

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 3.99/02
R.A/C.P No.
E.P/M.A No. 13.103

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SECTION OFFICER (Jud.)

Kalita
27/12/117

(SEE RULE - 4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

ORDER SHEET

Original Application No : 399/02
Misc. Petition No. _____
Contempt Petition No. _____
Review Application No. _____

Applicant(s): Fanai Nahar

- vs. -

Respondent(s): H. O. S. Tomy

Advocate for the Applicant(s): K. P. Pathak, S. K. Sharma, D. Pathak

Advocate for the Respondent(s): Mr. A. Deb Ray, P. N. Borocum, S. C. Acharya

Notes of the Registry	Date	Order of the Tribunal
1. The application is in form but not in time 2. Contempt Petition is filed/ not filed C. F. for Rs. 50/- deposited vide IPO/B/ No. 24.626973 Dated 16.12.02	18.12.02	Stand out. List again on 24.12.2002 for admission.
<i>By Register.</i>	mb 24.12.02	Vice-Chairman Heard Mr. S.K. Sharma, learned counsel for the applicant. The application is admitted. Call for the records. List on 29.1.2003 for orders.
<i>Slip & Envelope letter. Notice referred and sent to A.D.S for serving the respondent No 182 by Regd. A.D.</i> <i>6/1/03</i> <i>DPN 50/51 dt 11/9/03</i>	mb	<i>T. C. Usha</i> Member Vice-Chairman

(2)

29.1.2003 Present : The Hon'ble Mr. Justice
D.N.Chowdhury,
Vice-Chairman.

The Hon'ble Mr. S.K.Hajra
Administrative Member.

Heard Mr. S.K. Sharma,
learned counsel for the applicant.
Mr. A.Deb Roy, learned Sr. C.G.S.C.
for the respondents prayed for time
for filing written statement. Since
the matter pertains to pensionary
benefit, we order the respondents to
file written statement within three
weeks from today.

List again on 18.2.2003
for further orders.

No written statement
has been filed.

30
17.2.03.

Sum
Member

Vice-Chairman

mb

18.2.2003 Present : The Hon'ble Mr. Justice D.N.
Chowdhury, Vice-Chairman.

The Hon'ble Mr. S. Biswas,
Administrative Member.

No written statement so far
filed. List again on 18.3.2003 for
written statement on the prayer made
by Sri A. Deb Roy, learned Sr. C.G.S.C.
for the respondents.

S.Biswas
Member

Vice-Chairman

mb

18.3.2003

put up the matter on 20.3.2003
alongwith M.P.13/2003.

Vice-Chairman

bb

20.3.2003

List the case on 24.4.2003 for further
order.

Not taken
28/3.

No. wks has been
filed.

bb

Vice-Chairman

24.4.2003

Heard Mr. P.N. Goswami, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents.

Mr. A. Deb Roy, learned Sr. C.G.S.C. appearing on behalf of the respondents stated that so far the vigilance clearance in respect of the applicant is concerned order to that effect was passed on 11.2.2003 by the Govt. of India, Ministry of Home Affairs vide letter No. 14040/21/2001-UTS.I. Mr. P.N. Goswami, learned counsel for the applicant stated that by this O.A., the applicant also prays for finalisation of his pension and other retirement benefits. The respondents may file written statement within four weeks from today.

Pendency of the application shall not stand in the way of the respondents to finalise the pensionary benefits of the applicant.

List again on 26.5.2003 for orders.


Vice-Chairman

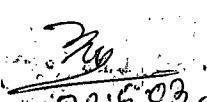
mb

26.5.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman

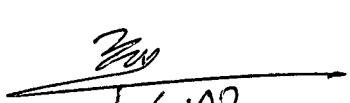
The Hon'ble Mr. S.K. Hajra, Member (A).

Heard Mr. P.N. Goswami, learned counsel for the applicant. Mr. A.K. Choudhury, learned Addl. C.G.S.C. stated that the matter is entrusted by Mr. A. Deb Roy, learned Sr. C.G.S.C. and he is not aware of any development. List the matter again on 9.6.2003 in presence of Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents.

No written statement has been filed.


26.5.03

No written statement has been filed.


6.6.03 -

9.6.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.

The Hon'ble Mr. R.K. Upadhyaya, Member (A).

Heard Mr. P.N. Goswami, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents.

has

The O.A. is directed and arisen on the issue of non finalisation of the pension and other retirement benefits.

From the communication dated 14.5.2002 issued by the Secretary, Public Grievances Commission, Govt. of NCT of Delhi addressed to the Dy. Secretary, Ministry of Home Affairs, Govt. of India, North Block, New Delhi it appears that the pension of the applicant could not be fixed for want of vigilance clearance. Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents referred to instructions that he received from the Ministry of Home Affairs. Mr. Deb Roy also brought to our attention the communication dated 11.2.2003 issued by the Under Secretary to the Govt. of India addressed to the Secretary, Government of NCT of Delhi indicating that vigilance clearance was issued and the applicant was shown clear from the vigilance. Since the

vigilance clearance was given the authority is now to and shall act upon to finalise the pension and other retirement-benefits as per law and levied steps for disbursal of the

with utmost dispatch.

The application thus stands disposed of. No order as to costs.

If no appearance
disbursed. It is thus
ordered of this day.

Member

9/6/03

Vice-Chairman

O.A. No. 399/2002.

Notes of the Registry	Date	Orders of the Tribunal
	9.6.2003	Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman. The Hon'ble Mr. R.K. Upadhyaya, Member (A).
		Heard Mr. P.N. Goswami, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents.
		The O.A. is directed and has arisen on the issue of non finalisation of the pension and other retirement benefits. From the communication dated 14.5.2002 issued by the Secretary, Govt. of NCT of Delhi addressed to the Dy. Secretary, Ministry of Home Affairs, Govt. of India, North Block, New Delhi, it appears that the pension of the applicant could not be fixed for want of vigilance clearance. Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents referred to instructions that he received from the Ministry of Home Affairs. Mr. Deb Roy, also brought to our attention the communication dated 11.2.2003 issued by the Under Secretary to the Govt. of NCT of Delhi indicating that vigilance clearance was issued and the applicant was shown clear from the vigilance. Since the vigilance clearance was given the authority is now to act upon and finalise the issue and take all steps for disbursal of the retiral benefit with utmost dispatch if not already disbursed. It is thus ordered accordingly.
		The application thus stands disposed of. No order as to costs.

