

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. O.A. 288/02

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

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

1. Orders Sheet..... Pg. 1..... to 8.....
2. Judgment/Order dtd. 2.4.2012..... Pg. 1..... to 10. *Deposit made  
from 2nd floor*
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... Pg. 1..... to 58.....
5. E.P/M.P..... Pg..... to.....
6. R.A/C.P..... Pg..... to.....
7. W.S..... Pg. 1..... to 25.....
8. Rejoinder..... Pg..... to.....
9. Reply..... Pg..... to.....
10. Any other Papers..... Pg..... to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

*Salita*  
29/11/17

## FORM NO. 4

(See Rule 42)

## In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

## ORDER SHEET

APPLICATION NO.

288/02 OF 199

Applicant(s) Narendra Kumar TiwariRespondent(s) H.O.T. GovtAdvocate for Applicant(s) Debojit Thawsen, S.K. Medhi  
Mr. A. Deb RoyAdvocate for Respondent(s) Sr. C.G.S.C.

| Notes of the Registry  | Date   | Order of the Tribunal  |
|--|--------|--|
| <p><u>Verdict</u></p> <p>1/ 76576905<br/>4.9.02</p> <p><i>DP. 19/9/02</i></p> <p><i>ST</i></p> <p><i>steps along with<br/>envelope taken.</i></p> <p><i>No court fee stamp in<br/>roulatonam</i></p> <p><i>Rs 5.50/-</i></p> <p><i>WB 5/9/02</i></p> | 5.9.02 | <p>Heard Mr. S.K. Medhi, learned counsel for the applicant assisted by Mr. D. Thawsen, learned counsel and also Mr. A. Deb Roy, learned Sr. C.G.S.C. for the Respondents.</p> <p>Issue notice to show cause as to why the application shall not be admitted</p> <p>Also, issue notice to show cause as to why the order No.1/23/Estt./2001/TCH/6736-40 dated 19.8.2002 placing the applicant Sri N.K.Tiwari, UDC under suspension shall not be suspended. Returnable by three weeks.</p> <p>In the meantime, the operation of the aforesaid order dated 19.8.2002 shall remain suspended till the returnable date.</p> <p>List on 26.9.2002 for admission.</p> |

Member

Vice-Chairman

Notes of the Registry

Date

Order of the Tribunal

Notices prepeared and sent to D. Section 600 issuing of the same to the respondents through Regd. post with A/D.

Vide D.No - 2549 to 2553  
Dtd. - 12-9-02.

ZD  
R.9.02

Photocopies machine is out of order hence the order is not communicated to the parties concerned.

b  
10/10/02

26.9.02

Heard Mr. S.K.Medhi, learned counsel for the applicant.

The matter is listed for admission today. It appears that the notices were sent from this Office on 12.9.2002. Service report is still awaited. List the matter on 8.11.2002 for admission.

In the meantime, interim order dated 5.9.2002 shall continue to operate until further order.

I.C.U.Sharma  
Member

h  
Vice-Chairman

mb

8.11.02

Written statement has been filed. The case may now be listed for hearing on 2.12.02. The applicant may file rejoinder if any, within two weeks from to-day. Kishore

I.C.U.Sharma  
Member

Vice-Chairman

lm

11.11.02

W/S. Submitted  
by respondents.

SKD

X

Note of the Registry

Date

Order of the Tribunal

2.12.2002

Heard Mr.S.K.Medhi, learned counsel assisted by Mr.D.Thaosen, learned counsel for the applicant and also Mr.A.Deb Roy, learned Sr.C.G.S.C. for the respondents.

In course of hearing Mr.Deb Roy, learned Sr.C.G.S.C. stated that by order No.1/6/DE/NKT/2002/TCH/8667-70 dated 5.12.2002 the order of suspension dated 19.8.2002, which was impugned in this proceeding was cancelled and the authority had ordered to pay full pay and allowance w.e.f. 19.8.2002.

In that view of the matter the applicant has become infructuous and accordingly the application stands dismissed. Mr.Medhi, the learned Advocate for the applicant submitted that the respondent authority is however pursuing with a departmental proceeding on matters of trivial nature. We are not inclined to make any observation on the merits of the departmental proceeding which is pending before the authority. The authority is to judge the issues. We are sure that the authority will act justly and fairly. The underlying policy of the administration is the welfare of the people. We assume that the authority will not do injustice. It is expected that the authority shall resolve all the issues expeditiously and bring to end all the disputes that will provide a satisfactory ending.

The application is accordingly dismissed. No order as to costs. A copy of the order dated 5.11.2002 is placed on records.

*K. I. Chakraborty*  
Member

bb

*Vice-Chairman*  
Vice-Chairman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH:

GUWAHATI

O.A. NO. 288 /2002

Shri Narendra Kumar Tiwari

.....Applicant

-vs-

Union of India and Others.

.....Respondents

I N D E X

| Sl. No. | Description of documents relied upon | Page  |
|---------|--------------------------------------|-------|
| 1.      | petition                             | 1-12  |
| 2.      | Verification                         | 13    |
| 3.      | Annexure I                           | 14    |
| 4.      | Annexure II                          | 15    |
| 5.      | Annexure III                         | 16-18 |
| 6.      | Annexure IV                          | 19    |
| 7.      | Annexure V                           | 20-23 |
| 8.      | Annexure VI                          | 24    |
| 9.      | Annexure VII                         | 25    |
| 10.     | Annexure VIII                        | 26    |
| 11.     | Annexure IX                          | 27    |
| 12.     | Annexure X                           | 28    |
| 13.     | Annexure XI                          | 29    |
| 14.     | Annexure XII                         | 30    |
| 15.     | Annexure XIII                        | 31    |
| 16.     | Annexure XIV                         | 32    |
| 17.     | Annexure XV                          | 33    |
| 18.     | Annexure XVI                         | 34    |
| 19.     | Annexure XVII                        | 35    |
| 20.     | Annexure XVIII                       | 36    |
| 21.     | Annexure XIX                         | 37    |
| 22.     | Annexure XX                          | 38-40 |
| 23.     | Annexure XXI                         | 41    |
| 24.     | Annexure XXII                        | 42    |

Narendra Kumar Tiwari

|     |                 |       |
|-----|-----------------|-------|
| 25. | Annexure XXIII  | 43    |
| 26. | Annexure XXIV   | 44    |
| 27. | Annexure XXV    | 45    |
| 28. | Annexure XXVI   | 46-49 |
| 29. | Annexure XXVII  | 50-52 |
| 30. | Annexure XXVIII | 53-54 |

filed by:

*Debojeet Thaosen*

(Debojeet Thaosen)  
Advocate.

*Narendra Kumar Khatri*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH:  
GUWAHATI

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

O.A. NO. 288 /2002

FILED BY :- Narendra Kumar Tiwari  
Through :- Subjeet Thakur  
Advocate  
4/9/02.

IN THE MATTER OF:

Shri Narendra Kumar Tiwari  
S/O Shri Markendeo Tiwari  
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 Deputy Inspector General  
SSB, Training Centre, Haflong,  
District: N.C. Hills, Assam.
4. Shri S.C. Verma  
Senior Instructor(Adm)  
SSB, Training Centre, Haflong,
5. Shri R.K. Sarma,  
Senior Instructor(Training)  
SSB, Training Centre, Haflong.

RESPONDENTS

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

- i) Office Order no. 1 / 23 / Estt. / 2001 / TCH / 6736-40 dated 19.08.2002 passed by the respondent no. 3, placing your applicant under suspension in contemplation of disciplinary proceedings against him.
- ii) Action of the authorities in passing the impugned order of suspension which is vitiated by bias and mala fide.

II: 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.

III: LIMITATION :

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

IV: FACTS OF THE CASE :

1. That your applicant states that he is presently residing at Haflong, N.C. Hills District, Assam.
2. That the applicant joined the services of the SSB, i.e. Special Security Bureau, on 01.04.1980. On 11.6.99 he was transferred and posted at Haflong. He joined the Training Centre, SSB Haflong on 26.6.99. For the last 22 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 Upper Division Clerk (U.D.C.) at the SSB, Training Centre, Haflong. The applicant has to maintain his family comprising of his wife and dependent children.
3. That in September 2001 when your applicant had claimed the TA for the month of July-August 2001, the respondent no. 4 told your applicant that his T.A. bills would be passed only if he paid a commission of 10% of the amount claimed to the respondent no.4. When your applicant refused to gratify the respondent no.4, the latter told the applicant that in that case his T.A. bills would not be passed. Your applicant then told the respondent no.4 that if his T.A. bills were not passed simply because of his refusal to pay 10% commission then he would be compelled to complain to the higher authorities. At this the respondent no.4 threatened your applicant to teach him a lesson.
4. That your applicant thereafter complained to the higher authorities about the illegal demands of 10% commission made by the respondent no.4 in order to pass the T.A. bills of your applicant and also of the dire consequences that he was threatened of by the same.

5. That the authorities concerned did not take any action against the respondent no.4 but on the contrary he received a memorandum dated 25.9.01 from the respondent no.4 wherein your applicant was alleged to have claimed T.A. bills for first class train fare though he had traveled by second class.

A Copy of the memorandum-dated 25.9.01 is annexed hereto and marked as ANNEXURE I.

6. That your applicant thereafter replied vide letter dated 27.9.01 stating that he had traveled by second class train and his claim pertained to second class train fare and not first class fare as alleged in the memorandum dated 25.9.01. Details of the tickets were also referred in the aforesaid letter.

A copy of the letter-dated 27.9.01 is annexed hereto and marked as ANNEXURE II.

7. That in spite of all the above, the T.A. bills of your applicant was not paid to him. On the contrary he was threatened by the respondent no.4 continuously that he would suspend your applicant on the grounds of claiming false T.A. bills.

8. That having no other alternative, your applicant decided to approach the appropriate forum of Law and on 22.10.01 he filed a case against the respondent no.4 in the Court of the Additional Deputy Commissioner, N.C. Hills complaining, inter-alia, about the aforesaid illegal demands of 10% made by the respondent no.4. The case was registered as Cr. Case no. 146 / 2001.

A copy of the petition dated 22.10.01 is annexed hereto and marked as ANNEXURE III.

9. That thereafter, your applicant received a memorandum dated 29.11.01 asking him to furnish the original / photocopy of the Railway Tickets with respect to which his T.A. bills were claimed. Accordingly the original train tickets were submitted by your applicant vide forwarding letter-dated 01.12.01.

Copies of the Memorandum dated 29.11.01 and the letter dated 01.12.01 are annexed hereto and marked as ANNEXURES IV & V respectively.

10. That to the shock and surprise of your applicant he received a memorandum dated 26.12.2001 alleging that your applicant had collected Rs.100/- from some officials of SSB Haflong for filing a case challenging the suspension of LTC facility to Central Govt. Employees. Your applicant was further directed to explain as to how and by whose order the amount was collected.

A copy of the letter-dated 26.12.01 is annexed hereto and marked as ANNEXURE VI.

11. That in response to the aforesaid letter dated 26.12.01 your applicant vide letter dated 31.12.01 denied that he had collected any money, as has been alleged.

A copy of the letter-dated 31.12.01 is annexed hereto and marked as ANNEXURE VII.

12. That in spite of your applicant's denial of the aforesaid allegation of collecting Rs.100/- for filing a Court case, your applicant was served with memoranda by the respondent no.4 dated 19.2.02 and 26.2.02 carrying the same allegation and directing your applicant to refund the amount allegedly collected by him.

Copy of the memoranda-dated 19.2.01 and 26.2.02 are annexed hereto and marked as ANNEXURES VIII & IX respectively.

13. That in the meantime, the learned Additional Deputy Commissioner in the aforesaid Cr. Case no.146 / 2001, vide order dated 26.2.02, directed your applicant to seek prosecution sanction from the authorities to prosecute the respondent no.4 and stayed the proceedings of the case till the said sanction has been granted. The case is pending in the Court of the learned Additional Deputy Commissioner till date.

14. That vide memorandum dated 8.3.02 the respondent no.4 once again directed your applicant to inform whether the alleged amount collected from some employees of the SSB Haflong for filing a case was refunded or not. In response to the same your applicant vide letter dated 11.3.02 denied yet again that he had ever collected any amount.

Narendra K. Jain

Copies of the Memorandum-dated 8.3.02 and letter dated 11.3.02 are annexed hereto and marked as ANNEXURES X & XI respectively.

15. That vide memorandum dated 15.3.02 the respondent no.4 directed your applicant to explain as to why your applicant had filed a Court case against the respondent no.4 without obtaining prior permission from the competent authority.

A copy of the letter-dated 15.3.02 is annexed hereto and marked as ANNEXURE XII.

16. That your applicant replied vide letter dated 16.3.02 that the Hon'ble Court had directed him to obtain approval from the Competent Authority and the same would be obtained in due course.

A copy of the letter-dated 16.3.2002 is annexed hereto and marked as ANNEXURE XIII.

17. That vide memorandum dated 02.04.02 the respondent no.5 directed your applicant to obtain prosecution sanction from the authority to prosecute the respondent no.4.

A copy of the letter-dated 02.04.02 is annexed hereto and marked as ANNEXURE XIV.

18. That on 3.4.02 your applicant sent a legal notice to the employees who had allegedly made representation to the respondent no.4 alleging that your applicant had collected Rs. 100/- from each of them to file a case. In the said notice the employees were asked to clarify as to why they had made the aforesaid false allegation against your applicant and also to furnish a copy of the alleged representation to him. They were further notified that if they did not comply with the requisites of the notice then your applicant would file a case of defamation against them.

A copy of the legal notice dated 3.4.02 is annexed hereto and marked as ANNEXURE XV.

19. That in spite of the aforesaid legal notice, till date, the aforesaid employees have neither given any clarification nor did they furnish the representation allegedly submitted to the respondent no.4.

12 5  
Nandita Bhawan

20. That vide memoranda dated 9.4.02 and 9.5.02 the respondent no.4 again directed your applicant to obtain prosecution sanction from the competent authority to prosecute him and to intimate if he had taken any action in this regards.

Copies of the memoranda-dated 9.4.02 & 9.5.02 are annexed hereto and marked as ANNEXURES XVI & XVII respectively.

21. That your applicant thereafter wrote a letter dated 03.06.02 to the respondent no.2 to grant him prosecution sanction to prosecute the respondent no.4. In the said letter he also explained why he could not seek permission to prosecute the respondent no.4 before filing the case.

A copy of the letter-dated 03.06.02 is annexed hereto and marked as ANNEXURE XVIII.

22. That vide memorandum dated 27.6.02 the respondent no.4 directed your applicant yet again to obtain prosecution sanction from the authority to prosecute him as directed by the Hon'ble Additional Deputy Commissioner on 26.2.2002.

A copy of the letter-dated 27.06.02 is annexed hereto and marked as ANNEXURE XIX.

23. That on 01.07.02 your applicant filed a defamation case in the Court of the Magistrate First Class under section 500 I.P.C. against the employees who had allegedly made representation to the respondent no.4 alleging that your applicant had collected Rs. 100/- from each of them to file a case. The said case was registered as Cr. Case no. 154 / 02 and the next date has been fixed for 1.10.2002 vide order dated 7.8.02.

Copies of the petition dated 01.07.02 and order dated 7.8.02 are annexed hereto and marked as ANNEXURES XX & XXI respectively.

24. That your applicant thereafter wrote three letters dated 02.07.02, 20.07.02 and 12.8.02 to the respondent no.2 to grant him prosecution sanction to prosecute the respondent no.4.

13  
7  
Neeru K. Zaveri

Copies of the letters-dated 02.07.02, 20.07.02 and 12.8.02 are annexed hereto and marked as Annexures XXII, XXIII & XXIV respectively.

25. That to the shock and surprise of your applicant, while your applicant was waiting for the sanction to be granted to prosecute the respondent no.4, your applicant was placed under suspension by the respondent no.3 vide order no.1 / 23 / Estt. / 2001 / TCH / 6736-40 dated 19.08.2002 on the grounds that disciplinary proceedings were contemplated against your applicant.

A copy of the order dated 19.08.2002 is annexed hereto and marked as Annexure XXV.

26. That, thereafter, the respondent no.3 issued an order no. 1 / 6 / DE / NKT / 02 / TCH / 6875 dated 21.8.02 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 21.8.2002 is annexed hereto and marked as Annexure XXVI.

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

As per Article I, your applicant has been alleged to have baselessly complaint against Shri SC Verma, the respondent no.4 that he had passed all the TA Bills of N.G.O.s ( non gazetted officers) after taking 10% commission and that your applicant had exhibited non-maintenance of integrity and therefore his act and conduct is unbecoming of a Govt. Servant and that he has violated Rule-3 (1) (i) & (iii) of CCS (Conduct) Rules, 1964.

As per Article II, your applicant has been alleged to have collected Rs.100/- from staff members of Training Centre Haflong, viz- Shri Keshar Ram, Shri Suraj Kumar Singh, Shri Amrej Singh and Shri Pawan Kumar for filling a case. It is further alleged that your applicant had in spite of written communication served upon him had denied the

11  
8  
Narinda ki Zara

allegation of collecting the aforesaid amount and had straight away filed a case at Haflong Court and that his act and conduct is grossly immoral and he has not maintained integrity which is unbecoming on the part of a Govt. Servant. Therefore your applicant has been alleged to have violated Rule-3 (1) (i) & (iii) of CCS (Conduct) Rules, 1964.

28. That in the statement of imputation of misconduct or misbehavior in support of the aforesaid Articles of charges, two Articles of charges were framed against your applicant.

As per Article I, your applicant has been alleged to have reported against Shri SC Verma alleging him of taking a gratification of 10% commission from the following officials viz-Shri DC Phukan, Shri Indrajit Das, Shri RC Malla, Shri AP Chhotaray, Shri Jalim Singh, Shri SP Singh, Shri GD Paul, Shri Brahmachari, Shri NK Tiwari. It is alleged that the respondent no.5 conducted a prima-facie inquiry and that except for your applicant all the others have stated that the allegation against Shri SC Verma is false and baseless. It is further alleged that your applicant's act and conduct thus exhibited utter disrespect to superior authorities and revealed his doubtful integrity and gross moral misconduct and that his further retention in service was quite unsafe and untrustworthy as the authority could not rely on his faithfulness.

As per Article II, your applicant has been alleged to have collected Rs.100/- from staff members of Training Centre Haflong, viz- Shri Keshar Ram, Shri Suraj Kumar Singh, Shri Amrej Singh and Shri Pawan Kumar for filling a case. It has been further alleged that your applicant had in spite of written communication served upon him had denied the allegation of collecting the aforesaid amount and had indulged in taking shelter of the Court over a petty matter which could have been settled by his official authority and that his act and conduct shows doubtful integrity and is unbecoming on the part of a Govt. Servant and so your applicant's retention in service was most undesirable on the ground of serious moral misconduct.

29. That on receipt of the aforesaid Charge Sheet, your applicant submitted his written statement (WS) on 23.8.2002. In the said statement, each of the charges were denied in clear and categorical terms and the explanation was given charge wise.

15

Anwala ki Razia

As regards charge no. I of annexure I, your applicant denied that he had exhibited any non-maintenance of integrity and his act and conduct is unbecoming of a Govt. Servant. He denied that he violated any rules and in particular Rule-3 (1) (i) & (iii) of CCS (Conduct) Rules, 1964. Your applicant reiterated that Shri SC Verma had passed all the TA Bills after taking 10% commission.

As regards charge no. II, Annexure I, your applicant denied collecting Rs.100/- from the employees of TC Haflong, viz-Shri Keshar Ram, Shri Suraj Kumar Singh, Shri Amrej Singh and Shri Pawan Kumar for filling a case. Your applicant stated in his WS that he kept on receiving memorandums carrying the aforesaid allegations over and again. Thereafter he had served legal notices upon the aforesaid employees on 03.04.02 giving them 30 days time from the date of issue of the notice to clarify as to why they had made the aforesaid allegations against him and also to send him a copy of the representations which they had allegedly made to Shri SC Verma. The aforesaid employees did not clarify as required by your applicant nor have they served a copy of the said representation to him till date. They also did not withdraw the aforesaid false allegations against your applicant. It was only after about three months that he had approached the Haflong Court. Therefore it couldn't be construed by any stretch of imagination that he had straight away filed a case as alleged in the Memorandum. Your applicant categorically and vehemently denied having violated Rule-3 (1) (i) & (iii) of CCS (Conduct) Rules, 1964.

As regards Article I of annexure II, your applicant denied that he had exhibited any utter disrespect to his superior authority or moral misconduct or that he had doubtful integrity. Your applicant reiterated that Shri SC Verma had passed all the TA Bills after taking 10% commission.

As regards Article II, Annexure II, your applicant denied collecting Rs.100/- from the employees of TC Haflong, viz-Shri Keshar Ram, Shri Suraj Kumar Singh, Shri Amrej Singh and Shri Pawan Kumar for filling a case. Your applicant stated that there is no law that barred him from approaching a Court of Law under Section 500 I.P.C. he denied having done anything immoral or failed to maintain integrity as alleged.

Nawaz ki Zaw

16

A copy of the written statement dated 23.8.2002 is annexed hereto and marked as Annexure XXVII.

30. That a representation dated 24.8.2002 was made by your applicant to the respondent no.2 stating that the order of suspension and the holding of the departmental enquiry was nothing but an act of high handedness of the authorities concerned and as act of retaliation. Your applicant also prayed that the said order of suspension and departmental enquiry be revoked. Copies of the representation were also sent to the Additional D.G. SSB, New Delhi, I.G. (Pers), SSB, New Delhi and the D.I.G., SSB, Haflong i.e. the respondent no.3.

A copy of the representation dated 24.8.2002 is annexed hereto and marked as Annexure XXVIII.

**V: GROUND FOR RELIEF WITH LEGAL PROVISIONS :**

- a). 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.
- b). For that the respondent authorities have acted in a manner which is not contemplated by law and is vitiated by bias and malafide. There has been a colorable and arbitrary exercise of powers for co-lateral purpose. The respondent authorities more particularly the respondent no.3 & 4 are apparently acting in a highhanded manner with the sole object to frustrate your applicant from approaching and prosecuting the legal process.
- c). 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.
- d). For that the departmental proceeding itself is based on non-existent charges. A bare reading of the charge sheet would clearly reveal that the two charges have been framed as a counter to the legal steps taken by your applicant against the misdeeds of the respondent no.4. In that view of the matter, the continuation of the

17/11  
Navendra K. Zinvi

departmental proceedings would be against the interest of justice and is liable to be set aside and quashed.

e). For that the mandate of law regarding suspension is that an order of suspension is issued for enabling and facilitating the employer to hold the contemplated departmental proceeding without any interference or hindrance from the delinquent employee. However, in the instant case the charge being of your applicant approaching the Hon'ble courts against the misdeeds of a superior officer (respondent no. 4), there is no occasion or necessity to place your applicant under suspension which is apparently passed as a mode of penalty.

f). For that from the facts and circumstances of the instant case, it becomes clear that the impugned order has been passed as a means to punish your applicant and to impute a stigma in his service career. 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.

g). 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.

#### VI : DETAILS OF THE REMEDIES EXHAUSTED :

That the applicant filed representation before the respondent no. 2 and 3 copies of which were sent to the Additional D.G. SSB, New Delhi, IG (Pers), SSB, New Delhi for necessary action and to revoke the suspension order.

