

50/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 84/2002.....

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SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH,
GUWAHATI.

ORDER SHEET

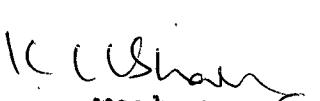
✓ Original No. 84/02,
Misc. Petition No. /,
Contempt Petition No. /,
Review Application No. /

Applicant(s) Mrs. Preeta Das Choudhury

Respondent(s) Union of India & one

Advocate for Applicant(s) Mr. A.C. Buragohain, N. Bora, & D. Bora

Advocate for Respondent(s) Mr. A.K. Choudhury, Addl. C.G.C.

Notes of the Registry	Date	ORDER OF THE TRIBUNAL
This is an application in form C. P. for Rs. 50/- deposited vide IP No 066788303.	14.3.2002	Admit, call for the records. List on 11.4.2002 for order.
Dated ... 17.1.2002 Sd/- Dy. Registrar	11.4.02	 Member
<i>Shri & Engrs. Lata</i> 11/3/02	11.4.02	List on 13/5/2002 to enable the Respondents to file written statement.
<i>Notice preferred and sent to Dls for my the respondt No 1 to 5 by Regd. A.D.</i> 18/3/02	13.5.02	 Member
DINo 896 K 900 Dtd 26/3/02	10.4.02	 Member
① Service report are still awaited	10.4.02	 Vice-Chairman

11.6.02 Written statement has been filed.

No written statement
has been filed.

The matter may now be posted for
hearing on 15.7.2002.

30
10.5.02

IC Usha
Member

Vice-Chairman

mb

27.5.2002

by the Respondent Nos. 1, 2,
3, 4 & 5.

RD

15.7.2002

Heard the learned counsel for
the parties. Hearing concluded.
Judgment delivered in open court,
kept in separate sheets. The
application is allowed. No order as
to costs.

Read copy
AK Chaturvedi
30/7/02

IC Usha
Member

Vice-Chairman

nkm

Judgment & orders dtd.
15/7/02 communicated
to the parties (contd)
& the applicant
b2

(A) 5
CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./XXX. NO. 84 of 2002

15.7.2002
DATE OF DECISION

Mrs Putul Das Choudhury

APPLICANT(S)

Mr A.C. Buragohain, Mr N. Bora and

Mr D. Bora

ADVOCATE FOR THE APPLICANT(S).

- VERSUS -

The Union of India and others

RESPONDENT(S)

Mr A.K. Chaudhari, Addl. C.G.S.C.

ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE MR JUSTICE D.N. CHOWDHURY, VICE-CHAIRMAN

THE HON'BLE MR K.K. SHARMA, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

5. Judgment delivered by Hon'ble Vice-Chairman

U

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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No.84 of 2002

Date of decision: This the 15th day of July 2002

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

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

Mrs Putul Das Choudhury,
Assistant Accounts Officer (Cash),
Office of the Chief Genereal Manager,
Telecom, Assam Circle,
Ulubari, Guwahati.

.....Applicant

By Advocates Mr A.C. Buragohain,
Mr N. Bora and Mr D. Boro.

- versus -

1. The Union of India, represented by the
Secretary, Telecommunicatio,
New Delhi.

2. The Chairman,
Bharat Sanchar Nigam Ltd.,
Government of India Enterprises,
New Delhi.

3. The Chief General Manager,
Telecom,
Bharat Sanchar Nigam Ltd.,
Assam Telecom Circle,
Guwahati.

4. The General Manager (Finance),
Office of the Chief General Manager,
Telecom,
Guwahati.

5. The Chief Accounts Officer (TA & TR),
Office of the Chief General Manager,
Telecom,
Guwahati.

.....Respondents

By Advocate Mr A.K. Chaudhuri, Addl. C.G.S.C.

.....

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

By order dated 3.1.2001 the respondent authority,
amongst others promted seventyeight Junior Accounts
Officers/Assistant Accounts Officers of the Indian Posts
and Telegraph Accounts and Finance Service, Group-C/

Group-B (Gazetted), Telecom Wing to the grade of Accounts Officer in the Indian Posts and Telegraph Accounts and Finance Service Group-B (Gazetted), Telecom Wing on purely temporary and Adhoc basis in the scale of pay of Rs.7,500-250-12,000 for one year with effect from the date of assumption of charge vide Department of Telecommunications O.M. No.105/99-SEA(PART) dated 20.12.2000. The said promotion order also included the name of the applicant at serial No.52. In the natural course, the respondents were required to give the applicant a posting. Instead, on erroneous interpretation of the norms, more particularly of Clause 7 of the order of promotion the respondents failed to give effect to the promotion order of the applicant. Clause 7 of the order of promotion reads as follows:

"The above promotion of the Officers are further subject to the condition that no disciplinary/vigilance case is pending against the Officer(s). In case any disciplinary/vigilance case of the type referred to in DO P&T OM No.22011/4/91-Estt.(A) dtd. 14.9.92 is pending against the Officer(s) any punishment like stoppage of increment is in operation, the Officer(s) should not be promoted or relieved on promotion/transfer without the specific approval of CO.BSNL. Information in this regard may be brought to the notice of the CO.BSNL forthwith."

Admittedly, the said clause was inserted in the light of the DO P&T O.M. No.22011/4/91-Estt.(A) dated 14.9.1992. The said Office Memorandum was issued as a sequel to the Judgment of the Supreme Court dated 27.8.1991 in Union of India and others Vs. K.V. Jankiraman, reported in AIR 1991 SC 2010. The said judgment basically speaks of adopting the sealed cover procedure in cases where disciplinary proceeding is/were pending. As per the Memorandum the competent authority issued appropriate instructions not to withhold promotions on arbitrary ground.....

ground. The guidelines were issued for adopting the sealed cover procedure and for finalising departmental proceedings expeditiously. Para 5.1 of the said communication, on the other hand permitted the appointing authority to allow adhoc promotion to the Government servant in the event it comes to a conclusion that it would not be against the public interest to allow ad hoc promotion to such Government servant.

2. Admittedly, there was no disciplinary proceeding pending against the applicant when the case of the applicant was considered and she was, in fact, promoted. The disciplinary proceeding relied upon by the respondents in withholding the promotion of the applicant was initiated after the order of promotion dated 3.1.2001. The charge memo was issued only on 30.5.2001 and the same was served on the applicant on 18.6.2001. The respondents, in the set of circumstances was not justified in withholding the promotion.

3. The respondents submitted their written statement and in the written statement they have clearly stated that the show cause notice was issued to the applicant by the General Manager, Telecom, Guwahati on 30.5.2001.

4. I have heard Mr N. Bora, learned counsel for the applicant, and Mr A.K. Chaudhari, learned Addl. C.G.S.C. at length. Considering the facts and circumstances of the case, we are of the opinion that the respondent authority fell into obvious error in not giving effect to the order of promotion on the purported ground of a disciplinary proceeding, which was initiated after the order of promotion was issued. This cannot be a ground for

withholding.....

withholding the promotion of the applicant and accordingly the respondents are directed to give effect to the order of promotion of the applicant forthwith and give her a posting.

5. The respondents shall, however, proceed with the disciplinary proceeding and take necessary steps for finalising the same expeditiously.

6. Subject to the above observation the application stands allowed. There shall, however, be no order as to costs.

K K Sharma

(K. K. SHARMA)
ADMINISTRATIVE MEMBER

D. N. Chowdhury

(D. N. CHOWDHURY)
VICE-CHAIRMAN

nkm

Guaranteed Bench

Guaranteed Bench

11 MAR 2002

Central Administrative Tribunals

Guaranteed Bench

DISTRICT: KAMRUP

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GAUHATI BENCE

O.A NO. 81/2002

BETWEEN

Mrs. Putul Das Choudhury

...Applicant.

- Versus -

The Union of India and others.

...Respondents.

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8.	Vakalatnama	
9.	Notice	



(NIRAN BORA)

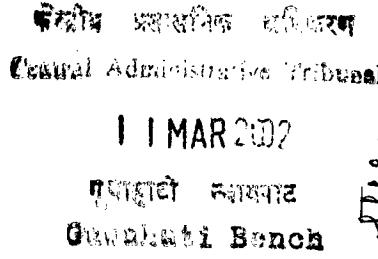
Signature of the Advocate.

For use in the Tribunals' Office.

Date of filling: 11. 03-2002

Registration No.:

Signature.



DISTRICT: KAMRUP.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
GUWAHATI BENCH: GUWAHATI.

O.A. No. /2002

Filed by Mrs. Putul Das Choudhury through
applicant Mrs. Putul Das Choudhury through
Niran Baruah -
Advocate.

IN THE MATTER OF:

Mrs. Putul Das Choudhury.