11.6.2003

Copy of the order
has been sent to the
Office for issuing
the same to the applicant
as well as to the
Sr. C.G.S.C. for the
Ref. Dr.

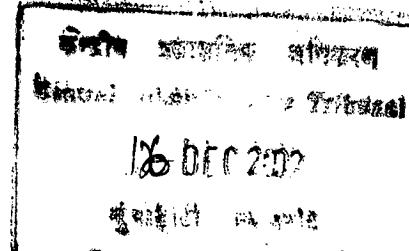
Yours

D.N. Chowdhury

6
Notes of the Registry

Date

Orders of the Tribunal



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
(An application under Section 19 of the Central Administrative
Tribunal Act, 1985.

Title of the Case : O.A. NO. 399 OF 2002

Sri Fanai Pahnuna Applicant.

-VERSUS-

Union of India & Anr. Respondents.

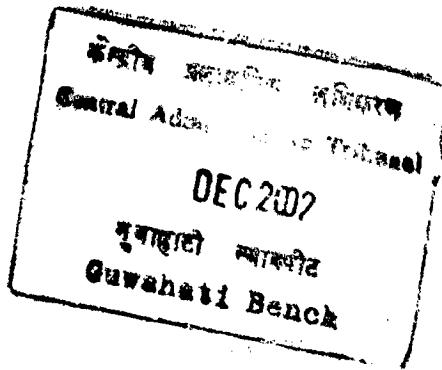
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For use in Tribunal's Office

Registration NO. _____

Date of Filing. _____



8

Filed by:-

Fanai Pahnuu

- Applicant
Through: Sanjeev Krishnamoorthy
Date: 02/12/2002

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
(An application under Section 19 of the Central Administrative Tribunal Act, 1985.)

O.A.NO. 399 OF 2002

BETWEEN

1. Sri Fanai Pahnuu,
Son of Late F. Sawikunga,
Resident of Chanmari, Aizawl
District : Aizawl, Mizoram.

...Applicant.

AND

1. The Union of India,
Represented by the Secretary,
Ministry of Home Affairs,
Government of India,
North Block, New Delhi-1.

2. The Deputy Secretary,
Ministry of Home Affairs,
Government of India,
North Block, New Delhi-1.

3. The Secretary,
Public Grievances Commission,
Govt. of NCT of Delhi,
McBlock, 2nd Floor, Vikas Bhawan,
New Delhi, on the order passed
in MP.13/03.

.....Respondents.

DETAILS OF APPLICATION

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

(i) Non-issuance of necessary vigilance clearance in favour of the applicant by the Respondent No.2 to so as to enable finalisation of the pension and other retirement benefits due to the applicant.

[2]

(ii) Non-finalisation of the pension and other retirement benefits due to the applicant.

2. JURISDICTION OF THE TRIBUNAL:

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

3. LIMITATION:

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

4. FACTS OF THE CASE:-

4.1 That the applicant is a citizen of India and permanent resident of Aizawl, Mizoram and as such he is entitled to all the rights and protection guaranteed under the Constitution of India and the laws framed thereunder.

4.2 That the applicant was appointed to the Indian Administrative Service (AGMU cadre) by direct recruitment in the year 1965 and joined as Assistant Commissioner at Tezpur and Jorhat, Assam in the year, 1966. Thereafter, the applicant served in various capacities at different places of posting and in the year 1990, the applicant was appointed as Chief Secretary to the Government of Mizoram in which post he continued till 1993. Thereafter, the applicant was appointed as Managing Director, DSFDC Ltd. cum Principal Secretary (SC&ST), Government of NCT of Delhi in 1994 and he continued in the said post till 1998.

4.3 That in the year 1998, the applicant was appointed as Member (full time), Public Grievances Commission, Government

Contd....p/

Fauzai Pathnuna

10

[3]

of NCT of Delhi and the applicant retired from Government Service on 31/1/2001.

A copy of the Notification dated 9/2/2001 notifying the retirement of the applicant from service is annexed herewith and marked as ANNEXURE-1.

4.4. That on the day prior to his retirement, the applicant was served with a Memorandum dated 30/1/2001 issued by the Deputy Secretary to the Government of India, Ministry of Home Affairs informing the applicant that it is proposed to hold an inquiry against him under Rule 8 of the All India Services (Discipline and Appeal) Rules, 1969. Along with the said Memorandum, the statement of Articles of charges, a Statement of imputation of misconduct or misbehaviour, and a list of document and witnesses were also enclosed.

4.5. That the applicant submitted his written statement of defence dated March, 2001 categorically denying all the charges made against him. In the said written statement the applicant answered in detail, along with documents, all the charges made against him. The applicant also raised objection as to the jurisdiction of the present Disiplinary Authority to institute proceedings against him.

4.6. That thereafter, the Respondent No.2 issued the order under Memo No. 14033/27/95-UTS, dated 1/6/2001 stating that whereas the Central Government considers that an Inquiring Authority should be appointed to inquire into the charges framed against the applicant, the Central Government in exercise of powers conferred by Sub-Rule 2 of Rule 8 of the AIS(D & A) Rules, 1969 appoints Sri Ashok Lakhanpal, CDI, Cengral Vigilance Commission as the Inquiring Authority to inquire into the charges framed against the applicant.

4.7. That in view of the aforesaid proceedings, the ap-

Contd....p/

Fareai Pakhura

[4]

plicant states that the applicant had not been given his service gratuity and also has not been allowed to commute his pension. He is only being paid provisional pension.

4.8 That being aggrieved by the aforesaid departmental proceedings initiated against him, the applicant filed an original application, being O.A. No.238/2001 before this Hon'ble Tribunal, challenging the aforesaid Memorandum No.14033/27/95-UTS dated 30/1/2001 issued by the Respondent No.2 proposing to hold inquiry against the applicant and also the aforesaid Order under Memo NO.14033/27/95-UTS dated 1/6/2001 issued by the Respondent No.2 appointing Inquiry Authority to inquire into the charges to framed against the applicant.

4.9 That the Respondents filed their written statement and the Hon'ble Tribunal, after perusal of the pleadings and documents and after hearing the counsels for both the parties, by its order dated 1/3/2002 passed in the aforesaid case, was pleased to hold that the impugned Departmental proceeding initiated by the Respondent is unlawful and unjustified and was thereby pleased to set aside and quash the impugned departmental proceedings initiated against the applicant vide the Memorandum dated 30/1/2001. The Hon'ble Tribunal, by the said Order, while allowing the application, was also pleased to award cost to the applicant.