#### VII : 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.

#### VIII : RELIEF SOUGHT :

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

Anandakumar

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 19.08.2002 (Annexure XX.) issued by the respondent no. 3 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 19.08.2002 (Annexure XX.) 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.

**IX : 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. 79576905
- II) Date : 4/9/02
- III) Issue by Guwahati Post Office
- IV) Payable at Guwahati.

**12 : LIST OF ENCLOSURES :**

As stated in the index.

VERIFICATION

I, Shri Narendra Kumar Tiwari, S/O Shri Markendeo Tiwari, aged about 47 years, at present working as Upper Division Clerk (UDC), (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 :

Place : Haflong.

Narendra Kumar Tiwari

13

## ANNEXURE I

No. 1/5/NKT/99/TCH/ 9343-48  
 Govt. of India,  
 Ministry of Home Affairs,  
 Office of the D.I.G. SSB  
 Training Centre, Haflong.

Dated the, 25/9/07

MEMORANDUM

On 24th September, 2001, you were asked by the undersigned as why did you claim 1st Class ticket fare in TA Bill in connection with your Govt. duty to Kolkata whereas you performed the journey in 2nd Class in train. During your verbal reply, you admitted that the journey was actually performed by you in II Class. This was admitted by you in presence of Shri R.K. Sarma, Sr.Instructor(Trg) and Sh. S.C. Pal, Asstt.Comdt/ Accounts Officer, TCH in Office Chamber of the undersigned.

2. In this connection, you are hereby directed to intimate this Office why did you claim 1st Class ticket fare in your TA Bill instead of claiming 2nd Class fare.

3. Your written reply must reach to the undersigned on or before 27th September, 2001 positively.

*Mukul  
25-9-2007*  
 ( S.C. VERMA )  
 Senior Instructor(Admn)  
 Training Centre, Haflong.

To

Shri N.K. Tivari, UDC  
 Training Centre, Haflong.

Copy to :

1. The Sr. Instructor(Trg), TCH for information please.
2. The Accounts Officer, TCH for information.

*( S.C. VLRMA )*  
 Senior Instructor(Admn)  
 Training Centre, Haflong.

\*\*\*\*\*

Certified to be true :

*[Signature]*

ANNEXURE II

15

21

Narendra K. Tiwari

To,  
The Sr. Instructor (Admn)  
T.C. SSB Haflong.  
(Through proper channel)

Sir,

With reference to your memo no. 1/5/NKT/99/TCH/9343-45 dt 25-9-01 asking therein to explanation of 1<sup>st</sup> class tickets fare in TA Bills.

2. In this connection it is submitted that I have not claimed 1<sup>st</sup> class in TA Bills as per your memo under reference.

3. It is not understood how the Sr. Instr (Admn) has made the false allegation to me that I claimed 1<sup>st</sup> class fare tickets in the TA bill of July 01 and August 01 without going thoroughly in my TA Bills of July 01 and August 01.

4. Whereas I perform duties/journey in sleeper class vide tickets no. as are under:-

July 01 TA Bill

- (1) L/Haflong to HWA on 14.7.01 vide T. No. 62575/01474
- (2) HWA to GHY on 19.7.01 vide T. No. 621 / 7365470
- (3) GHY to L/ Haflong ON 20.7.01 vide T.No. 44156

Aug 01 TA Bill

- (1) L/Haflong to GHTY on 3.8.01 vide T. No. 26769
- (2) GHTY to N Delhi on 7.8.01 vide T. No. 01354
- (3) Delhi to Lumding on 17.8.01 vide T. No. 214-1727049

Yours faithfully,

( NK Tiwari)

UDC  
Tr Br TCH

Copy to:-

The D.I.G. TCH for information

-sd-

27/9/01

( NK Tiwari)

UDC  
Tr Br TCH

Certified to be true:



22  
Narendra K. Tiwari

To

To Sr. Inspector (Admn)  
T.C. 883 Haffly

(Through proper channel)

Sir,

With reference to your memo No. 115PA(1) 99  
TCH/9343-45 dt 25-9-01 asking there in a explanation  
of 181 class tickets fare in T.A. Bills.

2. In this connection it is submitted that I have  
not claimed 181 class fare in T.A. Bills as per your memo  
under reference.

3. It is not understood, how the Sr. Instr (Admn)  
has made the false allegation to me that I claimed  
181 class fare tickets in the T.A. Bill of Jul 01 and  
Aug 01 without <sup>30m</sup> showing in my T.A. Bills - only on  
Aug 01.

4. Whereas, I perform ~~delic~~ / Journey  
in Sleeper class ride tickets No. as under:-

JUL 01 T.A. BILL

- (1) L/HFG to HGS on 14<sup>th</sup> July T. No. 62575/01474
- (2) HWA to GHTY on 19<sup>th</sup> July T. No. 621/7365470
- (3) GHTY to L/HFG on 20<sup>th</sup> July T. No. 44156

AUG 01 T.A. BILL

- (1) L/HFG to GHTY on 3<sup>rd</sup> Aug T. No. 26769
- (2) GHTY to N Delhi on 7<sup>th</sup> Aug T. No. 01354
- (3) Delhi to Lumding on 17<sup>th</sup> Aug T. No. 214-1727049.

Yours faithfully

(N.K.TIWARI)

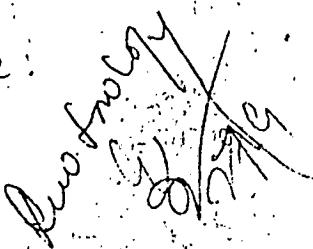
ODC  
TCH

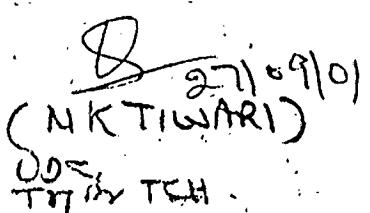
Copy to:

The D. I. G. T.C. H for information, pl.

Certified to be true:



  
N.K. TIWARI  
TCH

  
27/09/01  
(N.K.TIWARI)  
ODC  
TCH

ANNEXURE III

BEFORE THE HON'BLE ADDITIONAL DEPUTY COMMISSIONER.

Haflong, N.C. Hill, Assam.

Cr. Case No. 146 Have 2501.

IN THE MATTER OF:

Sri Narendra Kumar Tiwari

S/o Sri Markendeo Tiwari

### SSB Training centre, Hafslong.

..... complainant

## VERSUS-

Sri S.C. Verma,

**Senior Instructor ( Adm. )**

SSB, Training centre, Haikong

.....Opp Party

The humble petition of the complainant abovenamed

MOST RESPECTFULLY SHEWETH:

- 1 That the complainant is an employee of SSB, Training Centre, Haflong, N.C. Hills and is at present posted therein as a U.T.C. (upper division clerk).
- 2 That the Opp. Party is a Senior Instructor ( Administration ) of SSB, Training Centre, Haflong, N.C. Hills, Assam.
- 3 That since the later part of 1999 the Opp. Party started harassing the employees of SSB by demanding gratifications / bribes and by misusing his powers which are elaborated herein below.
- 4 That whenever the employees used to claim T/A, i.e. traveling allowance, the Opp. Party used to demand 10% of the T/A claimed and also to show that they had traveled by train in first class, though in fact they had traveled by second class. Most of such employees are compelled to give-in to the aforesaid a demand of the Opp. Party firstly because they are aware that if they do not do as the Opp. Party demands then their T/A, if at all received, would be only after a lot of harassment; and secondly because if they claim for first class then they would not loose anything even after the deduction of 10%. The aforesaid misdeed of the Opp. Party could not be tolerated by the claimant and as such he had intimated the same to the Director General ( DG ), SSB, East Block, 5 RK Puram, New Delhi on 29.09.2001 with a copy sent to the DIG among others. However no action has been taken against the Opp. Party till date.

Certified to before <sup>A copy</sup>

A copy of the letter-dated 29.09.2001 is annexed<sup>1</sup> and marked as document L.

17  
21  
Kum  
Monsoon

5 That the claimant also faced the aforesaid demands of the Opp. Party when he had claimed for T/A of July-August 2001. When the complainant refused to comply with the demands of the Opp. Party he threatened the complainant that his T/A would not be paid to him and that he would also take action against him. The action came in the nature of a memorandum no. 1/5/NKT/99/TCH/9343-45 dated 25.09.2001 whereby the claimant was asked to explain as to why he had claimed T/A for first class train ticket when he traveled by second class and to show cause as to why action should not be initiated against him. The claimant was shocked to receive such a wild, imaginary and false allegation against him. Subsequently the claimant filed a complaint before the Hon'ble Additional Deputy Commissioner, Haflong, on 01.10.2001.

A copy of the complaint petition dated 01.10.2001 is annexed and marked as DOCUMENT II.

6 That the Opp. Party is also involved with other mal-practices misusing his official status. The Opp. Party has been utilizing one Sri B. Poddar as his personal cook, cobbler, peon, dhobi, sweeper, servant etc. from 1999 onwards. The aforesaid Sri Poddar is in fact a cook for volunteers at S.S.B. drawing a salary of about Rs. 6000/- As such the services of Sri Poddar could never be utilized as a cook for the volunteers for which he had been employed by the Govt. of India. Therefore the Govt. of India has been incurring a loss @ Rs.6000/- every month since 1999 onwards which should be reclaimed back from the Opp. Party.

7 That the papers, documents etc. pertaining to T/A mentioned above are in the custody of the accounts section, SSB, Haflong, and also with the Pay and accounts office, SSB Wing, East Block 9, RK Puram, New Delhi. Therefore the records pertaining to the aforesaid T/A since 1999 from the aforesaid accounts offices/sections may be called for immediately before they are tampered with by the Opp. Party.

8 That your complainant states that there is no other efficacious, adequate and / or alternative remedy and the remedy prayed for is just, adequate and complete.

9 That your petitioner states that this petition has been filed bona fide and in the interest of justice.

In the aforesaid premises it is therefore prayed that Your Honour may be pleased to take necessary action against the Opp. Party as per Law and to call for the records pertaining to the aforesaid T/A since 1999 from the accounts section, SSB, Haflong and from the Pay and accounts office, SSB wing, East Block 9, RK Puram, New Delhi and to pass any such other order(s) / direction (s) as Your Honour may deem fit and proper.

And your petitioner, as in duty bound, shall ever pray.

Narendra Kumar Tiwari

VERIFICATION

I, Sri Narendra Kumar Tiwari, S/o Sri Markendeo Tiwari, r/o SSB Training center, Haflong, Assam, aged about 46 yrs do hereby solemnly affirm and declare that I am the in the instant case and that the statements made in the are true and correct to the best of my knowledge, belief and information.

And I sign this Verification on this 21<sup>st</sup> day of October 2001 at Haflong.

Narendra Kumar Tiwari

( Narendra Kumar Tiwari )

Annexure - IV

19

26

No. 11/10/Accts/2001/TCH/ 11293  
Office of the Dy. Inspector General  
Training Centre, Haflong.

Dated the 09/11/2001

Memorandum.

Shri N.K. Thiwari, UDC has furnished three T.A. bills for the period from 14.7.2001 to 21.7.2001, and 3.8.2001 to 20.8.2001 and 1.9.2001 to 12.9.2001 vide his application dated 28.11.2001 respectively. ✓

He has claiming sleeper class train fare quoting the tickets number on the body of the bills without furnishing original/photo copy of Rly. tickets.

Shri Thiwari, UDC is hereby directed to furnish original/Rly photo copy Rly. tickets according to his claim today failing which the rail fare will be restricted to 2nd class train fare.

This is issue with the verbal intimation of 01/11/2001.

Accounts Officer  
Training Centre, Haflong.

To

Shri N.K. Thiwari, UDC,  
T.C. Haflong.

Certified to be true



Nanda Kumar Thiwari

## Annexure - 1

24

To

The Accts Officer  
T.C. SSB Haflong

Sub: submission of original of train fare tickets on Govt duty for the period of 14.7.01 to 21.7.01, 3-8-01 to 20-8-01 and 1-9-01 to 12-9-01

Sir,

Please refer to TCH Accts per memo no. 11/10/Accts/2001/TCH/11293 dt 29.11.01 on the subject cited above.

2. I am enclosing the original train tickets of the following period

TA Bill July 01 14-7-01 to 21-7-01

- (1) T. No. 62575/01474
- (2) T. No. 621 / 7365470
- (3) T. No. 44156

TA Bill Aug 013-8-01 to 20-8-01

- (1) T. No. 26769
- (2) T. No. 01354
- (3) T. No. 214-1727049

TA Bills of Sep 01 1-9-01 to 12-9-01

- (1) T. No 15946
- (2) T. No 63270
- (3) T. No 01507
- (4) T. No 611-8146924

This is for your information and further necessary action  
 Encl: 11 original Tickets

(eleven)

Yours faithfully,

-sd-

illegible

01/12/01

( NK Tiwari)

UDC  
 Tr Br TCH

Certified to be True:



Nacra ki Zari

10

The Accts Officer  
T.E. 883 Hafley

Original  
 Sub: Submission of photocopies of Train fare  
Tickets on Cart duty for the Period of 14-7-01 to  
21-7-01, 3-8-01 to 20-8-01 and 1-9-01  
to 12-9-01

SIR,

Please refer to TCH. Accts P.O. memo No.  
 11/16/Accts/2001/TCH. 11293 dt 29.11.01 on the  
 subject cited above.

2. I am enclosing the ~~photocopies~~ <sup>original</sup> train  
 tickets of  
 16 following period  
T.A. Points July 01 14-7-01 to 21-7-01

- (1) T. No. 62575/01474
- (2) T. No. 621/736570
- (3) T. No. 44156

T.A. Points of Aug 01 3-8-01 to 20-8-01

- (1) T. No. 26769
- (2) T. No. 01354
- (3) T. No. 214-1727049

T.A. Points of Sept 01 1-9-01 to 12-9-01

- (1) T. No. 15946
- (2) T. No. 63270
- (3) T. No. 01507
- (4) T. No. 611-8146924

This is for information and further necessary action  
 Sir.

Enclosed: 11 original tickets  
 (Eleven)

Yours faithfully  
 (N.R. THIRU)  
 T.E.

Certified to be true:

U.R.C.  
 T.E.

11/16/Accts/2001/TCH. 11293  
 14-7-01 to 12-9-01

21  
29

Medra k: 29

शुभ यात्रा

HAPPY JOURNEY

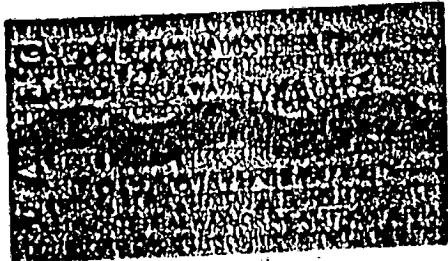
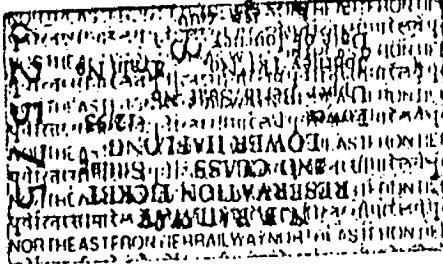
|   |              |            |                    |   |                     |
|---|--------------|------------|--------------------|---|---------------------|
| पी.एन.आर.नं.  | गाड़ी नं.    | तिथि.      | वयस्क              | बच्चे   | TICKET NO. टिकट नं. |
| PNR NO.   | TRAIN NO.    | DATE       | M.                 | ADULT CHILD                                     | ccc 04877127        |
| 621 7365470   | 2345         | 17-07-2001 | 181 794            | 1 0   | 04877127            |
| JOURNEY CLASS RESERVE UPTO  |              |            |                    |   |                     |
| CLASS श्रेणी  | श्रया        | स्थान ज़.  | गुवाहाटी           | आरक्षित   |                     |
|   | HOWRAH JN    |            | GUWAHATI           |   |                     |
| COACH SEAT/BERTH SEX AGE  | कोच सीट/बर्थ | तिथा आयु   | यात्रा अधिकार पत्र | रियायत आ.श. सु.गु. सु.गु. बाउचर रु. कु.कदर रु.  |                     |
|   |              |            | T.AUTORITY         | CONC R.FEG S.C.H. SF.C.H. VOUCH.RS. T.CASH R.S. |                     |
| 5B 17 LB M 46   |              |            |                    | 28 28   | 318                 |
| Rs. THREE ONE ZERO ONLY   |              |            |                    |   |                     |
| (NEW TIME TABLE FROM 01-07-2001) SARAI GHAT EXP. BOARDING HWH 18-07-2001<br>044 18-07-2001 07:45 SDAH 6886 VIA DILAE-BHP-NFK-MLD1-NJP |              |            |                    |   |                     |

DEP. TIME PRINTED IS USABLE TO CHANGE

THAPAR FORMS

T. 44156

T. 62575



T. 01474

Certified to be True:

Posted from 14-7-01 to 21-7-01



**INSTRUCTION TO PASSENGERS**  
Quote PNR number of this ticket for status  
Enquiry through P & T No. 130

NAME OF THE CHILDREN BELOW 5  
YEARS TRAVELLING WITH YOU MAY  
BE RECORDED AT THE TIME OF  
TENDERING REQUISITION SLIPS  
AT THE BOOKING COUNTERS AND  
MAY ALSO BE INTIMATED TO THE  
COACH - TTE AT THE TIME OF  
BOARDING THE TRAIN FOR  
RECORD.

**CANCELLATION CHARGES ON RESERVED TICKETS**

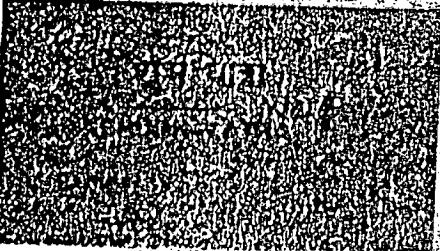
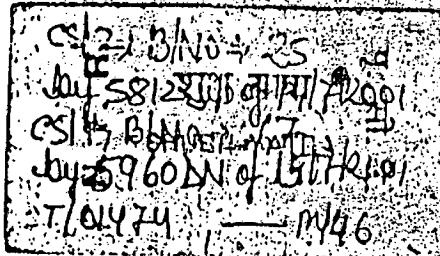
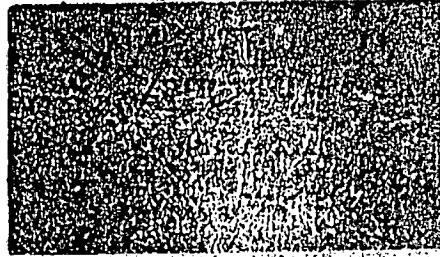
- a) If cancelled more than one day in advance (excluding the day of journey).
- b) If cancelled one day in advance (excluding the day of journey) and upto four hours before the scheduled departure of the train.
- c) If cancelled within four hours before the scheduled departure of the train and within the prescribed hours on distance basis after the actual departure of the train.
- d) If cancelled for night train actually departed between 21.00 hrs to 6.00 hrs.

1A 2A/3A/FC/CC SL 2S  
Rs. 50/- Rs. 30/- Rs. 20/- Rs. 10/-

25% of the fare subject to minimum flat rate as on (a).

50% of the fare subject to minimum flat rate as on (a).

Refund will be admissible at the station as well as within two hours after opening of the Reservation Office.



22

3

Nancha ki - Licent.

|   |             |                                |             |              |              |                 |
|---|-------------|--------------------------------|-------------|--------------|--------------|-----------------|
| PNR NO.   | MAIN NO.    | DATE                           | K.M.        | ADULT        | CHILD        | 84639960        |
| 214-1727049   | 4056        | 17-08-2001                     | 2230        | 1            | 0            | /84639960       |
| STORY/CLASS   |             | JOURNEY CUM RESERVATION TICKET |             |              |              |                 |
| श्रया   | दिल्ली      | लालाउडिंग ज्य.                 | RESV. UP TO |              |              |                 |
| SL  | DELHI       | LUDHIANA JN                    | PRS-NDLS    |              |              |                 |
| COACH SEAT/ROW SEAT   | NO. OF PAX  | DEPT. AUTHORITY                | DEPT. COFC  | DEPT. S.C. 1 | DEPT. S.C. 2 | DEPT. CASH REC. |
| WL/142  | WL/121 M 46 | 20                             | 434         |              |              |                 |
| Rs. FOUR THREE FOUR ONLY  |             |                                |             |              |              |                 |
| BRAHMAPUTRA MAIL BOARDING DLI 17-08-2001 SCHEDULED DEP 21:00        |             |                                |             |              |              |                 |
| 757 13-08-2001 18:30 GZB 2545 VIA GZB - MGS - MFK - NJP - NHQ - GHY |             |                                |             |              |              |                 |

20-8-10 10-8-20 10-8-20

下 01354

T. 267 69

Certified to be true



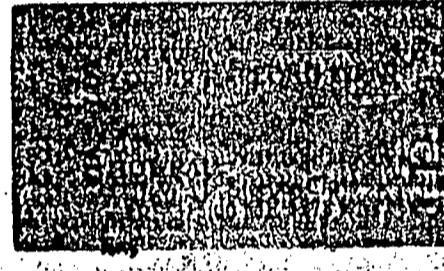
23

32

Mavendra k. Jha

| शुभ यात्रा  |           | HAPPY JOURNEY   |      |                     |       |
|---|-----------|---|------|---------------------|-------|
| प्र. एन. आर. नं०  | गाड़ी नं० | तिथि  | किमी | वयस्क               | बच्चे |
| PNR NO.   | TRAIN NO. | DATE  | K.M. | ADULT               | CHILD |
| 11-8146324  | 2345      | 09-09-2001  | 1177 | 1                   | 0     |
|   |           |   |      | TICKET NO. टिकट नं० |       |
|   |           |   |      | ccc1 9486 133       |       |
|   |           |   |      | /19486 33           |       |
| CLASS श्रेणी  |           | BLANK PAPER TICKET  |      |                     |       |
| COACH SEAT/BERTH SEX AGE  |           | YATRA AUTHORITY CONC. R. FEE S. CH. SP. CH. VOUCH. RS. CASH RS. |      |                     |       |
| WL/II RAC/85 M 46   |           | 20 20 344   |      |                     |       |
| Rs. THREE FOUR FOUR ONLY  |           |   |      |                     |       |
| SL SPFS FRM GHY   |           |   |      |                     |       |
| SARAI GHAT EXP BOARDING HWH 09-09-2001 SCHEDULED DEP 15:50        |           |   |      |                     |       |
| 077 08-09-2001 08:22 ENCL F011 H10 RKA-E-BHP - HFK - MLOT - GHY - |           |   |      |                     |       |

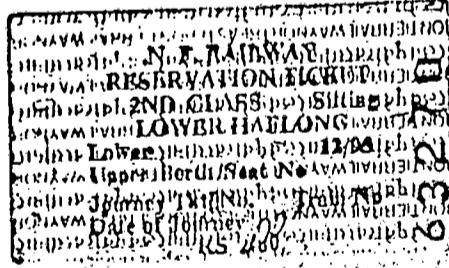
DEP. TIME PRINTED IS LIABLE TO CHANGE



T- 61507



T- 15976



T- 63270

Report from 01-9-01 to 12-9-01

Certified to be true :



## INSTRUCTION TO PASSENGERS

Quote PTIR number of this ticket for status  
Enquiry through BSNL No. 138 (in Kolkata only).