W/o Mr. Rakhal Ch. Choudhury.

Vill.- Sarumotoria.

P.O. & P.S.- DISPUR.

Guwahati -6.

LAST EMPLOYED:

As an Assistant Accounts Officer (Cash), office of the Chief General Manager, Telecom, Assam Circle, Ulubari, Guwahati-7.

...Applicant.

- Versus -

1. The Union of India.

(Represented by the Secretary, Telecommunication, Sanchar Bhawan, New Delhi.)

2. The Chairman,

Bharat Sanchar Nigam Ltd.

Government of India Enterprises, New Delhi.

Contd..

3. The Chief General Manager,
Telecom, Bharat Sanchar Nigam
Ltd., Assam Telecom Circle,
Ulubari, Guwahati-7.

4. The General Manager(Finance)
Office of the Chief General
Manager Telecom, Ulubari,
Guwahati-7.

5. The Chief Accounts Officer
(TA & TR), office of the Chief
General Manager Telecom,
Guwahati-7.

...Respondents.

1. DETAILS OF APPLICATION:

Particulars of the order : Pers. '7' of the order
against which the application No.10-4/2000- SEA-BSNL
is made. dated 3-1-2001 issued by
the Bharat Sanchar Nigam
Limited, Sanchar Bhawan,
20, Ashoka road, New
Delhi-110001.

(Annexure - E)

(Page - 28)

2. Jurisdiction of the : The applicant declares
Tribunal. that the subject matter
of the order against
which she wants redressal
is within the Jurisdi-
ction of the Hon'ble
Tribunal.

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3. Limitation

: The application further declares that the application is within the Limitation Period in Section 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE: -

- a) That, the applicant is a Citizen of India and she is permanent resident of village Sarumotoria in the District of Kamrup, Assam. She belongs to the Schedule Caste Community.
- b) That, the applicant is now 41 years of age and She has spent long years in the Telecommunication Department. The applicant has been deeply involved with the organisation.
- c) That, the applicant states that she joined in the earst-while Telecom Department, Government of India in the post of office Assistant on January 1983 and was promoted to the post of U.D.A. on May 1990. Due to her efficiency and sincerity in her duty the applicant was promoted to the post of Junior Accounts Officer in the Department on January 1995. The applicant again promoted to the post of Assistant Accounts Officer (Group B) on January 1998 and worked in the General Manager Telecom, Assam Circle, Ulubari, Gauhati-7.
- d) That, the applicant respectfully states that she has long 19 years of dedicated and sincere service in the Department to credit.
- e) That, the applicant respectfully states that to her utter surprise she was served a show cause notice on 18-6-2001 vide No.GM/SDE (Vig)/X-90/2001-2002/1 dated 30-5-2001 with statement of Article of charges and statement of Imputation of misconduct -

Contd..

Pratima Das Choudhury

issued by the General Manager Telecom, Kamrup Telecom District, Gauhati-7.

Copies of the aforesaid show-cause notice and statement of charge and statement of imputation of misconduct are annexed hereto and marked as ANNEXURE - 'A' series. (Page -13 to 16)

f) That, the applicant respectfully states that she was directed to submit her reply to the aforesaid show cause notice within 10 days from the date of receipt of the same. Accordingly the applicant submitted her written statement of defense to the Chief General Manager, Assam Telecom Circle on 27-6-2001 refuting the charge of allegation incorporated in the statement of Article of charge and statement of imputation of misconduct.

Copies of the aforesaid written statement dated 27-6-2001 are annexed herewith and marked as ANNEXURE - 'B'. (Page -17)

g) That, the applicant respectfully states that she has no omission or commission as alleged in the show-cause notice dated 30-5-2001. In fact the applicant had acted with all sincerity and efficiency throughout her service career the disciplinary authority has not taken any steps after the submission of the written statement dated 27-6-2001 (Vide Annexure - B). The delay of the respondent authorities has caused irreparable loss and injury to the applicant.

h) That, all of a sudden the applicant received another show cause notice on 1-3-2002 bearing No. Vig/Assam/DISC-X/58 dated 19-2-2002 issued under

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The signature of wherein the same charges and statements of allegation are incorporated stating inter-alia that -

"1. Mrs. Putul Das Choudhury, AAO O/O GMTD Kamrup Guwahati was informed that it was proposed to take action against her Under Rule-16 of CCS (CCA) Rules 1965 vide order No.- GM/SDE (Vig) X-90/2001-2002 dated 30-5-2001, GM/ SDE (Vig)/X-90/2001-2002/3 dated 22-11-2001 issued by GMTD Guwahati who is not competent to institute proceeding against Mrs. Putul Das Choudhury Under CCS (CCA) Rules, 1995. Therefore, in super session of the order No.GM/SDE (Vig)/X-90/2001-2002/1 dated 30-5-2001 and GM/ SDE (Vig)/X-90/2001-2002/3 dated 22-11-2001, Mrs. P. Das Choudhury, AAO/O/O GMTD Guwahati is hereby informed that it is now proposed to take action against her Under Rule 16 of CCS (CCA) Rules, 1965. A statement of the imputations of misconduct or misbehaviour on which action is proposed to be taken as mentioned above, is enclosed.

2. Mrs. Putul Das Choudhury is hereby given an opportunity to make such representation as she may wish to make against proposal.

3. If Mrs. P. Das Choudhury fails to submit her representation within 10 days of the receipt of this Memorandum, it will be presumed that she has no representation to make and

Contd..

Putul Das Choudhury

Putul Das Choudhury

orders will be liable to be passed against Mrs. Putul Das Choudhury -ex-pente.

4. The receipt of this memorandum should be acknowledged by Mrs. P. Das Choudhury."

in the said show cause notice the applicant has been asked to submit the applicants' defense statement if any induplicate , in original within 10 days to CGMT Telecom Circle, Guwahati-7.

Copies of the aforesaid order dated 01-3-2002 and 19-2-2002 is annexed hereto marked as ANNEXURE - 'C' series.

- i) That, the applicant respectfully states that the respondent authorities has intentionally delayed the departmental proceeding by issuing show-cause notice one after another.
- j) That, the applicant states that she has again submitted her defense statement as directed to CGMT, Kamrup (Respondent No.3) on 6.-3-2002

A copy of the reply of the show-cause notice on 6.-3-2002 is annexed hereto marked as ANNEXURE - 'D'.

(Page - 22).

- k) That, the applicant respectfully states that by order No.10-4/2000 SEA-BSNL-Pers.-2-78, Jr. Accounts Officer/Asst. Accounts Officers of Indian P & T Accounts and Finance Service, Group - C/ Group - B (Gazetted), Telecom wing were promoted to the grade of Accounts Officers in the Indian P & T Accounts and Finance Service, Group - B, Gazetted (Telecom wing) ON PURELY TEMPORARY AND ADHOC BASIS. The name of the applicant has appeared at serial No.52 of the list 78 promoters.

Contd..

A copy of the aforesaid order dated 3-1-2001 is annexed herewith and marked as ANNEXURE - 'E'. (Page -24).

1) That, the applicant respectfully states that the clause - 7 (Page -28) of the aforesaid order dated 3-1-2001 (Vide annexure - E) states as follows -

"The above promotion of the officers are further subject to the condition that no disciplinary/vigilance case is pending against the officer(s). In case any disciplinary/vigilance case of the type referred to the DO P & T OM No.-22011/4/91 Esstt. (A) dated 14-9-92 is pending against the officer(s) or any punishment like stoppage of increment is in operation, the officer(s) should not be promoted or relieved on promotion/transfer without the specific approval of CO, BSNL information in this regard may be brought to the notice of the CO, BSNL forthwith."

1) That, the applicant respectfully states that, the aforesaid clause - 7 is not tenable in law in as much as it is a settled law now that a pending of disciplinary proceeding for a long time cannot be ground to withheld the promotion of the applicant. In the instant case the applicant submitted her written statement on 27-6-2001 (Vide annexure - B) in response to the show cause notice dated 30-5-2001 (received by the applicant on 18-6-2001) vide annexure - B. It is the bounden duty of the -

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respondent authorities to complete the whole process of the disciplinary proceedings drawn against the applicant within reasonable time. However in order to delay the disciplinary proceedings the Respondent, Chief General Manager of Telecom has issued fresh show cause notice only on 19-2-2002.

