

30/10/00
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 232/02

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet O.A. 232/02 Pg. 1 to 3
2. Judgment/Order dtd. 28/03/2002 Pg. No. separate to order. Dismissed
3. Judgment & Order dtd. Received from H.C/Supreme Court
4. O.A. 232/02 Pg. 1 to 41
5. E.P/M.P. NIL Pg. to
6. R.A/C.P. NIL Pg. to
7. W.S. Pg. to
8. Rejoinder Pg. to
9. Reply Pg. to
10. Any other Papers Pg. to
11. Memo of Appearance Pg. to
12. Additional Affidavit Pg. to
13. Written Arguments Pg. to
14. Amendment Reply by Respondents Pg. to
15. Amendment Reply filed by the Applicant Pg. to
16. Counter Reply Pg. to

SECTION OFFICER (Judl.)

FROM No. 4
(SEE RULE 42)

GENERAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No. 232/02

Misc Petition No. /

Contempt Petition No. /

Review Application No. /

Applicant(s) J. Bosak

-Vs-

Respondent(s) H. O. T. Toms

Advocate for the Applicant(s) S.K. Medhi, D. Thaosen

Advocate for the Respondent(s) Cafe

Notes of the Registry	Date	Order of the Tribunal
	24.7.2002	Heard Mr.D.Thaosen, learned counsel for the applicant and also Mr. A Deb Roy, learned Sr.C.G.S.C. for the respondents. Issue notice on the respondents to show cause as to why the application shall not be admitted., Returnable by three weeks. List the case on 16.8.2002 for admission.
76576439 22.7.02 16.7.02 26-7-02		
Notice prepared & sent to D.Section for issuing of the same to the respondents through Regd. post with APD. Vide D.No - 2081 to 2085 Dtd - 31.7.02.	16.8.02 bb mb	Await service report. List again on 28.8.2002 for admission.
		<u>I C Usha</u> Member

Vice-Chairman

Vice-Chairman

28.8.02

Heard Mr. D. Thaosen learned counsel

for the applicant.

The applicant is suspended with the

order dated 10.3.2002. It has now been
stated that the said order has been revo-
ked by the authority. Accordingly, the
prayer for withdrawal of this application
is allowed. Mr. A. Deb Roy, Sr.C.G.S.C.has brought to our notice about the order
of the authority to grant the enquiry.We are not inclined to go into this matter
leaving the parties to resolve the same.In the circumstances the application
is dismissed as infructuous.

A/

Member

Vice-Chairman

lm

Heard Mr. Debroy Thaosen the learned Counsel for
the applicant and also Mr. A. Deb Roy the learned Sr.C.G.S.C.

In the OA the applicant asserted the Validity
as well as the continuance of the order of Suspension
by the Respondent No 4 vide order No 1/1/ESTT/2000/32 dated
10th of March 2000. Mr. Thaosen the learned Advocate has now
submitted that the order of Suspension is no longer
subsisting and the said order is revoked by the
Authority. joining the issue with Mr. Thaosen, Mr.

A. Deb Roy also stated that the order of Suspension
dated 23/8/2002 was rescinded vide order No 1/1/ESTT/2000/TCH/6968-74
in terms of Clause (c) of Subrule 5 of Rule 10 of the Civil Services
Classification, Control and Appeal) Rule 5 1965.

In view of the facts mentioned above

the OA has been dismissed as infructuous. No cost
in the same is dismissed as infructuous. NO Cost

A copy of the order dated 23.8.002 is
placed on record.

3 3

Notes of the Registry

Date

28.3.02

Order of the Tribunal

Heard Mr. Debojit Thaosen the learned counsel for the applicant and also Mr. A. Deb Roy the learned Sr. CG. S.C.

In the O.A. the applicant assailed the validity as well as the continuance of the order of Suspension by the Respondent No. 4 vide order No. 1/1/Estt/2000/32 dated 10th of March 2000. Mr. Thaosen the learned Advocate has now submitted that the order of suspension is no longer subsisting and the said order is revoked by the Authority. Joining the issue with Mr. Thaosen, Mr. A. Deb Roy also stated that the order of suspension dated 23.3.2002 was rescinded vide order No. 1/1/Estt/2000/TCH/6968-74 in terms of Clause (c) of Sub rule 5 of Rule 10 of the Civil Services Classification, Control and Appeal) Rules 1965.

In view of the facts mentioned above the O.A. has become infructuous and accordingly the same is dismissed as infructuous. No costs.

A copy of the order dated 23.8.2002 is placed on record.

I C U Shaha
Member

Vice-Chairman

Order dtd 28/3/02
communicated to the
parties (contd).

lm

28/3/02

Notes of the Registry

Date

Order of the Tribunal

22
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH:
GUWAHATI

O.A. NO. 232 /2002

6

Filed by :- Sri Jajneshwar Borah
Sri D. Thaosen
Through: Advocate
on :- 22/4/02

Shri Jajneshwar Borah

.....Applicant

-vs-

Union of India and Others.

...Respondents

I N D E X

Sl No.	Description of documents relied upon	Page
1.	petition	1-11
2.	Verification	12
3.	Annexure I	13
4.	Annexure II	14
5.	Annexure III	15-24
6.	Annexure IV	25-35
7.	Annexure V	36
8.	Annexure VI	37
9.	Annexure VII	38
10.	Annexure VIII	39
11.	Annexure IX	40
12.	Annexure X	41

filed by:

Debojeet Thaosen

(Debojeet Thaosen)
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH:
GUWAHATI

(An application U/s 19 of the administrative tribunals Act, 1985)

O.A. NO. 232 / 2002

IN THE MATTER OF:

Shri Jajneshwar Borah
S/O Late Thanuram Borah
Field Officer (Mess), (under suspension)
SSB, Training Centre, Haflong,
District: N.C. Hills, Assam.

Applicant

-vs-

1. Union of India
Represented by
The Secretary to the Government of India
Ministry of Home Affairs, New Delhi
2. The Director General, SSB
Ministry of Home Affairs, New Delhi.
3. The Joint Director (Pers)
Directorate General of security
Office of the Director, SSB,
East Block No.V, RK Puram, Delhi-6
4. The Deputy Inspector General
SSB, Training Centre, Haflong,
District: N.C. Hills, Assam.
5. Shri B.K. Chakraborty, Enquiry Officer,
Joint area organiser,
Divisional Head Quarters, SSB
Shillong Division, Shillong.

Respondents

1: PARTICULARS OF THE ORDERS AGAINST WHICH THE APPLICATION IS MADE:

1. Office Order no. 1 / 1 / Estt. / 2000 / 32 dated 10.03.2000 passed by the respondent no. 4, placing your applicant under suspension in contemplation of disciplinary proceedings against him.

X
Filed by:- Shri Jajneshwar Borah
Through: Sri Dibrupratap Jhaveri
22/3/02

2
J. Bokar

2. Action of the authorities in continuing to keep the applicant *under suspension for a long period of time after completion of the enquiry and in not taking any step thereof or revoking the suspension order against the applicant inspite of all the witnesses deposing in his favour.*

2: JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of the *order against which he wants redressal is within the jurisdiction of this Tribunal.*

3: LIMITATION :

The applicant further declares that the application is within the limitation prescribed under section 21 of the *Administrative Tribunals Act, 1985.*

4 : FACTS OF THE CASE :

1. That your applicant states that he is a permanent resident of Haflong, N.C. Hills District, Assam.

2. That the applicant joined the services of the SSB, i.e. Special Security Bureau, in September 1965, and was posted at Haflong. Since then for the last 35 years, your applicant has been rendering sincere and unblemished service to the full satisfaction of the authorities. At present your applicant has been posted as the Field Officer (Mess) at the SSB, Training Centre, Haflong. The applicant has to maintain his family comprising of his wife and dependent children.