**CANCELLATION CHARGES ON RESERVED TICKETS**

| a) | If rescheduled for the same day as the original departure (excluding the day of journey)  | Rs 50/- Rs 30/- Rs 20/- Rs 10/-  |
|----|---|--|
| b) | If cancelled one day in advance (excluding the day of journey) and upto four hours before the scheduled departure of the train.                                   | 25% of the fare subject to minimum flat rate as on (a)   |
| c) | If cancelled within four hours before scheduled departure of the train and within the prescribed hours on distance basis after the actual departure of the train. | 50% of the fare subject to minimum flat rate as on (a)   |
| d) | If cancelled for night train actually departed between 21.00 hrs. to 6.00 hrs.  | Refund will be admissible at the station as well as within two hours after opening of the Reservation office |

Refund will be admissible at the station as well as within two hours after opening of the Reservation office.

A high-contrast, black and white image showing a dense, granular texture. The texture is composed of numerous small, dark, irregular shapes, possibly representing a microscopic view of a material or a specific type of noise. A faint vertical line or band of slightly different texture is visible in the center-right area.

AB 58/12.00091.90001  
S. M. T. H. A. R. A.  
15-2 Bovo, 19. 11  
11/11/1962, 11/12/1962  
50 30

## ANNEXURE - VI

No.1/5/NKT/99/TCH/ 12075

Government of India,  
 Ministry of Home Affairs,  
 O/O the Deputy Inspector General,  
 SSB, Training Centre, Haflong,  
 Dist: N.C. Hills, Assam 78819.

Dated the 26-12-2001.

## MEMORANDUM

Some of the officials have submitted their representation to this office intimating that Shri N.K. Tiwari, UDC, SSB, IC, Haflong has collected Rs.100/- from each of them for filing of a case in Court challenging the suspension of LTC facility to Central Government Employees.

2. Shri N.K. Tiwari, UDC, SSB, IC, Haflong is hereby directed to explain as to how and by whose order the amount was collected.

3. His explanation should reach the undersigned latest by 31.12.2001 positively.

(S.C. VERMA)

SENIOR INSPECTOR (A),  
 TRAINING CENTRE, HAFLONG.

To

Shri N.K. Tiwari, UDC,  
 SSB, Training Centre,  
Haflong.

Certified to be True:



ANNEXURE - VII

25

35

Narendra K. Tiwari

To

The Sr. Instructor (Admn)

T.C. SSB Haflong.

Sir,

Kindly refer to TCH memo no. 1/5/NKT/99/TCH/12075 dt 26-12-01 regarding my collection of Rs. 100/- from each official for filing Court case.

2. In this regard it is submitted that the allegation against me is totally false, fabricated and figment of malafide imagination.
3. The service of memo is incomplete as the representations of the officials as alleged in the same has not been given to me along with it.
4. That even if the allegation are true it is nowhere required under any law that permission / order has to be taken to collect money to file a case to fight our legal rights.
5. That earlier a case was filed in the Hon'ble CAT Guwahati for grant of ration money and we had obtained a favourable orders. Even in this case money was collected by the officials to meet the expenses of the case. However no action against anybody in this regard has been taken by anybody till date.

Illegible

Yours faithfully,

-sd-

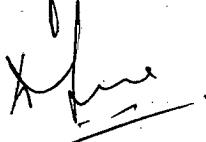
31.12.01

( NK Tiwari)

UDC

Tr Br TCH

Certified to be True



To

The Sr. Instructor (Almora)  
TC 888 Haldwani

B6

Nandha ki Basni

Sir,

Kindly refer to TCH. memo No. 1151 NKT/99/TCH. 112075 dt 26/12/01 regarding collection of Rs. 100/- from each official for filing Court Case.

2. In this regard it is submitted that the allegations against me is totally false, fabricated and figment of malefic emanation.

3. The Service of Memo is incomplete as the representations of the officials as alleged in the same has not been given to me along with it.

4. That even if the allegation are true it is no where required under any law that permission order has to be taken to collect money to file a case & fight the our legal rights.

5. That earlier a case was filed in the Hon'ble CAT Gaithali for grant of creation money and we ~~have~~ had obtained a favourable orders. Even in this case money was collected by 16 officials to meet the expenses of the case. However no action against any body in this regard has been taken by any body till date.

Yours faithfully

3/1/2001

(N.K. TIHARI)

UDC

TC 888 Haldwani

Certified to be true:

X/

ANNEXURE - VIII

26  
92

Nanda K. Zans

No. 1/5/NKT/99/TCH/ 1618  
Government of India,  
Ministry of Home Affairs,  
O/O the Deputy Inspector General,  
SSB, Training Centre, Haflong,  
Dist: N.C. Hills, Assam-788819.

Dated the 19/2/2002.

MEMORANDUM

With reference to his reply dated 31.12.01  
Shri N.K. Tiwari, UDC is hereby informed that :-

1. The following officials have made representation for giving money to Shri N.K. Tiwari, UDC for filing the case in court challenging the suspension of LTC facility to Central Govt. Employees.

- a) Shri Pawan Kumar, SFA(Carpenter).
- b) Shri Keshar Ram, AFO(G).
- c) Shri Suraj Kr. Singh, Driver.
- d) Shri Amrej Singh, SFA(G).

2. Superior officers must know the purpose and where the case has been filed and what is the outcome.

3. No Govt. servant can take money without permission of superior officers for any purpose.

4. Money received from numbers of officials of Training Centre, Haflong be returned immediately.

*Verma*  
19-2-2002  
( S.C. VERMA )  
SENIOR INSTRUCTOR(A)  
TRAINING CENTRE, HAFLONG.

To

Shri N.K. Tiwari, UDC,  
SSB, Training Centre,  
Haflong.

Certified to be True

ANEXURE - 1d

27

No.1/5/NKT/99/TCH/ 1826

38

Government of India,

Ministry of Home Affairs,

O/o the Deputy Inspector General,

SSB, Training Centre, Haflong,

Dist: N.C. Hills, Assam-788819.

Dated the 26-2-2002.

Neelam K. [Signature]

MEMORANDUM

With reference to this office memo No.1/5/NKT/99/TCH/1618 dated 19.02.2002, Shri N.K. Tiwari, UDC, SSB, Training Centre, Haflong is hereby directed to inform this office immediately whether money received from numbers of officials of Training Centre, Haflong by him has been refunded or not.

*Shri*  
*26-2-2002*

( S.C. VERMA )  
SENIOR INSTRUCTOR(A)  
TRAINING CENTRE, HAFLONG.

To

Shri N.K. Tiwari, UDC,  
SSB, Training Centre,  
Haflong.

Certified to be true

*[Signature]*

ANNEXURE - X

28

39

No. 1/5/NKT/99/TCH/ 2229  
Government of India,  
Ministry of Home Affairs,  
O/O the Deputy Inspector General,  
SSB, Training Centre, Haflong,  
Dist: N.C. Hills, Assam-788819.

Dated the 8/3/2002.

MEMORANDUM

With reference to this office memo No. 1/5/  
NKT/99/TCH/1618 dated 19.02.2002 and memo No. 1/5/  
NKT/99/TCH/1896 dated 26.02.2002, Shri N.K. Tiwari,  
UDC, SSB, Training Centre, Haflong is hereby directed  
to inform this office by 08.03.2002 positively whether  
money received from numbers of officials of Training  
Centre, Haflong by him has been refunded or not.

*8/3/2002*  
(S.C. VERMA)

SENIOR INSTRUCTOR(A)  
TRAINING CENTRE, HAFLONG.

To

Shri N.K. Tiwari, UDC,  
SSB, Training Centre,  
Haflong.

Certified to be True

Naresh Kumar

ANNEXURE-XIu/o  
N.K.Tiwari

To  
 The Sr. Instructor (Admn)  
T.C. SSB Haflong.

Sir,

With reference to TCH memo No. 1/5/NKT/99/TCH/618 dt 19.2.02, 1896 dt 26.2.02 and 2229 dt 8.3.02 regarding refund of money.

2. In this regard it is submitted that I have not collected money from any official of TCH.

ILLEGIBLE

Yours faithfully,

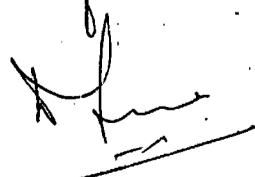
-sd-

11.3.02

(NK Tiwari)

UDC  
 Tr Br TCH

Certified to be true:



5  
Nacoda Ki Zameen

To

The Sri Instn (Admin)  
T.C. 8803 Haffong

Sir,

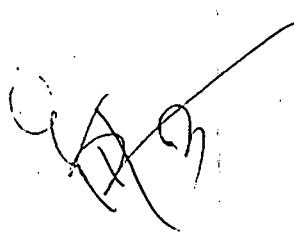
With reference to TET memo No. 115 (NKT)  
99/TCH/1618 dt. 19.2.02, ~~1896 dt 26.2.02~~  
and 2229 dt 8.3.02 regarding refund of  
money.

2. In this regard it is submitted that I have  
not collected money from any official of TET.

Yours faithfully

11/3/02  
(N.K.TIWARI)

UDC  
TET



Certified to be true:



ANNEXURE - XII

30

42

No. 1/23/Estt/2001/TCH/2369  
Government of India,  
Ministry of Home Affairs,  
Office of the Dy. Inspector General,  
Training Centre, Haflong.

Dated, the 15-3-2002

Memorandum.

Sub :- Court case No.CR-146/2001 titled N.K. Tiwari  
vrs. Shri S.C. Verma.

While inviting reference to the above mentioned case, you are hereby directed to explain as to why you filed the case in Court against Shri S.C. Verma, Senior Instructor(Admn.), T.C. Haflong without obtaining prior of the competent authority.

Your reply should come to this office ~~within~~ on or before 16.3.2002 positively.

Acknowledge the receipt of this memo.

*Ansawar*  
15-3-2002

( S.C. Verma )

Senior Instructor(Admn.),  
Training Centre, Haflong.

To  
Shri N.K. Tiwari,  
U.D.C.  
O/of the DIG, T.C.  
Haflong.

Certified to be True:

Annexure - XIII

To

The Dy Inspector General

T.C. SSB Haflong.

Subject:- Court case No. Cr.-146 / 2001

Titled NK Tiwari -Vs- Shri SC Verma

Sir,

Kindly refer to T.C.H. memo no. 1/23/Estt/2001/TCH/2369 dtd 15-3-2002 on the subject cited above

2. In this regard it is submitted that filing the case against Shri SC Verma, Sr. Instructor (Admn) is not a offence and not a irregularities. However, the Hon'ble Court has directed to me to obtain approval from the competent authority.

The approval will be obtained in due course from the competent authority.

Illegible

Yours faithfully,

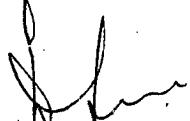
-sd-

16.3.02

( NK Tiwari)

UDC  
Tr Br TCH

Certified to be true



31  
50  
Nandha K. Zan

Nandakumar

10

To Dy Inspector General  
TC S&B Haffling

Subject:- Court Case No.CR-146/2001  
titled N.K.Tiwari Vs. State  
S.C. Verma.

Sir,

Kindly refer to T.C.H memo No.  
123/EST/2001/T.C.H/2369 dt'd 15-3-2002  
on the subject cited above

2. In this regard it is submitted that  
filing the case in the court against State  
S.C. Verma, ex-Instructor (Admn) is not a  
 offence and not a irregularities. However, the  
hon'ble court has directed to me to obtain  
approval from the competent authority.

The approval will be obtained in  
due course from the competent authority.

Yours faithfully,

16/3/02  
(N.K.TIWARI)

UDC  
Tag No. T.C.Haffling

Certified to be true



ANNEXURE-XIV

32

45

No. 1/23/Estt/2001/TCH/ 2777  
Government of India,  
Ministry of Home Affairs,  
Office of the Dy. Inspector General,  
Training Centre, Haflong.

Dated, the 21/3/02

Memorandum.

Sub. :- Court case No.CR-146/2001 titled N.K. Tiwari  
vrs. Shri S.C. Verma, Senior Instructor(Admn.).

While inviting a reference to his letter  
dtd. 16.3.2002 on the subject mentioned above,  
Shri N.K. Tiwari, UDC of T.C. Haflong is hereby  
directed to obtain prosecution sanction from the  
competent authority to prosecute Shri S.C. Verma,  
Senior Instructor(Admn.), T.C. Haflong.

*26/3/02  
(R.K. Sarma)*

Senior Instructor(Admn.),  
Training Centre, Haflong.

To  
Shri N.K. Tiwari,  
UDC  
O/of the DIG TC Haflong.

Certified to be true

*[Signature]*

ANNEXURE - XV

33

46

- 8 -

DOCUMENT V

Phone : Resi:- 36506(03673)  
568405(0361)  
Chamber : 510419(0361)  
Haflong : 37929

Date : 03-4-02

Naseem Kazi

Debojeet Thaosen, B.Sc.(H), L.L.B.  
INDU COLLEGE, CLC/ DELHI UNIVERSITY  
ADVOCATE  
Guwahati High Court  
ss : RUKMINI NAGAR  
GUWAHATI  
Number : GREEN PATH,  
GUWAHATI.

Regd. With A/D.

LEGAL NOTICE

To,

- 1 Shri Pawan Kumar, SFA (Carpenter)
- 2 Shri Keshar Ram, AFO (G)
- 3 Shri Suraj Kumar Singh, Driver
- 4 Shri Amrej Singh, SFA (G)

SUB: LEGAL NOTICE ON BEHALF OF MY CLIENT Shri NK Tiwari, UDC, SSB,  
Training Centre, Haflong.

Ref: Letter of the SI (Admn.) No. 1/5/NKT/99/TCH/618 Dated 19.02.2002

Sirs,  
My client, Shri NK Tiwari, UDC, SSB, Training Centre, Haflong, has instructed me  
to issue you the following notice.

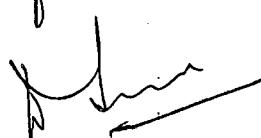
- 1 That the aforesaid letter of the SI(Adm.) alleges that you had made  
representations to him stating that you had given money to my client for filing a  
Court case challenging the suspension of LTC facility to central Govt.  
Employees.
- 2 That the aforesaid allegation that you had given money for filling the  
aforesaid case is not true and is categorically denied by my client.
- 3 That a copy of the aforesaid representation was not served to my client  
and as such the details of the representation is not known to my client.
- 4 That my client hereby demands unto you that you are to clarify as to why  
you have made the aforesaid false allegations against him and also to send him  
a copy of the aforesaid alleged representation within the period prescribed  
herein below.

Please be notified that in the event of your failure to carry out the above  
said requisitions within 30 (thirty) clear days from the ISSUE of this notice  
than my client shall be constrained to file a defamation suit of Rs.  
5,00,000/- (rupees five lakhs) against each of you holding you  
responsible for all the costs and consequences arising there from.

Yours faithfully,

(Debojeet Thaosen)  
Advocate.

Certified to be True



## ANNEXURE - XVI

M

BY REGD. POST WITH AD.

No. 1/23/ESTT/2001/TCH/ 3008.  
 Government of India,  
 Ministry of Home Affairs,  
 O/O the Deputy Inspector General,  
 SSB, Training Centre, Haflong,  
 Dist: N.C. Hills, Assam-788819.

Dated the 9/4/02.

N.K. Tiwari

MEMORANDUM

Subject: Court Case No.CR-146/2001 titled N.K. Tiwari  
 Vrs. Shri S.C. Verma, Senior Instructor(Admn.).

With reference to his letter dated 02.4.02 regarding submission of prosecution sanction from the competent authority to prosecute Shri S.C. Verma, Senior Instructor(Admn.), SSB, Training Centre, Haflong, Shri N.K. Tiwari, UDC is hereby directed to obtain the prosecution sanction from the competent authority and action taken in this regard be intimated to this office within 10 days from the date of receipt of this memo.

This has the approval of D.I.G., SSB, Training Centre, Haflong.

9-4-2002  
 (S.C. VERMA)  
 SENIOR INSTRUCTOR(A)  
 TRAINING CENTRE, HAFLONG.

To

Shri N.K. Tiwari, UDC  
 (on leave)  
 SSB, Training Centre,  
 Haflong.

Leave address :-

Shri N.K. Tiwari, UDC,  
 E 902 MIG Flat,  
 Partap Vihar,  
 Gaziabad (U.P.).

Certified to be true



## ANNEXURE - XVI

48

NO.1/23/Estt/2001/TCH/ 3849  
 Government of India,  
 Ministry of Home Affairs,  
 O/O the Deputy Inspector General,  
 SSB, Training Centre, Haflong,  
 Dist: N.C.Hills (Assam) - 788819.

Dated the, 9/5/02

MEMORANDUM

Subject:- Court Case NO.CR - 146/2001 titled N.K.Tiwari  
 Vrs. Shri S.C.Verma, Senior Instructor (Admn).

Reference is invited to this Office Memo. NO.  
 1/23/Estt/2001/TCH/3008 dated 9.4.2002 on the subject  
 mentioned above.

In this connection, Shri N.K.Tiwari, UDC,  
 Training Centre, Haflong is hereby asked to intimate this  
 Office, action taken so far as called for Vide this Office  
 above referred.

His reply should reach to this Office by  
 13.5.2002 positively.

*Shri  
9-5-2002*  
 ( S.C.VERMA ),  
 Senior Instructor (Admn),  
 Training Centre, Haflong.

TO  
 ✓ Shri N.K.Tiwari, UDC,  
 SSB, Training Centre,  
 HAFLONG.

Certified to be True

*[Signature]*

N.K. Tiwari

ANNEXURE - XVIII

36

49

Narendra K. Tiwari

REGISTERED A.D.

To

Shri V.K. Malik, IPS  
Directorate General, SSB  
Government of India  
Ministry of Home Affairs  
East Block V, R.K. Puram  
New Delhi-66

Subject: PERMISSION FOR PROSECUTING Sri. S.C. Verma,  
Sr. Instructor (Admn) T.C. Haflong

Ref : Cr. Case No. 146/01 pending before the Hon'ble  
A.D.C. Haflong.

Sir,

Kindly refer to my application dated 29.9.01 which  
addressed to you Sir, and copies endorsed to others.

2. Apropos to the subject cited above I beg to state the  
the following few lines for your kind consideration and necessary  
action.

That on 21-10-01 a criminal case was filed by me  
against Shri S.C. Verma, Sr. Instr (Admn) TC Haflong, on charge  
of corruption under the Prevention of Corruption Act., A copy  
of the complaint petition is enclosed herewith.

That because of some unavoidable circumstances and also  
because of urgency I could not seek permission to prosecute  
Shri Verma as required by the Prevention of Corruption Act.  
However, the Hon'ble Court had admitted the case and later  
a direction was given to seek the aforesaid permission.

" In the aforesaid premises it is therefore prayed  
that your august self may be kind enough to grant

the same.

And for your act of kindness I shall ever pray.

Yours faithfully

3/6/2002  
( N.K. TIWARI )  
U.D.C.

Training Centre, SSB, Haflong

Copy to :

The Hon'ble A.D.C. N.C. Hills Haflong for kind  
information please.

3/6/2002  
N.K. TIWARI

U.D.C.

TRAINING CENTRE, SSB, Haflong

Certified to be True

K. Tiwari

ANNEXURE - XIX

No.1/23/Estt/2001/TCH/ 5158.

Govt. of India,  
 Ministry of Home Affairs,  
 Office of the D.I.G. SSB  
 Training Centre, Haflong.  
 Dist : N.C. Hills, Assam.

Dated the, 27-6-2002

MEMORANDUM

Sub : Court Case No. CR-146/2001 titled N.K.Tiwari  
 Vrs. Shri S.C. Verma, Senior Instructor(Admn).

Ref. this Office Memo No.1/23/Estt/2001/TCH/2777  
 dated 2/6/2002, No. 3008 dt. 9/4/02 and No. 3849  
 dated 9/5/02 on the subject cited above.

2. In this context, Shri N.K. Tiwari, UDC, Training Centre, Haflong is further directed to obtain prosecution sanction from the competent authority to prosecute Shri S.C. Verma, Senior Instructor(Admn), TIC, Haflong as directed by Hon'ble Addl. Deputy Commissioner, N.C. Hills, Haflong Court on 26.02.2002.

3. Action taken so far should be intimated to this Office by 28/06/2002 positively.

*Shri S.C. Verma*  
 ( S.C. Verma )  
 Senior Instructor(Admn)

Training Centre, Haflong.

To

Shri N.K.Tiwari, UDC  
 Training Centre, Haflong.

Certified to be True



## Annexure - XX

2  
0  
5  
1  
7

Naraha k. D. 2002

BEFORE THE HON'BLE MAGISTRATE FIRST CLASS,DISTRICT: N.C. HILLS, HAFLONG, ASSAM

Cr. Case no: 154 /2002

U/section 500 I.P.C.

IN THE MATTER OF:

Shri Narendra Kumar Tiwari

S/O Shri Markendeo Tiwari

R/O SSB, Training Centre, Haflong.

...COMPLAINANT.

- Vs -

1. Shri Pawan Kumar  
SFA (Carpenter)  
SSB, Training Centre, Haflong.
2. Shri Keshar Ram  
AFO (G), SSB, Training Centre, Haflong.
3. Shri Suraj Kumar Singh  
Driver, SSB, Training Centre, Haflong.
4. Shri Amrej Singh  
SFA (G), SSB, Training Centre, Haflong.

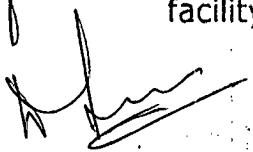
...RESPONDENTS.

The humble petition of the complainant above-named

MOST RESPECTFULLY SHEWETH:

1. That the complainant is a citizen of India and an employee of SSB, Training center, Haflong, posted as an upper division clerk (U.D.C.).
2. That the respondents are also citizens of India and are residents of Haflong. They are all employees of SSB, Training center, Haflong.
3. That the Complainant received a memorandum from the SI (A) bearing no. 1/5/NKT/99/TCH/1618 dated 19.2.2002 wherein it was alleged that the aforesaid respondents had made representation that they had given money to the complainant for filing a case challenging the suspension of LTC facility to Central Govt. employees. Later the complainant received another

Certified to be true



memorandum bearing no. 1/5/NKT/99/TCH/1896 directing the complainant to inform as whether the aforesaid money has been refunded or not. Besides the above, the complainant received similar memorandums dated 26.12.2001 and 8.3.2002. All these memorandums and allegations have caused immense mental tension and agony to the complainant besides the social stigma accompanying the same.

Copies of the aforesaid memorandums are annexed hereto and marked as DOCUMENTS I, II, III & IV respectively.

4. That the complainant has never received any money from the respondents for filing the aforesaid case. The aforesaid allegation has come as a shocking blow to the complainant.

5. That the complainant has not been served with a copy of the aforesaid representation of the respondents. If at all any such representation has been made then the same has been made with mala-fide intention to defame the otherwise good reputation of the complainant.

6. That the respondents had been served with legal notices dated 3.4.2002 wherein the complainant categorically denied the aforesaid allegation and also demanded a clarification from the respondents as to why they had made the aforesaid false allegation.

A copy of the legal notice dated 3.4.2002 is annexed hereto and marked as DOCUMENT V.