- m) That, the applicant respectfully states that the promoters are required to join their assignment within a reasonable period of time. In the case of the applicant due to non completion of judicial proceedings she has not been able to join her assignment within reasonable period in as much as the grounds set forth at clause -7 has prevented her from joining her new assignment.
- n) That, the applicant respectfully states that the charge against the applicant is the payment of inflated bills in terms of rates. In fact despite the request of the applicant the authority concerned did not allow the applicant to examine and verify the inflated bills and files and questions. The applicant respectfully states that failure on the part of the respondent authority to allow to examine and verify the allege inflated bills has deprived the applicant of the reasonable opportunity to defend her.
- o) That, the applicant shall suffer irreparable loss and injury, if the whole process of disciplinary proceedings is not completed within time limit. In other words; the applicant shall be deprived of her due promotion vide order dated 3-1-2001 if clause '7' of the order dated 3-1-2001 are allowed to be in operation. In plain words the facts of the applicant is hanging in the balance, for no fault of hers'.

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p) That, the applicant respectfully states that she has not been found guilty of misconduct and therefore, the applicant cannot be deprived of her legitimate promotion on the plea of continuance of disciplinary proceedings. The applicant respectfully states that there is no Rule of law to deprive of her promotion due to pending of disciplinary's.

5. GROUNDS OF RELIEF WITH LEGAL PROVISION:

5.1. For that, clause '7' of the order No.-10-4/2000-SEA-BSNL dated 3-1-2001 (Vide annexure - E) is *prima-facie* illegal and the same cannot stand the scrutiny of law and therefore, the same is required to be expurgated.

5.2. For that, the applicant in the instant case has been made to suffer for failure on the part of the respondent authorities to complete the disciplinary proceedings within reasonable time.

5.3. For that, discrimination meted out to the applicant in not giving effect to promotion to the post of Assistant Accounts Officer to Accounts Officer Group - B on the ground of continuance of disciplinary proceedings is violative of Article 14 and 16 on the Constitution of India.

5.4. For that, the clause 7 of the promotion order No.10-4/2000 SEA-BSNL dated 3-1-2001 (vide annexure - E) is blatant violation of the central Civil Service Rules, 1965 and therefore, the same is liable to be expurgated.

5.5. For that, the respondents have committed illegality by depriving the applicant of her due promotion to the post of Accounts Officer Group - B on the strength of -

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clause - 7 of the order dated 3-1-2001 which is not sustainable in the eyes of law.

5.6. For that, in any view of the matter the action/inaction of the Respondents are not sustainable in the eyes of law.

6. DETAILS OF REMEDIES EXHAUSTED:

That, the applicant declares that she had exhausted all the remedies available to her and there is no alternative remedy available to her.

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

That, the applicant declare that the matter is not previously filed or pending in any other Court.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the following relief sought -

8.1. To expurgate the clause 7 of the promotion order dated 3-1-2001 (vide Annexure - E) whereby the respondents have been deprived of her due promotion to the post of Asst. Accounts Officer to Accounts Officer Group - B of the service of the applicant.

8.2. To direct the respondents not to make clause -7 of the order No.10-4/2000 SEA-BSNL dated 3-1-2001 (Annexure - E) applicable in case of the applicant.

8.3. The Respondents to be directed to promote the applicant to the post of Accounts Officer of Indian P & T Accounts Group - B w.e.f the date when the promotion of -

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Pratap Deo Choudhury

the similarly situated other incumbent have been made effective.

8.4. To all other reliefs that may be granted to the applicant Under the facts and circumstances of the case.

8.5. To any relief that deem fit and proper by the Hon'ble Tribunal.

9. INTERIM ORDER PRAYED FOR:

In the Interim the applicant may be promoted to the post of STS of ITS group - A till the disposal of the original application by keeping the clause 7 of the No.10-4/2000 SEA-BSNL dated 3-1-2001(Annexure - E) kept in abeyance.

10. PARTICULARS OF I.P.O.:

1. I.P.O. No.: - 69788303
2. DATE : - 17-9-2001
3. PAYABLE AT: - GUWAHATI.

11. LIST OF ENCLOSURE:

As stated in the INDEX.

VERIFICATION:

I, Mrs. Putul Das Choudhury, w/o Mr. Rakhal Ch. Choudhury, aged about 41 years, resident of vill.- Sarumotoria, P.O. & P.S.- Dispur, Guwahati-6, Assam do hereby verify the contents of paragraphs 4(a, b, c, d, e, f, g, h, l, m) are true to my knowledge, and paragraphs 4, K) belief to be true on legal advice and that I have not suppressed any material facts.

And I set my hand on this verification today the 11 th March 2002, at Guwahati.

Putul Das Choudhury

Signature of the applicant.

Annexure-A'serves.

-13-

22
A

GUARANTEE TELEGRAPH COMPANY LIMITED
(A Govt. of India Enterprise)
OFFICE OF THE GENERAL MANAGER, KAMrup TELE. BUREAU.
GUWAHATI, GUWAHATI-781 007.

No: DFA/CON/2001-02/PDC

Dated at Guwahati the 18-06-2001

To:

Mrs. Patal Das Choudhury,
AAO (Misc) o/o GMTD/Kamrup
Guwahati - 781007

Please find enclosed herewith the memorandum of charges vide
No. Gm/SD/DEK(Vig.)/X-22/2001-2002/Ind. 3015/2001 issued by DGM(F&A), GMTD/Kamrup
The receipt of the same may please be acknowledged.
your representation if any should
sent to me in triplicate in original.
OR
Enclo: 2

Enclo: As above.

(N K DEKA),
Director, Finance & Accounts

certified to be

True copy.

SD

Advocate.

GM/SDE (W12) / X-20/2001-2002/1

Dated: 8/5/2001

MEMORANDUM

Shri Mrs. Patal Das Chaudhury (Designation) AAC (Misc)
Office in which working) MTD/Kamrup (G.O.M.S.)
is hereby informed that it is proposed to take action against Shri/Her
under rule 16 of C.S. (C.G.O.M.S.) Rules, 1963. A statement of the
imputations of misconduct or misbehaviour on which action is proposed
to be taken as mentioned above, is enclosed.

2. Shri Mrs. Patal Das Chaudhury is hereby given an opportunity to make such representation as he may wish to make against
the proposal.

3. If Mrs. Patal Das Chaudhury fails to submit his representation within 10 days of the receipt of this Memorandum, it will be presumed that he has no representation to make and orders will be liable to be passed against Shri Patal Das Chaudhury in part.

4. The receipt of this Memorandum should be acknowledged by
Shri Mrs. Patal Das Chaudhury.

(By order and in the name of the Respective)

Abhijit
Signature _____
Name and Designation _____
General _____
State _____
District _____
Bihar _____
District _____
Guwahati _____
Date _____

To: Mrs. Patal Das Chaudhury, AAC (Misc)
for A.O. (Cash), G.M.T.D/Kamrup
1/11/11, Guwahati-7.

Certified to be
true copy.

Abhijit
Advocate.

STATEMENT OF IMPUTATION IN SUPPORT OF THE ARTICLE OF CHARGE PROPOSED TO BE FRAMED AGAINST MRS.PUTUL DAS CHOUDHURY, ~~EX.~~ ASSTT. ACCOUNTANT, O/O GMT, GUWAHATI.

Whereas Mrs.Putul Das Choudhury was posted and functioning as Asstt.Accounts Officer in O/O the GMT, Kamrup Telecom district, Guwahati during 1994-95.

It is alleged that Mr.Putul Das Choudhury had done pre- checking of bills of M/s Rajdhani Book Binding Work Guwahati as follows:

Sl.NO	Bill NO. & date	Amount	Name of the Firm
1	1,081dt 20.8.95	1,200	M/S Rajdhani Book Binding Works.
2.	1,082dt 15.9.95	1,020	-do-
3.	1,084dt 26.9.95	2,755	-do-

It is alleged that while Mrs.Putul Das Choudhury pre-checking of Bills she failed to done proper check/ verification of the foresaid bills thereby firm getting illegal pecuniary benefits whereas no indents for materials has been named in the General Section of GMT Office for execution of binding works, no prior approval was obtained from the competent authority for execution of binding works. And also no work order has been placed to the said firm, neither bills were received in the general section for ~~process~~ prosessed through the General Section in the respective files, bills were processed by one Sri H. Biswas who was no way concerned with processing of said bills.

It is further alleged that M/s Rajdhani Book binding Works was an approved firm for binding works in the GMT Office and but raised bills at a higher rates than approved rates.

It is alleged that Mrs.Putul Das Choudhury failed to maintained absolute integrity and devotion to duty which has been proved during investigation on the basis of oral and documentary evidences.

The above acts commission and omission on the part of Mrs.Putul Das Choudhury contravene the provision of Rules 3(1) (2) of CSS (conduct) Rule 1964.