A copy of the aforesaid order dated 1/3/2002 is annexed herewith and marked as ANNEXURE-2.

4.10 That applicant states that immediately upon receipt of the certified copy of the Hon'ble Tribunal's aforesaid Order, the applicant submitted the same to the Respondent No.1 along with a letter dated 12/5/2002 praying for necessary action for release of the applicant's pensionary benefits by issuing vigilance clearance in favour of the applicant to the Public

Contd....p/

Farai Pakhura

[5]

Grievances Commission, Government of NCT of Delhi, from where the applicant retired as Member (full time).

A copy of the aforesaid letter dated 12/5/2002 is annexed herewith and marked as ANNEXURE-3.

4.11. That the applicant states that the applicant also submitted a copy of the Hon'ble Tribunal's Order dated 1/3/2002 before the Respondent No. 3, who by letter under Memo No. F.3(107)99PGC-Estt.2640 dated 14/5/2002 addressed to the Respondent No.2, requested the latter that the vigilance clearance in respect of the applicant may be sent to the Public Grievances Commission at an early date so that the pension of the applicant may be fixed.

A copy of the aforesaid letter dated 14/5/2002 is annexed herewith and marked as ANNEXURE-4

4.12 That the applicant states that no action was initiated by the Respondent No.1 and 2 for issuance of necessary vigilance clearance in favour of the applicant, so as to enable the Respondent No. 3 to finalise the pension and other retirement benefits due to the applicant, even after receipt of the aforesaid communications pursuant to the quashing of the Departmental proceeding by Order of the Hon'ble Tribunal. In this regard, the applicant submitted another representation dated 3/7/2002 before the Respondent No.2, drawing the attention of the latter to the earlier communications dated 12/5/2002 and dated 14/5/2002, as also the Hon'ble Tribunal's aforesaid order dated 1/2/2002. In the said representation, it was again requested that actions taken in the matter may kindly be intimated to the applicant. But till date, there has been no response from the Respondents No. 1 and 2 and the applicant continues to receive only provisional pension.

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Fauzai Pathanwala

A copy of the letter dated 3/7/2002 is annexed herewith and marked as ANNEXURE-5.

4.13 That the action of the Respondents in not initiating necessary measures for finalisation of the applicant's pensionary benefits is most arbitrary, illegal and violative of the applicant's constitutional and other legal rights and hence, the Respondents are liable to be directed to forthwith initiate necessary action for finalisation of the applicant's pensionary benefits.

4.14 That the applicant is entitled to receive D.G.R. amounting to Rs. 3.5 Lakhs and commuted pension of Rs. 5 Lakhs (Approx), in addition to full pension and other retirement benefits as permissible under the Rules.

4.15 That the applicant states that there are no other departmental proceedings or any other case in any other forum pending against the applicant and the applicant has not been found guilty or punished in connection with any other proceedings or case. Further, there is no complaint/allegation of corruption/misconduct etc. against the applicant pending before any authority. The order of the Hon'ble Tribunal quashing the aforesaid impugned departmental proceedings has also attained finality, in view of the fact that the Respondents have not approached any higher forum challenging the aforesaid order. Hence, there is no impediment to the issuance of vigilance clearance in favour of the applicant and consequent grant of full pensionary benefits.

4.16 That is is respectfully submitted that is is a fit case where this Hon'ble Tribunal may be pleased to intervene in the matter in an appropriate manner and grant the reliefs as prayed for by the applicant. If the same is denied the applicant would suffer irreparable loss and injury.

Contd....p/

Fauzai Pahwana

4.16 That there is no other adequate equally efficacious alternative remedy available and the reliefs sought for, if granted would be just, proper and adequate.

4.17 That the applicant demanded justice and the same was denied to him.

4.18 That this application is filed bonafide and in the interest of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

5.1. For that, the applicant's pension having not been finalised in view of pendency of the departmental proceedings against him, the same having been set aside and quashed by this Hon'ble Tribunal, the applicant is entitled to receive full pensionary/retirement benefits under the provisions of the All India Services (Commutation of Pension) Regulation, 1959 and the All India Services (Death-cum-Retirement Benefits) Rules, 1958 and other relevant rules as applicable.

5.2 For that, the Departmental proceedings against the applicant having been set aside and quashed, and there being no other pending proceedings/cases against the applicant, or other impediment standing in the way, the Respondents No 1 and 2 are duty bound to issue the necessary vigilance clearance in favour of the petitioner so as to enable the Respondent No.3 to finalise the retirement/pensionary benefits due to the applicant.

5.3 For that, the impugned action of the Respondents are most arbitrary, illegal and unreasonable and the same are violative of the applicant's constitutional and other legal rights and hence, liable to be interferred with by this Hon'ble Tribunal.

Contd....p/

Fauzi Palwura

6. DETAILS OF REMEDIES EXHAUSTED:

The applicant declares that he has exhausted all the remedies available to him and there is no alternative remedy available to him.

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

The applicant further states that no application, writ petition or suit regarding the grievances made in this instant application is pending before any Court or any other bench of this Hon'ble Tribunal.

8. RELIEFS SOUGHT FOR:

Under the facts and circumstances stated above, it is most respectfully prayed that your Lordships would be pleased to admit this petition, call for the records and upon hearing the parties and on perusal of the records be pleased to grant the following reliefs :

- (i) A direction/order to the Respondent Nos. 1 and 2 to forthwith issue necessary vigilance clearance in favour of the applicant.
- (ii) A direction/order to the Respondent No.3 to finalise the pension and other retirement benefits as may be due to the applicant.
- (iii) cost of the application.
- (iv) Any other relief/reliefs that the applicant is entitled to in the facts and circumstances of the case.

Contd....p/

Farai Palnur

[9]

9. INTERIM ORDER PRAYED FOR:

Pending disposal of the application, it is further prayed that the Hon'ble Tribunal may be pleased to direct the Respondent No.2 to take immediate steps for issuance of necessary vigilance clearance in favour of the applicant.

10. *****

The application is filed through Advocate.

11. PARTICULARS OF THE I.P.O.

(i) I.P.O. NO. : 7G 606973

(ii) Date : 16 - 12 - 2002.

(iii) Payable at : Guwahati.

12. List of Enclosures:

As stated in the Index.

VERIFICATION.