7. That the complainant has always been a law abiding and God-fearing person. He has always had cordial and friendly relationship with his neighbours, friends etc. He always held respect, love and admiration of the denizens of his locality and is known for his honesty and his helping nature.

8. That the allegation of the respondents has tarnished the image and reputation of the complainant. His friends, relatives, colleagues, other employees etc. have started looking down at him after the respondents made the aforesaid baseless and false representation.

9. That as the complainant and respondents are residents of Haflong and also the cause of action has occurred at Haflong, this Hon'ble Court has jurisdiction to try this case.

10. That this petition has been filed bona fide and for the interest of justice.

Narendra Kumar Tiwari

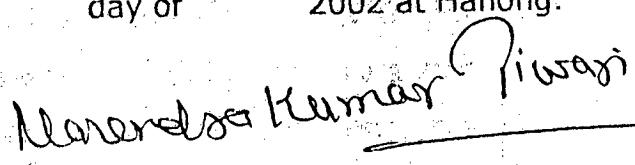
In the aforesaid premises it is therefore most humbly prayed that Your Honour may be pleased to issue notices to the respondents calling upon them to show-cause as to why action should not be taken against them under section 500 I.P.C. and on hearing the parties be pleased to take necessary action(s) as per law and / or to pass any such further / other order(s) / direction(s) as Your Honour may deem fit and proper.

And for your act of kindness the complainant, as in duty bound, shall ever pray.

**VERIFICATION**

I, Sri Narendra Kumar Tiwari, S/O Shri Markendeo Tiwari, R/O SSB, TC, Haflong, N.C. Hills, Assam, aged about 47 yrs do hereby solemnly affirm and declare that I am the complainant in the instant case and that the statements made in the plaint are true and correct to the best of my knowledge, belief and information.

And I sign this Verification on this \_\_\_\_\_ day of \_\_\_\_\_ 2002 at Haflong.

  
Narendra Kumar Tiwari

(Narendra Kumar Tiwari)



| प्रतिलिपि के लिए आवेदन की तारीख<br>Date of application for the copy. | स्टाप्प और फोलिओ की अपेक्षित संख्या सूचित करने की निश्चित तारीख<br>Date fixed for notifying the requisite number of stamps and folios. | अपेक्षित स्टाप्प और फोलिओ देने की तारीख<br>Date of delivery of the requisite stamps and folios. | तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी<br>Date on which the copy was ready for delivery. | आवेदक को प्रतिलिपि देने की तारीख<br>Date of making over the copy to the applicant. |
|--|--|---|--|--|
| 23-8-02  | 23-08-02   | 23-08-02  | 23-08-02   | 23-08-02   |

Certified copy of order dated 7-8-02 passed by Shri L.Khawbung, Addl. Deputy Commissioner, N.C.Hills Haflong, in connection with C.R. Case 154/2002, u/s 500 I.P.C.

O R D E R

7-8-02.

Complainant represented by his lawyer. All respondents present and filed W/S.

Heard learned advocates appearing for the complainant also pointed out that the case is triable by the Magistrate 1st. Class as per classification of case.

Accordingly, the case is transferred to Smti. S. Langthasa, Magst. 1st. Class for disposal.

FIX:- 1-10-02.

CERTIFIED TO BE TRUE COPY

Sd/- L.KHAWBUNG,  
Addl. Deputy Commissioner,  
N.C.Hills, Haflong.

Typed:- *23/8/02* Deputy Commissioner's Office  
North Cachar Hills Dist.  
Haflong.

Compared by:- *12/9/02*

Certified to be True

ANNEXURE - XXII

Reminder no. 1

To

Shri V.K. Malik, IPS  
DG SSB.  
Govt. of India, MHA.  
East Block 5 RK Puram  
New Delhi-66

(Ref Cr. Case no. 146/01 pending before the Hon'ble ADC Haflong.

sir,

kindly refer to my application dtd 3.6.2002 (illegible) seeking grant of permission to prosecute the case against Shri SC Verma.

2. In the aforesaid premises it is therefore prayed to your august Self may be kind enough to grant permission. Kindly accord permission and convey the same to me and as well as the Hon'ble Court Haflong at the earliest pl.

And for your act of kindness I shall ever pray.

Yours faithfully,

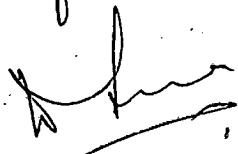
-sd-

2/7/02

( NK Tiwari)

UDC  
TC Haflong.

Certified to be True



42  
55  
Vasdeva K. Tiwari

56

N.K. Tiasari

1000

Reminder No. 1

To

Shri V.K. Malik, IPS

DG SEB.

Govt of India, MHA.

East Block 5 R.K. Puram

New Delhi-66

(Ref. Cr. Case No. 146/01 Pending before  
the honorable A.D.C. Haffez)

1. Sir, kindly refer to my application dated  
3.6.2002. Reg. seeking grant of permission  
to present the same to the Shri S.C. Mehta

2. In the aforesaid premises, it is therefore  
permitted to your august self may be kind  
enough to grant permission. I kindly accord  
permission and convey the same to the said as well  
as to the Hon'ble Court Haffez at the earliest.

And for your kind of kindness I shall  
ever pray.

Yours faithfully

2/7/02

(N.K. Tiasari)

UDC

T.S. Haffez

Certified to be True



Annexure - XXIII

Reminder no.2

To

Shri V.K. Malik, IPS  
DG SSB.  
G.O.I, MHA.  
East Block 5 RK Puram  
New Delhi-66

Sub: Reg issue of approval in Cr. Case no. 146/01 in r/o Shri SC Verma,  
Sr Instr (Admn) TC Haflong.

sir,

kindly refer to my letter nos nil dtd 3.6.02, 2.7.02 & 20.7.02 on the  
subject cited above.

2. Sir, I have not received any response for your side. Kindly  
approval conveyed to me or the A.D.C. Haflong. kindly expedite.

Yours faithfully,

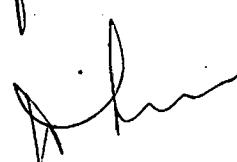
-sd-

20/7/02

( NK Tiwari)

UDC  
TC SSB Haflong.

Certified to be True



Reminder No- 2

To

Shri V.K. Malik, IPS  
 D.G. SSB, G.O., MHA  
 East Block 5 R.K. Puram  
Mobile No. - 66

Sir: Reg. issue of approval in the Cr. Case No.  
 1461/01 in re Sh. S.C. Sharma, SSB Inspector  
(Actm) T.S. Haffejee

1. Kindly refer to my letter No. 5/1 dated  
 3-6-02, 2, 7-02, ~~2, 7-02~~ on the subject  
 file above.

2. Sir, I have not received any response from  
 your side. Kindly approach Comptroller of  
 T.S. SSB Haffejee. Kindly expect.

Yours faithfully  
 (N.K.T.W.A.F.I.)

U.D.P.  
 T.S. SSB Haffejee

Thru

ANNEXURE - XXIV

Reminder no.3

To

Shri V.K. Malik, IPS  
DG SSB.  
G.O.I, MHA.  
East Block 5 RK Puram  
New Delhi-66

Sub: Reg issue of approval in Cr. Case no. 146/01 against Shri SC  
Verma, Sr Instr (Admn) TC Haflong.

sir,

kindly refer to my letter nos nil dtd 3.6.02, 2.7.02 & 20.7.02 on the  
subject cited above.

2. Kindly issue the approval/ permission, which is still awaited  
to your kind pl.

Yours faithfully,

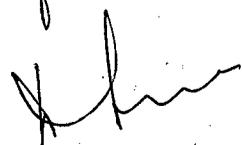
-sd-

12/8/02

( NK Tiwari)

UDC  
TCH

Certified to be true



N.K. Bhawan

60

Enclosure No. 3

13

8th V.K. modi, I.P.C.  
Dr. 583. C. 01, MHA  
East Block 5 RK Puram  
New Delhi - 66

Sub: Reg. issue of optional permission in  
Hc. Cr. Case No. 146/01 against Smt. S. R.  
Karma, Sr. Infra (Retd) I.C.I.

Sir,  
Kindly refer to my letter No. 500 dated  
3.02.2002, 20-7-02 on the subject  
cited above.

2. Kindly issue the optional permission, which is  
still awaited to your kind help.

Yours faithfully  
  
(N.K. BHAWAN) 12/8/02

DDG  
T.R.

Certified to be true



ANNEXURE - XXV

No.1/23/Estt/2001/TCH/ 6736-40  
Government of India,  
Ministry of Home Affairs,  
O/f the Dy.Inspector General,  
Training Centre, SSB, Haflong.

Dated, the 19/8/2002

O R D E R

Whereas a disciplinary proceeding against  
Shri N.K. Tiwari, UDC is contemplated.

Now, therefore, the undersigned in exercise  
of the powers conferred by sub-rule (1) of Rule-10 of  
the Central Civil Service (Classification, Control and  
Appeal) Rules, 1965, hereby places the said Shri N.K. Tiwari,  
UDC 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.K. Tiwari, UDC should be Training Centre, SSB,  
Haflong and the said Shri Tiwari shall not leave the  
headquarters without obtaining the previous permission  
of the undersigned.

K.D. SINGH 19/8/2002  
Deputy Inspector General,  
Training Centre, SSB, Haflong.

Copy to :-

1. Shri N.K. Tiwari, UDC, o/f the DIG,  
Training Centre, SSB, Haflong. Orders  
regarding Subsistence allowance  
admissible to him during the period of  
his suspension will issue separately.
2. The Senior Instructor (Admn.), T.C. Haflong.
3. The Senior Instructor (Trg.), T.C. Haflong  
for information and necessary action.
4. The Accounts Officer, T.C. Haflong for  
information and necessary action.
5. P/F

Certified to be true

No. 1/6/DE/NKT/02/TCH/ 6875  
 Government of India.  
 Ministry of Home Affairs  
 O/o the Dy. Inspector General  
 Training Centre, SSB, Haflong.

Dated, the

21/8/02

MEMORANDUM

The undersigned proposes to hold an inquiry against Shri N.K. Tiwari, UDC under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of each article 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 N.K. Tiwari, UDC 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 charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Shri N.K. Tiwari, UDC 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 N.K. Tiwari, UDC is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Sh. N.K. Tiwari, UDC is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS (Conduct) Rules, 1964.

6. The receipt of the memorandum may be acknowledged.

 21/8/02

( K.D. SINGH )

DY. INSPECTOR GENERAL  
 TRAINING CENTRE, HAFLONG.

Shri N.K. Tiwari, UDC.  
 Training Centre, SSB  
 Haflong: N.C. Hills:  
 Assam: PIN-788820.

Certified to be true



47  
63  
N.K. Tiwari

ANNEXURE-I

Statement of articles of charge framed against  
Shri N.K. Tiwari, UDC.

ARTICLE-I

That the said Shri N.K. Tiwari, UDC while functioning as UDC in the Office of DIG, Training Centre, Haflong had complained against Shri S.C. Verma, Senior Instructor(Admn), Training Centre, Haflong with allegation that Shri Verma had passed all the TA Bills of NGOs who proceeded on official tour to Delhi and other places after taking 10% commission from the officials in advance since 1999. The allegation levelled against Shri S.C. Verma, Senior Instructor(Admn) are completely baseless and fabricated. He thus exhibited non-maintenance of integrity and his act and conduct is unbecoming on being a Govt. servant. He thus violated Rule-3(1)(i) &(iii) of CCS(Conduct) Rules, 1964.

ARTICLE-II

That the said Shri N.K. Tiwari, UDC while functioning in the aforesaid office had collected Rs. 100/- each from staff members of TC, Haflong namely Shri Keshar Ram, AFO(G), Shri Suraj Kr. Singh, Driver, Shri Amrej Singh, SFA(G) and Shri Pawan Kumar, SFA(Carpenter) in view of filing a case in the court of law in the matter of ban on LTC which subsequently lifted by the Govt. in respect of members of CPMFs posted in the North Eastern Region resulting which the case need not filed in the Court of law. In spite of written communication served to him, Shri Tiwari denied about his collection of said amount from concerned officials and straightway filed a case in the court of A&Q N.C. Hills, Haflong against the aforesaid officials vide CR No. 154/2002 under section 500 IPC. His act and conduct thus regarded grossly immoral and has not maintained integrity which is unbecoming on the part of Govt. servant. He thus violated Rule-3(1)(i)&(iii) of CCS (Conduct) Rules, 1964.

Statement of imputation of misconduct or misbehaviour in support of the articles of charge framed against Shri N.K. Tiwari, UDC.

ARTICLE-I

report against Shri S.C. Verma, Senior Instructor(Admn) TC, Haflong vide his letter dated 29.9.2001 bringining allegation of taking gratification of 10% commission from NGOs since 1999 naming the following officials :

1. Shri D.C. Phukan, Accountant
2. " Indrajit Das, LDC
3. " R.C. Malla, UDC
4. " A.P. Chhotaray, Steno
5. " Jalim Singh, AFO(G)
6. " S.P. Singh, AFO(G)
7. " G.P. Paul, SFA(G)
8. " Brahmachari, SFA(G)
9. " N.K. Tiwari, UDC(Complainant).

During the course of prima facie enquiry conducted by Shri R.K. Sarma, Senior Instructor(Trg), TC, Haflong, all the above officials except Shri Tiwari have stated in their statements that allegation brought against Shri S.C.Verma, SI(A) is quite baseless and false. The complainant Shri Tiwari also could not give any material evidence in support of alleged allegation. The allegations are completely baseless and malicious. His act and conduct thus exhibited utter disrespect of superior authority and also reveals his doubtful integrity and gross moral misconduct. His further retention in service is quite unsafe and untrustworthy as the authority could not rely his faithfulness.

ARTICLE - II

That Shri N.K. Tiwari, UDC had received Rs.100/- each from S/Shri Keshar Ram, AFO(G), Amrej Singh, SFA(G) Suraj Kr. Singh, Driver and Pawan Kumar, SFA(Carpenter)

49  
b  
N.K. J.

during June/July/2001 in order to file a case jointly in the Court of Law against the order of Govt. regarding suspension of LTC facility to Central Govt. employees which at later stage need not to be filed as the LTC facility restored to the members of CPMFs serving in the North Eastern Region. But Shri Tiwari had not refunded the said amounts to the above named officials although the amount no longer required for this purpose. In spite of written communication served to him by the authority to re-pay the amount, he has not complied to the order of his authority and had also stated that he has not collected any amount from any officials of TC, Haflong. Beside this he also indulged in to take the shelter of <sup>Hon'ble</sup> Court over the petty matter which should have been settled by his official authority. His act and conduct thus shows doubtful integrity and is unbecoming as a Govt. servant. His further retention in service is most undesirable on the ground of serious moral misconduct.

2

50  
23/8/02  
68  
Kumar & Son  
Memorandum

BEFORE THE DEPUTY INSPECTOR GENERAL, TRAINING CENTRE, HAFLONG.

IN THE MATTER OF:

Memorandum No. 1 / 6 / DE / NKT / 02 / TCH / 6375

Dated 21.8.02

-AND-

IN THE MATTER OF:

Written Statement w.r.t. the aforesaid Memorandum

-AND-

IN THE MATTER OF:

Shri Narendra Kumar Tiwari

.....Respondent

The humble petition of the respondent above-named

MOST RESPECTFULLY SHEWETH:

1. That the respondent had received the aforesaid memorandum dated 21.8.2002 and have gone through it and have understood the contents thereof.
2. That save and except the statements made in the aforesaid memorandum which are specifically admitted hereinafter the rest are denied by the respondent.
3. That in Article I, Annexure I, it is stated that the allegations leveled against Shri SC Verma is baseless and fabricated. This is absolutely false and I stand by my earlier statement that Shri SC Verma had passed all the false TA Bills after taking 10% commission. I have made a bona-fide complaint against an offence which is a national malaise. There is no law that bars a person from making a complaint against a crime and in fact it is a duty of the public under Section 39 Cr.P.C. to give information of the kind of such a grave offence committed by Shri SC Verma to the nearest Magistrate or Police Officer. As such I have not exhibited any non-maintenance of integrity and my act and conduct is not unbecoming of a Govt. Servant. I have not violated any rules and in particular Rule-3 (1) (i) & (iii) of CCS (Conduct) Rules, 1964 and the same is not applicable at all in this case.
4. That in Article II, Annexure I, it has been alleged that I had collected Rs.100/- from the employees of TC Haflong, viz-Shri Keshar Ram, Shri Suraj Kumar Singh, Shri Amrej Singh and Shri Pawan Kumar for filling a case. The said allegation is totally false, fabricated, baseless and a figment of imagination of some idle and evil mind. I categorically deny the said allegation and the said employees are put to the strictest proof thereof. As stated in the memorandum I had denied the said allegation but I kept on receiving memorandums carrying the aforesaid allegations over and again. I have served a legal notice upon the aforesaid employees on 03.04.02 giving them 30 days from the date of issue of the notice to clarify as

Certified to be true  
Signature

to why they had made the aforesaid allegations against me and also to send me a copy of the representations which they had allegedly made to Shri SC Verma. The aforesaid employees did not clarify as required by me nor have they served a copy of the said representation to me till date. They also did not withdraw the aforesaid false allegations against me. It was only after about three months that I had approached the Hon'ble Court. Therefore it cannot be construed by any stretch of imagination that I have straight away filed a case as alleged mindlessly in the Memorandum and I categorically and vehemently deny the same. Further there is no Law / Rules that bars me from approaching a Court of Law to seek justice under section 500 I.P.C. Therefore under no circumstances have I violated Rule-3 (1) (i) & (iii) of CCS (Conduct) Rules, 1964. It is difficult to understand how the question of immorality is applicable in this case. Nevertheless I have done no act or conduct which is immoral nor have I failed to maintain integrity as alleged. The allegations leveled against me purports to make it an offence to seek justice in a Court of law or to abide by the duty prescribed by the Cr.P.C.

5. That in Article I, Annexure II, it is stated that I had reported against Shri SC Verma alleging him of taking a gratification of 10% commission from the following officials viz-Shri DC Phukan, Shri Indrajit Das, Shri RC Malla, Shri AP Chhotaray, Shri Jalim Singh, Shri SP Singh, Shri GD Paul, Shri Brahmachari, Shri NK Tiwari. I still stand by my aforesaid allegation. I do not understand as to why or what must have compelled the aforesaid officers to shield the misdeeds of Shri SC Verma. However when such a senior and powerful official is being complaint against nothing can be ruled out and back tracking as in the instant case is common. As stated earlier there is no law that bars a person from making a complaint against a crime. It is a duty of the public under Section 39 Cr.P.C. to give information of the kind of such a grave offence committed by Shri SC Verma to the nearest Magistrate or Police Officer. As such I have not exhibited any non-maintenance of integrity and my act and conduct is not unbecoming of a Govt. Servant. I have not violated any rules and in particular Rule-3 (1) (i) & (iii) of CCS (Conduct) Rules, 1964 and the same is not applicable at all in this case. I do not understand why it is quite unsafe and untrustworthy to retain me in service and why the authorities cannot rely on my faithfulness when all that I had done was in pursuance of the duty prescribed by the Cr.P.C. I had acted as a true and honest Govt. servant and have brought to light the misdeeds of a corrupt official which should be encouraged rather than discouraged. It is for only corrupt officials that a Govt. servant like me would be unsafe and untrustworthy as I am not one who would hide and / or aid & abet such misdeeds and corrupt practices faithfully. If such a bona-fide and honest act of mine can be termed as exhibition of utter disrespect of superior authority or doubtful integrity and moral misconduct then I do not regret my act. However I deny that I have exhibited utter disrespect to superior authority or that I have doubtful integrity and moral misconduct.

52  
3

6. That in Article II, Annexure II, it has been alleged that I had collected Rs.100/- from the employees of TC Haflong, viz-Shri Keshar Ram, Shri Suraj Kumar Singh, Shri Amrej Singh and Shri Pawan Kumar during June-July 2001 for filling a case. The said allegation is totally false, fabricated, baseless and a figment of imagination of some idle and evil mind. I categorically deny the said allegation and the said employees are put to the strictest proof thereof. I admit that I was asked through memorandums to refund the alleged collected amount. But as I had not taken the aforesaid alleged amount the question of returning the same did not arise and I had intimated the same in my replies. As stated in the memorandum I had denied the said allegation but I kept on receiving memorandums carrying the aforesaid allegations over and again. There is no question of any 'indulgence' in so far as going to the Court is concerned. Further there is no Law / Rules that bars me from approaching a Court of Law to seek justice under section 500 I.P.C. Therefore under no circumstances have I violated Rule-3 (1) (i) & (iii) of CCS (Conduct) Rules, 1964. It is difficult to understand how the question of immorality is applicable in this case. Nevertheless I have done no act or conduct which is immoral nor have I failed to maintain integrity as alleged. I do not consider the matter to be petty as alleged, as my good reputation is at stake and because I am not someone who has no integrity of character, immoral, spineless person etc.

7. That the matters relating to the aforesaid allegation w.r.t. 10% commission and collection of money for filling a case is under the adjudication of the Court of the Hon'ble Additional Deputy Commissioner, N.C. Hills and the Hon'ble Magistrate 1<sup>st</sup> class, N.C. Hills respectively and is pending. As such the matters are Sub-Judiced and cannot be taken up for Departmental Enquiry and therefore the order suspension against me contemplating the said Departmental Enquiry is illegal ab-initio.

In the aforesaid premises it is therefore prayed that the Departmental Enquiry be dropped and the order of suspension be revoked.

And the respondent, as in duty bound, shall ever pray,

yours faithfully  
B/28/02  
( N. K. TIWARI )  
UDC  
Under suspension  
T.C. Haflong

53  
69

ANNEXURE XXVIII

Dated Haflong, the  
24th August, 2002.

To,

Shri W.K.Malik, IPS,  
D.G., S.S.B., M.H.A.  
East Block - 5,  
R.K.Puram, New Delhi-66.

Sub: Representation.

Ref: Memo No. 1/6/DE/NKT/02/TCH/6375 dated 21.08.02.

Respected Sir,

Apropos to the subject stated above, I have the honour to lay down the following lines for favour of your kind consideration and necessary action.

1. That, I have been falsely accused of claiming T/A Bills of 1st Class Train fare without any proof or evidence by Shri S.C.Varma and for collection of Rs.100/- each from four employees of T.C.Haflong.

2. That, Shri S.C.Varma has been harassing w.r.t. the aforesaid matters.

3. That, I filed a case in the Haflong Courts regarding the aforesaid allegations against Shri S.C. Varma & the four employees and the cases are pending therein.

4. That, as a retaliatory act S.C.Varma and other officials namely Shri Keshar Ram, Shri Suraj Kumar Singh, Shri Amrej Singh and Shri Pawan Kumar have conspired and have instigated the D.I.G. to suspend me w.e.f. 19.8.02 contemplating D.E. I have also been served memo containing the charges against me.

5. As the matter, with regard to which the D.E. is proposed to be held, is pending with the Court of law the aforesaid D.E. can not be conducted and the same is illegal - ab - initio. Therefore the order of suspension and D.E. is liable to be interfered by your goodself and to be set aside and quashed.

6. I have already submitted w/s in this regard.

7. That, I humbly submit that the order of suspension is nothing but an act of high handedness of the authority in T.C. Haflong and act of retaliation.

contd...P/2.