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2b
Advocate

Copy forwarded to:

1. The Director(Finance & Accounts), O/o, GMT, Kamrup Telecom District, Ulubari, Guwahati-7. The enclosed memorandum may be served to Mrs.Putul Das Choudhury, A.A.O(MISC) and he/her dated acknowledgment may be sent to this office. His/her defence statement in triplicate in original may be forwarded to this office immediately on its receipt. Service particulars of Mrs.Putul Das Choudhury, AAO, may be furnished in the enclosed proforma please.
2. V.O,O/o the CGMT/ Assam Circle, Ulubari, Guwahati-7.

sd/- Illigible
(S.K. BHADURI)
General Manager, Telecom
Kamrup Telecom District
Guwahati- 7.

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Whereas Mrs. Pulu Devi Choudhury was posted and working as Ass'tt. Accounts officer in O/o the G.M.T., Kamrup Telecom Distt, Guwahati during 1934-35.

It is alleged that Mrs. Patel Das Choudhury had done pre checking of bills of M/s Rajdhani Book Binding Works Guwahati as follows :

Sl. No.	Bill No. & Date	Amount	Name of the firm
1	1081 dt.d/20/95	1,200	M/s Rajdhani Book Binding works
2	1082 dt.15/9/95	1,020	-do-
3	1084 dt.d/28/95	2,755	-do-

It is alleged that while Mrs. Pulul Das Choudhury pre checking c' bills he failed to done proper check/ verification of the aforesaid bills thereby firm getting illegal pecuniary benefits whereas no indents for materials has been raised in the General Section of G.I.A.T office for execution of binding works, no prior approval was obtained from the competent authority for execution of binding works. And also no work order has been place to the said firm, neither bills were received in the General Section nor processed through the General Section in the respective files, bills were processed by one Sh. Biswas who was no way concerned with processing of said bills.

It is further alleged that Ms Rajdhani Book Binding Works was an approved firm for binding works in the GAT office and but raised bills at a higher rates than approved rates.

It is alleged that Mrs. Putul Das Choudhury failed to maintain absolute integrity and devotion to duty which has been proved during investigation on the basis of oral and documentary evidence.

The above acts omission and omission on the part of Mrs. Patal Das Choudhury contravene the provision of rules 3(1) (2) of CSS (conduct) Rule 1964.

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Copy forwarded to:-

1. The Director (Finance and Accs), O/o, The G.M.T. Koirup Telecom District, Ulubari, Guwahati-7. The enclosed Memorandum may be served to Mr. Patal Das ... Chadha, A.A. (Cwsc.)... and his/her dated acknowledgement may be sent to this office. His/Her defence statement in triplicate in original may be forwarded to this office immediately on its receipt. Service particulars of Mr. Patal Das Chadha, A.A. may be furnished in the enclosed proforma please.
2. V.O.; O/o the CGMT/Assam Circle, Ulubari:Guwahati:-7.

(S.K. Bhaduri)
General Manager Telecom
Koirup Telecom District
Guwahati:-781007

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SD

Advocate

To

The General manager
Kamrup Telecom District
Ulubari, Guwahati-7

Respected sir,

I acknowledge the receipt of your memo. No. GM/SDE(Vig)/X-90/2001-2002/1 dt.30.5.2001 which was forwarded to me on 18.06.2001 by the Director, Finance & Accounts under his letter no. DFA/CON/2001-2002/PDC dt. 18.06.2001. I beg most humbly to submit as follows:

The alleged act of omission reportedly took place in 1995 while I was posted and working as JAO. I am not able to recollect to my memory the minute details of the bills, in question, or the action taken on these bills at different stages. It is, therefore, not possible on my part to give a correct and complete version of the case at this belated date without examining the relevant files. It is my humble request to kindly arrange production of the relevant files and the paid bills for my examination and obtain copy wherever necessary, so as to enable me to produce my defence against the charges.

Notwithstanding the above and pending submission of my detailed defense on the specific charge, I write to put on record that according to the procedure established by practice, the bills of the kind under dispute, are processed by the authority who issued the work order. Such authority verify the quality, quantity and rate with reference to supply order and after being satisfied of the correctness and genuineness of the bills endorsed certificate in the body of the bills and issued passed order of the bill amount. The passed bills with files and register are then routed through pre check clerk and JAO and finally put up all bills to AO for issuance pay order.

On receipt of passed bills as above, firstly the pre check clerk then JAO are expected to exercise check on all bills to see that the bills have been passed by the competent authority and also required certificate as regard quantity, quality and rate is recorded on the body of the bill. In addition, the pre check staff also check the arithmetical accuracy, head of debit A/c and the availability of fund of the relevant head.

Be it made clear that JAO is not authorised to conduct any kind of physical verification. He has to rely entirely on the certificate furnished by the competent authority. Any error or omission as regard the quality, quantity or rate of the material/service provided should rest with the authority who issued the certificate. JAO can not be blamed for any unintended error arising out of wrong certificate. Moreover, I was not the regular JAO of Cash section, I have been asked verbally to look after the works of cash section in absence of regular JAO. It is also noticed that bills relating to the same Party and same nature of bills were passed and paid. In the instant case, the charge is that the payment of inflated bills in terms of rate. If the rate claimed in the bill was higher or the volume of service rendered of as shown in the bills were more it rested with the certificate

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issuing authority to detect and point out the irregularity. Once the bills have been passed after issue certificate about the correctness and genuineness of bills. There was nothing that the JAO could do to detect the anomaly or prevent the payments of the bills.

In the face of the above, no blame can be attached to me even if the bills are found to be fraudulent or inflated. I, therefore, specifically deny all the allegations in support of article of charges proposed to be framed against me. Accordingly, I request your judicious goodself to kindly exonerate me from the charges.

With kindest regard.

Putul Das
(Putul Das Choudhury)
AAO(Misc),
O/O GMT/Guahati.

Dated at Guahati
27th June, 2001

Received 3 copies

J. M. Deka

27. 6. 2001

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SD

Advocate

N.K.DEKA
 Director (F & A)
 Kamrup Telecom District
 Jorhat, Guwahati -67

No. DFA/Conf/01-02/PDC

Dated, 1-03-02.

To,

Mrs Patuli Das Choudhury,
 AAO (Cash)
 O/O General Manager
 Kamrup Telecom District/ Guwahati.

Please find enclosed herewith Memorandum vide letter No. Vig/Assam/Disc-X/58 dated 19-02-02 and Statement of Imputation of misconduct.

Your defence statement if any should be sent to me within 10 days in quadruplicate in original.

N.K.Deka
 (N.K.Deka)
 DIRECTOR (F & A)
 O/O GMTD/GUWAHATI.

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 true copy.*

Ab
 Advocate.

BHARAT SANCHAR NIGAM LTD
 O/O the Chief General Manager,
 Assam Telecom Circle, Ulubari,
 Guwahati- 781007.

CODE

No. Vig/Assam/DISC-X/58

Dated the 18-02-2002.

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MEMORANDUM

1. Mrs. Putul Das Choudhury, AAO O/O GMTD Kamrup Guwahati was informed that it was proposed to take action against her under Rule- 16 of CCS(CCA) Rules, 1965 vide order No. GM/SDE(Vig)/X-90/2001-2002 dated 30-5-2001 issued by GMTD Guwahati who is not competent to institute proceeding against Mrs. Putul Das Choudhury under CCS(CCA) Rules, 1965. Therefore in supersession of the order No. GM/SDE(Vig)/X-90/2001-2001/1 dated 30-5-21 ^{18/02/2002} Mrs. P. Das Choudhury, AAO O/O GMTD Guwahati is hereby informed that it is now proposed to take action against her under rule-16 of CCS(CCA) Rules, 1965. A statement of the imputations of misconduct or misbehaviour on which action is proposed to be taken as mentioned above, is enclosed.
2. Mrs. Putul Das Choudhury is hereby given an opportunity to make such representation as she may wish to make against proposal.
3. If Mrs. Putul Das Choudhury fails to submit her representation within 10 days of the receipt of this Memorandum, it will be presumed that she has no representation to make and orders will be liable to be passed against Mrs. Putul Das Choudhury ex-parte.
4. The receipt of this Memorandum should be acknowledged by Mrs. Putul Das Choudhury.

G.S.GROVER
 CHIEF GENERAL MANAGER
 ASSAM TELECOM CIRCLE
 GUWAHATI-07.
 18/02/2002

To,

Mrs. Putul Das Choudhury, AAO
 O/O GMTD Kamrup
 Ulubari, Guwahati.

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SB
 Advocate.

**STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR
FRAMED AGAINST MRS.PUTUL DAS CHOUDHURY, AAO O/O GMT
KAMRUP, GUWAHATI.**

That the said Mrs. Putul Das Choudhury was functioning as Asstt. Accounts Officer in the O/o GMT Kamrup Telecom District, Guwahati during 1994-95.