Contd....p/

Farrai Palmona

[10]

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

I, Sri Fanai Panhuna, Son of Late F. Sawikunga, Resident of Chanmari, Aizawl, District : Aizawl, Mizoram aged about 61 years, do hereby solemnly affirm and verify that the statements made in the accompanying application in paragraphs 1,2,3,4,6,7,10,11 and 12 are true to my knowledge and those made in paragraphs ~~5,8,9,11,12~~..... being matter of records are true to my information.

I have not suppressed any material fact.

And I sign this verification on this ¹⁶ th day of December, 2002 at Guwahati.

Fanai Panhuna

SRI FANAI PANHUNA,

Contd....p/

Annexure I

TO BE PUBLISHED IN THE GAZETTE OF INDIA, PART-I, SEC.2

No. 14031/6/2000-UTS
Government of India
Ministry of Home Affairs

New Delhi-1, the - 9 FEB 2001

NOTIFICATION

On attaining the age of superannuation, Shri F. Pahnuna, an Indian Administrative Service Officer of 1965 Batch of Joint Cadre of Arunachal Pradesh-Goa-Mizoram-Union Territories has retired from service in the afternoon of 31st January, 2001.

(K.K. Kalra)

Under Secretary to the Govt. of India

To

The Manager
Government of India Press
Faridabad.

Copy to :

1. The Chief Secretary, Government of NCT of Delhi, Delhi Secretariat, I.P. Estate, New Delhi with two spare copies, one for the Pay and Accounts Officer concerned and another for Shri F. Pahnuna.
2. Department of Personnel and Training (AIC 111), New Delhi.
3. Department of Personnel and Training (EO-CM), New Delhi.
4. Guard File.

(K.K. Kalra)

Under Secretary to the Govt. of India

Attested
by
Adequate

Annexure -2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.238 of 2001

Date of decision: This the 1st day of March 2002

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

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

Shri Fanai Pahnuna,
Resident of Chandmari, Aizawl,
District- Aizawl, Mizoram.

.....Applicant

By Advocates Mr K.P. Pathak, Mr S.K. Sharma and
Mr Dhrubajyoti Pathak.

- versus -

1. The Union of India, represented by the
Secretary,
Ministry of Home Affairs,
Government of India,
New Delhi.

2. The Deputy Secretary,
Ministry of Home Affairs,
Government of India,
New Delhi.

.....Respondents

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

ORDER

CHOWDHURY. J. (V.C.)

The legality and validity as to the initiation and continuance
of the proposed enquiry against the applicant under the All India Service
(Discipline and Appeal) Rules, 1969 is the core issue raised in this
application in the following circumstances:

The applicant was recruited to the India Administrative
Service (IAS for short) of the Joint Arunachal Pradesh, Goa, Mizoram
and Union Territories (AGMU for short) Cadre under Section 7 of the
IAS (Recruitment) Rules, 1954 by Competitive Examination in the year
1965. In the year 1990 the applicant was appointed as Chief Secretary
to the Government of Mizoram, which post he held till 1993. The

*Attested
By Advocate*

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applicant was thereafter appointed as Managing Director, DSFDC Ltd. cum Principal Secretary (SC&ST), Government of NCT of Delhi in the year 1994 and he continued to hold the said post till 1998. The applicant was subsequently appointed as full time Member of the Public Grievances Commission, Government of NCT of Delhi and the applicant retired from Government service on 31.1.2001. To this effect the Government issued the Notification No.14031/6/2000-UTS dated 9.2.2001 and notified the date of superannuation of the applicant as in the afternoon of 31.1.2001. At this stage, by the impugned Notification No.14033/27/95-UTS dated 30.1.2001 the Government of India, Ministry of Home Affairs initiated an enquiry against the applicant under Rule 8 of the All India Service (Discipline and Appeal) Rules, 1969 for alleged misconduct as mentioned in the statement of articles of charge cited in Annexure-I of the communication dated 30.1.2001. The statement of imputation of misconduct, the support of the articles of charge framed, the list of documents substantiating the articles of charge framed as well as the list of witnesses in support of the article of charge accompanied the said Memorandum of charge.

2. The applicant submitted his written statement of defence in March 2001 denying and disputing the charges. The applicant also questioned the jurisdiction of the Disciplinary Authority and also the propriety and legitimacy of the departmental proceeding. By memo dated 1.6.2001 the respondent authority appointed the CDI, Central Vigilance Commission as the Inquiring Authority to enquire into the charges. Hence this application assailing the legitimacy and propriety of the departmental proceeding as well as the continuance of the said proceeding as illegal and ultra vires.

3. The respondent Nos.1 and 2 filed their written statement seriously resisting the application including the maintainability of the same.

4. Before going into the merits of the respective cases it would be appropriate to refer below the statement of the articles of charge framed against the applicant:

"That Shri Fanai Pahnuna, IAS (AGMU:65), while working as Chief Secretary to the State Government of Mizoram and the Chairman of the State Purchase Advisory Board during the period 1990-1992 committed gross misconduct in as much as he in the matter of purchase of a plot of land measuring 22,100 sqft. (with a building constructed over it) owned by Smt Lalparliani, his sister-in-law, located at Upland Road, Laitumkhrah, Shillong for the purpose of setting up Mizoram House approved an arrangement under which:-

- a) The said Smt. Lalparliani was made a payment of Rs.23.00 lakhs in advance toward the cost of the said property the price for which was fixed at Rs.58.00 lakhs in an arbitrary manner without its being assessed through the relevant channels;
- b) The deal was finalized and the advance payment made to her despite the fact that the aforesaid property had been notified by the State Government of Meghalaya for acquisition for its own use and the acquisition proceedings had not been formally withdrawn;
- c) The advance payment was made without entering into any formal agreement with her so as to ensure that the money was refunded to the State Government of Mizoram in a time bound manner in case the deal did not materialise; and
- d) The advance payment was made without binding her under a proper agreement to pay the interest on the amount advanced to her in the event of the deal not materialising.

That from the aforesaid acts of commission and omission the charged officer Shri F. Pahnuna, the then Chief Secretary, Government of Mizoram, exhibited lack of integrity and devotion to duty and acted in a manner unbecoming of a Public Servant and thereby violated Rule 3(1) of All India Services (Conduct) Rules, 1968."