Certified to be true:



54  
7055

- 2 -

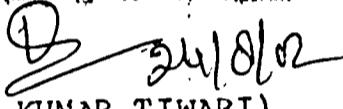
Therefore, I most humbly ~~prayer~~ that your august self may be pleased to take necessary action in this regard and orders for revocation of suspension and D.E. in the interest of justice.

And for this act of your kindness I shall remain ever pray.

Thanking you,

Enclosed: A copy of W/S.  
dated 23.8.02.

Yours faithfully,

  
(NARENDRA KUMAR TIWARI)  
U.D.C.  
under suspension,  
T.O. Haflong.

Copy to: 1.

1. The D.I.G. Training Centre, Haflong for information.
2. The Addl. D.G. S.S.B. East Block 5, R.K.Puram, New Delhi.

R.K.Puram, New Delhi.

\*\*\*

  
(NARENDRA KUMAR TIWARI)  
U.D.C.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

OA NO. 288/2002

Filed by  
A. DEB ROY  
S. C. Bench  
C. A. T. Bench

Shri N.K. Tiwari

Vs.

Union of India & Others.

- and -

In the matter of :

Written Statements submitted

By Respondents

Brief History of the OA given below may be  
treated as part of the written statement.

BRIEF HISTORY

Shri N.K. Tiwari, UDC, Training Centre, SSB, Haflong had submitted 2(two) TA Bills vide his letter dated 1.8.2001 and 30.08.2001 for the period from 14.7.2001 to 21.07.2001 and from 3.8.2001 to 20.8.2001 respectively claiming 1st Class Railway fare (Photocopies of his letter dated 1.8.2001 and 30.8.2001 annexed hereto as Annexure-I and II). The said TA Bills were returned to the claimants Shri Tiwari, UDC in original vide His Office memo No.11/10/Accts/2001/9279 dated 22.09.2001 unpassed with a direction to resubmit the TA Bills alongwith photocopies of 1st Class Railway tickets as claimed by him. (Photocopies of memo. dated 22/09/2001 annexed hereto as Annexure-III) and the note sheet No.136 of the file as Annexure-IV).

Thereafter, Shri Tiwari, UDC did not submit the photocopies of tickets of 1st Class Rly. fare nor original tickets alongwith the TA Bills which was returned to him vide this Office memo Dated 22.09.2001. The Incumbent also called for explanation for claiming false train fare of 1st Class instead of 2nd Class Slp. Fare vide this Office Memo No. 1/5/NKT/99/TCH/9343-45 dated 25.09.2001. (Copy of memo dated 25.09.2001 annexed hereto and marked as Annexure-V). In reply, Shri Tiwari vide his letter dated 27.09.2001 intimated that he had not claimed 1st Class Rly. fare in his TA Bills of July/2001 and Aug/2001. Moreover, he stated that he had performed journey by 2nd Class Slp. And furnished ticket nos. of 2nd Class Slp. of the journey of the above period. (Copy of his letter dated 27.09.2001 annexed hereto and marked as Annexure-VI).

Further, a reminder issued by the Accounts Officer, TCH vide this Office memo No.9924 dated 10.10.2001 with a direction to resubmit original TA Bills which was returned to him vide this Office memo No.9279 dated 22.09.2001. (Copy of Office memo dated 10.10.2001 annexed hereto and marked as Annexure-VI-A).

Having regard to the contents of reply submitted by Shri Tiwari, UDC dated 27.09.2001, Sr.Instructor(Admn) further directed him to resubmit the original TA Bills which was returned to him vide this Office Memo No.9279 dated 22.09.2001. (Copy of the Memo No.10091 dated 17.10.2001 annexed hereto and marked as Annexure-VIII).

In the meanwhile, Shri Tiwari, UDC has made a complaint to Shri V.K. Malik, IPS, Director General, SSB, New Delhi against Shri S.C.Verma, Sr.Instructor(Admn) for taking gratification to the tune of 10% commission from officials of TC, Haflong while passing the TA Bills. He also named the officials from whom Shri Verma, Sr. Instructor(Admn) received 10% commission. (Copy of the complaint dated 29.09.2001 annexed hereto and marked as Annexure-VII).

Thereafter, Shri Tiwari, UDC vide his letter dated 18.10.2001 addressed to DIG, TC, Haflong stated that "the Original TA Bills of respective period have already been submitted in the Hon'ble Court, Haflong. He also stated that the Case is under consideration of the Court, so that the question of submission of TA Bills in this Office does not arise till the final decision of the Court. (Copies of his letter dated 18.10.2001 annexed hereto and marked as Annexure-IX).

On receiving the complaint dated 29.10.2001, Deputy Inspector General, TC, Haflong ordered for preliminary enquiry to establish the truth of the matter. The Inquiry Officer was detailed vide this Office Order No.1/Accts/2001/TCH/10323-24 dated 23.10.2001 to conduct preliminary enquiry. (Copy of the Enquiry order dated 23.10.2001 annexed hereto and marked as Annexure-X).

Accordingly the Inquiry Officer conducted the enquiry and in the findings, it is established that the allegation raised by Shri N.K.Tiwari, UDC against Shri S.C.Verma, Sr.Instructor(Admn), was not established for want of documentary evidence and the denial by the witness. (Copy of the Inquiry Report Annexed hereto and marked as Annexure-XI)

4

74

In the meantime, Shri N.K.Tiwari, UDC filed a case No.146/2001 in the Court of Addl. Deputy Commissioner, N.C. Hills, Haflong against Shri S.C.Verma, Sr.Instructor (Admn), TC, Haflong under Section 7, Prevention of Corruption Act. Subsequently hearing of the case was held on ~~26x02x2002~~ 26.02.2002 and the Hon'ble Court ordered that the Complainant, Shri N.K.Tiwari, UDC to obtain prosecution sanction from the competent authority to prosecute Shri S.C.Verma, Sr.Instructor(Admn). (Copy of the order dated 26.02.2002 annexed hereto and marked as Annexure-XVII).

Since the allegation raised by Shri Tiwari, UDC (Complainant) found baseless, the disciplinary authority decided to take disciplinary action under CCS(CCA)Rules, 1965.

Further, Shri S.C.Verma, Sr.Instructor(Admn) issued a Circular vide No.1/5/NKT/99/TCH/11628-31 dated 12.12.2001, and No.11834-37 dated 20.12.2001, addressed to all Officers and staff members of Training Centre, Haflong to intimate who have given money to Shri N.K.Tiwari, UDC for the purpose of filing a case in Court challenging the suspension of L.T.C. to Central Govt. employees. In compliance among the staff members, namely Shri Pawan Kumar, SFA(Carpenter), Shri Keshar Ram, AFO(G), Shri Suraj Kumar Singh, Driver and Shri Amrej Singh, SFA(G) have intimated that they have given Rupees 100/- each to Shri Tiwari, UDC for filing a Case for the above mentioned purpose. (Copies of the representations annexed hereto and marked as Annexure-XII to XV).

Thereafter, Sr.Instructor(Admn) issued memo No.12075 dated 26.12.2001 for explanation and to intimate as to how and by whose order, the amount was collected. (Copy of the memo dtd.26.12.02 annexed hereto and marked as Annexure-XVI).

In reply, to the Memo Dated 25.12.2001, Shri Tiwari vide his letter dated 31.12.2001, intimated that the allegation against him (Sh. Tiwari) is totally false and fabricated. (Copy of his letter dated 31.12.2001 annexed hereto and marked as Annexure-XVI-A).

Thereafter, Dy.Inspector General, TC, SSB, Haflong ordered a preliminary inquiry in r/o alleged collection of money by Sh. Tiwari, UDC for the purpose of filing a Court Case against the ban of LTC facility to Central Govt. employees. Inquiry Officer detailed to enquire into this vide this Office No.1/5/NKT/99/TCH/2926 dated 6.4.2002 (Copy of the order dated 6.4.2002 annexed hereto and marked as Annexure-XVI-B).

In the mean time, Sh. Tiwari, UDC filed a case in the Court of 1st Class Magistrate, N.C.Hills, Haflong against the aforesaid 04(four) employees. The Case is yet to be decided.

The enquiry Officer has submitted his preliminary enquiry report on 3.8.2002, wherein he could not establish full facts, whether Shri Tiwari, UDC had actually collected the amount of Rs.100/- (Rupees one hundred) only each from the aforesaid 04(four) employees since the witnesses have not precisely gave in their statements of having seen the actual amount of transaction. But it is a fact that some of the staff members was going to file a case jointly against Govt. of India on suspension of LTC facility to Central Govt. employees,

which at latter stage, need not to be filed in the Court of law as the facilities reinstated by the GOI to the employees of CPMF serving in NE Region. (Copy of the opinion of I.O. is annexed hereto and marked as Annexure-XVI-C)

Thereafter, Dy. Inspector General, TC, Haflong decided to initiate formal disciplinary enquiry against Shri N.K.Tiwari, UDC on the ground of false allegation made by him against Shri S.C.Verma, Sr.Instructor(Admn) and of collection of Rs.100/- each from the 4(four) officials and also for approaching the Court over the matter of official transaction and by passing the official channel.

Accordingly, Shri N.K.Tiwari, UDC was placed under suspension vide this Office Order No.1/23/Estt/2001/TCH/6736-40 dated 19.08.2002 and charge sheeted vide this Office Memo No.1/6/DE/NKT/02/TCH/6875 dated 21.08.2002 (Copies of suspension Order dated 19.08.2002 and Article of charges are annexed hereto and collectively marked as Annexure-XVIII & XIX respectively.

In the meanwhile, Shri N.K.Tiwari, UDC intimated this Office vide his letter dated 5.9.2002 with copy to the Inquiry Officer that he can not appear or give any statements to the I.O. since the matter are subjudiced to the Court and the departmental enquiry as ordered can not be taken up till the decision of the Court. (Copy of his letter dated 5.9.2002 annexed hereto and marked as Annexure-XX).

Parawise Written statements are given below:-

1. That with regard to the statements made in para 1 and 2 are matter of records.
2. That with regard to the statements made in para 3 of the application the respondents beg to state that the same are denied being baseless, false and based on concocted facts. The respondent No.4 never asked the applicant to pay a commission of 10% on TA bills for passing his TA Bills. The claims of the applicant is an after thought to save himself from the consequences of referring a suppressing false claim.
3. That with regard to the statements made in para 4 same are denied. The applicant made a false complaint to the higher authority about the demand of 10% commission by the respondent No.4 only to save himself from the consequences of false claim (which he had already claimed) to pressurize the immediate controlling authorities and to divert the attention by false allegations.
4. That with regard to the statements made in para 5 are denied whereas the fact of the case is that the applicant submitted two TA Bills vide letters dated 01.08.2001 and 30.08.2001 claiming 1st Class Rly. Fare. The TA bills were returned in original to the applicant vide Memo No.9279 dated 22.09.2002 with advice to re-submit the TA bills alongwith the original/photostat copies of 1st Class Rly. tickets. But the applicant did not re-submit the original TA bills which were returned to him vide above mentioned memo but fresh TA bills claiming 2nd class Rly. Fare and afterwards claimed that he has never claimed for 1st Class Railway fare.

8

AF

Copies of the letters dated 01.08.2001, dated 30.08.2001 and memorandum dated 22.09.2001 are annexed hereto and marked as Annexure-I,II and III respectively and the copy of the note sheet No. 136 is annexed as Annexure-IV.

5. That with regard to the statements made in para 6 the same are denied being false. The applicant initially claimed 1st Class Rly. fare. The TA bill was returned to him in original for re-submitting alongwith the original or photocopies of the 1st Class Rly. tickets. But the applicant re-submitted the fresh TA Bills wherein he claimed 2nd Class Rly. fare. The applicant was again asked vide memo No.9343-45 dated 25.9.01 to state why he has claimed 1st Class fare whereas he has performed journey in the 2nd Class but the applicant replied vide letter dated 27.09.2001 that he has not claimed 1st Class fare.

And to divert the attention from the illegal act committed by the applicant he sent a letter to Shri V.K. Malik, Director General, SSB, New Delhi vide letter dated 29.09.2001 alleging the respondent No.4 for taking gratification of 10% on TA bills from eight other officials of the institution, but all the officials submitted in writing that the respondent No.4 never demanded any gratification or commission on the TA bills.

The copies of memo dated 25.09.2001, letter dated 27.09.2001 and 29.09.2001 are annexed hereto and marked as Annexure-V,VI and VII respectively.

6. That with regard to the statements made in para 7, the same are denied. The respondent No.4 never threatened the applicant in any manner. However memo no.10091 dated 17.10.01 the applicant was ~~against~~ again asked to re-submit the original TA bills but the applicant vide his letter dated 18.10.2001 replied that the TA Bills of the said period had been submitted in the Hon'ble Court and the question of submission TA bill in the Office does not arise all the above actions of the applicant clearly depict the diversionary tactics being adopted by the applicant to save himself from further action.

Copies of memo date 17.10.2001 and the letter dated 18.10.01 are annexed hereto and marked as Annexure VIII and IX respectively.

7. That with regard to the statements made in para 8, the same are denied. There were many alternatives open to the applicant. He did not even inform the Head of Office i.e. DIG, TC, Haflong before approaching the Hon'ble Court of Addl. Deputy Commissioner, N.C. Hills, and filing a Criminal case No.146/2001 against respondent No.4

It is also submitted the preliminary enquiry ~~was~~ also ordered vide order No.10323-24 dated 23/10/2001 to establish the truth of the case(10% commission) and in his enquiry report the enquiry Officer vide his letter dated 1.12.2001 opined that the allegations against the respondent No.4 are baseless.

Copies of the order dated 23.10.2001 are opinion of the Inquiry Officer dated 1.12.2001 are annexed hereto and marked as Annexure-X & XI respectively.

8. That with regard to the statements made in para 9 it is submitted that the memorandum was issued keeping in mind the humanity as the applicant is a low paid employee and non-passing of his TA bills in question may cause financial hardships to the applicant and his family.

9. That with regard to the statements made in para 10, it is submitted that the same are denied. A memo dated 26.12.01 was issued to the applicant on the representation submitted by four officials that the applicant has collected Rs.100/- from each official of this institution for filing a case challenging the suspension of LTC facility to the Central Govt. Employees.

Copies of the representations of the officials complaining the matter and the memo dated 26.12.01 are annexed hereto and marked as Annexure-XII,XIII, XIV, XV, and XVI respectively.

10. That with regard to the statements made in para 11 the same are admitted being factual in nature.

11. That with regard to the statements made in para 12 it is submitted that it was on the representations from the 04(four) officials of TC, Haflong stating that applicant has collected Rs.100/- from each of them that the respondent No.4 being the administrative officers of the institute had asked Sh. Tiwari to return back the money to the claimants/ officials above mentioned and there is no irregularity on this issue.

12. That with regard to the statements made in para 13 are factual and need no comments.

Copy of the Order dated 26.02.2002 is annexed  
hereto are marked as Annexure- XVII.

13. That with regard to the statements made in Para 14 the same are admitted being factual in nature. This action was initiated with an aim to do justice with the low paid four officials from whom the money collected.
14. That with regard to the statements made in para 15 to 17 call for no reply being matter of record.
15. That with regard to the statements made in para 18 the same are admitted as the matter was reported to the office of Respondents by the employees who have made representation for collection of Rs.100/- from each by the applicant.
16. That with regard to the statements made in para 19 it is submitted that the same has no relation with this office but requires to be complied by the employees individually.
17. That with regard to the statements made in para 20 the same are admitted which was done for quick disposal of the case.
18. That with regard to the statements made in para 21 to 23 the same are admitted as being factual in nature.
19. That with regard to the statements made in para 24, it is submitted that the case was under process with the higher authorities.
20. That with regard to the statements made in para 25 are admitted. The same was done to keep away the applicant from the records and to avoid tampering of records by the applicant which may affect the disciplinary proceedings which

have been initiated against the applicant.

Copy of order of suspension dated 19.08.2002  
is annexed hereto and marked as Annexure-XVIII.

21. That with regard to the statements made in para 26 the same are admitted which was done to prove the authenticity of allegations beyond doubt which were raised by the applicant against respondent No.4. The enquiry was ordered by respondent No.3 because he is the disciplinary authority for the applicant vide the same memo he was also given an opportunity to explain his defence.

Copy of memo dated 21.08.2002 is annexed  
hereto and marked as Annexure - XIX.

22. That with regard to the statements made in para 27 & 28 the same are admitted.

23. That with regard to the statements made in para 29 it is submitted that the D.E. is still in vogue. The charged official would be provided all opportunities to project his case. Since the matter is of a sensitive nature and every possibility was there of tampering of the documents by the delinquent was placed under suspension. Subsequently after the Hon'ble Court suspended the operation of the suspension order vide its order dated 05.09.2002, the delinquent suspension order has been suspended but as the matter is sensitive it is requested that the order of suspension dated 19.08.2002 may kindly be upheld till the respondents are able to complete the D.E. being initiated against the applicant.

24. That with regard to the statements made in para 30, the same are admitted as per records.

In light of the aforesaid submission, it ~~xx~~ is requested that the suspension order be upheld till deemed fit by the disciplinary authority.

Verification.....

VERIFICATIONI, A. R. TIALUR Deputy

Inspector General, Training Centre, SSB, Haflong being authorised do hereby solemnly declare that the statements made in paras 1, 2, 3, 8, 10, 11, 13 to 19, 22, 23, 24 are true to my knowledge and the statements made in Paras 4 to 7, 9, 12, 20 and 21 are true to my information and I have not suppressed any material fact.

And I sign this verification on this 5<sup>th</sup> day of November, 2002.

DECLARANT.

Deputy Inspector General  
Training Centre (SSB)  
Haflong

DS Zaceul  
05/11/02



The For. Inspector (Autmn)

• T.C. S&B Haffez

(Through proper channel)

Subj: Submission of TA Bill for the month of  
Jul 2001

Sir,

With due respect and humble submission  
that as I was detailed to Court duty to  
Kolkata on 14-7-2001 in connection with the Court  
Case No. TA 13/01, title S.C. Mukherjee vs U.O.I  
for collection of records from CBI Kolkata.

In view of the above I am submitting  
TA bill on the said account of for further n.e.  
Pl. b. 1500/- may please be adjusting TA Bill.

Yours faithfully

Q  
01/8/01

(U/R - T.M.A.R.I)

U.O.G

T.M.A.R.I

(i) Forwarding  
Haffez to Haffez on 14-7-01 T/A No 03261 of 13/-  
(ii) Haffez to Haffez on 14-7-01 T/A No 03261 of 13/-

(iii) Forwarding  
Haffez to Haffez on 14-7-01 T/A No 06122 of 13/-  
(iv) Haffez to Haffez on 22-7-01 T/A No 06122 of 13/-

Forwards  
Haffez to Haffez

To

The Sr. Instructor(Adm)  
TC, SSB, Haflong.

Sub:- Submission of TA bill for the month of Aug./2001.

Sir,

With due respect and humble submission that as I have been detailed Govt. duty in Guwahati and SSB Dte. on 03.8.2001 vide TCH order No.7224-27 dated 03.8.2001 in connection with preparation paravise comments/collection of same from C.G.S.C namely Shri B.C.R Pathak and collection of records from SSB Dte. in r/o CAT case No.196/01 and 11437/03 title of Birendra Singha, Carpenter, FA(Carpenter) and Shri S.K.Mukherjee, Ex-SAO.

Sir, it is submitted that railway tickets has not been enclosed with the TA bill due to the same has been taken by the railway authority. I am assured you sir, that in future I will submit the photocopy of the tickets on the tour as per my entitlement.

3. An amount of Rs.4000/- (Rupees four thousand) as advance from Welfare fund may kindly be adjusted in this TA bill please.

Yours faithfully,

Sd/- 30.8.01  
( N. K. TIWARI )  
UDC  
TC HAFLONG.

Onward journey

1. Haflong to Ghy. 3.8.01 T/No.05867 for Rs.131/-
2. Ghy. to Delhi = 7.8.01 T/No.2234/39406876 for Rs.1435/-

Return journey

1. Delhi to Ghy. = 17.8.01 T/No.326/5639859 for Rs.1435/-
2. Ghy. to Haflong=19.8.01 T/No.06789 for Rs.131/-

Sd/-  
Accounts Officer  
Training Centre, Haflong.

171

The Sr. Instructor (Selbom)  
TE 888 Hoffst.

Sir - Submission of T.A. Bill  
of Aug 2001

Sir, with due respect on humble submission  
that as I have been detailed for duty to Central  
Govt. on 03.8.2001 under T&H Order 7224-27  
on 03.8.01 in connection with preparation possible  
complaints/ collection of same from C.S.I.R. namely Shri B.C.  
Patel, and collection of all records from SSB At  
in the case No. 196/01 on 11437/83 title ~~with~~  
of *Prinipal Sigha* constable, FA (Constable) and Shri  
S. K. Mehta, Ex SAs.

2. Sir, it is submitted that Railway tickets  
has not been enclosed with the T.A. Bill since the  
same has been taken by the Railway authorities. I am  
assured you Sir that in future I will submit the proceedings  
of the tickets on the tour as per my entitlement.

on board Sonny

- ① Hally & HTY = 3/8/01 TIN: C5817 & A: 131/-
- ② HTY & Della = 3/8/01 since 2/14/01, 26516 & 81431/-

Return money  
① Delta to Holly = 17/5/01 11-11 226/5129857 to 1435  
② Holly to Holly = 19/5/01 T/No. 01757 - n 13/-

L'encouragement Officiel  
du Centre, à Paris.

18 . . . ANNEKURB III  
No. 11/10/ACCT/S/2001/ 9279, <sup>(739)</sup> 88  
Govt. of India,  
Ministry of Home Affairs,  
Office of the D.J.G. SSB,  
Training Centre, Haflong.

Haflong the 22th Sept/2001

Memorandum

Reference of the application dated 01.8.2001 and 30.8.2001 of Shri N.K. Tiwari, UDC regarding passing his T.A. bills for the period from ~~14.7.01~~ to 21.7.2001 and from 3.8.01 to 20.8.2001.

The T.A. bills of Shri Tiwari were put up to the Senior Instructor <sup>for consideration and he has passed</sup> ~~in~~ observation which is reproduced below for his necessary action.

"Since DACS will not accept the T.A. bill without tickets. Therefore we may write to railway authority to verify the authenticity of tickets in the name of Shri N.K. Tiwari. Secendly circular has already been issued in this regard i.e. T.A. bills will not be accepted without producing the tickets. The concerned official be asked as why he ~~do~~ do so".

Hence, the T.A. bills for the above period are returned herewith which may return be resubmitted after furnishing original/ Photo copy of 1st class Rly. tickets as claimed for taking further necessary action.

*Am 24/9/01*  
Accounts Officer,  
Training Centre, Haflong.

Enclo:- As above.

To .

Shri N.K. Tiwari, UDC.  
Training Centre, Haflong.

T.A.Bill dtd. 1.8.01 of Shri N.K.Tiwari, UDC  
T.A.Bill dtd. 30.8.01 of Shri N.K.Tiwari, UDC

The above mentioned T.A.Bills are submitted by Shri N.K. Tiwari, UDC to proceed to Kolkata and Delhi in connection with Court Case and other Official works may please be soon.