3. That to the shock and surprise of your applicant, while serving as Field Officer (mess) at SSB, Training Centre, Haflong, your applicant was placed under suspension by the respondent no.4 vide order no. 1 / 1 / Estt./ 2000 / 32 dated 10.03.2000 on the grounds that disciplinary proceedings were contemplated against your applicant.

A copy of the order dated 10.03.2000 is annexed hereto and marked as Annexure I.

9
3
J. Borai

4. That as the applicant was not intimated of the charges against him, he requested for communication of the charges / grounds of his suspension.

5. That vide memorandum dated 22.3.2000 the applicant was intimated by the authorities that the reasons for suspension would be communicated to him in due course.

A copy of the memorandum dated 22.3.2000 is annexed hereto and marked as Annexure II.

6. That, thereafter, the respondent no.3 issued an order no. 9/Estt/A-1/97(5) 3223 dated 31.5.2000 whereby a memorandum of charges was issued to the applicant stating that the respondent no. 3 had proposed to hold an enquiry against the applicant on the Articles of charges annexed thereto and a list of documents and a list of witnesses on the basis of which the charges were proposed to be sustained, were enclosed. The applicant was directed to submit a written statement of his defence within 10 days of the receipt of the memorandum.

A copy of the memorandum dated 31.5.2000 is annexed hereto and marked as Annexure III.

7. That in the statement of Articles, 7 Articles of charges have been framed against your applicant.

As per Article I, your applicant has been alleged to have misappropriated a sum of Rs.2, 36,258.72 out of an amount of Rs.3, 38,772/- meant for payment to the contractor against supply of ration items while your applicant was functioning as officer-in-charge of trainees mess during 1996-1998.

As per Article II, your applicant was alleged to have committed temporary embezzlement of an amount of Rs. 2,78,500/- being the diet money for a period from 16.10.96 to 31.10.96

As per Article III, your applicant was alleged to have temporarily embezzled an amount of Rs. 18,000/- from 31.3.97 to 15.4.97

As per Article IV, your applicant was alleged to have misappropriated Rs. 60,000/- being balance of diet money.

J. Borah

As per Article V, your applicant was alleged to have failed to maintain proper records relating to purchase and payment of ration items of the mess.

As per Article VI, your applicant was alleged to have failed to exercise proper supervision and management over the staff of trainees mess due to which there were irregularities.

As per Article VII, your applicant was alleged to have failed to maintain integrity and devotion to duty, committing various acts of omission and commission.

It was alleged that your applicant misconducted and violated the provision of Rule 3 of the CCS (Conduct Rules) 1964 unbecoming of a Govt. Servant.

8. That on receipt of the aforesaid Charge Sheet, your applicant submitted his written statement on 19.6.2000. In the said statement, each of the charges were denied in clear and categorical terms and the explanation was given charge wise.

As regards charge no. I, it was stated that the amount received included cost of rice and sugar apart from the cost of meat and fish supplied by the contractor Shri Ajoy Lal Thaosen. It was stated that out of the amount received, a sum of Rs. 2,12,206/- was paid to the contractor and the balance amount was taken into the cashbook of the mess against the cost of rice and sugar. All cash receipts were enclosed thereto and there was no basis of the said allegation.

As regards charge no. II your applicant had stated that in view of the terrorist activities in N.C. Hills District he never received the diet money physically from the cashier and it was directly deposited in the accounts of the mess maintained in the UBI of Haflong. The charge of temporary embezzlement was without any basis and categorically denied.

As regards charge no. III your applicant had stated that the amount of Rs. 18, 000/- was received from the cashier on 28.3.97 and the cash was taken into the cash book on the same day and proper formalities were done on 31.3.97 after discussion with the cashier. As such, the question of temporary embezzlement does not arise.

J. Bonah

As regards charge no. IV your applicant had stated that he had applied for Rs. 1, 50,000/- for purchase of ration items. On 20.6.98, a sum of Rs. 60,000/- and on 30.6.98, a sum of Rs. 90,000/- was paid to him and the said amounts were entered into the cashbook on the same respective days. The cashier took formal receipt on 30.6.98. When the entire amount of Rs. 1, 50,000/- was refunded to the cashier the latter noted in the cash book that the loan amount was refunded which was taken on 20.6.98 and 30.6.98. As such, there was was no basis in the charge.

As regards charge no. V your applicant had categorically denied that ration accounts were not properly maintained. Your applicant stated that ration items were issued as per approved scale of the respondent no. 4; expenditure statements were prepared with the help of mess committee; batch accounts were prepared and put up to the respondent no. 4 for perusal and approval. Suppliers bills for the supply of ration items were paid to the suppliers and the balance amount were refunded to the volunteers.

As regards charge no. VI your applicant categorically denied that he had failed to supervise the TMB Staff. On the contrary the trainee's mess was functioning properly and efficiently and all the liabilities were cleared.

As regards charge no. VII your applicant denied that he failed to maintain integrity and devotion to his duty. He also states that though the charge of TMB was an additional charge given to him, he performed the duties of both the branches to the satisfaction of his branch officer.

Thus the allegation of violation of Rule 3 of the CCS (Conduct) Rules, 1964 and of unbecoming of a Govt. Servant was absolutely incorrect, baseless and categorically denied.

A copy of the written statement dated 19.6.2000 is annexed hereto and marked as Annexure IV.

9. That the respondent no. 5 was appointed the Inquiry Officer vide order dated 24.11.2000 and the enquiry was initiated on 22.3.2001. It is pertinent to mention that your applicant was not allowed to take the assistance of a defence representative in the enquiry as a result of which grave prejudice was caused to him. Under

J. Borah

such circumstances, your applicant had to defend himself. Six numbers of witnesses were examined in the enquiry by the authorities and the last sitting of the enquiry was held on 18.10.01.

A copy of the order dated 24.11.2000 is annexed hereto and marked as Annexure V.

10. That none of the deposition of the witnesses substantiated the charges framed against your applicant. On the contrary the depositions would make it clear that there was no basis of the charges against your applicant and none on the charges were proved in the enquiry.

The witness no.1, Shri Ajoy Lal Thaosen, who is also the complainant, in his deposition has stated that "...some error has been detected in the main complain statement hence the actual amount will be submitted in the next hearing". Later he stated that "...the total amount is Rs.1, 13,459/- ...and not Rs. 2,19,359.72". Then on 29.8.01 he further stated "yes, I have received" (an amount of Rs. 2,12,206/- from your applicant).