That the said Mrs. Putul Das Choudhury had done pre-checking of bills of m/s Rajdhani Book Binding Works Guwahati as follows :-

Sl.No.	Bill No. and date	Amount	Name of the firm
1.	1,081 dtd. 20-8-95	1,200/-	M/s Rajdhani Book Binding Works.
2.	1,082 dtd. 15-9-95	1,020/-	-Do-
3.	1,084 dtd. 28-9-95	2,755/-	-Do-

That the said Mrs. Putul Das Choudhury while pre-checking of bills she failed to done proper check/verification of the aforesaid bills thereby firm getting illegal pecuniary benefits whereas no indents for materials has been raised in the General section of GMT Office of execution of binding works, no prior approval was obtained from the competent authority for execution of binding works. And also no work order has been placed to the said firm, neither bills were received in the General Section or processed through the General Section in the respective files, bills were processed by one sh.H.Biswas who was no way concerned with processing of said bills.

Whereas M/s Rajdhani Book Binding Works was an approved firm for binding works in the GMT Office but raised bills at a higher rates than approved rates.

Thus by her above acts, Mrs. Putul Das Choudhury, failed to maintain absolute integrity and devotion to duty thereby contravened the provision of Rule-3(I)(i) & (ii) of CCS(Conduct) Rules, 1964.

20/8
1) 200 - 20/8
1) 020 - 15/9
1) 2755 - 28/9
4,975
1) No Indent
2) No prior approval
3) No work order
4) Bills not recd in
Certified to be General Secy
Free copy (5) Bills not processed
Sd/
Secretary
6) Processed by H Biswas

To

The Chief General manager
Assam Telecom Circle,
Ulubari, Guwahati-781007

Sub: Defence statements.

Respected sir,

I acknowledge the receipt of your memo. No. Vig/Assam/Disc-X/58 dtd at 19.02.2002 which was forwarded to me on 01.03.2002 by the Director , Finance & Accounts,o/o GMTD/Guwahati under his letter no. DFA/Conf/01-02/PDC dt. 01.03.2002. I beg most humbly to submit as follows:

The alleged act of omission reportedly took place in 1995 while I was posted and working as JAO. I am not able to recollect to my memory the minute details of the bills, in question, or the action taken on this bills at different stages. It is ,therefore, not possible on my part to give a correct and complete version of the case at this belated date without examining the relevant files. It is my humble request to kindly arrange production of the relevant files and the paid bills for my examination and obtain copy wherever necessary, so as to enable me to produce my defence against the charges.

Notwithstanding the above and pending submission of my detailed defense on the specific charge, I write to put on record that according to the procedure established by practice , the bills of the kind under dispute, are process by the authority who issued the work order. Such authority verify the quality, quantity and rate with reference to supply order and after being satisfied of the correctness and genuineness of the bills endorsed certificate in the body of the bills and issued passed order of the bill amount. The passed bills with files and register are then routed through pre check clerk and JAO and finally put up all bills to AO for issuance pay order.

On receipt of passed bills as above ,firstly the pre check clerk then JAO are expected to exercise check on all bills to see that the bills have been passed by the competent authority and also required certificate as regard quantity, quality and rate is recorded on the body of the bill. In addition ,the pre check staff also check the arithmetical accuracy ,head of debitible A/c and the availability of fund of the relevant head.

Be it made clear that JAO is not authorised to conduct any kind of physical verification . He has to rely entirely on the certificate furnished by the competent authority . Any error or omission as regard the quality, quantity or rate of the material/service provided should rest with the authority who issued the certificate. JAO can not be blamed for any unintended error arising out of wrong certificate. Moreover, I was not the regular JAO of Cash section, I have been asked verbally to look after the works of cash section in absence of regular JAO. It is also noticed that bills relating to the same Party and same nature of bills were passed and paid . In the instant case, the charge is that the payment of inflated bills in terms of rate. If the rate claimed in the bill was higher or the volume of service rendered of as shown in the bills were more it rested with the certificate

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issuing authority to detect and point out the irregularity. Once the bills have been passed after issue certificate about the correctness and genuineness of bills. There was nothing that the JAO could do to detect the anomaly or prevent the payments of the bills.

In the face of the above, no blame can be attached to me even if the bills are found to be fraudulent or inflated. I, therefore, specifically deny all the allegations in support of article of charges proposed to be framed against me. Accordingly, I request your judicious goodself to kindly exonerate me from the charges.

With kindest regard.

Dated at Guwahati
6th March 2002

Idas
(Putul Das Choudhury)
AAO(Misc),
O/O GMT/Guwahati.

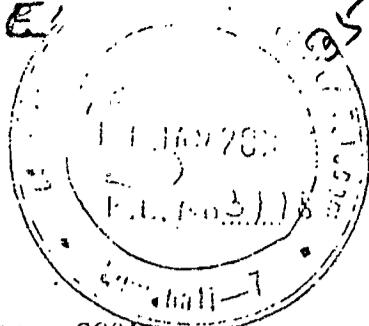
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sb

Advocate

NO. 10-4/2000-SEA-BSNL
BHARAT SANCHAR NIGAM LIMITED
SANCHAR BHAWAN, 20, ASHOKA ROAD,
NEW DELHI-110001



Dated: 3rd January, 2001

Sub: Promotion/postings and transfers/reallotments in the
Grade of Accounts Officers/Sr. Accounts Officers-
Indian P & T Accounts and Finance Service, Group "B".

PROMOTION ON REGULAR BASIS:

Consequent upon the promotion of the following Jr. Accounts Officers/Asstt. Accounts Officers of the Indian P&T Accounts and Finance Service, Group-C/Group-B(Gazetted), Telecom wing to the grade of Accounts Officers in the Indian P&T Accounts and Finance Service, Group-B(Gazetted), Telecom Wing ON REGULAR BASIS in the scale of pay of Rs. 7,500 - 250 - 12,000 with effect from the date of assumption of charge vide the Department of Telecommunications OM NO. 105/99. SEA(PART) dated 20-12-2000, these officers are posted as under:

Sl. No.	Staff No.	Name of the Office (S/Sr/Ms.)	Circle Working	Circle Posted
1.	88202	ASHUTOSH K.R. SRIVASTAVA	BRT	BRT
2.	88204	NAVAL KISHORE GUPTA	RJT	RJT
3.	88205	VIJAY SAH	BRT	BRT
4.	88208	SHIV RATAN JOSHI	RJT	RJT
5.	88209	RANGA RAJU GOPAL RAO	APT	APT
6.	88210	NARESH PRASAD	ETP	ETP
7.	88211	NEMAI CHANDRA RUDRA	CTD	CTD
8.	88216	SAT NARAIN VERMA	CO BSNL	CO BSNL
9.	88220	VALSALA JANARDHANAN	KT	KT
10.	88221	VED PRAKASH	MTNL ND	
11.	88223	RAM CHARITRA BARAI	UPE	UPE
12.	88224	ANTONY K.F.	KT	KT
13.	88227	ASOKE KUMAR SEN	CTD	
14.	88228	MALHOTRA K.L.	RJT	RJT
15.	88229	GAUR HARI PODDER	WBT	WBT
16.	88230	CHANDRASEKARAN K	KNP	KNT
17.	88232	ARUP KUMAR BAG	CTD	CTD
18.	88233	AMAL KUMAR SINHA	MPT	MPT
19.	88235	MOHAMMED THENNAMCHERY	KT	KT
20.	88236	SANKAR KUMAR DUTTA	CTD	CTD
21.	88237	SEETHARAMULU A	APT	APT
22.	88240	ROY KRISHNA	T&D JB	T&D JB
23.	88241	VYAS S.S.	MPT	MPT
24.	88243	RAM NAresh	UPW	UPW
25.	88248	DEBENDRA CH. SAHARIA	ASSAM	ASSAM

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26.	88249	MATHEWS V.C.	KT	KT
27.	88250	MD. ABDUL JALEEL P.T.	KT	KT
28.	88255	DUDHESHWAR MISHRA	BRT	BRT
29.	88256	RAMESH CHAND RATHI	RJT	RJT
30.	88259	SATRUGHAN SINGH	UPE	UPE
31.	88261	KAMAL KUMAR JAIN	RJT	RJT
32.	88272	SUDHA MOY HALDER	CTD	CTD
33.	88285	A.K. GHOSH	NCES	NCES
34.	88287	K.N.SIVASANKARAN NAIR	KT	KT
35.	88288	BANKAR LAL SHARMA	RJT	RJT
36.	88289	NOOR ISLAM MALLIK	MPT	MPT
37.	88290	TAIFAN KUMAR MAJUNDAR	CTD	CTD
38.	88291	NOORUL HUDA	CTD	CTD
39.	88292	S.C. DASGUPTA	CTD	CTD
40.	88293	GAUTAM KUMAR GHOSH	CTD	CTD
41.	88295	ASHA T.V.S.	MHT	MHT
42.	88298	KALAVATHI P	MHT	MHT
43.	88299	SRIMATHI C	APT	APT
44.	88303	BULLI BABU K	APT	APT
45.	88304	BHUPAL KANTI SAHA	WBT	WBT
46.	88305	RAMESH R	TNT	TNT
47.	88306	SREENIVASAN K	CHEN.TD	*
48.	88308	RAJESHWARI R	UPW	UPW
49.	88309	TRIPURASUNDARI S	MHT	MHT