On 20.8.01 Shri Tiwari has submitted the TA bills without producing first class Rly. tickets. As per our circular No. 11/10/Acttto/2001/TCH/0109-05 dated 20.8.01. It is clearly mentioned that the original tickets are required for passing the TA/LTC claims.

Shri Tiwari has requested in his application dtd. 30.8.01 that the tickets taken by the Rly. authority. Copy of the detail order also required as approved by the UDC. D.O.

In view of the above mentioned his bills are claimed may be passed or returned to the official concerned for doing the needful.

Submitted for kind perusal and order please.

Shri N.K.Tiwari, UDC has performed Govt. tour to Delhi, Kolkata and claimed first class railfare in the bills. But no original/photocopy tickets by travel on 1st class have been produced by him instead he quoted the tickets nos. of the bills.

Shri Tiwari has intimated at para 8 of 'A' that the ticket could not be produced by him due to that tickets have been taken by Railway authority and he admitted in future he will produce tickets as per intimation and requested that those bills be passed.

It may kindly be ordered that the above bills may be without produced the 1st Rly. tickets.

Submitted for favour of order please.

Acttto. 8d/10/01  
Acttto. 19.9.01.

The above may this please be soon.

As per intimated procedure of Rly. tickets are handed to them on terminal of journey. Accordingly, Shri Tiwari over his tickets to the concerned Rly. authority on behalf

P.T.



T.A. Bill dtd. 1.5.01 of Shri N.K.Tewari, UDC  
T.A. Bill dtd. 30.8.01 of Shri N.K.Tewari, UDC.

QD

The above mentioned T.A. Bills are submitted by Shri N.K.Tewari, UDC to proceed to Kolkata and Delhi in connection with Court Case and other Official works., may please be seen.

Shri Tewari has submitted the T.A. Bills without producing 1st class Rly. Tickets. As per our circular No. 11/10/ACTTS/2001/TCH/8189-95 dated 20.8.01, it is clearly mentioned that the original tickets are required for passing the TA/LTC claims.

Shri Tewari has requested on his application dtd. 30.8.01 that the tickets taken by the Rly. authority ~~for the journey~~ copy of the detailment order also required ~~is not produced~~ by the SSB Dte.

In view of the above whether his bills has claimed may be passed or returned to the official concerned for doing the needfull.

Submitted for kind perusal and order please.

15  
M/T/01

Shri N.K. Tewari, U.D.C. has performed travel tour, to Delhi & Calcutta, and claimed first class railfare in the bills. But no original/photostatic copy tickets by travel on 1st class have been produced by him instead he quoted the ticket nos. of the bills.

Shri Tewari has intimated at para page flag 'B' that the tickets could not be produced by him due to that tickets have been taken by Railways authority and he admitted in future he will produce the tickets as per endorsement and requested that these bills be passed.

It may kindly be advised whether the above bills may be passed without produced the 1st Rly. Tickets.

Submitted for favour of order  
Please.

19/9/01 The above may be known.  
There existed procedure of rly. tickets are handed over to them on termination of journey. But Shri. Tewari had handed over his tickets to the concerned rly. authority on termination

P.T.O

at his journey after his own interest ends

however, since he is entitled to avail  
1st Class and as he and his shooting is  
on 2nd Class ticket no, so may I advise his  
travel as submitted but he may be cautioned  
about his shooting & travel in near future  
as it is detailed to his type & men and  
not to fall at your gun.

S(A)

As you D.A.S. will  
not accept the T.A. bill  
with out a ticket. Please gone  
may write to Railway  
to verify the authority  
of ticket by the name of Sh.

As you will be already  
done in this regard  
T.A. bills will not be  
accepted with out producing  
the ticket. The concerned  
officers be asked as why  
1 and 2.

My  
dt 2nd

A/O

Will write my authority and also  
to the T.A. office.

9/10/1969 Memo along with TA bills put up  
for sig- please.

10/1

Re type and print.

When in require of an office is communicated,  
but should be communicated fully, at least  
Re type & print to prevent & consider

No. 1/5/NKT/99/TCW 9343-45-AV  
 Govt. of India,  
 Ministry of Home Affairs,  
 Office of the D.I.G. SSB  
 Training Centre, Haflong.

Dated, the, 25/9/01

**MEMORANDUM**

On 24th September, 2001, you were asked by the undersigned as why did you claim 1st Class ticket fare in your TA Bill in connection with your Govt. duty to Haflong whereas you performed the journey in 2nd Class Train. During your verbal reply, you admitted that the journey was actually performed by you in 2nd Class. This was admitted by you in presence of Shri R.K. Tiwari, Sr. Instructor (Trg) and Sh. S.C. Pal, Asstt. Comdt/ Accounts Officer, TCG in Office Chamber of the undersigned.

In this connection, you are hereby directed to intimate this Office why did you claim 1st Class ticket fare in your TA Bill instead of claiming 2nd Class.

Your written reply must reach to the undersigned on or before 27th September, 2001 positively.

( S.C. VERMA )  
 Senior Instructor(Admn)  
 Training Centre, Haflong.

Shri N.K. Tiwari,  
 Training Centre, Haflong.

Ans. to 1

1. The Sr. Instructor(Trg), TCG for information please.
2. The Accounts Officer, TCG for information.

( S.C. VERMA )  
 Senior Instructor(Admn)  
 Training Centre, Haflong.

25/9/01

To

The Sr. Instructor(Admn)  
TC, SSB, Haslong.

(Through proper channel)

Sir,

With reference to your memo No.1/3/Adm/29/TCH/9343-  
to dt. 25.9.01 asking therein to explanation of 1st class tickets  
fare in TA bills.

2. In this connection, it is submitted that I have not  
claimed 1st class fare in TA bills as per your memo under reference.

3. It is not understood, how the Sr. Instructor(Admn) has  
made the false allegation to me that I claimed 1st class fare ticks-  
ets in the TA bill of Jul/2001 and Aug/2001 without going through  
in my TA bills of July/01 and Aug/01.

4. Whereas I performed duties/journey in sleeper class  
vide tickets No. as under :-

July/01 TA Bill

1. B/RPG to RWA on 14.7.01 vide T.No.62573/01474
2. RWA to Chy on 19.7.01 vide T.No.621/7365470.
3. Chy to L/RPG on 20.7.01 vide T.No.44156.

Aug/01 TA Bill

1. L/RPG to CR on 3.8.01 vide T.No.26769
2. CR to N. Delhi on 7.8.01 vide T.No.01354
3. Delhi to Lumbini on 17.8.01 vide T.No.214-1727049.

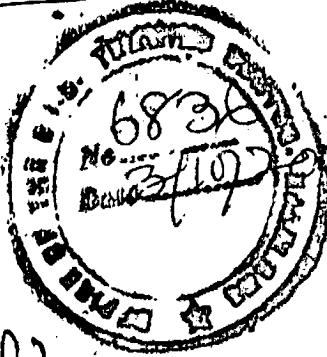
Yours faithfully,

SG/-27.9.01  
( N.K.TIWARI )  
UDC  
Trg. Branch TCH.

Copy to :-

The DIG, TC, Haslong for information please.

SG/-  
( N.K.TIWARI )  
UDC  
Trg. Branch TCH.



10) To Sr. Inspector (Retd)  
CE 8333 Hattang

(Through proper channel)

With reference to your memo No. 115/Allct/99  
 19343-15 dt 25-9-01 asking there in a explanation  
 of 1st class tickets fare in TA. Bills.

11) In this connection it is submitted that I have  
 not claimed 1st class fare in TA Bills as per your memo  
 under reference.

12) It is not understood, how the Sr. Inspector (Retd)  
 who made the false allegation to me that I claimed  
 1st class fare in TA Bills in the TA Bill of Jul 01 and  
 1st class fare in TA Bills in my TA Bills of Jul 01

13) Ans. to S. P. S. D. C. J. T. C. H.  
 1st class tickets fare are clearly  
 TA (1 TA B)

14) 1. H. S. S. on 16/11/01 N. T. No. 62575/01474  
 2. G. Grey on 19/11/01 N. T. No. 6217365470  
 3. H. H. F. G. on 20/11/01 N. T. No. 64156

A-4901 TA B

15) 1. G. Grey on 15/11/01 N. T. No. 26769  
 2. N. D. S. on 15/11/01 N. T. No. 01354  
 3. H. H. F. G. on 15/11/01 N. T. No. 214-1727049.

yours faithfully

D  
 (N. K. TIWARI)

UOC  
 TTD. P. T. C. H.

To D. I. G. T. C. H for information

\_\_\_\_  
 (N. K. TIWARI)  
 UOC  
 TTD. P. T. C. H.

ANNEXURE -VI-A

24

No. TT/10/Accts/2001/TAI/ 9924,  
Government of India  
Ministry of Home Affairs  
O/O the D.I.G., SGB,  
Training Centre, Haflong.

145

Dated the, 19 Oct., 2001

P 139/

Memorandum.

Please refer to this office memo No.11/10/  
Accts/2001/9279 dated 22.9.2001 regarding passing  
of T.A. bills, for the period from 14.7.2001 to 21.7.01  
and from 3.8.01 to 20.8.01.

You are directed to submit the T.A. bills on  
the above period and furnish the documents as asked  
vide above memo for further action at this end.

*Mr. S. J. (01)*  
Accounts Officer  
Training Centre, Haflong.

To

Shri N.K. Tiwari, UDC,  
Haflong.

*Ac Ad  
9/8/01*

*H. T. S. (27/8/01)*

④ *Reminder to submit T.A. bill*

(Copy)

(25)

No. 11/10/Accts/2000/TCH/10091  
 Government of India,  
 Ministry of Home Affairs,  
 Office of the D.I.G., SSB,  
 Training Centre, Haflong.

Haflong the 17th October/2001.

Memorandum

Reference of Shri N.K.Tiwari, UDC, TC, Haflong application dated 27.9.2001 regarding claiming 1st class train fare in his TA bills.

2. In this regard, Shri Tiwari has been informed that he had submitted two TA bills to this office for the period from 14.7.01 to 22.7.01 and from 03.8.01 to 19.8.01 claiming 1st class train fare both the journey for performed his Govt. tour to Kolkata and Guwahati - Delhi respectively by quoting only 1st class tickets numbers as mentioned below on the body of his TA bills without furnishing 1st class tickets vide his application dated 01-8-01 and 30-8-01.

| Particulars  | Date of journey | class | Rly. ticket travel numbers | Rly. fare. |
|--|-----------------|-------|----------------------------|------------|
| <b>(A) For the period from 14.7.01 to 22.7.01.</b> |                 |       |                            |            |
| i) Onward journey<br>Haflong to GhY.               | 14.7.01         | SLP   | 03261                      | Rs. 131/-  |
| GHY. to Kolkata                                    | 15.7.01         | 1st   | 2931/834567                | Rs. 1190/- |
| ii) Return journey<br>Kolkata to GHY.              | 19.7.01         | 1st   | 006678/<br>2156789         | Rs. 1190/- |
| GHY. to L/Haflong                                  | 22.7.01         | SLP   | 06732                      | Rs. 131/-  |
| <b>(B) For the period from 03.8.01 to 19.8.01:</b> |                 |       |                            |            |
| i) Onward journey<br>Haflong to GHY.               | 03.8.01         | SLP   | 05867                      | Rs. 131/-  |
| GHY. to Delhi                                      | 07.8.01         | 1st   | 2234/3940<br>6876          | Rs. 1435/- |
| ii) Return journey<br>Delhi to GHY.                | 17.8.01         | 1st   | 326/5639859                | Rs. 1435/- |
| GHY. to Haflong                                    | 19.8.01         | SLP   | 06789                      | Rs. 131/-  |

3. The above two TA bills were returned to Shri N. Tiwari with a direction to resubmit the bills along with original/photo copy of 1st class rly. tickets as claimed vide this office memo No. 11/10/Accts/2001/9279 dated 22.9.01. Shri Tiwari was also reminded to resubmit the bills with documents as asked for taking further action vide this office memo No. 11/10/Accts/2001/TCH/9924 dated 10.10.2001.

4. Shri Tiwari had also admitted that he had performed journey by 2nd class instead of 1st class as claimed in his TA bills in train verbally in presence of Shri R.K.Sarma, S.I(Trg) and Shri S.C.Pal, Account Officer xid on 24.9.2001 in the office chamber of Senior Instructor(Admn) which was also communicated to Shri Tiwari vide this office memo No. 1/5/NKT/99/TCH/9343-45 dated 25.9.2001.

Contd....2/..

(26)

AK

7

5. On the above, it is not understood how Shri Tiwari had now stated and false allegation submitted against Senior Instructor (Admn) that he had not claimed 1st class train fare in his TA bills vide his application dated 27.9.2001. The TA bills where the railway ticket numbers quoted in his above mentioned application have not yet been received by this office.

6. Hence, Shri Tiwari, UDC is hereby directed to resubmit the original TA bills which were returned to him vide this office memo No. 11/10/Accts/2001/9279 dated 22.9.2001 within 3(three) days on receipt of this memo for taking further necessary action.

Sd/- 17/10/2001  
( S. C. VERMA )  
Senior Instructor (Admn)  
Training Centre, Haflong.

To

Shri N.K.Tiwari, UDC  
Training Branch,  
Training Centre, Haflong.

.....

Original has been sent to SSB Shri  
by letter no. dt. 4/12/2007  
PE/NKT/scrpt/CH/2007/399

dt. 29/9/2007

ANNEXURE-I

(27)

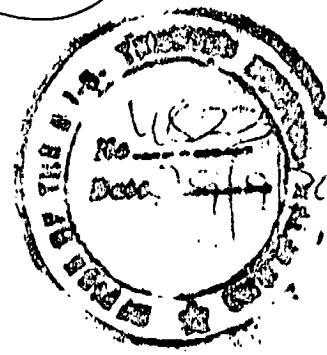
ANNEXURE-VII

98

10

Shri V.K. Malik, IPS  
D.G SSB  
East Block 5 R.K.Puram  
New Delhi

(Through proper channel)



It is to inform Sir, that Shri S. C. Mehta, Sr. Instt (Acting) of T.C. SSB & of long  
had passed the all TAs (Bridges) of MGB's Staff  
who had gone off officials tour to Delhi and  
other places after taking 10% Commission from  
the officials in advance since 1999!—

- (1) Shri D. C. Kerkar, ASES (Officer on secondment  
in TCH)
- (2) Shri Indrajit, UDC TCH
- (3) Shri R.C. Mehta, UDC TCH (Fitter)
- (4) Shri A.P. Chakraborty, Star Grade II, Sr. DSS (FA)
- (5) Shri Jai Singh, AfC (G)
- (6) Shri S.P. Singh, AfC (G)
- (7) Shri G.P. Paul, SFAC (G)
- (8) Shri Brahamchari, SFA (G)
- (9) Shri N.K. Thakuri, UDC

Yours faithfully  
S. K. Mehta  
(N.K. Thakuri)

UDC

TCH & TCH

Advance Copy to:-

- (1) Shri O.P. Singh, IAS, M.A.P. New Delhi
- (2) The Chief Vigilance Commissioner, New Delhi
- (3) Shri K.D. Singh, DIG TCH

N.K. Thakuri  
UDC  
TCH & TCH

A-VII

(28)



To

The Dy Inspector General  
T.O. SGR Hafley

(Through proper channel)

Sub:

Re Submission of TA Bills forth period

14-7-01

21-7-01 and from 3-8-01 to 20-8-01

SIR,

Kindly refer to T.O. memo Nos. 1110/Arctt. 2001/TCH/9924 dt 0.10.01 and 1110/Arctt. 1009/1 dated 17.10.01 on the subject cited above.

2. In this connection it is submitted that the TA Bills of 16 Sept period has been submitted in the Hon'ble Govt. of Hafley. The case is under Consideration of the Govt, so the question of Submission of TA Bills in the office does not arise till the final decision of the Govt.

Forwarded  
S. K. T. G.  
18/10/2001

Yours faithfully

(N.K. TIGARI)

UDE

T.O. Govt. TCH.

Put up on file  
18/10/01

Put up on file  
19/10/01

S.K.T.G.

18/10/01

18/10/01

209  
 No. 1/Accts/2001/TCH/ 10323-2y  
 Govt. of India,  
 Ministry of Home Affairs,  
 Office of the D.I.G. SSB  
 Training Centre, Haflong.  
 Dist : N.C. Hills, Assam.

Dated the, 23/10/2001

ORDER

Shri N.K. Tiwari, UDC, TC, SSB, Haflong  
 vide his letter dated 29.09.2001 addressed to DG, SSB  
 and advance copy endorsed therein addressed to  
 Shri O.P. Arya, DGP, Lt. Secretary, MHA, New Delhi,  
 The Chief Vigilance Commissioner, New Delhi and also  
 to the undersigned has brought an allegation against  
 Shri S.C. Verma, Sr. Instructor(Adm), TCH that Shri  
 Verma, SI(Adm) has passed the TA Bills of NGOs of  
 TCH, SSB, Haflong after taking 10% commission from the  
 official in advance since 1999. A copy of written  
 Report submitted by Shri Tiwari, UDC is enclosed.

1. The undersigned has desired to hold a preliminary  
 enquiry to establish the truthness of the matter.
2. Shri R.K. Sarma, Sr. Instructor(Trg)TC, SSB,  
 Haflong, is hereby directed to enquire into the Case  
 and submit report to the undersigned within 07(seven)  
 days on receipt of this Order.

22/10/2001  
 22/10/2001  
As above

( K.D. SINGH )  
 Deputy Inspector General,  
 Training Centre, Haflong.

Distribution

1. Shri R.K. Sarma, Sr. Instructor(Trg) SSB  
 for information and compliance.
2. Shri N.K. Tiwari, UDC, TCH for information.
3. Office copy.

OK

A-X

(30)

To  
The Deputy Inspector General,  
Training Centre, SSB, Haflong.

Sub : Preliminary Enquiry report in connection with  
allegation made by Shri N.K. Tiwari, DDC against  
Shri S.C. Verma, Sr. Instructor(Adm), TC, Haflong.

SAC,

With reference to this Office Order No. 1/AC/2001/  
2001/MCH/10323-24 dated 23/10/2001, I am submitting herewith  
the Preliminary Enquiry Report for favour of your kind  
consideration and necessary action please.

Enc 1 : As above.

Yours faithfully,

*Om Prakash*  
(R. K. SARMA )  
Senior Instructor(Trg)  
Training Centre, Haflong.

*R. K. SARMA*

A-XI

Proceeding of Preliminary Enquiry conducted by Shri R.K. Sarma, Sr. Inspector, T.C., SSB, Waffang.

1. Proceedings of - Preliminary Enquiry

2. By order of - D.S.G., SSB, T.C., Waffang.

3. Place of Enquiry - Training Centre, SSB, Waffang.

4. Constituted of - Shri R.K. Sarma, Sr. Inspector, SSB, T.C., Waffang.

5. Background of the case - 1) Shri R.K. Tiwari (UPC) was detailed to attend case no. TA/13/2001 (cc 11437/W/83) ride on 14/7/2001 ride office order no. 1/10/Enr/98/TCH/6672-74 dt 12/7/2001.

2) Shri Tiwari, was detailed to proceed to New Delhi on 3/8/2001 for collection of documents pertaining to Court Case at Kolkata title S.K. Mukherjee vs UOI and also to contact Shri B.C. Pathak, Addl. Case, CAT, Guwahati to collect para-wise communis for meeting by Director, SSB SSB, DC (CAT case no OA/196/01 title Birendra Singh FA (carpenter) vs UOI.

3) Again Shri Tiwari was detailed to CAT Kolkata on 27/8/2001 to proceed on 1/9/2001 to Guwahati to attend hearing of CAT case Birendra Singh vs UOI on 3/9/2001. Then to proceed to Kolkata

Contd - 2

on 4/9/2001 from Guwahati to hand over documents of (AT Case No TA/13/2001 (CR 11937/W/93) S.K. Mukherjee vs 401.

On completion of journey, Shri N.K. Tiwari, UDC, submitted TA bills which were returned by Accts. Officer TCH with the remarks of S.C. Inspector (A) that T.A. bills should be re-submitted with ticket claiming 1st class Rly fare vide no. 11/10/ Accts/2001/9279 DT. 22/9/2001.

Thereafter in correspondence continued between S.C. Inspector (A) and Shri N.K. Tiwari, the Accts. Officer, TCH, issued a reminder to N.K. Tiwari, UDC to submit TA bills from 14/7/2001 to 21/7/2001 & from 3/8/2001 to 20/8/2001 vide no. 11/10/ Accts/2001/TCH/3924 on 10/10/2001. On no reply Shri Tiwari, submitted that the bills in question are submitted to Hon. Court of Mafatlal, N.C. Hills, Assam.

(Copies enclosed)

#### 6. Order of authority:— SIC, TC, Hafflang.

Order no. 1/Accts/2001/TCH/10328-24 dt. 23/10/2001 to hold a Preliminary Enquiry to establish the true nature of the matter.

#### 7. Allegation or

untrue investigation

Enquiry Conducted:— Shri N.K. Tiwari, UDC.

submitted an allegation to SIC, SSB with copy to DDC: TCH alleging that Shri S.C. Verma S.C. Inspector (A) takes 10% Commission from NGOs of TCH for passing T.A. bills. etc

contd - 3

has stated that he claimed 1st class  
by fare for his journey performed  
during his tour to New-Delhi and Kolkata  
and submitted T.A. bills on completion  
of his journey.

But his T.A. bills were returned  
without thorough checking on the ground  
that the bills were submitted claiming  
1st class by fare. Shri Tiwari paid  
10% commission to Shri S. L. Verma, Sr.  
Inspector (A) in earlier cases. But during  
Commission, he did not pay 10%.  
his T.A. bills were not  
passed for payment.

Further, he alleged that Shri  
S. L. Verma Sr. Inspector (A) has harassed him  
in spite of rightly performing his  
assigned duties during tour. Due to the  
harassment and threatening to take strict  
disciplinary action, he took the help  
of law and filed ~~one~~ petition  
in Court, N.C. Hills, Raflay, Assam against  
Shri S. L. Verma Sr. Inspector (A) for justice.

#### 8. Statements recorded:-

1. Shri S. P. Singh I.P.T. (G) - Denies that he  
did not pay any commission to Shri  
S. L. Verma Sr. Inspector (A) for passing  
of T.A. bills. Now it was claimed by  
Shri S. L. Verma, Sr. Inspector (A);
2. Shri A. C. Phukan - Acct - The allegation  
raised by Shri N. K. Tiwari, U.O.C. against  
Shri S. L. Verma Sr. Inspector (A) is false.

5. Shri R. Malhotra - 402 - The allegation is false.

6. Shri Jagbir Singh SPA(G) — The allegation is false.

7. Shri Brahmanchari SFA (G) — The allegation is false.

8. Shri A.P. Chhospalya, SLOM — The allegation is false.

9. Shri Indrajit Das, LDC — The allegation is false.

10. Shri Gyan Bhakta Paul — The allegation is false. SFA (G)

9. Statement of Shri S. Verma, Sr. Instructor (Admn) —  
 The allegation is totally baseless and false. This is an attempt to defame and tarnish the image of Shri S. Verma as Sr. Instructor (Admn).