The witness no.2, Shri Mahesh Borah, in his deposition has stated the following:-

- a) "Yes Shri J Borah briefed me time to time regarding maintenance of mess records and accounts"
- b) "Shri Bimal Majumdar, representative of Shri Ajoy Lal Thaosen... received the payment from the demand slips...and in my demand slip also most of the cases no supply was made."
- c) "It is my fault that I have not intimated to the firm" (of the complainant about the aforesaid non-supply of items.)
- d) " sometime I used to tell some time I forget" (to appraise your applicant of the non-supply of the items.) (But whenever your applicant was appraised), "you (your applicant) told me to cancel the slip". (However), ".....I have not cancelled" (the demand slips.)
- e) "It is not correct as in many cases same items projected in different quantity on same dates."
- f) "Out of that (Rs. 1,13,459/-) I have paid Rs.40,034/- to Shri Bimal Majumdar representative of Shri Ajoy Lal Thaosen":

The witness no. 3, Shri B. Lohar, in his deposition has stated the following:-

7/3
J. Borah

- a) "Shri Jajneshwar Borah.... received Rs. 2,77,506/- ...not Rs. 3, 38,772/-....."
- b) " Due to terrorist activities and non-availability of escort the amount (Rs. 2,78,500/-) could not be deposited in the bank and kept under quarter guard in the safe custody with the knowledge of D.D.O. and the amount was deposited to the Bank in the pay day on 31.10.96 and deposit slip handed over to Shri J. Borah..."
- c) "...the amount Rs.60, 000/- entered as a loan from the cashier on 20.6.98 and Rs. 90,000/- on 30.6.98 as an advance for purchase of ration items. But in the main cashbook it was shown as 1,50,000/- was entered on 30.6.98to observe proper formalities."
- d) " on 28.3.97 there was a discussion with the then I/C Accounts Officer.....in the presence of Shri J Borah.....an amount of Rs.18,000/- to be shown an advance to TMB Mess....As 28.3.97 was....Govt. holiday hence could not be entered into the TC cash book and proper formalities, were done on 31.3.97. Physically no amount was paid to Shri J Borah.....To maintain the records..the amount in advance of Rs. 18, 000/- shown return back by Shri J. Borah on 15.4.97..."

The witnesses no. 4, Shri Jalim Singh and no.6 Shri Diganta Sharma, when asked as to whether they have any knowledge about the non-payment of Rs.2,36,258.72 as complained by the complainant, stated "no....."

11. That though the inquiry was completed about nine months back but still no steps has been taken by the respondents nor has the suspension order been revoked. As such the applicant has made representations to the respondents and also to the Inspector General (Pers) to take steps and to revoke the suspension against him. The last of such representation was dated 20.5.2002 and addressed to the respondent no.2. However, no steps have been taken in this regard nor has the suspension order against the applicant been revoked so far.

Copies of the aforesaid representations are annexed hereto and marked as Annexures VI, VII, VIII, IX & X.

12. That your applicant states that more than nine months have elapsed from the date of the last sitting of the enquiry, i.e.

14
8
J. Bonah

18.10.2001. However, till now no action whatsoever has been taken by the Inquiry Officer to submit the enquiry report. The mandate of law requires that a disciplinary proceeding should be completed as expeditiously as possible. However, *in the instant case the proceeding has come to a halt without any rhyme or reason causing grave prejudice to your applicant.*

13. That your petitioner states that he cannot under suspension for an indefinite period. It may be mentioned that your applicant was placed under suspension vide order dated 10.3.2000 and till now the proceedings not having come to an end, there is a stigma cast upon your applicant for which he has been suffering immensely both in pecuniary terms as well as in terms of his reputation in the society.

14. That your petitioner states that the depositions of the witnesses relied upon by the authorities to prove the charges against your applicant would show that none of the charges are proved and in view of depositions of witnesses being over, it is incumbent upon the Inquiry Officer to furnish the enquiry report at the earliest considering the explanation put forward by your applicant and the depositions recorded.

15. That the applicant states that the continuation of the suspension for an indefinite period of time has caused undue harassment to the applicant and grave miscarriage of justice by putting him in disability and distress. Apart from financial hardship, the applicant has also been put in disadvantageous condition and it has caused an adverse impact on his reputation and the applicant states that due to the above reasons, the suspension appears to be a mode of punishment causing disastrous impact on his fair name and reputation built up in the course of several years of his career and continuing the applicant under suspension for a long time has caused unnecessary harassment to the applicant which is not conceived under the rules.

5: GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5
9
J. B. Patel

I For that the impugned action of the respondent authorities is most illegal, arbitrary, capricious and discriminatory which is liable to be interfered with by this Hon'ble Tribunal.

II For that your applicant has been treated in a most unfair manner whereby he has been kept hanging for a period of more than nine months from the date of the completion of the sittings of the enquiry. Further your applicant is under suspension for a period of more than two years. The right guaranteed to your applicant under Article 14 of the Constitution of India has been blatantly violated by the respondent authorities and as such this Hon'ble Tribunal may issue appropriate direction to the respondent authorities to complete the departmental proceedings as expeditiously as possible within a time bound period.

III. For that the action of the respondent authorities reflects malice in law as well as in facts. No reasonable person under the facts and circumstances of the instant case would have acted in a manner which has been done. There has been a coulable and arbitrary exercise of powers not conferred by law for which grave prejudice is being suffered by your applicant.

IV. For that the departmental proceeding itself is based on non-existent charges. None of the seven charges are definite and all of them have been elaborately explained by your applicant and such explanations have been substantiated by the depositions of the witnesses produced by the authorities. In that view of the matter, the continuation of the departmental proceedings would be against the interest of justice and is liable to be set aside and quashed.

V. For that the mandate of law regarding suspension is that an employee cannot be put under suspension for an indefinite period. However, in the instant case your applicant is under suspension for more than two years and there is no reasonable explanation from the respondent authorities as regards the inordinate delay in completion of the departmental proceedings. As such, this Hon'ble Tribunal may direct the respondents to immediately revoke the order of suspension of your applicant and complete the proceedings as per law.

J. B. O. R. S.

VI. For that none of the representations filed by your applicant having been replied to, it is implicit that there is no reason and / or justification on the part of the respondent authorities for causing this inordinate delay. This Hon'ble Tribunal by taking into consideration this aspect of the matter may interfere and direct the respondent authorities to reinstate your applicant in the interest of justice.

VII. For that the action of the authorities in continuing the applicant under suspension any more after all the witnesses have deposed in his favour amounts to exercise of unfettered power without any objective consideration and as such the action of the authorities is not sustainable and bad in law and is as such liable to be set aside.

VIII. For that in any view of the matter, the action of the authorities in continuation of the applicant under continued suspension till date is not sustainable in law and is liable to be set aside.

6 : DETAILS OF THE REMEDIES EXHAUSTED :

That the applicant filed appeals / representation before the respondent no. 2 and 3 and also before the Inspector General (pers) for taking steps and to revoke the suspension order as he was under suspension for a long period of time and that the inquiry had been over on 18.10.2001. But till date nothing has been done.

7 : MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT :

That the applicant declares that he has not filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any Court or any other authority or any other Bench of the Tribunal nor any such application, Writ petition or suit is pending before any of them.