2. PROMOTION ON ADHOC BASIS:

Consequent upon the promotion of the following Jr. Accounts Officers/Asstt. Accounts Officers of Indian P&T Accounts and Finance Service , Group-C/Group-B(Gazetted), Telecom Wing to the grade of Accounts Officers in the Indian P&T Accounts and Finance Service , Group-B ,Gazetted (Telecom Wing) ON PURELY TEMPORARY AND ADHOC BASIS in the scale of pay of Rs. 7,500 - 250 - 12,000 for one year with effect from the date of assumption of charge vide the Department of Telecommunications OM NO. 105/99-SEA (PART) dated 20-12-2000 (Sl.No. 1 to 12) and O.M.No.1012/2000-SEA dt.21.12.2000(Sl.No.13 to 78), these officers are posted as under :

Sl. No.	Staff No.	Name of the Officer (S/Sri/Ms.)	Circle Working	Circle Posted
1.	88690	Sukanya Shyam P	APT	NATFM
2.	✓ 88691	Rudra Paudel	ASSAM	ASSAM ✓
3.	88692	Willie Bai C	KNT	KNT
4.	88693	Omiprakash	MPT	UPE.
5.	88694	Bishnu Kr. Paul	ASSAM	NE
6.	88695	Sharma P.D.	UPE	UPW
7.	88696	Murali P.U	TNT	GJT
8.	88697	Gobinda Debnath	CTD	CO BSNL
9.	88698	Sreekumari. Anima S	KT	KNT
10.	88700	Kalaichelyi C	CHEN. TD	KNT

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11.	88702	Nagarajan P	KT	GJT
12.	88703	Maharaj Kishan Kaul	J&K	J&K
13.	181128	S.S. Mahto	SC	BRT
14.	88974	Banshi Dhar	SC	RJT
15.	89023	Venkataramana D. K	SC	KNT
16.	89036	Ramlal Bairwa	SC	RJT
17.	89043	D.C. Panchaksharappa	SC	KNT
18.	89048	Mohinder Lal	SC	J&K
19.	89058	Ram Bilas	SC	UPW
20.	89060	Vyavahare R.B	SC	MHT
21.	89087	Monoj Roy	SC	MPT
22.	89096	B.S. Prasad	SC	KNT
23.	89151	Rajendran M	SC	CO BSNL
24.	89175	Sunagar R. B	ST	KNT
25.	89176	Shanmugam P	SC	GJT
26.	89178	Ponuchamy C	SC	GJT
27.	89182	Leela Ram Meena	ST	HPT
28.	89198	Tanmay Das	SC	CO BSNL
29.	89209	Mathuramani M	SC	KNT
30.	89210	Abani Das	SC	UPW
31.	89219	Kailash Ram	SC	CO BSNL
32.	89822	R. Bhagirathamma	SC	KNT
33.	89234	Raghavan R	SC	GJT
34.	89237	Laxmanlal Pachhola	SC	RJT
35.	89244	Anita Pradhan	SC	WBT
36.	89249	Ram Khiladee Meena	ST	RJT
37.	89251	Menaka K	SC	MHT
38.	89254	Reena Biswas	SC	CO BSNL
39.	89256	Prasanta Biswas	SC	CO BSNL
40.	89262	Kathiresan A	SC	GJT
41.	89265	Narayanan A	SC	GJT
42.	89266	Akhand R.K	SC	MPT
43.	89273	Saninugathai S	SC	GJT
44.	89274	Jitendra Kumar	SC	CO BSNL
45.	89275	Nandanwar S.T	ST	MPT
46.	89276	Muniasmy N	SC	GJT
47.	89278	Rajendran P	SC	UPW
48.	89279	Susheel Das	SC	ASSAM
49.	89281	Rajasekharan V	SC	MPT
50.	89283	Chokkar C	SC	MHT
51.	89284	Susheel Kumar Mughi	SC	UPW
52.	89285	Putul Das Choudhury	SC	ASSAM
53.	89286	Het Ram Singh	ST	PBT
54.	89287	Pazhamivel K	SC	GJT
55.	89288	Naba Gopal Das	SC	MPT
56.	89309	Anjaniya K	SC	MHT
57.	89310	Kamal Kundu	SC	PBT
58.	89311	Madikunt S	ST	MHT
59.	89312	S.N. Sarkar	SC	MPT
60.	89315	Tirkey F	ST	UPW

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61.	89316	Sunil Kumar Biswas	SC	CTD	MPT	
62.	89317	Roop Chandra Ram	SC	UPE	UPW	
63.	89318	Rajendran V	SC	APT	NATFM	
64.	89319	Damodar A	SC	KNT	KNT	
65.	89321	Vasantha Kumari G	SC	KNT	KNT	
66.	89322	Hermon Xaxa	ST	BRT	UPW	
67.	89323	Om Prakash	SC	HT	HPT	
68.	89324	Anupain Arya	SC	HPT	HPT	
69.	89325	Ram Asaray	SC	NTP	NTP	
70.	89326	Jokhu Ram	SC	TF JBP	TF JBP	
71.	89327	Biswanath Das	SC	CTD	MPT	
72.	89328	Lala Ram	SC	WTP	NTP	
73.	89329	Ram Pal	SC	HT	HPT	
74.	89332	Rani Lakan	SC	UPE	MPT	
75.	89333	T.S. Pagare	SC	TF/JBP	TF/JBP	
76.	89334	Nathikar P.Y	SC	KNT	KNT	
77.	89335	Singh A.P.	SC	NTP	NTP	
78.	89336	Mahalik K.K.	SC	ORT	WTP	

3. TRANSFER :

The following transfers and postings in the grade of Accounts officers/ Sr. Accounts Officers are ordered with immediate effect.

Sl.No	Staff No.	Name of the Officer (S/Sri/Ms.)	Circle Working	Circle posted on transfer
1.	82097	K.S. Balachandran	MPT	KT
2.	87062	M.U. Gurusami	ASSAM	TNT
3.	81613	K. Palanisamy	GJT	TNT
4.	87813	Nemai Ch.Das	ASSAM	CTD
5.	87534	R.N. Goswami	WBT	CTD

4. REALLOTMENTS :

In partial modification of this office O M No. 105/2000-SEA(PART) dt'd. 22-6-2000, the following reallotments in the cadre of Accounts Officers/ Sr. Accounts Officers are ordered with immediate effect.

Sl.No	Staff No.	Name of the Officer (S/Sri/Ms.)	Circle Working	Circle Posted	Circle Reallotted
1.	87682	C. Pandian	TNT	MHT	TNT
2.	87636	S.N. Das	CTD	GJT	TE/GH
3.	87624	Alcka Biswas	ORT	ETR	TE/GH
4.	87678	Indrani Brahmabari	TF/JB	ETR	NE
5.	87739	Archana Bandopadhyay	TF/GH	ETR	ASSAM

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The appointment on adhoc basis is purely on temporary basis and would not, therefore, bestow any claim to the Officers so promoted for promotion to the grade of Accounts Officer on regular basis or to the higher grade and also seniority for promotion to the grade of Accounts Officer or to the higher grade on the basis of such promotion.

6. The posting of the officers in BSNL are on deputation basis without deputation allowance.

7. The above promotions of the Officers are further subject to the condition that no disciplinary/vigilance case is pending against the Officer(s). In case any disciplinary/vigilance case of the type referred to in DO P&T OM NO. 22011/4/91-Estt.(A) dttd. 14-9-92 is pending against the Officer(s) or any punishment like stoppage of increment is in operation, the Officer(s) should not be promoted or relieved on promotion/transfer without the specific approval of CO,BSNL. Information in this regard may be brought to the notice of the CO,BSNL forthwith.

8. The pay of the Officers on promotion to the grade of Accounts Officer will be fixed under FR-22(I) (a) (i).

9. The seniority of the Officers promoted to the grade of Accounts Officer on regular basis will be fixed in accordance with the instructions contained in DO P&T letter No. 20011/1/96-Estt.(D), dated 30-1-97 and No. 20011/2/97-Estt.(D), dated 21-3-97 separately by DOT.