#### Examination of documents

1. List of documents examined.

2. Allegation of Shri N.K. Tiwari, LDC regarding 10% commission by Sr. Instructor

(P) Shri S. Verma for passing of TA bills of NGO's addressed to SLO, SSA with copy to SLO, TC, Hasdeo along with names of NGOs including the name of Shri N.K. Tiwari, LDC.

Contd - 5

iii) Settlement order of Shri N.K. Tiwari UDC to Kothari on 22/7/2001 vide order no. 1/18/898/TCH/6672-74 or 19/7/2001

iv) Settlement order of Shri N.K. Tiwari UDC to Grewalati as to New. cells on 3/8/2001 vide order no. 7224-27 dt. 3/8/2001

v) Settlement order of Shri N.K. Tiwari UDC to Grewalati as to Kothari on 4/9/2001 vide order no. 3327-29 or 27/8/2001

vi) Memo of Accts Officer to re-submit T.A. bills with Receipts vide no 9279- dt. 22/9/2001

vii) Explanation issued by Shri S. K. Tiwari Sr. Inspector (A) to Shri N.K. Tiwari UDC regarding claims of 7th class ~~Ex. Ry~~ fare in TA. cells

viii) Settlement of T.A. claims by ~~Ex. Ry~~ Shri N.K. Tiwari UDC issued by Sr. Inspector (A) to N.K. Tiwari UDC

ix) Explanation call by Sr. Inspector (A) to N.K. Tiwari UDC for approaching the Court of law.

x) Memo of Accts Officer to submit TA bills for the period from 14/7/2001 to 21/8/2001 & from 22/8/2001 to 28/8/2001 vide no. 7924 or 10/9/2001

xii) Submission of T.A. bill of N.K. Tiwari on 8/9/2001 or 30/8/2001

xiii) Reply of memo no. 1/5/1987/99/TCH/9343-65 & 25/7/2001 by N.K. Tiwari or 27/8/2001

Contd - 6

G. 6

100

100

iii) Re-submission of TA bills by Mr. K. Tiwari UDC for the period from 14/7/2007 to 21/7/2007 and from 3/8/2007 to 26/8/2007

xiv) Information regarding approach to Court of Law, Mr. Bills, District, Mfhp to file TA bills at Court of Law on 25/8/2007.

#### 10. Discussion of statements:-

a) On discussion of statements of the officials, the allegation raised by Shri N.K. Tiwari, UDC against Shri S. Verma Sr. Inspector (Admn) is not proved for want of documentary evidence and denial by the witnesses from Sl. I to 3. that they did not pay 10% commission to Shri S. Verma Sr. Inspector (Admn) nor he claimed any commission from them for passing of T.A. bills.

b) It is not understood why Shri T.K. Tiwari UDC raised such allegation against Shri S. Verma Sr(Admn) without any proof.

c) From corresponding documents from Sl. I to 2ii, in the file pertaining to the case, it is seen that Shri S. Verma Sr(A) detailed Shri Tiwari to attend Court cases w/ collection of documents at Grewahati, Kothala & New Delhi and learnt that Shri Tiwari <sup>completed</sup> all the duties assigned by Ex. Inspector (Admn)

Contd - 7

1) The case was quite simple regarding claiming of TA bills with 2<sup>nd</sup> class Rail fare. Since TA bills were not supported by Rail tickets the bills should have been passed by allowing ordinary 1<sup>st</sup> class Rail fare.

2) Sr. Inspector (Admin) being a Controlling Officer, he should have directed Decls. Officer for necessary action in this regard. It is not understood why he took the case at his level while Decls. Officer performed his assigned duties.

#### 11. Findings:-

After carefully examining the statements of the witnesses, the allegation raised by Shri N.K. Tiwari, IAS against Shri S.L. Verma, Sr. Inspector (Admin) FC, SSB, Hafizpur regarding taking of 10% commission in passing of TA bills or rao, is not proved for want of documentary evidence and denial by the witnesses.

Hence the truthfulness of the allegation is not established.

#### 12 Opinion of I.O.:-

Suitable action should be taken against the complainant Shri N.K. Tiwari, IAS for raising false allegation against a Senior Officer.

Dharmas  
28/4/2001  
(R.K. SARMA)  
Inquiry Officer

Statement of Shri N. K. Diwari, M.P.C.,  
SSB, Haflong, recorded on 9/11/2001

Shri N. K. Diwari, M.P.C., is duly warned to speak the truth, states that—

That since later part of 1999 Shri S. Verma, Senior Instructor (Admn) started harassing the employees of S.S.B., Haflong by demanding gratification of bribes, by misusing his powers which are elaborated below—

That whenever the employees of I.T.C.H. used to claim TA. Shri S. Verma ₹1,600/- used to demand 10% of FA. claim and also to show that they had travelled by Train; in 1st class, though, in fact, they had travelled by 2nd. class. Most of such employees are compelled to give into the aforesaid demand of Shri Verma, firstly, because they are aware that if they do not do so in the Shri Verma's demands then their TA. if at all received would only after a lot of harassment and secondly, because if they claim for 1st class then they would not loose anything even after the deduction of 10%.

The aforesaid, minded by Shri Verma would not be tolerated by the claimants and as such, of late he has intimated the same to

to S.S.B., New Delhi on 29/9/2001 through 110  
proper channel with the ~~other~~ <sup>an</sup> copy  
to S.I.C., T.C. Staffing and others. However,  
no action has been taken against  
Shri S. Verma till date.

I also faced the aforesaid  
demands by Shri S. Verma, when I  
claimed T.A. for July, Aug/2001 refused to  
comply with the demands of Shri Verma,  
he threatened me that my T.A. would  
not be paid to me and that he  
would also take action against me.  
The action came in the nature of  
a memo. no 1/5/NKT/99/TCH/9343-45  
dt 25/9/2001 where by I was asked to  
explain as to why I had claimed  
T.A. for 1st claim by fare from 9  
travelled by 1st class and ~~1st class~~ <sup>as</sup> class  
as to why action should not be  
initiated against me. I was shocked to  
receive such a wild imaginary  
and false allegation against me.  
Subsequently I filed a complaint  
before the honourable Court, N.C. Hills,  
Staffing on 01/10/2001 and on 22/10/2001

No. 2 in the Court, in <sup>case</sup> ~~as~~ the  
disposal of Honourable Court, N.C.  
Hills, Staffing

#### Questionnaire

Q. no 1 - Since you when you are  
posted in this S.I.C.?

Ans - I am posted in this S.I.C.  
~~since~~ <sup>on</sup> June/99.

Q no 2. — Sir when you are working under Shri M. Varme, Senior Inspector (Admn) ?

Ans. — I am not working under him but I am working under in Training Branch under Senior Inspector (Tg)

Q no 3. — What sort of duty you performed now ?

Ans. — I performed law in connection with court cases and other officials works.

Q no 4. — Who detailed you for such duty ?

Ans. — I was detailed for such duties by Mr. Inspector (Admn)

Q no 5. — What you performed the assigned duties for which you were detailed ?

Ans. — Yes

Q no 6. — Sir Shri Verma told you to pay 10% commission in T.A. claim before you were detailed for duty ?

Ans. — Yes

Q no 7. — Why did you agree ?

Ans. — I agreed because he might have told just for a joke so I did not take it seriously.

Q no 8. — Did you submit the T.A. bill just after completion of term ?

Ans. — Yes

Q. no. 9 :— What action was taken by Sr. Inspector (Admn) or by Accts Branch after submission of your bills?

Ans :— The TA bills were returned to me without thorough checking.

Q. no 10 :— What fare did you claim in your TA ~~for~~ bills?

Ans :— I did claim sleeper class.

Q. no. 11 :— Did you pay 10% commission to Shri S. Verma, Sr. Inspector (Admn)?

Ans :— ~~No~~ I did not pay for the TA bills ~~submitted~~ for tour during July-Aug/2001 but I paid 10% commission to Shri S. Verma in ~~for~~ paying ~~for~~ earlier TA bills.

Q. no. 12 :— Did you report it to Dte. T.C. SSB Hafiz?

Ans :— I submitted in writing to Dte. TCH on 29/9/2001.

Mr. Tiwari  
9/10/01

UDC  
TCH

The above statement and questionnaire are read over to me and ~~is~~ ~~with~~ correct.

Mr. Tiwari  
9/10/01  
UDC  
TCH

(42)

(13)

Statement of Shri SP Singh, AFO (G)  
 Training Centre, SSOS, Staffing recorded  
 on 9/11/2001

113

Shri SP Singh, is duly  
 warned to speak the truth, shall  
 that

On return from leave, 9  
 received a letter from S1 (Admn)  
 regarding payment of 10% commission  
 to En. Dmbr (Admn) for passing TA  
 bill.

9 submitted a reply to this  
 letter refuting that 9 did not pay  
 any commission to En. Inspector (Admn)  
 The allegation so far raised  
 by Shri Mr. T. Wani, 102 is false.

SP Singh

9-11-2001

Questionnaire

Q no. 1 — Qd you find any  
 problem in passing your TA bill?

Ans. — No

Q no 2 — Qd there any TA bill  
 pending for payment against you?

Ans. — No

The above statement/questionnaire  
 is read over and correct.

SP Singh

9-11-2001

(43) 114

Statement of Shri A.C. Phukan, Acctt. Jr.  
SSB Staffing, recorded on 25/10/2001.

Shri A.C. Phukan, is duly warned to speak the truth, states that -

Q. On return from Edicore on 11/10/2001, received a memo from Sr. Instructor (A) m/s. no. 11/10/2001/2000/SC/1/9486-96 dt 29/9/2001 regarding furnishing my opinion on passing of T.A. bills, 10% commission had been taken by S.C. Verma Jr. Inst (A) from me.

In reply I submitted my opinion to Sr. Instructor (A) on 11/10/2001 that no such commission was paid to any officer for passing of T.A. bills.

St. The allegation levelled by Shri N.K. Tiwari, M/o, Jr. Staffing is totally false.

*Ans* 25/10

#### Questionnaire

Q. no. 1 : - Who passes the T.A. bills of NGOs of SC Staffing?

Ans : - The T.A. bills of NGOs are passed by Acctt. Officer after duly scrutinised by dealing with <sup>an account</sup> of Account Branch.

Q. no. 2 : - What is the role of Sr. Instructor (Adm) in passing the T.A. bills?

Ans : - As a Controlling Officer, the T.A. bills of NGOs are countersigned by Sr. Instructor (A).

Q. no. 3 : - Can the Sr. Instructor (A) reject or accept the T.A. bills passed by Accts Officer?

*Ans* 26/10 Contd -

Ans: — Yes, he can reject, if he is not satisfied with claiming of the bill.

Q. m. 4: — What process is followed when a T.A. bill is rejected by Sr. Minister (A)?

Ans: — The TA bill is returned to the concerned claimant for removing objections and resubmission with compliance.

Q. m. 5: — Is there any such bill pending for removal of objections against Shri N. K. Tiwari, 2002?

Ans: — Only two TA bills are pending for passing for the period from 14/7/2001 to 22/7/2001 and 3/8/2001 to 19/8/2001.

Q. m. 6: — What is the present position of these 2 bills?

Ans: — These two bills are returned to Shri Tiwari by this office for re-submission after removing the objections. But in spite of repeated reminders the bills have not been re-submitted by Shri Tiwari till date.

Q. m. 7: — What were the objections in the bills?

Ans: — Shri Tiwari claimed 1st class Rly fare for which he was asked to submit the tickets for journey by 1st class. So just sign TA claim.

Q. m. 8: — Did you pay commission of passing / counter signing your TA bills to Sr. Minister (A) while your bills passed for payment?

Ans: — No.

JK Shw  
25/10

The above statement/questionnaire  
are read over to me and I will  
correct.

Recorded by me

Deane  
25/10

Amherst 100  
15/10/10

Statement of Shri R. C. Malla, M.D., Ex. Maffler  
recorded on 15.10.1967.

Shri R. C. Malla, M.D. in duly sworn  
speak the truth. State that —

A letter was served to me by  
Sri. Instructor (A) asking if I had paid  
any commission of 10% for passing my  
T.A. claims to Sri. Instructor (A). In reply  
I clarified that I did not pay any  
commission of 10% ~~either~~ to Sri. Instructor (A)  
or anybody for passing my T.A. Bills. The  
charges leveled by Sri. M.K. Tiwari, M.D.  
for paying of 10% commission to Sri.  
Instructor (A) for passing the T.A. claims  
is false.

*Sworn to this 15th Oct.*

(R. C. MALLA)  
M.D., T.C.H.

Questionnaire

Q. m. 1 ? — Have you got any knowledge  
regarding payment of 10% Commission  
to Sri. Instructor (A) for passing of T.A.  
bills by any other officer of Ex. Maffler?

Ans: — No.

Q. m. 2 — How can you say that  
10% Commission paid by officials of  
T.C.H. for passing of bills to Sri.  
Instructor (A) as leveled by Sri. Tiwari  
is false?

Ans: — Since I did not pay any  
commission to Sri. Instructor (A), so  
I personally can say that it is  
a false allegation.

Q. m. 3: — Have you got any information  
regarding payment of 10% commission  
to Sri. Instructor (A) for passing  
of T.A. bills by any other official?

Contd - 2

*Sworn to this 15th Oct.  
R. C. MALLA, M.D.*

The above statement of amisionaire  
is read over to me and admitted  
correct.

Records of me  
Our information

*Suram  
28/12/71.*  
(R. C. MALLA)  
UDC, TCH

(48)

(18)

Statement of Shri Jatinder Singh AFO(a)<sup>119</sup>  
S.I.C., Haldwani, recorded on 25/10/2001

Shri Jatinder Singh, AFO(a) duly  
warned to speak the truth, states  
that —

A letter was served by  
Sr. Inspector (A) regarding payment  
of commission to Sr. Inspector (A) ~~for~~ asking  
me if I had paid any commission  
for passing of T.A. claims. In reply  
I stated that <sup>was charged</sup> no such commission  
to any officer nor I paid any  
commission for passing my genuine  
T.A. bills. The charge made by Shri  
M.K. Jaiswal, U.O.C regarding payment of  
10% commission to Sr. Inspector (A)  
for passing of T.A. bills is false  
from my personal experience.

Jatinder Singh  
25-X-2001

Questionnaire

Q. no 1. : — Have you got any instance  
of claiming / paying 10% Commission to  
Sr. Inspector (A) for passing of TA  
bills?

Ans. — No

The above statement / questionnaire  
is read over to me in the language  
I understand and admitted correct.

Jatinder Singh  
25-X-2001

Q. 2  
S.I.C.  
Haldwani  
25/10/2001

(497) (P)

Statement of Shri Brahmanachari SFA(G), J.C. 120  
SSB, Haffong, recorded on 26/10/2001.

Shri Brahmanachari, in duly warned  
to speak the truth, states that —

I received a letter from Mr.  
Inspector (A) that I paid 10%  
commission to Mr. Inspector (A) for  
passing my T.A. bill as per charge  
made by Shri N.K. Tiwari, UQC.  
against Mr. Inspector (A). In this  
connection I submitted in writing that  
I did not pay any commission to  
anybody for passing my T.A. bill  
and this is false.

DKW

26/10/01

Questionnaire

Q.m.1: — Have you got any information  
of paying commission for passing of  
T.A. bill by Mr. Inspector (A)?

Ans: — No.

Q.m.2: — What may be reason of  
including your name in the list  
for payment of commission?

Ans: — It may be to blame Mr.  
Inspector (A) or to obtain support  
for him by the persons in the list.

The above statement and questionnaire  
are read over to me and admitted  
correct.

DKW

26/10/01

(50)

(60)

Statement of Shri A. Chhodkaray, Staff of 1/2  
Ic, 833, Haffong recorded on 26/1/2001.

Shri A. Chhodkaray, is duly warned  
to speak the truth, states that —

A letter was issued by Sr. Instructor (A) asking me if I had paid 10% commission to Sr. Instructor (A) for passing my J.A. bill. I submitted in writing that I never paid any amount to Sr. Instructor (A) for passing my J.A. bills for journeys performed by me on various dates. The charge made by Shri N.K. Tewari 110c. against Sr. Instructor (A) is false. Dr. <sup>26/1/01</sup>  
(A. P. Chhodkaray)

Questionnaire

26/1/01

Q. No. 1: — What do you think why your name is included in the list for payment of 10% commission for passing of J.A. bill by Sr. Instructor (A)

Ans: — I find no reason of including my name in the list of payment of 10% commission as I am surprised for it.

Q. No. 2: — Do you have any information of payment of commission by any official of this ZP for the purpose?

Ans: — No

The above statement and questionnaire are read over to me and admitted correct

Dr. <sup>26/1/01</sup>  
A. P. Chhodkaray  
S.P.D.S.  
26/1/01.

(51)

(27)

Statement of Shri Indrajit Das, LDC, of El.,  
SSB, Staff, recorded on 27/10/2009.

Shri Indrajit Das is duly  
warned to speak the truth, states that —

I submitted a reply in response  
to a letter issued by Sri. Instructor (A)  
regarding payment of 10% commission  
on passing of T.A. bills. I usually do  
not perform work as a ministerial staff  
but only once I was detailed to an  
escort of trainees of Advance Course  
who was medically unfit. I did not  
pay commission to Sri. Instructor (A)  
for passing of my T.A. bill. The allegation  
is false raised by Sri. N.K. Tiwari LDC  
against Sri. Instructor (A).

I.D.D  
27/10  
(INDRAJIT DAS)  
LDC

Questionnaire

Q.no. 6 : — Have you got any information  
of paying commission to Sri. Instructor (A)  
by any official ?

Ans : — No.

in red cross to the above statement/questionnaire  
is admitted correct.

I.D.D  
27/10  
(INDRAJIT DAS)  
LDC

(52)

(22)

(16)

Statement of Shri Gyan Prakash Paul SFA(G)  
of Tc., Hafizganj recorded on 27/4/2001.

Shri Gyan Prakash Paul is duly  
warned to speak the truth, states that —

I received a letter from  
Sri Instructor (A) regarding allegation of  
Sri N.K. Tiwari, that Sri S. G. was  
Sri Instructor (A) took 10% commission  
from me for passing my T.A. bill. I  
submitted a written reply that I did  
not pay any commission to Sri Instructor (A)  
as commission or no. The allegation  
is false.

J. Paul  
27/4/10

### Questionnaire

Q. no. 1 — What may be the reason  
of raising such allegation against  
Sri Instructor (A) by Sri N.K. Tiwari  
U.O.C.?

Ans. — I do not know.

Q. no. 2 — Do you find any  
difficulty in passing of your  
T.A. bill by Sri Instructor (A) ?

Ans. — No.

The above statement/questionnaire  
is read over to me and admitted  
correct.

J. Paul  
27/4/10

Statement of Shri S. Verma, Sr. Inspector (A) of  
S. S. S. Baffong recorded on 26/12/2007. p. 1

Shri S. Verma is duly warned to speak the truth, states that -

The allegation levelled against me regarding taking of 10% commission for paying in TA bills of N.K. Jiwan of S. S. S. Baffong is totally baseless and false. This is an attempt to tarnish my image as a Senior Inspector (A) of S. S. S. Baffong by Shri N.K. Jiwan, MDC.

P.M.  
26/12/2007

Questionnaire

Q. No. 1:— What may be reason of raising such type of allegation against you?

Ans:— I do not know the reason.

Q. No. 2:— Since when you know Shri N. K. Jiwan?

Ans:— I know Shri N. K. Jiwan MDC since my posting in Training Centre in Oct/99.

Q. No. 3:— Is there any issue regarding claiming of TA bill by Shri N. K. Jiwan?

Ans:— Yes, Shri Jiwan was detailed to attend Court <sup>Cars</sup> at Guwahati during Sept/2007 and High Court, Kolkata during July/2007. He submitted TA bill on return/completion of his journey. The bill was returned to the official with objection to produce 1st class Rly. tickets as he claimed 1st class Rly. fare for journey travelled by him.

Contd.— 2

(53)

(29)

125

Ques:— Will the re-submitted bill after compliance?

Ans:— No

P.S. The above statement and questionnaire are read over to me and admitted correct.

✓ J.M.  
J.B.K. (signed)

55

ANNEXURE-XII

P

File ST (Adm)  
TC HAF LONG



Pb

With reference to Office Circular No. 1/SMKT/99/TCH/1  
dated 12/12/01 regarding Collection of amount  
from officials/officers of TC Haf Long by Shri N. D. Tiwari  
UDC for filing of a Case in Court challenging the  
Suspension of LTC facility to Central Govt employees  
In this Connection it is brought to your kind notice  
that I have given an amount of Rs. 100/- (Rupees one hundred)  
to Shri N. D. Tiwari UDC and the same amount has  
yet been returned to me by Shri N. D. Tiwari UDC

Thanking you

Enc 181/907

On file

(M. K. R.)  
80/11/25

Yours faithfully

(K.R.)

(KISHOR RAM)

Ad(s)

To

The S.I.(Adm)  
T.C. Haflong.

Sir,

With reference to office circular No. 1/5/NKT/99/TCH/11628-31 dated 12/12/01 regarding collection of amount from officials/officers of TC Haflong by Shri N.K. Tiwari, UDC for filing of a Case in Court challenging the suspension of LTC facility to Central Govt. employees

2. In this connection it is brought to your kind notice that I have given an amount of Rs. 100/- (Rupees One hundred) only to Shri N.K. Tiwari UDC and the same amount has not yet been returned to me by Shri N.K. Tiwari UDC.

Thanking you Sir.

Dated 18/12/01.

Yours faithfully

Sd/-  
( KESHAR RAM)  
AFO(G).

57

128

To  
The Senior Instructor(Admn),  
Training Centre, SSB,  
Haflong.

Sir,

With reference to your Circular No. 1/5/NKT/99/TCH/11628-31 dt. 12/12/2001 regarding collection of amount from officers/officials of TC SSB Haflong by Shri N.K.Tiwari, UDC for filing of case in Court challenging the suspension of LTC facility to Central Govt. employee.

2. In this regards, it is brought to your kind notice that I have given an amount of Rs. 100/- (Rupees one hundred) only to Shri N.K. Tiwari, UDC and the same amount has not returned to me by Shri Tiwari, UDC as yet.

Thanking you Sir,

Yours faithfully,

Sd/-

20.12.2001

(AMREJ SINGH )  
SFA(G).

Dated : 20.12.2001.

58

ANNEXURE-XII

To

The Senior Instructor (Adm),  
 Training Centre, SSB  
Itaflong



Sir,

With reference to your circular no. 1/57/NKT/99/TCH/11628-3 dt. 12/12/2001 regarding collection of amount from officers/officials of TC, SSB Itaflong by Shri N. K. Tiwari, UDC for filing of case in court challenging the suspension of LTC facility to Central Govt. employee.

DUP

ES

2. In this regard, it is brought to your kind notice that I have given an amount of Rs. 100/- (Rupees one hundred) only to Shri N. K. Tiwari, UDC and the same amount has not returned to me, by Shri Tiwari, UDC as yet.

Thanking you sir,

Dated: 26/12/2001

Yours faithfully  
 (Anil Singh)  
 SFA (G)

(59)

100

To

The Senior Instructor(Admin)  
TC HAFLONG.

Sir,

With reference to office circular No. 1/5/NKI/99/TCH/ 11628-31 dated 12/12/2001 regarding collection of amount from officials/officers of TC Haflong by Shri N.K. Tiwari UDC for filing of a Case in Court challenging the suspension of LTC facility to Central Govt. employee.