8 : RELIEF SOUGHT :

In view of the facts mentioned in para 4 above, the applicant, prays for the following reliefs:

of Bonah

In the premises aforesaid, it is therefore prayed that Your Lordship would be pleased to admit this application, call for the records of the case and issue notice upon the respondents to show cause as to why the impugned order of suspension dated 10.3.2000 (Annexure I) issued by the respondent no. 4 shall not be set aside and quashed and as to why the applicant shall not be allowed to join his duties after revoking the suspension and full back wages be paid to him and after perusing the causes shown and hearing the parties, be pleased to set aside the impugned order dated 10.3.2000 (Annexure I) and direct the respondent authorities to allow the applicant to join his duties and to pay full back wages and / or to pass such further or other orders as Your Lordships may deem fit and proper.

9 : INTERIM RELIEF, IF ANY PRAYED FOR :

The applicant prays in the interim that till disposal of the application this Hon'ble Tribunal may direct the respondent authorities to immediately reinstate your applicant and allow him to work in the post which he was holding prior to his suspension in the interest of justice.

11: PARTICULARS OF BANK DRAFT / POSTAL ORDERS IN RESPECT OF THE APPLICATION FEE :

- I) I.P.O. NO: 7 G 576439
- II) Date: 22.7.2002
- III) Issue by Guwahati Post Office
- IV) Payable at Guwahati.

12 : LIST OF ENCLOSURES :

As stated in the index.

18

VERIFICATION

I, Shri Jajneshwar Borah, S/O Late Thanuram Borah, aged about 55 years, at present working as Field Officer (Mess), (under suspension) SSB, Training Centre, Haflong, District: N.C. Hills, Assam, do hereby, verify that the statements made in this application are true to my knowledge, belief and records which I believe to be true.

Date : 22.7.2002

Place : Guwahati.

Jajneshwar Borah

No.1/1/Estt/2000/32
Directorate General of Security
Office of the Dy. Inspector General
Training Centre, SSB: Haflong.

Dated, Haflong the 10th, March, 2000.

O_R_D_E_R

Whereas a disciplinary proceeding against
Shri Jajneswar Borah, Field Officer (Mess), SSB:
Training Centre, Haflong is contemplated.

Now, therefore, the undersigned in exercise
of the powers conferred by sub-rule (1) of Rule 10 of
the Central Civil Services (Classification, Control
and Appeal) Rules, 1965, hereby places the said
Shri Jajneswar Borah under suspension with immediate
effect.

It is further ordered that during the
period that this order shall remain in force the
Headquarters of Shri Jajneswar Borah, Field Officer
(Mess) should be SSB, Training Centre, Haflong and
the said Sh. Borah shall not leave the headquarters
without obtaining the previous permission of the
undersigned.

M.L. CHAUDHURI 10/3/2000
DEPUTY INSPECTOR GENERAL
TRAINING CENTRE, (SSB) HAFLONG

Copy to:-

✓ Shri Jajneswar Borah, Field Officer (Mess),
SSB, Training Centre, Haflong. Orders
regarding subsistence allowance admissible to
him during the period of his suspension will
issue separately.

Certified to be true.

Admicali
22/7/00

ANNEXURE II

No.1/1/Estt/J.Bora/TCH/2000/36
Directorate General of Security
Office of the Dy.Inspector General
Training Centre, SSB: Haflong.

Dated , Haflong the 22nd. March, 2000.

MEMORANDUM

Please refer to Sh. J. Borah, (FO(M)
letter No. Nil dated 21-03-2000 regarding reasons
for suspension.

The remarks of D.I.G. are reproduced
below :

" The reasons for suspension will
definitely be communicated to the delinquent Govt.
servant concerned in due course " .

sd/- DIG(ss)
T.C.Haflong.

*Onwards
22/3/2000*
(R.K. Sharma)
Sr. Instructor (Admn)
T.C.(SSB) , HAFLONG.

To

✓ Shri J. Borah, FO(M)
(On suspension).
T.C.(SSB) , Haflong.

- & -

Certified to be True

[Signature]
22/7/02

ANNEXURE III

Decided on 12/6/2000
12/6
S1(A)
②m/s
2/6
No. 9/Estt/SSB/A-1/97(S) 3223
Directorate General of Security,
Office of the Director, SSB,
Cabinet Secretariat,
East Block-V, R K Puram,
New Delhi-110 066

Dated, the 31 May, 2000

Memorandum

The undersigned proposes to hold an inquiry against Shri Jajneswar Borah, Field Officer (Mess) under Rule 14 of the Central Civil Services (Classification, Control, and Appeal), 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each articles of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

2. Shri Jajneswar Borah, FO (Mess) is directed to submit within 10(Ten) days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

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

4. Shri Jajneswar Borah, FO (Mess) is further informed that if he does not submit his written statement of defence on or before the date specified in para-2 above, or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the CCS (CCA) Rules, 1965, or the orders/directions issued in pursuance of the said Rule, the inquiring authority may hold the inquiry against him ex parte.

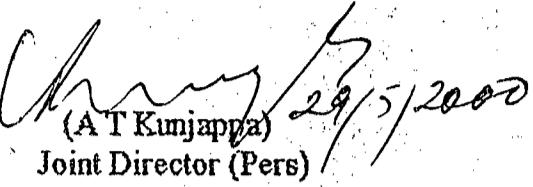
5. Attention of Shri Jajneswar Bora, FO (Mess) is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1965, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Govt. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Shri Jajneswar Borah, FO (Mess) is aware of such a representation and that it

Certified to be true

22/7/02

has been made at his instance and action will be taken against him for
violation of Rule 20 of C.C.S. (Conduct) Rules, 1964.

6. The receipt of the Memorandum may be acknowledged.


(A T Kunjappa)
Joint Director (Pers)

To

Shri Jajneswar Borah,
Field Officer (Mess)
(Through DIG, Training Centre, SSB, Haflong)

10/3/2010
10/3/2010

Statement of articles of charge framed against Shri Jajneswar Bora, FO (Mess), Training Centre (SSB), Haflong

Article-I

That the said Shri Jajneswar Borah, FO (Mess) while functioning as officer-in-charge of Trainees Mess (TMB) at TC Haflong during the period 1996 to 1998 received a total sum of Rs.3,38,772/- from Cashier, TC Haflong and TC staff for further payment to M/S Ajoylal Thaousen, the contractor, against the supply of ration items provided by him. Shri J Bora, FO (Mess) instead of making the above payment to the said contractor misappropriated a sum of Rs.2,36,258.72 out of above amount.

The said Shri J Borah, FO (Mess) thereby exhibited a conduct most unbecoming of a Govt servant and shown lack of integrity and devotion to duty and thus violated the provisions of Rule 3 of CCS (Conduct) Rules, 1964.

Article-II

During the aforesaid period and while functioning in the aforesaid office, the said Shri J Borah, FO(Mess) received a sum of Rs.4,58,500/- from the cashier of TC Haflong on 16.10.96 towards Diet money of volunteer trainees of batch No.211. Shri J Borah, however, returned a sum of Rs.1,80,000/- to the cashier on the same day and retained the remaining amount of Rs.2,78,500/- with him till 31.10.96 without taking the said amount in the cash book and thereby committed temporary embezzlement of the same.

By the said act Shri J Borah, FO(Mess) committed a misconduct of most unbecoming a Govt servant by showing lack of integrity and devotion to duty and thus violated the provisions of Rule 3 of CCS (Conduct) Rules, 1964.