The applicant was accordingly charged for the alleged misconduct purportedly implicating lack of integrity and devotion to duty and acting in a manner unbecoming of a public servant. The gravamen of the charge is that the applicant as the Chief Secretary, Government of Mizoram and Chairman of the State Purchase Advisory Board approved an arrangement whereby the land owner was paid an amount of Rs.23 lakhs in advance towards the cost of the said property, the price for which was fixed at Rs.58.00 lakhs arbitrarily without the same being assessed through the relevant channels. As per the charge

the.....

the applicant was also made responsible for approval of the arrangement as to finalising the deal and advance payment made to the owner in spite of the fact that the said property was notified by the Government of Meghalaya for acquisition for its own use and that the acquisition was not formally withdrawn. The applicant was also charged for approving the advance payment without entering into formal and biding agreement and without stipulating any interest on the amount advanced to the owner in the event of the deal not materialising.

5. The applicant in his written statement of defence assailed the competence of the Ministry of Home Affairs for initiating departmental proceeding as contrary to the scheme of disciplinary rules. The applicant in his written statement also pointed out that all throughout he acted within the parameters of law and under the authority of the competent authority. He asserted that the proposal for establishment of the Mizoram House in Shillong was made in the year 1989, prior to his appointment as Chief Secretary in the State of Mizoram. He also mentioned a number of steps taken by the authority for purchase of the property at Shillong, which was also reflected in the statement of imputation of misconduct in support of the articles of charge. The earlier proposal for purchasing land at places like Nongrim Hills belonging to one Shri V.L. Sharma, Laitumkhrah belonging to one Mrs Parteii and also other locations were considered. In fact, the applicant in his note suggested that the land at Cleve Colony had a number of advantages. The land was inspected by the officers of Mizoram Government which also inspected by the Chief Minister, the Finance Minister, the applicant, the Finance Commissioner, the Chief Engineer PWD, The Joint Director I & PR and the Liaison Officer, Shillong. The applicant mentioned about his note in the at pages 39, 40 and 41 of File No.A-600011/16/89-GAD and stated that the entire facts were placed in his note and the same was approved by the then Minister of GAD and the Chief Minister at that relevant time. The applicant also referred to the draft of

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the D.O. No.A-60011/16/99-GAD dated 12.11.1991 which he put up to the Chief Minister of Mizoram and the same was finally sent by the Chief Minister to the Governor of Meghalaya, wherein the Chief Minister impressed upon the Governor of Meghalaya to personally intervene in the matter and have the land released from the acquisition proceedings so that the Government of Mizoram could acquire the land for the long-felt need of a VIP Guest House at Shillong.

6. Mr K.P. Pathak, learned Sr. Counsel for the applicant assisted by Mr S.K. Sharma and Mr Dhrubajyoti Pathak, mainly assailed the proceeding on two grounds. The learned Sr. Counsel, firstly contended that the very initiation of the departmental proceeding initiated by the Ministry of Home Affairs is wholly unsustainable in law. Pointing to the provisions of the All India Service (Discipline and Appeal) Rules, 1969, more particularly Clause (c) (i), (e) of the Definition Clause contained in Rule 2 of the Rules as well as Rule 7 of the said Rules, the learned Sr. Counsel contended that it is the State Government alone or in the alternative the Joint Cadre Authority of AGMU which was the competent authority to initiate the proceeding and not the Home Ministry. The learned Sr. Counsel in support of his contention also referred to the decision of the Principal Bench of the Central Administrative Tribunal in O.A.No.967 of 1992 and O.A.No.1426 of 1992 disposed of on 8.1.1993 and specifically ruled out that the Ministry of Home Affairs was the competent authority to initiate departmental proceeding against AGMU Cadre.

7. Mr A. Deb Roy, learned Sr. C.G.S.C., on the other hand referred to the Notification No.11026/2/94-AIS(II) dated 25.4.1995 issued by the Government of India, Ministry of Personnel, P.G. and Pensions constituting the Joint Cadre Authority for the IAS etc. of Arunachal Pradesh-Goa-Mizoram-Union Territories. Mr Deb Roy submitted that in exercise of the powers conferred by sub-section (1) of Section 3 of the All India Services Act, 1951 (61 of 1951), read with sub-rule (1)

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of rule 4 of the All India Services (Joint Cadre) Rules, 1972, the Central Government in consultation with the Governments of States concerned constituted the Joint Cadre Authority for the respective Services. The learned Sr. C.G.S.C. submitted that for all intents and purposes the Secretary, Ministry of Home Affairs representing the Union Territories in respect of Indian Administrative Service and Indian Police Service is constituted as a Joint Cadre Authority of AGMU. Therefore, the Ministry of Home Affairs rightly initiated the proceeding. Section 4 of the All India Service (Joint Cadre) Rules, 1972 speaks of the committee consisting of the representatives of each of the Governments of the constituent States of the Joint Cadre Authority. Mr Deb Roy submitted that the Joint Cadre Authority representing the States of AGMU Cadre i.e. JAS, namely the State Governments of Arunachal Pradesh, Goa, Mizoram and the Ministry of Home Affairs being the State Government in respect of Union Territories had in its meeting held in October 1989 delegated, inter alia, the disciplinary power in respect of IAS officers of AGMU Cadre to the Ministry of Home Affairs. Mr Deb Roy further submitted that this was done strictly in conformity with the All India Service (Discipline and Appeal) Rules, 1969. In support of his contention, Mr Deb Roy also referred to the minutes of the meeting of the Joint Cadre Authority (AGMU Cadre) held in October 1989.

8. We have given our anxious consideration in the matter. In the Judgment and Order of the Principal Bench of the Central Administrative Tribunal in O.A.Nos.967/92 and 1426/1994, considering the relevant provisions of law including the allocation of Business Rules framed under Article 77(1) of the Constitution, it was held that it was only the Ministry of Personnel, Public Grievances and Pension which was the competent authority as far as allocation of rule was concerned. The power and authority to initiate departmental proceeding is a statutory measure meant to be exercised by the statutory authority on good and sufficient reason. A mechanism has been introduced

creating authority to commence proceeding and impose penalty. It also defined the State Government concerned, wherein the State Government concerned in relation to a Joint Cadre Authority is defined as the Government of all the States for which the Joint Cadre is constituted. As per the Notification dated 25.4.1995 the Joint Cadre Authority for the IAS etc. for Arunachal Pradesh-Goa-Mizoram-Union Territories was constituted. The materials on record did not clearly spell out any delegation of power on the Ministry of Home Affairs. The power of drawing of disciplinary proceeding on good and sufficient reason is an essential power reposed on the Disciplinary Authority, namely the State Government. Whether the essential power can even be delegated as claimed by the respondents is very much controversial.

