation, the criminal proceedings were not deemed to be pending against Respondent No. 8. The State Government had, however, intimated that criminal proceedings were pending against Shri L.K. Haokip and had also withheld his integrity certificate. Thus, as per the provisions of proviso to Regulation 5(5) of the Promotion Regulations, the inclusion of the name of Shri L.K. Haokip in the Select List of 2000 was made provisional subject to clearance in the

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disciplinary/criminal proceedings and grant of integrity certificate by the State Government.

7.4 As regards the contention of the applicant that the Selection Committee was not constituted properly, the Deponent submits that apart from the Chairman/Member, UPSC, who presided over the meeting of the Selection Committee, the Selection Committee for Manipur-Tripura joint cadre consists of the following officers as Members:

- (i) Chief Secretary, Manipur;
- (ii) Chief Secretary, Tripura;
- (iii) Director General of Police, Manipur;
- (iv) Director General of Police, Tripura; &
- (v) A nominee of the Govt. of India not below the rank of Joint Secretary to the Govt. of India.

All members of the Selection Committee attended the meeting except DGP, Manipur. As per Regulation 3(3) of the Promotion Regulations, the absence of a 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 meeting. Thus the contention of the applicant that the Selection Committee was not constituted properly is baseless and the same is not tenable.

7.5 Further, the contention of the applicant, that as per the requirement of the Promotion Regulations, the Select List should have been prepared consisting of names of officers twice the number of substantive vacancies anticipated during the course of the 12 months, is factually incorrect. The Promotion Regulations were amended vide Govt. of India notification dated 31.12.1997, and as per the amended provisions of Regulation 5(1) of the Promotion Regulations, the number of the members of the State Police Service to be included in the list shall be determined by the Central Government in consultation with the State Government concerned and ***shall not exceed the number of the substantive vacancies*** as on the 1st day of the January of the year

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in which the meeting is held, in the post available for them under rule 9 of the Recruitment Rules. Regulation 5(1) of the said Regulations reads as under:-

“Each Committee shall ordinarily meet every year and prepare a list of such members of the State Police Service as are held by them to be suitable for promotion to the Service. The number of members of the State Police Service to be included in the list shall be determined by the Central Government in consultation with the State government concerned, and shall not exceed the number of substantive vacancies as on the first day of January of the year in which the meeting is held, in the posts available for them under rule 9 of the Recruitment Rules. The date and venue of the meeting of the Committee to make the selection shall be determined by the Commission.”

In pursuance of the above Regulation, the Central Government had determined 2 vacancies in the promotion quota, and as per the provisions of Regulation 5(1) of the Promotion Regulations, a list of officers found suitable for promotion to the IPS consisting of 2 names, was prepared by the Selection Committee which met on 20.12.2000.

7.6 That the apprehension of the applicant that final approval to the Select list is being given without considering his representation dated 22.1.2001 is baseless. The factual position is that the representation dated 22.1.2001 of the applicant has been examined and the observations of the State Government have been obtained. In their comments, the Govt. of Manipur have stated that the fact of filing of charge sheet against Shri N. Ngaraipam was not brought to the notice of the Committee as it was not known to the Department. In the meanwhile, the State Government, the joint cadre authority and the Central Government have conveyed their agreement to the recommendations of the Selection Committee that met on 20.12.2000. However, before the Commission approves the select list, in its letter dated 29.6.2001, the State Government has been asked to clarify whether charge

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sheet has actually been filed in the court of law against Shri N. Ngaraipam and if charge sheet has been filed, his name will have to be included in the Select List provisionally subject to clearance of criminal proceedings pending against him. It is reiterated that the recommendations of the Selection Committee which met on 20.12.2000, have not yet been approved by the Commission and is pending the response of the State Government. If it is confirmed by the State Government that a charge sheet has been filed in the Court against Respondent No. 8 then his name will be made provisional subject to clearance in the disciplinary/criminal proceedings pending against him.

8. Hon. Tribunal would appreciate that there is no merit in the contentions of the applicant. Taking into consideration the submissions made in the preceding paragraphs and also taking into consideration the detailed reply filed by the State Government and the Central Government, the Hon'ble Tribunal may, therefore, be pleased to dismiss the instant Original Application.

G. C. YADAV
DEPONENT
G. C. YADAV
Asst Director (AIS)
Union Public Service Commission
NEW DELHI - 110 011.

VERIFICATION

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

Verified on 17-7-2001 at New Delhi.