Article-III

During the aforesaid period and while functioning in the aforesaid office, the said Shri J Borah, FO(Mess) received a sum of Rs.18,000/- from cashier of TC Haflong on 31.3.97 towards diet money of volunteer trainees of batch No.214 but did not account for the same in the TMB cash book till 15.4.97. Shri J Borah thereby committed temporary embezzlement of the above said amount.

By the said act, Shri J Borah, FO (Mess) committed misconduct most unbecoming of a Govt servant, showing lack of integrity and devotion to duty and thus violated the provisions of Rule 3 of CCS (Conduct) Rules, 1964.

Article-IV

During the aforesaid period and while functioning in the aforesaid office, the said J Borah, FO(Mess) received a sum of Rs.150,000/- from cashier of TC Haflong on 30.6.98 towards diet money of volunteer trainees of batch No.221, but accounted for only a sum of Rs.90,000/- in the TMB cash book. The balance amount of Rs.60,000/- was misappropriated by Shri J Borah, causing a pecuniary loss to the Government.

The said Shri J Borah, FO (Mess) thereby committed a misconduct of most unbecoming of a Govt servant and thus violated the provisions of Rule 3 of CCS (Conduct) Rules, 1964.

Article-V

During the aforesaid period and while functioning in the aforesaid office, the said Shri J Borah, FO (Mess) has failed to maintain proper records relating to purchase and payment of ration items of TMB Mess and thereby exhibited total negligence and dereliction of duty leading to considerable loss of Govt money.

The said Shri J Borah thereby committed a misconduct most unbecoming of a Govt servant showing lack of integrity and devotion to duty and thus violated the provisions of Rule 3 of CCS (Conduct) Rules, 1964

Article-VI

During the aforesaid period and while functioning in the aforesaid office, as officer-in-charge of Trainees Mess, the said Shri J Borah, failed to exercise proper supervision and management over the staff of trainees Mess of TC Haflong due to which lot of irregularities have taken place in the said Mess.

The said Shri J Borah thereby committed a misconduct most unbecoming of a Govt servant and thus violated the provisions of Rule 3 (1)(i) & (iv) of CCS (Conduct) Rules, 1964.

Article VII

During the aforesaid period and while functioning in the aforesaid office, the said Shri J Borah failed to maintain integrity and devotion to duty by committing various acts of omission and commission leading to various financial irregularities which resulted in tarnishing the image and reputation of the Training Centre, Haflong.

The said Shri J Borah thereby committed misconduct most unbecoming of a Govt servant and thus violated the provisions of Rule 3 of CCS (Conduct) Rules, 1964.

9b

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLES OF CHARGE FRAMED AGAINST SHRI JAJNESWAR BORAH, FO (MESS), TC, SSB HAFLONG

Article-I

batch upto
That Shri Ajoylal Thaousen, a supplier lodged a written complaint dated 17.12.99 to the D.L.G., Trg Centre Haflong for non-payment of Rs. 36,158.72 out of his total billed amount of Rs.3, 98,364.72 towards supply of ration items (Fish/Meat/Egg, etc) to the trainees Mess of TC, SSB, Haflong for batch No.210 to 221 during the period from 1996 to 1998.

198
That Shri J Bora, FO (Mess) received an amount of Rs.3, 38,772/- only from members of staff of TC Haflong towards supply of ration items from TMB stores during the period from Sept 1996 to Dec 1998. Shri Bora, FO (Mess) did not make all the payment to the supplier out of Rs.3, 38,772/- only so received by him and misappropriated a huge amount which was due to be paid to Shri Ajoylal Thaousen, for supply of ration items (Fish/Meat/Eggs, etc) to Trainees Mess of T.C. Haflong resulting in non-payment of Rs.2, 36,158.72 only out of total amount of Rs.3, 98,364.72 only as complained by Shri Thousen, the supplier vide his application dated 17.12.99.

Article-II

That an amount of Rs.4, 58,500/- only was received by Shri J Bora, FO (Mess) being diet money in respect of volunteer trainees batch No.211 on 16.10.96. Shri Borah, FO (Mess) returned an amount of Rs.1, 80,000/- only out of total amount of Rs.4, 58,500/- to the Cashier on the same day (16.10.96) and retained with him remaining amount of Rs.2,78,500/- only which he took on charge in TMB Cash book on 31.10.96 i.e. after unexplained 15 days from the date of actual receipt of the amount and thus did temporary embezzlement of the said amount.

Article-III

That an amount of Rs.18,000/- only being diet money of the volunteer trainees of batch No.214 was received by Shri J Bora, FO (Mess) on 31.3.97 which was not at all taken on charge in TMB Cash book and was later returned to the Cashier on 15.4.97 i.e. after unexplained 15 days from the date of actual receipt of the amount and thus did temporary embezzlement of the said amount.

216th batch ended on
17.5.97
A.9.01 not pArticle-IV

Article-V

That Shri J Bora, FO (Mess) while working as Officer-In-Charge, Trainees Mess (TMB) during the aforesaid period was responsible for issuing supply orders, purchase, proper storing and recording, subsequent issue of stores, billing, payments and proper maintenance of Cash book. But he has utterly failed to keep and maintain proper accounts, and documents relating to purchase related records, stock ledger, billing, payments and Cash book as per prescribed procedures and guidelines, which resulted in gross irregularities leading to complaint by Shri Ajoylal Thaousen and thus exhibited total negligence and dereliction of duty leading to considerable loss of Government money.

Article-VI

That the said Shri J Bora, FO (Mess), while functioning in the said TMB and during the said period has utterly failed as supervisory officer to take all reasonable and necessary steps to ensure the integrity and devotion to duty of Government servants working in the TMB under his control and authority. Shri Mahesh Chandra Borah, Cook and Shri Diganta Sarma, Assistant Cook were working in the TMB to help the Officer-In-Charge TMB in the proper management of TMB. ✓

That during the aforesaid period and while functioning in the aforesaid TMB as Store-in-Charge of TMB, the said Shri Mahesh Chandra Bora, Cook, has embezzled and misappropriated a sum of Rs.1, 43,342/- (Rupees one

lakh forty three thousand three hundred forty two) only from TMB. He has not paid the said money, as received from the Cashier and Staff of TC from time to time, to the complainant for supplying ration items to the said TMB. Shri Mahesh Chandra Bora, Cook has also failed to discharge his duties and responsibilities as Store-in-Charge of TMB by keeping and maintaining proper accounts and documents relating to ration stores/issue/payments etc.

That Shri J Bora has failed utterly in the proper supervision of TMB and Ration Stores, and in the maintenance of Stock Ledger, Issue Register, Bill and payments as per prescribed procedures and guidelines which resulted in gross irregularities leading to corruption, misappropriation and embezzlement of Government money. Shri J Bora has violated the provision of Rule 3(2)(i) and (iv) of CCS (Conduct) Rules, 1964 and Govt of India's Decision 15 and 16 with reference to the said Rule-3 and Rule 25(A)(2) of Manual of Office Procedure.

Article-VII

That the said Shri J Bora, FO (Mess) while functioning in the said TMB and during the said period was holding the position of trust and responsibility and was supposed to maintain absolute integrity and devotion to duty expected from a Govt servant. He has committed infidelity, unfaithfulness, dishonesty, and untrustworthiness. His acts or conduct, acts and omissions amount to misconduct, and prejudicial to the interest of the Training Centre in the eyes of the Public and suppliers, which is unbecoming a Govt servant under Rule 3(1) (2) of the CCS (Conduct) Rules, 1964.