In our considered opinion the authority to initiate disciplinary measure in the settings against the applicant by the Ministry of Home Affairs is itself doubtful. Our opinion is, however, tentative in nature and we would like to decide the application on merit.

9. The other contention of Mr K.P. Pathak, learned Sr. Counsel for the applicant, is that the respondent authority acted with impropriety and indiscriminately in initiating the departmental proceeding on the applicant. The learned Sr. counsel submitted that, admittedly, the alleged misconduct was allegedly committed during the period 1990-1992 and the respondents sat over the matter and just on the penultimate day of retirement of the applicant the respondent authority with oblique motive initiated the departmental proceeding. The learned Sr. counsel submitted that the initiation of departmental proceeding against the applicant on the basis of the materials on record is unjust and unreasonable and therefore, unlawful. In support of his contention, the learned Sr. counsel for the applicant referred to the decision of the Supreme Court in Bani Singh Vs. Union of India, reported in AIR 1990 SC 1308 and also the decision in State of A.P. Vs. N. Radhakishan reported in (1998) 4 SCC 354. Mr A. Deb Roy, on the other hand,

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submitted that the respondent authority initiated departmental proceeding lawfully on the basis of materials on record. Mr Deb Roy submitted that the delay by itself did not vitiate a proceeding in the absence of any illegality. Mr Deb Roy submitted that the power of initiation of departmental proceeding rested on the respondents and the respondents on consideration of the materials on record initiated the departmental proceeding and the applicant was provided with all the opportunity permissible under the law. Since there were grounds for initiation of departmental proceeding, which were of serious nature, for fitness of things the Disciplinary Authority is required to complete the enquiry, where the applicant will get all the opportunity to vindicate his innocence.

10. There is no dispute on the issue that the power of initiation of disciplinary proceeding is vested upon the State and its instrumentalities. But, all power has its legal limits. Arbitrary exercise of power and unfettered discretion are what the Courts refuse to countenance. Statutory power is to be exercised reasonably and in good faith for proper purposes only on right and lawful considerations. The power can only be used for valid and lawful purpose. Unfettered Governmental discretion is anathema. The alleged misconduct imputed on the applicant dated back to 1990-1992. These matters were known to the authority when the alleged misconduct was committed. The Disciplinary Authority did not act upon it. All governmental actions are to be taken justly, fairly and reasonably. As per the constitutional scheme a delinquent employee also has a right for expeditious disposal of a disciplinary proceeding instead of putting him to undergo mental anxiety and pecuniary losses. Gratuitous interference with the rights of Government servants is also not permissible. The alleged charges are simple in nature without any complexity. No explanation for the delay came forth accounting the same. The applicant was not in any way responsible for the delay. The ratio of the decisions rendered by the Supreme Court in Bani Singi (Supra) and N. Radhakishan (Supra) are aptly

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applicable. On perusal of the materials on record it appears that the Government of Mizoram took a conscious decision for the Mizoram House in Shillong in the year 1989, long before the applicant came into the picture. The imputation against the applicant was for approving the arrangement mentioned in Annexure-I to the Memorandum dated 30.1.2001, as the Chairman of the State Purchase Advisory Board. The State Purchase Advisory Board was the creation of the State Government and decisions were taken for purchase of the very land itself at the level of the Chief Minister. The Chief Minister in his D.O. letter addressed to the Government of Meghalaya requested for personal intervention in the matter and get the land released from the acquisition proceedings so that the Government of Mizoram could acquire the land for their long-felt need of a VIP Guest House in Shillong. The applicant in his written statement made before the authority specifically brought the attention of the authority to the whole gamut of the subject matter disclosing that all those actions were taken bonafide with the full authority of the Government of Mizoram. No materials were furnished before us countering those claims. As a matter of fact the respondents in the written statement did not dispute that all those arrangements were made with the knowledge and approval of the Government of Mizoram. The payment of Rs.23.00 lakhs in advance was made to the vendor with the knowledge and authority of the persons incharge. The advance in question alongwith the interest was also recovered by the Government long before the initiation of the proceeding against the applicant. In the background of the tribal society and the tribal ethos, not translating the transaction through a proper instrument cannot by itself be said to be improper in the tribal areas. The Land Acquisition Act of 1884 is not the only mode of acquisition of property. Outright purchase is also a mode for acquisition of property. Transfer of property means conveyance of land of one person to another which includes gifts, sale, exchange lease, mortgage lease etc. or any other permissible mode of transfer. The Meghalaya Transfer And Land Acquisition Act, 1971

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was enacted for the protection of the Scheduled Tribes therein. Drawing of an instrument for providing advance was a ministerial act, required to be performed by the concerned officer when the advance was made. It was not the function of the Chief Secretary-cum-Chairman of the Advisory Board.

11. The statement of imputation of misconduct in support of the articles of charge itself indicated that in the matter of purchase of land all the concerned authorities including the Governments of Mizoram and Meghalaya were participatories. The note placed by the Chief Secretary was approved by the Minister, GAD/Chief Minister. In the decision making process the respondents faltered in the interpretation of Meghalaya Transfer of Land Regulation Act, 1971 (Meghalaya Act I of 1972). As mentioned the Act was enacted to regulate transfer of land in Meghalaya for protection of the interest of the Scheduled Tribes therein. Section 3(1) of the Act enjoined that no land in Meghalaya shall be transferred by a tribal to a non-tribal or by a non-tribal to another non-tribal except with the previous sanction of the competent authority. By Act I of 1978 a proviso was introduced by which the Government of Meghalaya, if satisfied, may from time to time, by notification, prohibit such transfer of land within such area or areas as may be specified in the notification and thereupon the competent authority shall not sanction any such transfer of land under the provision of the Act within such area or areas. In pursuance thereto Notification No. RDS 11/76/187 dated 7.6.1978 was made and gazetted in the Extra Ordinary Gazette dated 8.6.1978. By the notification, amongst others the areas within the East Khasi Hills District except the areas to which the Act aforesaid did not apply were indicated. Needless to state that the Act does not apply to the cantonment and normal areas of Shillong Municipality, i.e. Police Bazar, Jail Road and General Ward (European Ward). Section 11 of the Act carved out an exemption, which also exempted any transfer of land to or in favour of the Government or District Council. The Act specifically did not include other Governments. As per Clause (30) of Section 3 of the Meghalaya Interpretation and General Clauses Act, 1972, 'Government' or 'the Governments' includes the State Government as well as the Central Government. Clause (64) of Section 3 defines