G. C. YADAV
DEPONENT
G. C. YADAV
Asst Director (AIS)
Union Public Service Commission
NEW DELHI - 110 011.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI गुवाहाटी
Guwahati Bench

OA No. 150 of 2001

30/7/01
File No. 47
R. DEB RON
S. C. S. C.
C. A. T. Guwahati Bench

SHRI A. RAJENDRA SINGH

APPLICANT

Vs

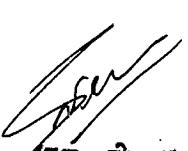
UNION OF INDIA & OTHERS

RESPONDENTS

WRITTEN STATEMENT ON BEHALF OF RESPONDENT No. 1

I S.P. Verma s/o of late Sh. G.D Verma, working as Under Secretary in the Ministry of Home Affairs, do hereby solemnly affirm and state as under:

2. That I am conversant with the facts of the case and competent and authorized to file this written statement on behalf of Respondent No. 1.
3. That I have read a copy of the petition filed by the petitioner herein and have understood the contents thereof. I hereby deny the contentions made therein, unless the same are expressly and specifically admitted by me herein.
4. That the applicant has filed the present application before the Hon'ble Tribunal, praying to call for the records pertaining to the Selection Committee and on perusal of the same grant following reliefs:-
 - (i) to call for the records of the Selection Committee held for preparing the Select List of 2000 and to issue notice to the respondents to show cause as to why the reliefs sought for in this application should be not be granted;
 - (ii) to set aside and quash the select list and/or the minutes of the selection Committee meeting held on 20.2.2000 for promotion to IPS from amongst the members of MPS.
 - (iii) 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".


(एस. पी. वर्मा)
(S. P. VERMA)
अवर सचिव
Under Secretary
गृह मंत्रालय
Ministry of Home Affairs
नई दिल्ली
New Delhi.

That at the outset it is stated that preparation and finalisation of the Select List

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of SPS Officers for their subsequent appointment by promotion to the IPS primarily concern the State Govt. and the Union Public Service Commission. The State Government, being the sole custodian of service records of State Police Officers is required to furnish a list of eligible State Police Service Officers alongwith the relevant documents such as ACRs, Seniority List, Certificates regarding integrity, departmental inquiry and communication of adverse remarks etc., direct to the Union Public Service Commission and after receipt of the necessary proposal, the Commission scrutinises the said records and fixes the date and venue of the meeting of the Selection Committee in consultation with the State Government. The Government of India only nominates its nominee on the Selection Committee Meeting as and when it is fixed by the Union Public Service Commission. The recommendations of the Selection Committee as contained in the minutes of its meeting are finally approved by the UPSC and thus forms the Select List. Thereafter the appointment of SPS officers included unconditionally in the Select List is made by the Central Govt. in the order in which their names are included in the Select List for the time being in force during the period the when the Select List remains in force.

6. That the facts of the case are that the meeting of the Selection Committee to prepare the Select List of SPS Officers of Manipur segment of IPS Manipur - Tripura Joint Cadre for their subsequent appointment by promotion to the IPS was held by the UPSC on 20.12.2000. Under regulation 6 of the IPS(Appointment by Promotion) Regulations, 1955, as amended from time to time, both the State Govt. and the Central Govt. have conveyed their observations on the recommendations of the Selection Committee to the UPSC. The recommendations are yet to be approved by the UPSC. The Commission has sought certain clarification / information from the State Government so that the list could be approved at the earliest.

7. That in view of the above factual position and considering the replies filed by the UPSC and the State Govt., the Hon'ble Tribunal may please pass appropriate orders accordingly.

NEW DELHI
DATED: 24-7-2001


(RESPONDENT)
(S. P. VERMA)
अन्नर सचिव
Under Secretary
मंत्री प्रबन्धालय
Ministry of Home Affairs
नई दिल्ली
New Delhi
Contd....

VERIFICATION

I, S.P. Verma, aged 53 years, son of late Sh. G.D. Verma, presently posted as Under Secretary to the Government of India in the Ministry of Home Affairs, New Delhi do hereby verify the facts stated above herein are true to my knowledge, information and belief derived from relevant files and records and nothing has been concealed.

Verified at New Delhi on this day of 24th July, 2001.


(REPOENT)
(S. P. VERMA)
अवर स।
Under Secretary
गृह मंत्रालय
Ministry of Home Affairs
दिल्ली
New Delhi.