Annexure-III

List of documents by which the articles of charge framed against Shri Jajneswar Bora, FO(Mess) are proposed to be sustained.

1. Complaint of Shri Ajoylal Thaousen, dated 17.12.99 for non-payment of Rs.2,36,158.72 from Advance Course No.210 to 221 of TMB
2. Statement of Shri Mahesh Chandra Bora, Cook, dated 26.3.2000.
3. Statement of the Cashier/TCH showing the expenditure incurred (Diet money) during the Advance Courses w.e.f 210 to 211st Batch and received by Shri J Borah.
4. Statement of the Cashier/TCH showing the amount deposited by the TC Staff to TMB being ration items in credit and received by Shri J Borah.
5. Guidelines of SSB Dte for the management of TMB.
6. Audit report of TMB by the 20th ITC.
7. Cash Books of TMB /TC/ Haflong.
8. Cash Books of TC/SSB/Haflong.
9. Money Receipts.
10. Receipt, stock and Issue Registers of TMB.
11. Staff Ration Bill (Statement) for deduction from salary.
12. Bank A/C with UBI, Haflong & letter of the Bank.
13. Any other documents required by I.O. during the inquiry.

Annexure-IV

List of witnesses by whom the articles of charge framed against Shri Jajneswar Bora, FO (Mess) are proposed to be sustained,

1. Shri Ajoylal Thaousel (TITO), the complainant.
2. Shri Mahesh Chandra Bora, Cook, TC SSB, Haflong
3. Shri B. Lohar, Cashier, TC SSB Haflong.
4. Shri Jalim Singh, AFO (G), TC, SSB Haflong.
5. Shri S P Singh, AFO (G), TC, SSB, Haflong
6. Shri Diganta Sharma, Asstt. Cook, TC, SSB, Haflong
7. Any other witness required during the enquiry.

ANNEXURE IV

To

The Joint Director (Pers),
Directorate General of Security,
Office of the Director, SSB,
East Block No.V, R.K. Puram,
New Delhi-110066.

Through the Deputy Inspector General,
SSB, Training Centre, Haflong.
Distt. N.C.Hills, Assam.

Dated, the 19th June, 2000.

Subject: Statement of imputation of misconduct or Misbehaviour in respect of articles of charges framed against Shri Jajneswar Borah, Field Officer (Mess) of SSB, T.C. Haflong.

Ref : SSB Directorate's Memo. No. 9/ESTT/SSB/A-I/97(5) 3223 dated 31.5.2000.

Sir,

I, Shri Jajneswar Borah, Field Officer (Mess) of Training Centre, SSB, Haflong have sworn in name of Almighty God, stated that I took over the charge of Trainees' Mess accounts on 11.6.1996 from 11.9.96 Shri S.S. Thapa, the then Officer in Charge, T.M.B. alongwith stores purchased out of Trainees' Mess Fund with their Distribution Chart (Charge list enclosed), as per the order of the Hon'ble DIG at the margin of proposal submitted by Shri Thapa on 9.6.1996 (copy enclosed).

2.

Again, on 27.6.1996, I was ordered to hold the charge of the Trainees' Mess Branch in addition to my own duties in Q.M. Branch with the instructions to perform my duties under the direct supervision of Q.M., Training Centre, Haflong vide Order No. 3/1/GENL/91/TCH/7042-44 dated 27.9.1996 (copy enclosed).

3.

Further, I was also directed by the Hon'ble DIG to follow the procedures/systems, already adopted by my successor for functioning the Trainees' Messess.

(Contd...2....)

Certified to be true

22/7/02

.....2.....

4. Above and all, in acknowledging the Memo. under reference the compliance of the imputation of misconduct or misbehaviour and what not, the undersigned is highly pleased to submit the report in details which are appended ~~below~~ herewith for your kind disposal.

Thanking you, Sir,

Enclo:-

As above.

Yours faithfully,

Jajneswar Borah.
19.6.2000

(JAJNESWAR BORAH)
Field Officer (Mess),
Training Centre, Haflong.

ARTICLE - I.

Non-payment of Rs.2,36,158.72 towards the supply of Ration items by Shri Ajoylal Thousen from 210th to 221st Batches.

The amount of Rs.3,38,772.00 (Rupees Three Lakhs Thirty Eight Thousand Seven Hundred and Seventy Two) only, shown against my name, does not appear to be correct and request for re-checking.

The amount whichever received by me was not only for Meat, Fish etc. supplied by Shri Ajoylal Thousen, but also including the cost of Rice and Sugar sold to the Staff of Training Centre, Haflong from September, 1996 to August, 1998 from T.M.B. Stock and hence regretted.

Out of the amount received a sum of Rs.2,12,206/- (Rupees Two Lakhs Twelve Thousand Two Hundred and Six) only, was paid to Shri Ajoylal Thousen towards the supply of Meat, Fish, Chicken and Eggs to the Staff of Training Centre, Haflong from September, 1996 to August, 1998 as per statement submitted by Shri Mahesh Ch.Borah (copy enclosed) and balance amount whichever left were taken into Cash Book of Trainees Mess Branch against the cost of Rice and Sugar sold to the Staff.

(Contd...2...)

.....2.....

The details of payment made to Shri Ajoylal Thousen, are shown as under :-

1. 28.11.96	=	Rs. 9,688.00 Received by Shri Ajoylal Thousen.
2. 8.1.97	=	Rs. 3,518.00 -do-
3. 8.3.97	=	Rs. 20,000.00 -do-
4. 7.6.97	=	Rs. 20,000.00 -do-
5. 11.11.97	=	Rs. 15,000.00 Received by Shri Madhu Mazumdar, Manager of Shri Ajoylal Thousen.
6. 2.12.97	=	Rs. 10,000.00 -do-
7. 27.12.97	=	Rs. 12,000.00 -do-
8. 3.1.98	=	Rs. 17,000.00 -do-
9. 7.2.98	=	Rs. 15,000.00 -do-
10. 14.4.98	=	Rs. 30,000.00 Received by Shri Ajoylal Thousen.
11. 4.5.98	=	Rs. 10,000.00 -do-
12. 14.8.98	=	Rs. 20,000.00 -do-
13. 20.8.98	=	Rs. 30,000.00 -do-

Total = Rs. 2,12,206.00

(Rupees Two Lakhs Twelve Thousand Two Hundred and Six)

Copies of all the Cash Receipt, are enclosed herewith. Hence, imputation of misappropriation of huge amount being filed, does not arise.

ARTICLE- II.

In view of Terrorist activities in the North Cachar Hills District, I never received Diet Money physically from the Cashier as per existing order by virtue of Law and Order at the present stage of the area.

The Cashier was directed to deposit the Diet Money to the accounts of Trainees' Mess Branch operated in U.B.I. Haflong under proper escort after completion of all formalities.

211th Batch was my 1st Batch and I could not recollect the causes of delay in Bank Transaction by the Cashier at this belated stage. The cash was with the Cashier in Safe Custody.