State, which means a State specified in the First Schedule to the Constitution and includes a Union Territory. The exemption clause under Section 11 is not to be construed as applying to the Government of Meghalaya. Mizoram is also a tribal State. The Act also envisaged transaction with previous sanction of the competent authority. Admittedly, as mentioned earlier all those who were basically concerned in such transaction participated. The Government of Meghalaya at all relevant times was taken into confidence by the Government of Mizoram. On the background, the role played by the applicant as the Chief Secretary to the Government of Mizoram and Chairman of the State Purchase Advisory Board, on the materials on record cannot be said to be unlawful. The very nomenclature of the Board as 'Advisory Board' is of advisory character subject to approval by the Government. In the instant case those actions were, admittedly approved at the highest level. As held earlier the discretion reposed on the authority is not an unfettered one. In the exercise of discretion the authority is to act according to rules and act lawfully and fairly. It cannot be arbitrary, vague and fanciful. It must be legal and regular. Those who are charged with a discretion must exercise the same on reasonable grounds. The authority is duty bound to act lawfully without abusing the discretion. Oppressive and gratuitous interference with the rights of a Government servant is not permissible under the Constitutional set up. The respondent authority while exercising its discretion took into consideration irrelevant and extraneous consideration overlooking the relevant consideration. The date of superannuation of the applicant was 31.1.2001 and the same was known to all concerned including the respondent Nos.1 and 2. The said respondents nowhere explained as to the reasons for the delay in initiating the proceeding by assigning any ostensible reason. The Mizo society is a tribal society and tribal ethos and customs dominate the members of the Mizo society. Therefore, transactions with one another in that context was to be taken in the setting of the society.

12. Law and behavioural pattern in the Society also depends on the wider canvas of the community. "In the broadest sense, law is simply any recurring mode of interaction among individuals and groups, together with more or less explicit acknowledgement by these groups and individuals that such patterns of interaction produce reciprocal expectations of conduct that ought to be satisfied", as was observed by the Contemporary Jurist R.M. Unger, in his writing in "Law in Modern Society" - "There are two sides to the concept of law as interaction, each corresponds to an aspect of a traditional notion of custom. One element is factual regularity in behaviour. The other dimension is normative", said the author. Custom lacks the attribute of positiveness, it consists of implicit standards of conduct rather than of formulated rules. These standards are mostly tacit, though often highly precise, guidelines for how an individual of certain status and rank ought to act towards one of different or similar rank in a particular situation. They determine, what one should expect from one's kinsman in a variety of circumstances and what in turn may and will demand of her or him.

13. The area in which the alleged facts were said to be committed, the persons and the settings associated is one of the areas where the ordinary laws of the land are not made applicable because of the historical necessity. The areas were earlier described as Backward tracts, Excluded areas and specifically administered. Two main codes, viz. the Criminal Procedure Code (except few chapters), the Civil Procedure Code are not made applicable. The application of the General Acts of the law are also barred, e.g. by notification under Section 2 of Assam Frontier Tract Regulation, 1880 (Act 2 of 1880) the application of the Transfer of Property Act was barred in the erstwhile Khasi and Jaintia Hills, Mokokchung of the State of Nagaland, Mikir Hills Tract. The Lushai Hills District (Predecessor of the Mizoram State) was constituted on 1.4.1898 by Notification vide No.920 dated 1.4.1898 under Section 2 of the Assam Frontier Tracts Regulation.

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All the laws including this Regulation then in force in the tract were repealed at first and then again under Section 3(a) of the Scheduled Districts Act 1874 the same was reapplied to the Lushai Hills District vide Notification No.921 P dated 1.4.1898.

14. The nature and extent of the law applicable in these areas are pithily reflected in two of the decisions of the Supreme Court. In Guramayum Sakhi Gopal Sarma V.K. Onghi Anisija Devi, Civil Appeal No.659 of 1957 decided by the Supreme Court on 9th February 1961 in connection with the Civil Procedure Code, where the Supreme Court applied the spirit of the code and not the letters of the C.P.C. IN the State of Nagaland Vs. Ran Singh, reported in AIR 1967 SC 212, the Supreme Court was called upon as to the extent of the application of the Cr.P.C., wherein the Constitution Bench extensivley discussed as to the development and growth of law in the area. In this context, it would be appropriate to refer to the following passages from the said decision:

"..... We mustnot forget that the Scheduled Districts Act was passed because the backward tracts were never brought within the operation of all the general Acts and Regulations (particularly the Criminal Procedure Code) and were removed from the operation and jurisdiction of the ordinary courts of Judicature....."

"Laws of this kind are made with an eye to simplicity. People in backward tracts cannot be expected to make themselves aware of the technicalities of a complex Code. What is important is that they should be able to present their defence effectively unhampered by the technicalities of complex laws. Throughout the past century the Criminal Procedure Code has been excluded from this area because it would be too difficult for the local people to understand it. Instead the spirit of the Criminal Procedure Code has been asked to be applied so that justice may not fail because of some technicality. The argument that this is no law is not correct. Written law is nothing more than a control of discretion. The more there is of law the less thee is of discretion. In this area it is considered necessary that discretion should have greater play than technical rules and the provision that the spirit of the Code should apply is a law conceived in the best interest of the people. The discretion of the Presiding Officer is not subjected to rigid control because of the unsatisfactory state of defences which would be offered and which might fail if they did not comply with some technical rule. The removal of technicalities, in our opinion, leads to the advancement of the cause of justice in these backward tracts. On the other hand, the imposition of the Code of

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Criminal Procedure would retard justice, as indeed the Governors-General, the Governor, and the other heads of local Government have always thought. We think, therefore, that Art. 21 does not render the Rules of 1937 ineffective."