10. The Officers now promoted, in case they are officiating on local arrangement basis or on adhoc basis based on the orders issued by DOT in the grade of Accounts Officer, should be reverted to their substantive grade and be promoted afresh in compliance with the orders referred to above issued by DOT.

11. In case any Officer promoted on regular/ adhoc basis does not accept the promotion, the Circles are requested to obtain the declination from the Officer concerned and sent to CO, BSNL. If such a case arises, the officer concerned will not be considered for further promotion for a period of one year after acceptance of declination by the appointing authority. No such Officer shall be given local officiating promotion to any higher post further.

12. The Circles are requested to please check up the up-to-date position regarding the vacancies in the grade of AO/Sr.AO and intimate to Sri G.H.Pradhan, Accounts Officer (SEA) by 31-1-2001 positively.

13. Charge reports may be sent to all concerned including Accounts Officer(SEA), Corporate Office, BSNL.

14. Hindi version will follow.

6 copies
(PREMA KRISHNAMACHARI)
ASST. DIRECTOR GENERAL (SEA)

Certified to be
True copy.

2b

Advocate.

1. The Chief General Manager, Telecommunications/I.F.A., BSNL, Andhra Pradesh, Assam, Bihar, Gujarat, J&K, Karnataka, Kerala, Madhya Pradesh, North East, Maharashtra, Haryana, Himachal Pradesh, Punjab, Orissa, Rajasthan, Tamilnadu, U.P.E., U.P.W., West Bengal Circle.
2. The Chief General Manager/I.F.A., BSNL, Calcutta/Chennai Telecom Districts.
3. The Project Director/IFA, NATIM, Hyderabad
4. The Chief General Manager/I.F.A. BSNL, Telecom Project, Delhi, Calcutta, Mumbai, Chennai
5. The Chief General Manager/I.F.A. BSNL, Telecom Maintenance, Calcutta/New Delhi.
6. The Chief General Manager/I.F.A., BSNL, Telecom Factory, Jabalpur.
7. The Chief General Manager/I.F.A., BSNL, Telecom Stores Calcutta/Task Force Guwahati/ALTTG Ghaziabad/NCES, New Delhi.
8. The CMD, BSNL/Director(Finance), BSNL/Sr.DDG(IA&P)/Jt. DDG(SEA)/ADG(SEA), Corporate Office, BSNL
9. Advisor(Finance)/Sr.DDG(Vig.)/DDG(EAF)/Dir.(SEA), Telecom Directorate.
10. ADG(SEA), Telecom Directorate - with reference to * , corrections have been made, wherever necessary, in respect of officers at present working in the BSNL and posted to CO, BSNL, on promotion. Corrections have also been made in the present place of working in respect of officers who are shown as working in BSNL but actually working in MTNL or vice versa, wherever necessary. In respect of these officers, necessary corrigendum may be issued. With reference to ** , the place of working shown in the promotion order has been corrected: It may be intimated as to whether any modification to the posting order is required.
11. Sr.PPS to Member(F), Telecom Commission.
12. CS to Member (F), Telecom Directorate.
13. General Secretary, AIP&T AFSOA, New Delhi.
14. OL Section for arranging Hindi version.
15. Guard file /Spare copies.

PP P
(G. H. PRADHAN)
ACCOUNTS OFFICER (SEA) 3/2001

Certified to be
True copy.

2b

Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :::: GUWAHATI.

Union of India & ors
- Respondents
through -
Supp. Writ No. 1
24/5/62

In the matter of :

O.A. NO. 84 of 2002

Mrs. Putul Das Choudhury

..... Applicant.

- Vs -

Union of India & Ors.

..... Respondents.

Written Statements for and on behalf of Respondents

Nos. 1, 2, 3, 4 and 5.

I, S.C. Das, Asstt. Director (Legal) Office of the Chief General Manager, Telecom, Assam Telecom Circle, Ulubari, Guwahati, do hereby solemnly affirm and say as follows :

1. That I am the Asstt. Director (Legal) in the Office of the Chief General Manager, Telecom, Assam Telecom Circle, Guwahati and as such fully acquainted with the facts and circumstances of the case. I have gone through a copy of the application and have understood the contents thereof. Save and except whatever is specifically admitted in this written statement the other contentions and statements may be deemed to have been denied. I authorised to file the written statements on behalf of all the respondents.

2. That the respondents have no comments to the statements made in paragraphs 4(a) and 4(b) of the application.

3. That the respondents beg to state that the statements made in para 4(c) of the application are matters of record. *3/10/2001*

4. That with regard to the statements made in para 4(d) and 4(e) of the application the respondents beg to state that the show cause notice was issued to the applicant by the General Manager, Telecom, Guwahati vide order No. GM/SDE(Vig)/X-90-2001-02/1, dated 30.5.2001 under Rule 16 of the CCS(CCA) Rules 1965 (Annexure 'A' to the O.A.).

5. That with regard to the statements made in para 4(f) of the application the respondents beg to state that the written statements dated 27.6.2001 does not relate to the Chief General Manager, Telecom, Assam Circle but the same was addressed to the General Manager, Kamrup Telecom District, Guwahati only not to the Chief General Manager, Telecom and as such submission of the written statements to the Chief General Manager is not correct.

6. That with regard to the statements made in para 4(g) of the application, the respondents beg to state that the show cause notice was served on the applicant on the basis of established facts by the General Manager, Kamrup Telecom District on 30.5.2001 -

7. That with regard to the statements made in paragraph 4(h) of the application the respondents beg to state that since the competency of institution of Disciplinary Proceeding was question, the Chief General Manager Telecom, Assam Circle, instituted the disciplinary proceeding afresh in accordance with Rule 15(2) of CCS(CCA) Rules. Kindly refer to Annexure 'C' to the O.A.

8. That with regard to the statements made in paragraph 4(i) of the application the respondents beg to state that the show cause notice issued by the Chief General Manager Telecom is as per departmental guidelines only and it does not imply intentional delay.

9. That the respondents beg to state that the statements made in para 4(j) of the application have no comments.

10. That the respondents beg to state that the statements made in para 4(k) of the application are matters of record.

11. That with regard to the statements made in para 4(l) and 4(m) of the application the respondents beg to state that the disciplinary proceeding have been drawn against the applicant to the same has not been completed till date.

12. That with regard to the statements made in para 4(n) and 4(o) of the application the respondents beg to state that the vigilance cell of the Chief General Manager Telecom, Assam Circle started the disciplinary proceeding on the advice of the Central Vigilance Cell and the enquiry is in progress.

13. That with regard to the statements made in para 4(p) of the application the respondents beg to state that the Govt. of India has laid down detailed guidelines regarding promotions of the Govt. servants against vigilance/ disciplinary proceedings are pending.

A copy of the said guidelines is annexed hereto and marked as Annexure - R1.

14. That the applicant is not entitled to any relief sought for in the application and the same is liable to be dismissed with cost.

Verification.....

VERIFICATION

I, S.C. Das, Asstt. Director (Legal), O/o the Chief General Manager Telecom, Assam Telecom Circle, Ulubari, Gwahati, being authorised do hereby solemnly affirm and declare that the statements made in paragraphs 1, 2, 3, 8 and 9 of this written statement are true to my knowledge, those made in paragraph 4-7 & 10-13 being matters of record are true to my information derived therefrom and those made in the rest are humble submission before the Hon'ble Tribunal.

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

S.C. Das
16/5/2002
(S. C. Das)

Deponent.
सहायक निदेशक द.
Assistant Director Telecom
कार्यालय, मख्य पदा ग्राम 7
O/o The Chief General Manager Telecom,
असम दरसावार बारमुख्य, गुवाहाटी-7
Assam Telecom Circle, Guwahati-7

North Block, New Delhi - 110001
Dated, the 14th Sept., 1992.

OFFICE MEMORANDUM

Subject: Promotion of Government servants against whom disciplinary/court proceedings are pending or whose Conduct is under investigation - Procedure and guidelines to be followed.

O.M.No.
39/3/59-Estt.A dt.31.8.80
7/28/63-Estt.A dt.22.12.84
22011/3/77-Estt.A
dt.14.7.77
22011/1/79-Estt.A
dt.31.1.82
22011/2/86-Estt.A
dt.12.1.88
22011/1/91-Estt.A
dt.31.7.91.

Cases of Government
Servants to whom Sealed
Cover Procedure will be
applicable.

Procedure to be followed
by DPC in respect of
Government servants
under cloud.

Procedure by subsequent
DPCs.

Action after completion of
disciplinary case/criminal
prosecution.

Six Monthly review of
"Sealed Cover" cases.