On 30.10.1996, the Cashier had deposited the amount to the Bank and the Counterfoil of Deposit Slip was handed over to me for taking into Cash Book of T.M.B. Accordingly, Diet Money was taken into Cash Book of T.M.B. on 30.10.1996. Since I have not received the cash from the Cashier physically. The imputation of temporary embezzlement of said amount does not arise.

As per articles
of charge, the
date varies
31.10.96

ARTICLE- III.

Actually, the amount of Rs.18,000/- was received from the Cashier on 28.3.1997. The cash was taken into Cash Book on the same day at Cash Book Page-143. Paper formalities were done on 31.3.1997 with the Cashier and a remark was kept on Receipt Book with the discussion with the Cashier that "The amount has already been taken into Cash Book" of T.M.B.

18 PA.C 11.3.97 to 31.3.97
17舞
17舞ees

ARTICLE -IV.

I had applied for Rs.1,50,000/- for purchase of Ration items from 221st Batch and a sum of Rs.60,000/- was paid to me on 20.6.1998 to meet the immediate requirement. ✓

C.B.P. 81

The amount of Rs.60,000/- was taken into Cash Book on the same day at Cash Book Page-81. ✓

C.B.P. 84

Again on 30.6.1998 balance amount of Rs.90,000/- was paid to me and same amount was also taken into Cash Book at Cash Book Page-84. Formal Receipt was taken by the Cashier on 30.6.1998.

C.B.P. 86

While the amount of Rs.1,50,000/- refunded to the Cashier reference was kept in the Cash Book that "Loan amount was refunded, which was taken on 20.6.1998 and on 30.6.1998" respectively. ✓

11/3/92
31.3.92

ARTICLE - V.

It is not a fact that Ration accounts were not properly maintained. Ration items purchased for Volunteers' Mess out of their Diet Money were properly accounted. ✓

Ration items were issued to the Volunteers' Messes as per approved scale of the DIG with proper vouchers received by Volunteers' Representative and Gurujan Mess Commanders. ✓

Expenditure Statement was prepared with the help of Mess Committee of Volunteers. Batch accounts were prepared at the last day of each Batch and put up to the DIG for perusal and approval. ✓

Suppliers' Bills towards the supply of Ration items were paid to the Suppliers out of Diet Money deposited for the each course and un-spent Diet Money whatever left were refunded to the Volunteers at the end of the day through Group Officers. ✓

Regarding the complaint made by Shri Ajoylal Thousen, I had already clarified in my report dated 9.2.2000 addressed to the Senior Instructor (Admn), (copy enclosed) that there is no any liabilities with Shri Ajoylal Thousen towards the supply of Ration items from Volunteers' Mess and calim might be the supply of Meat, Fish etc. by Shri Thousen against Katcha Slip and Chits given by Shri Mahesh Ch. Borah working as Storekeeper of T.M.B. Store without my knowledge and without keeping any records in T.M.B. from 210th to 221st Batches. Hence, violation of prescribed procedure and guide line and loss of Govt. money are seems to be not correct

ARTICLE - VI.

While responding Article - VI, at the very out set, I am to mention here that and hope might be appreciated, I was directed to perform duty of T.M.B. in addition to own duties in A.M. Branch and details as asked for appended below :-

It is out of my imagination that I failed to supervise the T.M.B. Staff for management of T.M.B. I have already mentioned against Article-V that Trainees' Messess were functioning properly and efficiently and all the liabilities were cleared towards the Suppliers' Bill against Volunteers' Mess. Hence, failure of supervision of T.M.B. leading to corruption, misappropriation and embezzlement of Govt. Money and violation of Rule etc. now attributed to me is not praiseworthy. Hence, regretted.

ARTICLE - VII.

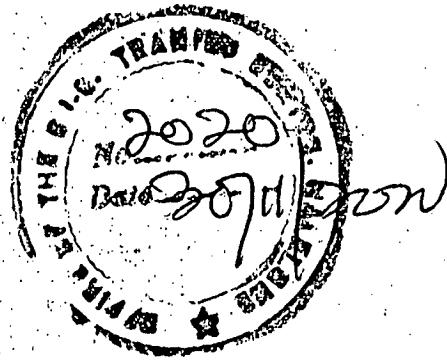
I had already mentioned that I was given the charge of T.M.B. in addition to my duties of M.M. Branch under direct supervision of Q.M., Training Centre, Haflong and accordingly, I performed my duties of both the Branches with satisfaction to my Branch Officer. I never did any untrustworthy, showed any dishonesty and maintain absolute integrity and devotion to my duties for which my Seniors became unhappy with me. According to my ability I performed my duties for the interest of volunteers from morning 0530 hrs. to till completion of dinner of volunteers every day so that volunteers were got their meal upto their satisfaction.

I never did ~~any~~ any irregularities, un-trustworthiness activities and prejudicial to the interest of Training Centre, Haflong in the eyes of public and suppliers to the best of my knowledge and belief and I am in a position to produce sufficient evidences. If I would have done such activities (knowingly or un-knowingly), I would like to say that my superiors were solely responsible for hiding me without taking any action against me in stipulated period.

Hence, the charge attributed to me is also not correct.

LIST OF ENCLOSURES:

1. Charge list = 9 copies.
2. Proposal of Shri S.S. Thapa, = 1 copy.
Instructor.
3. Office Order No.3/1/GENL/91/ = 1 copy.
TCH/7042-44 dated 27.9.96.
4. Statement of Shri Mahesh Borah
towards the supply of Meat = 4 copies.
Fish etc. to the Staff from
September, 1996 to August, 1998.
5. Cash Receipt given by = 13 copies.
Shri Ajoylal Thousen to
support the payment.
6. Reply copy addressed to the = 1 copy.
Senior Instructor(Admn)
dated 9.1.2000.



No. 9/Ett/SSB/AI/97(5) 6945-47
 Directorate General of Security,
 Office of the Director, SSB,
 East Block-V, R.K. Puram,
 New Delhi-110066.

Dated:- 24/11/2k

ORDER

Whereas an inquiry under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules 1965 is being held against Shri J. Berah, Field Officer(Mess), Training Centre, Haflong.

2. And whereas the undersigned considers that an Inquiring Authority should be appointed to inquire into the charges framed against the said Shri J. Berah, Field Officer(Mess).

3. Now, therefore, the undersigned, in exercise of the powers conferred by Sub-Rule (2) of the said rule, hereby appoints Shri B.K. Chakraborty, Joint Area Organiser, Shillong Division as the Inquiring Authority to inquire into the charges framed against the said Shri J. Berah.

Chakraborty 23/11
 (A. T. KUNJAPPA)
 JOINT DIRECTOR(PERS.)

Copy to:-

1. Shri B.K. Chakraborty, Jt. Area Organiser, Divisional HQs., Shillong Division, Shillong through Divisional Organiser, SSB, Shillong Division, Shillong. Copy of charge sheet framed against J. Berah is enclosed. He should submit enquiry report within one month.
2. Deputy Inspector General, TC, Haflong.
3. Shri J. Berah, F.O. (Mess) through Deputy Inspector General, TC, Haflong.

RSD

Certified to be true

Yours
 22/7/02

REGISTERED

-37-
33

ANNEXURE VI

The Director General, SSB,
Ministry of Home Affairs,
Govt. of India,
East Block No.V, R.K.Puram,
NEW DELHI-110066.