15. Discretion necessarily implies good faith in the discharge of the public duty. There is always a perspective in-built in the statutory exercise of power to act justly, fairly and reasonably. All India Service (Discipline and Appeal) Rules, 1969 clothed on the prescribed authority the disciplinary power of imposing penalties prescribed in Part III of the Rules for good and sufficient reasons. When discretionary power is to invade upon individual rights to be exercised, factors to be determined in deciding what justice and fairness needs on the exercise of power including the nature of interest to be affected, circumstances in which the power falls to be exercised and the nature of the sanctions. Fair procedure also involves reasonable measure within the reasonable time. Public interest as well as individual interest does not countenance indolence and torpidity. It is not to be used as a vehicle of oppression. Scope of exercise of public power cannot be looked into in isolation from the general principles governing the exercise of power in constitutional democracy. Decisions which are extravagant or capricious cannot be legitimate. A decision based on considerations which have been accorded manifestly inappropriate weight is not a lawful decision. The factors mentioned in the earlier paragraphs though relevant were not taken into consideration. No reasons, not to speak of good reasons, were also ascribed for the incomprehensible delay, lacking ostensible logic for lingering over the matter. On the facts the impugned action of the respondents on the eve of the retirement of the applicant is unduly perverse subjecting the applicant to enormous hardship as well as needlessly burden some infringement of his right. De Smith, Woolf and Jowell in its treatise on "Judicial Review of Administrative Action" (5th Edition) observed that "official decisions may be held unreasonable when they are unduly oppressive because they subject the complainant to an excessive hardship or an unnecessarily onerous infringement of his rights and interests....."

The focus of attention in these cases will be principally the impact of the decision upon the affected person. The outcome or end product of the decision making process will thus be assessed..... Since the claim is essentially abuse of power in the sense of excessive use of power....." (paras 13-046; 13-047)

16. From the conspectus it thus emerges that the decision maker in the decision making process has taken into consideration as facts, something which was patently wrong; perversity writ large. It has misunderstood law as well as the fact upon which the decision is based. Admittedly, materials those were taken as a whole did not support the findings of the fact. The respondent authority fell into error in its decision making process by taking irrelevant considerations overlooking relevant considerations that affected the ultimate decision. The unexplained delay in the facts and circumstances of the case also amounted to an abuse of the process.

17. On an overall consideration of all aspects of the matter we are of the opinion that the impugned departmental proceeding initiated by the respondent is unlawful and unjustified. Article 14 strikes on arbitrariness in the State action and ensures fairness and equality of treatment. Where an act is arbitrary it is also unfair and unequal and therefore, it is contrary to the scheme of Article 14 of the Constitution of India (Reference: E.P. Rayappa Vs. State of Tamilnadu, reported in AIR 1974 SC 555 and Smt Maneka Gandhi Vs. Union of India and others, reported in 1978 SC 597).

18. For all the reasons the impugned departmental proceeding initiated against the applicant vide Memorandum No.14033/27/95-UTS dated 30.1.2001 communicated by the Deputy Secretary to the Government of India, Ministry of Home Affairs, New Delhi is set aside and quashed.

19. The application is allowed with costs.

Sd/ VICE CHAIRMAN
Sd/ MEMBER (Admn)

Annexure-3

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To,
Secretary
Ministry of Home Affairs,
Government of India
New Delhi

Subject: Release of Pensionery benefits.

Sir,

Being aggrieved by the issue of Memorandum No.14033/27/95-UTS dt 30-1-2001, for departmental action against me. I filed an original application before the Hon'ble C.A.T. at Guwahati. The said application was registered and numbered as OA No 238 of 2001. The Hon'ble C.A.T. by judgement and order dt 1-3-2002 was pleased to set aside and quash the departmental proceedings drawn against me. Certified copy of the judgement and order is enclosed for ready reference.

Under the aforesaid circumstances, I would request you to kindly take necessary action for release of my pensionary benefits by issuing "Vigilance Clearance" to - "The Chairman, Public Grievances Commission, Govt. of Delhi, M-Block, 2nd floor, Vikas Bhawan, New Delhi - 110 002" as early as possible.

Encl : Copy of judgement / Order

Yours faithfully

(F. PAHNUNA IAS (Rtd))
B-7, Chanmari,
Aizawl, Mizoram

Dated : Aizawl
The 12th May, 2002

Attested

Advocate

Annexure 4

28/05

PUBLIC GRIEVANCES COMMISSION
GOVT. OF NCT OF DELHI.
M BLOCK 2ND FLOOR VIKAS BHAVAN
NEW DELHI.

No. F.3(107) 99 PGC Estd. 2640

Dated: 14/5/02

To

The Dy. Secretary,
Ministry of Home Affairs,
Govt. of India.
North Block, New Delhi.

Subject: Fixation of pension of Sh. F. Pahnuna, IAS. (Retd.).

Sir,

Sh. F. Pahnuna, IAS (Retd.) had submitted to the Commission a copy of the order of dated 1st March, 2002 of the Central Administrative Tribunal, Guwahati Bench, wherein the departmental proceedings initiated against him vide memorandum No.14033/27/95-UTS dated 31.01.2001 have been set-aside and quashed (copy enclosed).

In view of the decision of the CAT referred above, it is requested that the vigilance clearance of Sh. F. Pahnuna may be sent to Public Grievances Commission so that his pension can be fixed. It is requested that this may be done at an early date.

(U.R. KAPOOR)
SECRETARY, PGC

Encl. : As above.

Attested
by
Advocate

Annexure - 15

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To,

Shri Satya Gopal,
Deputy Secretary to the Government of India.
Ministry of Home Affairs.
New Delhi

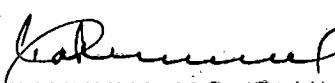
Sub : Release of Pensionery Benefits.

Sir,

In the matter of the subject mentioned above, I submitted a representation addressed to Secretary, Ministry of Home Affairs, Govt. of India, vide letter dt 12-5-2002 enclosing a copy of the judgement of Central Administrative Tribunal, Guwahati Bench (delivered on 1-3-2002) and the same was handed over to Private Secretary to Secretary, Ministry of home Affairs on 14-5-2002 personally. Secretary, Public Grievances Commission, Govt. of Delhi, had also written a letter addressed to Dy. Secretary, Ministry of home Affairs, Govt. of India, vide his letter No. F3 (107) 99 PGC ESTT 2640 dt 14-5-2002 in which a copy of the judgement of C.A.T, Guwahati Bench, was also enclosed and this letter was handed over to under Secretary, Ministry of Home Affairs (Shri Garg) on 14-5-2002 in his Office by the undersigned (personally).

I would, therefore, request you to kindly intimate action taken in the matter. I am enclosing a copy of my letter dt 12-5-2002 and also a copy of letter No .F3 (107) 99 PGC ESTT 2640 dt 14-5-2002 along with the enclosures i.e copy of judgement of Central Administrative Tribunal, Guwahati Bench, for ready reference.

Yours faithfully


(F. PAHNUNA, IAS. (Rtd.))
B-7, Chanmari,
Aizawl, Mizoram.

Dated Aizawl
The 3rd July 2002

Attested
by
Advocate