2. In this connection it is brought to your kind notice that I have given an amount of Rs. 100/- (Rupees One hundred) only to Shri N.K. Tiwari UDC and the same amount has not yet been returned to me by Shri N.K. Tiwari UDC.

Thanking you Sir,

Yours faithfully

Sd/-  
( S.K. Singh)  
Driver.

Dated 18.12.2001.

To The Senior Instructor (Adm)

T.C. HAFLONG

ANNEXURE XIV

(2)

60



With reference to office circular No. 115/MKT/99/TCH/2003 dated 12/12/2003 regarding collection of amount from officials/officers of T.C. Haflong by Shri N.K. Tiwari for filing of a case in Court challenging the suspension of T.C. faculty to Central Govt. employee.

In this connection it is brought to your kind notice that I have given an amount of Rs. 100/- (Rupee one hundred) to Shri N.K. Tiwari UDC and the same amount has not been returned to me or Shri N.K. Tiwari UDC.

Thanking you Sir,

Yours faithfully

Sir

(Sik Singh)

Dated

8/12/01

Parupi Debi  
Mukherjee  
2011/01/01

Dated

(61)

P.S.V

To

The Senior Instructor(Adm),  
T.C. HAFLONG.

Sir,

With reference to office Circular No. 1/5/NKT/99/TCH/11628-31 dated 12/12/01 regarding collection of amount from officials/officers of TC Haflong by Shri N.K. Tiwari UDC for filing of a Case in Court challenging the suspension of LTC facility to Central Govt. employee.

2. In this connection it is brought to your kind notice that I have given an amount of Rs. 100/- (Rupees One hundred) only to Shri N.K. Tiwari UDC and the same amount has not yet been returned to me by Shri N.K. Tiwari UDC.

Thanking you.

Yours faithfully,

Sd/-

Dated 19-12-01

(Pawan Kumar)

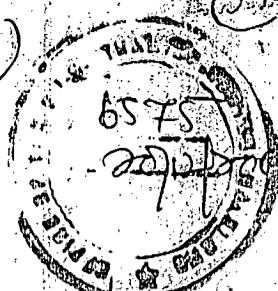
SFA(Carpenter)

31

62

133

To The Senior Instructor (Adm)  
 T C HAGLONI



With Reference to Office Circular No 115/NET/98/TCI  
 Dated 12/11/98 regarding Collection of amount  
 in officials/officers of T C HAGLONI by Shri U. B. Tiwari  
 Ude for filing of a Case in Court challenging the  
 Suspension of LTC facility to Central Govt. employee.

In this Connection it is brought to your kind notice  
 that I have given an amount of Rs. 100/- (Rupees one-  
 hundred) only to Shri U. B. Tiwari Ude and the same  
 amount has not yet been returned to me by  
 Shri U. B. Tiwari Ude.

Thanking you.

9-12-01

Yours faithfully

Rawat Kumar

(Rawat Kumar)

SGA (Carpenter)

Put up on file  
 M  
 20/12/01

(63)

144 ANNEXURE-XVI

No. 1/5/NKT/99/TCH/ 1257

Government of India,  
Ministry of Home Affairs,  
O/O the Deputy Inspector General,  
SSB, Training Centre, Haflong  
Dist: N.C. Hills, Assam 780016.

134

Dated the 26/12/2001

MEMORANDUM

Some of the officials have submitted their representation to this office intimating that Shri N.K. Tiwari, UDC, SSB, IC, Haflong has collected Rs.100/- from each of them for filing of a case in Court challenging the suspension of LIC facility to Central Government Employees.

2. Shri N.K. Tiwari, UDC, SSB, IC, Haflong is hereby directed to explain as to who and by whom ever the amount was collected.

3. His explanation should reach the undersigned latest by 31.12.2001 positively.

*Arch*  
S.C. (26/12/2001)  
S.D.C. INSTRUCTD.(A),  
TRAINING UNITE, HAFLONG.

To

Shri N.K. Tiwari, UDC,  
SSB, Training Centre,  
Haflong.

*26/12/2001*

To

(64)

The Sr. Instructor (Admn)

TC 883 Haffony

6927

(49)

ANNEXURE-XVI-A

135

Sir,

Kindly refer to TCH. memo No. 1151 (MKT) 99/TCH/112075 dt 26/12/01 regarding collection of Rs 100/- from each official for filing Court Case.

On file  
EST  
M  
3/12/2001

2. In this regard it is submitted that the allegations against me is totally false, fabricated and fragment of malafide emanation.

3. The Service of memo is incomplete as the representations of the officials as alleged in the same has not been given to me along with it.

4. That even if the allegation are true it is nowhere required under any law that permission/order has to be taken to collect money to file a case & fight the our legal rights.

5. That earlier a case was filed in the Hon'ble CAT Gauhati for grant of creation money and we ~~had~~ had obtained a favourable orders. Even in this case money was collected by the officials to meet the expenses of the case. However no action against anybody in this regard has been taken by anybody till date.

Yours faithfully

D 31/12/01

(N.K. THAKARI)

UOE  
TC 883 Haffony.

No.1/5/NKT/99/TCH/ 2926

Govt. of India,

Ministry of Home Affairs,

Office of the D.I.C. SSB

Training Centre, Haflong.

Dist : N.C. Hills, Assam.

Dated the, 6/4/02

O R D E R

The following officials of TC, SSB, Haflong namely, : (1) Shri Pawan Kumar, SFA(Carpenter) (2) Sh. Keshar Ram, AFO(G) (3) Sh. Suraj Kumar Singh, Driver (4) Sh. Amrej Singh, SFA(G), vide their representation have intimated this Office that they have given Rs.100/- (Rupees one hundred) only each to Shri N.K.Tiwari, UDC for filling case in Court for challenging the decision of G.O.I. for suspension of LTC facility to Central Govt. employee. The amount so collected by Shri Tiwari, UDC not yet returned by him to the officials as intimated.

With reference to this Office Memo No.1/5/NKT/99/TCH/1618 dated 19/02/2002, Shri N.K.Tiwari, UDC was asked to return the money collected from the official concerned immediately. But he intimated to this Office vide his application dated 11.03.2002 that he has not collected money from any official of TCH.

It is, therefore, proposed to conduct a preliminary enquiry into the matter. Shri B.S.Tharkoti, SAO(Instr)TC, SSB, Haflong is hereby appointed as Preliminary Inquiry Officer to conduct the enquiry and submit the report after resuming duty by Shri N.K.Tiwari, UDC from leave. Shri Tiwari, UDC has been granted 30 days EL w.e.f. 5.4.2002 to 4.5.2002.

All relevant documents/papers in this regard may be collected by him from Estt. Branch, TCH.

5/4/02  
( K.D. SINGH )  
Deputy Inspector General,  
Training Centre, SSB, Haflong.

TO

Shri B.S. Tharkoti, SAO(Instr)/I.O.  
Training Centre, SSB, Haflong.

\*\*\*



tally. However, he could not recognise the names as in his own words " I was not interested as I was busy in other works."

(5) That, he had witnessed Sh. Amrej Singh, SFA(G) and Sh. Pawan Kumar, SFA(Carpenter), handing over some amount to Sh. N.K. Tiwari, UDC, inside the Trd. branch. But he could not give the reason for which purpose the amount was given to Sh. N.K. Tiwari, UDC. As per Sh. Sahoo, LDC, the amount was paid during the time of pay disbursement, plus-minus one day.

III. Shri N.K. Tiwari, UDC of T.C. Haflong was summoned to appear before the I/O in order to give his statements in person. After going through the statements of Sh. N.K. Tiwari, UDC, the following facts are ascertained:

(1) That, he has filed a defamation case against Sh. Amrej Singh, SFA(G). Sh. Keshar Ram, AFO(G). Sh. Pawan Kumar(Carpenter) and Sh. Suraj Kumar Singh, Driver in the Haflong Court vide CR 154/2002 worth Rs.50,000/- against each persons above without seeking prior permission from the Department.

(2). In his statement adduced to the I/O Sh. Tiwari, has however, stated that the representation made by the above four officials regarding giving him Rs.100/- (One hundred) only by each one, is a malafide story which has come up due to the pressure of Sh. S.C. Verma, Sr. Instructor (Admn.). Since he has filed a corruption case against Sh. S.C. Verma, Sr. Instructor (Admn.) in the Haflong Court and hence Sh. Verma want to indulge him in any type of case to remove him of his service.

(3) Shri N.K. Tiwari, in his statement has not confessed to any of the charges as alleged by the above four officials.

#### 11. OPINION OF THE INQUIRY OFFICER:

After going through the written recorded statements of all concerned, the inquiry officer is of the opinion that:

1. During June/July, 2001, there must have been a campaign going on in T.C. Haflong, to file a case in the Court of Law in order to get the suspension of LTC facility lifted by the Govt.

2. For filing the case as such, the funds might have been collected for the legal expenditure, that includes fee for the advocate(s) or other legal exigencies.

3. Since the four official namely Sh. Amrej Singh, SFA(G), Sh. Keshar Ram, AFO(G), Sh. Pawan Kumar, SFA(Carpenter), Sh. Suraj Kumar Singh, Driver are not the resident of N.E. region and for whom the resumption of LTC facility would have been a boon (as they have to travel a longer distance) to visit their native places, therefore, they might have contributed Rs.100/- each towards the legal expenses in order to get the suspension of LTC facility lifted (by the order of

the court) or withdrawn. (However the facts are not established in absence of any proof thereof).

4. It has however, been confirmed by one of the witnesses SL.No.10-II C (5) that, Sh. Sahoo, LDC a co-official of Sh.N.K. Tiwari, UDC in the Training branch had witnessed that, Sh. Amrej Singh, SFA(G) and Sh. Pawan Kumar, SFA(Carpenter) had actually paid some amount to Shri N.K. Tiwari, UDC inside the Training branch in his presence. This circumstantial evidence is indicative in itself that, Sh. N.K. Tiwari, UDC was involved in collection of funds to meet the legal expenses in the court of law.

5. Since all the officials who had stated that they had given Rs.100/- each to Sh. N.K. Tiwari, UDC, are from different branches having a different set of job assigned to them, there could not be a malafide intention against Sh. N.K. Tiwari, UDC.

6. Sh. Chandra Kanta Borah (Bhisti) and Sh. A. Sahoo, LDC, both of whom were working in the Training branch for the period under investigation, has deposed the fact that, there were quite a numbers of conversation going on inside the Trg. branch in between several staff members and Sh. N.K. Tiwari regarding the filing of a court case for challenging the Govt. orders of suspending the LTC facilities of central Govt. employees serving in N.E. region, since court cases cannot be filed without certain fees and since under such circumstance, generally all the would be beneficiaries are always contributing towards the legal expenses, hence the claim of the four officials regarding giving Rs.100/- by each one of them towards the legal expenses seems to be correct.

7. It is also opined that, initially there was no intention of any wrongful gains on the part of Shri N.K. Tiwari, UDC, even if he had collected the said amount from above four officials.

8. But if the amount collected as such was not used for the purpose, it was collected for, it should have been refunded back to the payees.

9. If the fact is ascertained in the future course of inquiry that, the amount was actually paid to Shri N.K. Tiwari, UDC, by the officials and was not utilised for the purpose it was collected for, and even then, the unutilised amount was never refunded to the payee by Sh. N.K. Tiwari, UDC, then, the practice followed by Sh. N.K. Tiwari, UDC may be termed as the practice for wrongful gains.

10. Even if the fact is established in future courses of inquiries, the fact remains that, the amount paid and collected as such is completely a personal transaction and is not official. since there seems to be mutual consent and understanding between the N.K. Tiwari, UDC and other officials who might have given him Rs.100/- for filing the court case.

contd.../-

The findings and the opinions is submitted alongwith the recorded statements from Annexure 'A' to 'H' to the DIG, Training Centre, Haflong for his perusal and necessary action with the remarks that, reasonable opportunity was extended to all concerned to adduce/depose every fact they want to bring to the notice of the inquiry officer.

All the recorded statements are duly signed by the Officials/witness and counter signed by the Inquiry Officer.

The opinion and inferences are drawn after going through the statements of all concerned.

A/A

Enclo:- Recorded statements  
from Annex 'A' to H in  
duplicate.

*B.S. Tharkoti*  
03-08-19  
( B.S. THARKOTI )  
SAO, INSTRUCTOR  
Preliminary Inquiry Officer.

69

## COURT RECORDS

40

| Date of application for the copy. | Date fixed for satisfying the application for the copy. | Date of delivery into court. | Date of delivery into court. |
|-----------------------------------|---|------------------------------|------------------------------|
| 20.2.02                           | 20.2.03   | 20.2.02                      | 20.2.02                      |
|                                   |   |                              | 20.2.02                      |
|                                   |   |                              | 20.2.02                      |
|                                   |   |                              |                              |

Complaint copy of order passed by C.R.O. Manning Addl.

Deputy Commissioner, N.C.W.L.D., Manning Court in connection with C.R.C.C. No. 143/2001.

- 1) Add. Commissioner N.C.W.L.D.
- 2) C.R.O. Manning.

—  
Dated 20.2.02.

Complaint filed by C.R.O. Manning through the Lawyer alleging that there is no complaint registered. It is submitted by the Lawyer that without proper complaint from the complainant authority to registered U/S 107 C.R.P.C., the trial of this case cannot proceed.

It is, therefore, ordered that the complaint Number - 143/01 be registered by the Lawyer today in the court to proceed to criminal prosecution complaint from the complainant authority in cases to prosecute C.R.O. Manning, an employee of the Central Government.

In the meantime further proceeding of this case is stayed.

CERTIFIED TO THE REGISTRY.

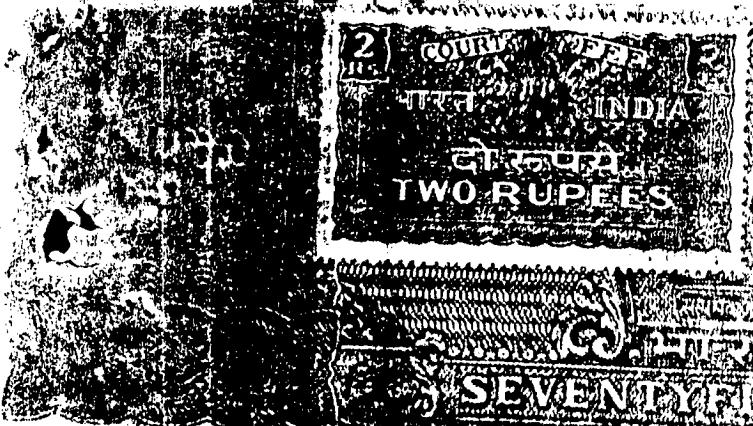
CC/-

Reed Asstt. C.R.O.,  
Deputy Commissioner's Office,  
North Cachar Hill Distr.,  
Naflim.

C.R.O., Manning,  
Addl. Deputy Commissioner  
N.C.W.L.D.,  
Manning Court.

70

(41)



SEVENTY FIVE

| प्रतिक्रिया के लिए वर्तमान तिथि<br>Date of application for<br>the copy. | अपेक्षित स्टाम्प और फोलियो की अपेक्षित<br>संख्या सूचित करने की निश्चित<br>तारीख<br>Date fixed for notifying<br>the requisite number of<br>stamps and folios. | अपेक्षित स्टाम्प और फोलियो<br>देने की तारीख<br>Date of delivery of the<br>requisite stamps and<br>folios. | हालिया<br>वर्तमान तिथि<br>Date of<br>now<br>Date of<br>now |
|---|--|---|--|
| 28.2.02   | 28.2.02  | 28.2.02   | 28.2.02  |

**Certified copy of order passed by Shri S. C. Verma, Deputy Commissioner, M.C. Hills Haflong Courts in connection with the following Case No. 146/2001.**

88

26.2.2002  
26.2.2002

O R D E R  
Dt. 26.2.02

Seen petition filed by Sri S.C. Verma through his lawyer  
alleging that there is no sanction against him to prosecute him  
his lawyer that without prior sanction from the court he cannot  
try as required U/S 197 Cr.P.C., the trial can not be  
proceed.

It is, therefore, ordered that the said petition filed by Sri S.C. Verma  
who is represented by his lawyer to-day in the court is allowed  
to obtain prosecution sanction from the court in due course  
in order to prosecute Sri S.C. Verma, by the court  
Government.

In the meantime further proceeding will be stayed. **CERTIFIED TO BE TRUE COPY**

Head Assistant Addl.  
Deputy Commissioner's Office  
North Cachar Hills Dist

Typed by :-

*Debbarma*  
28/2/02

Campbell

71

1

No. 1/23/Estt/2001/TC/ 6736-40  
 Government of India,  
 Ministry of Home Affairs,  
 O/o the Dy. Inspector General,  
 Training Centre, SSB, Haflong.

Dated, the 19/8/02

O R D E R

Whereas a disciplinary proceeding against  
 Shri N.K. Tiwari, UDC is contemplated.

Now, therefore, the undersigned in exercise  
 of the powers conferred by sub-rule (1) of Rule-10 of  
 the Central Civil Service Classification, Central and  
 Appeal) Rules, 1965, hereby places the said Shri N.K. Tiwari,  
 UDC 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.K. Tiwari, UDC should be Training Centre, SSB,  
 Haflong and the said Shri Tiwari shall not leave the  
 headquarters without obtaining the previous permission  
 of the undersigned.

*[Signature]* 19/8/2002  
 K.D. SINGH  
 Deputy Inspector General,  
 Training Centre, SSB, Haflong.

Copy to :-

1. Shri N.K. Tiwari, UDC, o/o the DIG,  
 Training Centre, SSB, Haflong. Orders  
 regarding Subsistence allowance  
 admissible to him during the period of  
 his suspension will issue separately.
2. The Senior Instructor(Admn.), T.C. Haflong.
3. The Senior Instructor(Try.), T.C. Haflong  
 for information and necessary action.
4. The Accounts Officer, T.C. Haflong for  
 information and necessary action.
5. P/F

*S.P.M.*

72

ANNEXURE-XIX

No.1/6/DE/NKT/02/TCH/ 6875  
Government of India.  
Ministry of Home Affairs  
O/f the Dy. Inspector General  
Training Centre, SSB, Haflong.

Dated, the 21/8/02

MEMORANDUM

The undersigned proposes to hold an inquiry against Shri N.K.Tiwari, UDC under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of each article 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 N.K.Tiwari, UDC 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 charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Shri N.K.Tiwari, UDC 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 N.K.Tiwari, UDC 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 for further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Shri N.K.Tiwari, UDC is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS (Conduct) Rules, 1964.

6. The receipt of the memorandum may be acknowledged.

21/8/02

( K.D. SINGH )

DY. INSPECTOR GENERAL  
TRAINING CENTRE, HAFLONG.

Shri N.K.Tiwari, UDC.  
Training Centre, SSB  
Haflong: N.C. Hills:  
Assam: PIN-788820:

C/C

73

12

1441

ANNEXURE-I

Statement of articles of charge framed against  
Shri N.K. Tiwari, UDC.

ARTICLE-I

That the said Shri N.K. Tiwari, UDC while .. functioning as UDC in the Office of DIG, Training Centre, Haflong had complained against Shri S.C. Verma, Senior Instructor(Adm), Training Centre, Haflong with allegation that Shri Verma had passed all the TA Bills of NGOs who proceeded on official tour to Delhi and other places after taking 10% commission from the officials in advance since 1999. The allegation levelled against Shri S.C. Verma, Senior Instructor(Adm) are completely baseless and fabricated. He thus exhibited non-maintenance of integrity and his act and conduct is unbecoming on being a Govt. servant. He thus violated Rule-3(1)(i) &(iii) of CCS(Conduct) Rules, 1964.

ARTICLE-II

That the said Shri N.K. Tiwari, UDC while functioning in the aforesaid office had collected Rs. 100/- each from staff members of TC, Haflong namely Shri Keshar Ram, AFO(G), Shri Suraj Kr. Singh, Driver, Shri Amrej Singh, SFA(G) and Shri Pawan Kumar, SFA(Carpenter) in view of filing a case in the court of law in the matter of ban on LTC which subsequently lifted by the Govt. in respect of members of CPMFs posted in the North Eastern Region resulting which the case need not filed in the Court of law. In spite of written communication served to him, Shri Tiwari denied about his collection of said amount from concerned officials and straightway filed a case in the court of A.M.C. N.C. Hills, Haflong against the aforesaid officials vide CR No. 154/2002 under section 500 IPC. His act and conduct thus regarded grossly immoral and has not maintained integrity which is unbecoming on the part of Govt. servant. He thus violated Rule-3(1)(i)&(iii) of CCS (Conduct) Rules, 1964.

ANNEXURE-II

Statement of imputation of misconduct or misbehaviour in support of the articles of charge framed against Shri N.K. Tiwari, UDC.

ARTICLE - I

That Shri N.K. Tiwari, UDC had submitted a written report against Shri S.C. Verma, Senior Instructor(Adm) TC, Haflong vide his letter dated 29.9.2001 bringining allegation of taking gratification of 10% commission from NGOs since 1999 naming the following officials :

1. Shri D.C. Phukan, Accountant
2. " Indrajit Das, LDC
3. " R.C. Malla, UDC
4. " A.P. Chhotarey, Steno
5. " Jalim Singh, AFU(G)
6. " S.P. Singh, AFU(G)
7. " G.P. Paul, SFA(G)
8. " Brahmachari, SFA(G)
9. " N.K. Tiwari, UDC(Complainant).

During the course of prima facie enquiry conducted by Shri R.K. Sarma, Senior Instructor(Engg) TC, Haflong, all the above officials except Shri Tiwari have stated in their statements that allegation brought against Shri S.C. Verma, SI(A) is quite baseless and false. The complainant Shri Tiwari also could not give any material evidence in support of alleged allegation. The allegations are completely baseless and malicious. His act and conduct thus exhibited utter disrespect of superior authority and also reveals his doubtful integrity and gross moral misconduct. His further retention in service is quite unsafe and untrustworthy as the authority could not rely his faithfulness.

ARTICLE - II

That Shri N.K. Tiwari, UDC had received Rs.100/- each from S/Shri Keshar Ram, AFU(C), Surej Singh, SFA(G) Suraj Kr. Singh, Driver and Ramu Kumar, TA(Carpenter)

75

10

146

- 2

Surcharge/

Jointly in the  
Govt. regarding  
Govt. employees  
served as the  
AO, CRPF, now  
Shri Tilwari has  
above named offi-  
required for in-  
cation served  
amount, he has  
authority and has  
any amount from  
this he also in-  
over the patty  
by his official  
shows doubtful  
servant. His fur-  
undesirable on the  
In order to file a case  
of Law against the order of  
sension of LTC facility to Central  
which at later stage need not to be  
ility restored to the members  
the North Eastern Region. But  
refunded the said amounts to the  
s although the amount no longer  
rpese. In spite of written com-  
do by the authority to re-pay the  
amount, he has  
pledge to the order of his  
so stated that he has not collected  
officials of TC, Raflang. Besides  
this he also in-  
is to take the shelter of <sup>His</sup> Court  
which should have been collected  
rity. His act and conduct thus  
shows doubtful  
ity and is unbecoming as a Govt.  
servant. His fur-  
retention in service is most  
undesirable on the  
spared of serious such misconduct.