The undersigned is directed to refer to Department of Personnel & Training OM.No.22011/2/86-Estt.(A) dated 12th January, 1986 and subsequent instructions issued from time to time on the above subject and to say that the procedure and guidelines to be followed in the matter of promotion of Government servants against whom disciplinary/court proceedings are pending or whose conduct is under investigation have been reviewed carefully. Government have also noticed the judgement dated 27.08.1991 of the Supreme Court in Union of India etc. vs. K.V. Jankiraman etc. (AIR 1991 SC 2010). As a result of the review and in supersession of all the earlier instructions on the subject (referred to in the margin), the procedure to be followed in this regard by the authorities concerned is laid down in the subsequent paras of this OM for their guidance.

2. At the time of consideration of the cases of Government servants for promotion, details of Government servants in the consideration zone for promotion falling under the following categories should be specifically brought to the notice of the Departmental Promotion Committee:-

- I) Government servants under suspension;
- II) Government servants in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending; and
- III) Government servants in respect of whom prosecution for a criminal charge is pending.

2.1 The Departmental Promotion Committee shall assess the suitability of the Government servants coming within the purview of the circumstances mentioned above alongwith other eligible candidates without taking into consideration the disciplinary case/criminal prosecution pending. The assessment of the DPC, including 'Unfit for Promotion', and the grading awarded by it will be kept in a sealed cover. The cover will be superscribed 'Findings regarding suitability for promotion to the grade/post of In respect of Shri(name of the Government servant). Not to be opened till the termination of the disciplinary case/criminal prosecution against Shri'. The proceedings of the DPC need only contain the note 'The findings are contained in the attached sealed cover'. The authority competent to fill the vacancy should be separately advised to fill the vacancy in the higher grade only in an officiating capacity when the findings of the DPC in respect of the suitability of a Government servant for his promotion are kept in a sealed cover.

2.2 The same procedure outlined in para 2.1 above will be followed by the subsequent Departmental Promotion Committees convened till the disciplinary case/criminal prosecution against the Government servant concerned is concluded.

2.3. On the conclusion of the disciplinary case/criminal prosecution which results in dropping of allegations against the Govt. servant, the sealed cover or covers shall be opened. In case the Government servant is completely exonerated, the due date of his promotion will be determined with reference to the position assigned to him in the findings kept in the sealed cover/covers and with reference to the date of promotion of his next junior on the basis of such position. The Government servant may be promoted, if necessary, by reverting the junior-most officiating person. He may be promoted notionally with reference to the date of promotion of his junior. However, whether the officer concerned will be entitled to any arrears of pay for the period of notional promotion preceding the date of actual promotion, and to what extent, will be decided by the appointing authority by taking into consideration all the facts and circumstances of the disciplinary proceeding/criminal prosecution. Where the authority denies arrears of salary or part of it, it will record its reasons for doing so. It is not possible to anticipate and enumerate exhaustively all the circumstances under which such denials of arrears of salary or part of it may become necessary. However, there may be cases where the proceedings, whether disciplinary or criminal, are, for example delayed at the instance of the employee or the clearance in the disciplinary proceedings or acquittal in the criminal proceedings is with benefit of doubt or on account of non-availability of evidence due to the acts attributable to the employee etc. These are only some of the circumstances where such denial can be justified.

3.1 If any penalty is imposed on the Government servant as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover/covers shall not be acted upon. His case for promotion may be considered by the next DPC in the normal course and having regard to the penalty imposed on him.

3.2 It is also clarified that in a case where disciplinary proceedings have been held under the relevant disciplinary rules, 'warning' should not be issued as a result of such proceedings. If it is found, as a result of the proceedings, that some blame attaches to the Government servant, at least the penalty of 'censure' should be imposed.

4. It is necessary to ensure that the disciplinary case/criminal prosecution instituted against any Government servant is not unduly prolonged and all efforts to finalise expeditiously the proceedings should be taken so that the need for keeping the case of a Government servant in a sealed cover is limited to the barest minimum. It has, therefore, been decided that the appointing authorities concerned should review comprehensively the cases of Government servants, whose suitability for promotion to a higher grade has been kept in a sealed cover on the expiry of 6 months from the date of convening the first Departmental Promotion Committee which had adjudged his suitability and kept its findings in the sealed cover. Such a review should be

done subsequently also every six months. The review should, *inter alia*, cover the progress made in the disciplinary proceedings/criminal prosecution and the further measures to be taken to expedite their completion.

5. In spite of the six monthly review referred to in para 4 above, there may be some cases, where the disciplinary case/ criminal prosecution against the Government servant is not concluded even after the expiry of two years from the date of the meeting of the first DPC, which kept its findings in respect of the Government servant in a sealed cover. In such a situation the appointing authority may review the case of the Government servant, provided he is not under suspension, to consider the desirability of giving him *ad-hoc* promotion keeping in view the following aspects:-

- a) Whether the promotion of the officer will be against public interest;
- b) Whether the charges are grave enough to warrant continued denial of promotion;
- c) Whether there is any likelihood of the case coming to a conclusion in the near future;
- d) Whether the delay in the finalisation of proceedings, departmental or in a court of law, is not directly or indirectly attributable to the Government servant concerned; and
- e) Whether there is any likelihood of misuse of official position which the Government servant may occupy after *ad-hoc* promotion, which may adversely affect the conduct of the departmental case/criminal prosecution.

The appointing authority should also consult the Central Bureau of Investigation and take their views into account where the departmental proceedings or criminal prosecution arose out of the investigations conducted by the Bureau.

5.1 In case the appointing authority comes to a conclusion that it would not be against the public interest to allow *ad-hoc* promotion to the Government servant, his case should be placed before the next DPC held in the normal course after the expiry of the two year period to decide whether the officer is suitable for promotion on *ad-hoc* basis. Where the Government servant is considered for *ad-hoc* promotion, the Departmental Promotion Committee should make its assessment on the basis of the totality of the individual's record of service without taking into account the pending disciplinary case/criminal prosecution against him.

5.2 After a decision is taken to promote a Government servant on an *ad-hoc* basis, an order of promotion may be issued making it clear in the order itself that:-

- i) the promotion is being made on purely *ad-hoc* basis and the *ad-hoc* promotion will not confer any right for regular promotion; and
- ii) the promotion shall be "until further orders". It should also be indicated in the orders that the Government reserve the right to cancel the *ad-hoc* promotion and revert at any time the Government servant to the post from which he was promoted.

5.3 If the Government servant concerned is acquitted in the criminal prosecution on the merits of the case or is fully exonerated in the departmental proceedings, the *ad-hoc* promotion already made may be confirmed and the promotion treated as a regular one from the date of the *ad-hoc* promotion with all attendant benefits. In case the Government servant could have normally got his regular promotion from a date prior to the date of his *ad-hoc* promotion with reference to his placement in the DPC proceedings kept in the sealed cover(s) and the actual date of promotion of the person ranked immediately junior to him by the same DPC, he would also be allowed his due seniority and benefit of notional promotion as envisaged in para 3 above.

5.4 If the Government servant is not acquitted on merits in the criminal prosecution but purely on technical grounds and Government either proposes to take up the matter to a higher court or to proceed against him departmentally or if the Government servant is not exonerated in the departmental proceedings, the *ad-hoc* promotion granted to him should be brought to an end.

6. The procedure outlined in the preceding paras should also be followed in considering the claim for confirmation of an officer under suspension, etc. A permanent vacancy should be reserved for such an officer when his case is placed in sealed cover by the DPC.

7. A Government servant, who is recommended for promotion by the Departmental Promotion Committee but in whose case any of the circumstances mentioned in para 2 above arise after the recommendations of the DPC are received but before he is actually promoted, will be considered as if his case had been placed in a sealed cover by the DPC. He shall not be promoted until he is completely exonerated of the charges against him and the provisions contained in this OM will be applicable in his case also.

8. In so far as the personnel serving in the Indian Audit and Accounts Department are concerned, these instructions have been issued after consultation with the Comptroller and Auditor General of India.

9. Hindi version will follow.

Manjul
(M.S. BALI)
DIRECTOR

To

All Ministries and Departments of the Government of India with usual number of spare copies.
No. 22011/4/91-Est(A) Dated the 14th Sept., 1992.

Copy forwarded for information to:-

1. Central Vigilance Commission, New Delhi.
2. Central Bureau of Investigation, New Delhi.
3. Union Public Service Commission, New Delhi.
4. Comptroller and Auditor General, New Delhi.
5. President's Secretariat/Vice-President's Secretariat/Lok Sabha Secretariat/Rajya Sabha Secretariat and Prime Minister's Office.
6. Chief Secretaries of All States and Union Territories.
7. All Officers and Administrative Sections in the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.

Manjul
(M.S. BALI)
DIRECTOR