Subject: Departmental enquiry against Sh. Jajneswar Borah,
Field Officer (Mess) of Training Centre, Haflong.

Ref :- No. 9/Estt/SSB/A-I/97(5) 3223 dated 31.5.2000.

Sir,

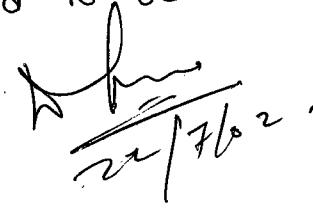
With due respect and humble submission I beg to
refer my application dated 20.5.2002 on the subject cited above.

Hon'ble Sir, I again cordially request you to look
in to the matter personally and issue favourable order for ~~W&SM~~
which act of your kindness I shall remain ever grateful to you.

Yours faithfully,

Jajneswar Borah
22.6.2002
(JAJNESWAR BORAH)
Field Officer (Mess)
Under suspension
Training Centre, Haflong.

Certified to be true


22/7/02

ANNEXURE VII

RECORDED, A/D

-38-

NO 4 of 2301.

To

The Joint Director(Pers),
Office of the Director,SSB,
East Block-V, R.K.Puram,
NEW DELHI-110066.

Subject: Departmental Enquiry against Shri J.Borah,
FO(Mess), Training Centre, Haflong.

Ref: Your Order No.9/Estt/SSB/A-I/97(5) 6945-47
dt. 24.11.2000 and even No.6948-51 dt. 24.11.2000.

Sir,

Kindly refer to your Order on the subject cited above and beg to draw your kind attention that the Departmental enquiry has yet not been started and due to prolonged suspension, I myself considered as a frustrated.

That Sir, I had already mentioned in my letter dated 19.6.2000 that I had not done any activities which were prejudicial to the interest of Training Centre, Haflong.

I therefore cordially request you to kindly necessary instruction for early completion of the enquiry for which act of your kindness I shall ever grateful to you.

Yours faithfully,

Jajneswar Borah
2/3/2001

(JAJNESWAR BORAH)

Field Officer(Mess),
Training Centre, Haflong.

Copy 's:-

The Deputy Inspector General, SSB, Training Centre, Haflong
for kind information.

Certified to be true

22/3/02

ANNEXURE VIIINO. 7689 dt. 12.2.02. JK

The Inspector General (pers),
Ministry of Home Affairs,
Office of the Director General, SSB,
East Block No.V, R.K.Puram,
NEW DELHI-110066.

Subject: Departmental Inquiry against Shri J.Borah, FU(M)
Training Centre, SSB, Haflong.

Ref: Your Memo. No. 9/Estdt/SSB/A-1/97(5) 6945-47 dated
24.1.2000 and even number 6945-47 dated 24.1.2001

Sir,

Kindly refer to your memo on the subject cited above I beg to draw your kind attention that the enquiry has been completed on 18.10.2001 and till to day I have not received from you end.

That Sir, I have already clarified all the charges imputed on me vide my application dated 19.6.2000 and also through witnesses by whom the charges were framed against me during the course of enquiry.

Due to prolonged suspension without any cause I became frustrated and I again appeal for your kind information that I have not done any activities which were were prejudicial to the interest of Training Centre, Haflong and also SSB.

I therefore, cordially request you to kindly look into the matter personally for which act of your kindness I shall remain ever grateful to you.

Yours faithfully,

Jyuneswar Borah

12.2.2002

{ JYUNESWAR BORAH (FU(M))
Training Centre, Haflong,
Haflong, N.C. Hills (Assam).

Certified to be True

J. Borah
22/2/02

ANNEXURE IX

ub

The Inspector General(Pers),
Ministry of Home Affairs,
Office of the Director General,SSB,
East Block No.V,R.K.Puram,
New Delhi-110066.

Subject: Departmental Enquiry against Sh.J.Borah,FO(M)
Training Centre,Haflong.

Sir,

Respectfully I beg to convey best of my regards with fervent request for correction of reference numbers mentioned in my application dated 12.2.2002. The reference number may kindly be read as under :-

Ref:- SSB Dte.No.9/Estt/SSB/ArI/97(5)3223
dated 31.5.2000 and order even number
6945-47 dated 24.11.2000.

I, again cordially request you, for consideration of my prayer as I am suffering from mental tension due to prolonged suspension i.e. with effect from 10.3.2000 without any reasons for which act of your kindness I shall remain ever grateful to you.

Yours faithfully,

Jajneswar Borah
18/2/2002
(JAJNESWAR BORAH)
Field Officer(Mess)
Training Centre,Haflong.

Certified to be true

22/2/2002

Shri V.K. Mallik, I.P.S.
 Director General, SSB,
 Ministry of Home Affairs, Govt. of India
 East Block No. V RK Puram
 New Delhi-110066

Subject: Departmental enquiry against Shri Jajneswar Borah FO (M) Training Centre Haflong.

Ref: SSB Dte. Memo No. 9/Esst/SSB/A-1/97(5) 3223 dt. 31.5.2000 and order No. 9/Esst/SSB/A-1/97(5) 6945-47 dt. 24.11.2k

Sir,

With due respect and humble submission that your good honest the following few lines for favour of your kind consideration and necessary action please.

Hon'ble Sir, The Dy. Inspector General Training Centre, Haflong had suspended me on contemplating departmental proceeding vide order no. 1 / 1 / Estt. / 2000 / 32 dated 10.03.2000 (copy enclosed). As I was not aware of causes of suspension and also my faults, I had requested to intimate the causes of suspension on 21.3.2000 (copy enclosed):

On 22.3.2000 Senior Instructor (Admn.) conveyed the remarks of Dy. Inspector General Training Centre, Haflong on my application which is reproduced as under-

"The reasons for suspension will definitely be communicated to the delinquent Govt. Servant concerned in due course."

On 22.6.2000 I had received SSB Dte. Memo. No 9/Esst/SSB/A-1/97(5) 3223 dt. 31.5.2000 along with articles of charges statement of imputation of misconduct in support of Article of charges and list of documents and list of witnesses by whom the Articles of charges were proposed with direction to submit reply within 10(ten) days of receipt of memorandum.

And accordingly I had submitted my written statement within the time limit with best of my knowledge, sworn in the name of God, cleared all the charges imputed on the vide memo as apropos, through the Dy. Inspector General, SSB, Training Centre, Haflong on 19.6.2000.

An inquiry was started on 22.3.2001 and completed on 18.10.2001. I had cleared all the charges through documents and also witnesses by whom the Articles of charges were framed against me, but till date I have not received any direction from SSB Dte.

Hon'ble Sir, due to prolonged suspension I am suffering from mental depression for given unnecessary harassment i.e. with effect from 10.3.2000.

I, therefore, cordially request you kindly look in to the matter personally and necessary instructions may kindly be passed to the quarter concerned to revoke from suspension for which act of kindness, I shall remain ever grateful to you.

Yours faithfully,

-sd-

(JAINESWAR BORAH)
 Field Officer (Mess)
 Under Suspension
 Training Centre, Haflong.

Copy to :

- 1) The Dy. Inspector General, SSB, Training Centre, Haflong for information
- 2) Shri B.K. Chakravorty, Area Organiser (Admn)
Inquiring officer of Departmental enquiry against J. Borah, FO(M) Training Centre, Haflong for information.

Certified to be True

22/7/02