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**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05**

7

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 119/2004
R.A/C.P No.
E.P/M.A No.

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SECTION OFFICER (Judl.)

Bahis
09.11.17

FORM No. 4
 (SEE RULE 12)
 CENTRAL ADMINISTRATIVE TRIBUNAL
 GUWAHATI BENCH

ORDER SHEET

Org. App./Misc Petn/Cont. Petn/Rev. Appl. 119/04

In O.A.
 Name of the Applicant(s) ... M. K. Gogoi

Name of the Respondent(s) ... h. V. I.

Advocate for the Applicant J. L. Sarkar, A. Chakrabarty, Ms. K. Dutta

Counsel for the Railway/CGSC

OFFICE NOTE	DATE	ORDER OF THE TRIBUNAL
-------------	------	-----------------------

This application is in ...
 is filed/C.F. ...
 deposited ... P / D
 No. 119289328
 Dated 10.5.04
 Dy. Registrar
 [Signature]

Heard Mr. J.L. Sarkar, learned counsel for the applicant and also Mr. B.C. Pathak, learned Addl. C.G.S.C. for the respondents.
 O.A. is admitted. Issue notice to the parties, returnable by four weeks.
 pendency of this application shall not be a bar for the respondents in completing the enquiry and submit its report.
 List on 18.6.2004 for order.

[Signature]
 Member (A)

Steps taken with envelopes

[Signature] bb

Notice & orders sent to D/section for issuing to respondent but nos 1, 2, 3 by regd. with A/D post.

25/5/04
 D. No. 975 to S. C. 1/6/04.

18.6.2004 Present: The Hon'ble Smt. Bharati Roy Member (J).
 The Hon'ble Shri K.V. Prahladan Member (A).

Heard Mr. J.L. Sarkar, learned counsel for the applicant and also Mr. B.C. Pathak, learned Addl. C.B.S.C. for the respondents.

The application has been filed for dropping/cancelling or finalising six charge sheets issued on the same cause of action. No reply has been filed by the respondents. The question of maintainability of the application is also involved as the applicant challenged six charge sheets in the same O.A. On

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contd.

18.6.2004 the other hand, whether the respondents can issue six charge sheets on the same cause of action is also the matter to be looked into. That being the position, we direct the respondents to file counter reply by four weeks. Rejoinder if any, to be filed by two weeks thereafter.

List before the next Division Bench

Pl. counsel order dated 18/6/04.

NS 18/6/04.

order dt. 18/6/04 sent to D/section for issuing to learned counsel of both the parties.

bb

K.V. Prasad
Member (A)

Sachidanandan
Member (J)

23/6/04

A/D card return from resp. No. 2.

23.7.04

Passed over for the day list on 23/7/04 for order.

4/7/04

By order

~~20.7.2004 Present : The Hon'ble Sri K.V. Sachidanandan, Member (J).
The Hon'ble Sri K.V. Prahlan, Member (A).~~

~~When the matter came up for hearing, the learned counsel for the applicant Sri M. Chanda submitted that matter may be taken up on 22nd July, 2004.~~

~~Post on 22.7.2004 for hearing.~~

~~Member (A)~~

~~Member (J)~~


bb

20.7.2004 Present: The Hon'ble Shri K.V. Sachidanand
Judicial Member.

The Hon'ble Shri K.V. Prahladan
Administrative Member.

Both the counsel for the parties
were present. Order passed separately.


Member (A)


Member (J)

bb

17.3.05

Present: Hon'ble Mr. Justice, G. Sivarajan, Vice-Chairman.
Hon'ble Mr. K.V. Prahladan,
Administrative Member.

At the request of learned counsel
for the applicant case is adjourned
to 30.3.05.

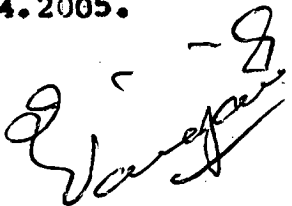

Member


Vice-Chairman

lm

30.3.2005 Present : The Hon'ble Mr. Justice G.
Sivarajan, Vice-Chairman.

At the request of counsel for
the parties list on 13.4.2005.

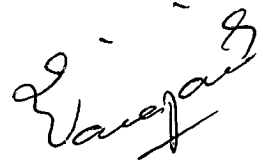

Vice-Chairman

mb

13.4.2005

At the request of learned counsel
for the parties, the case is adjourned
List on 10.5.2005.


Member

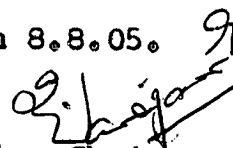

Vice-Chairman

mb

4.8.05.

Post the matter on 8.8.05.

Member


Vice-Chairman

lm

17.8.05

Copy of the
order has been
sent to the D/Sec.
for issuing the
due to the applicant
by post
lls

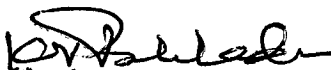
9.3.05

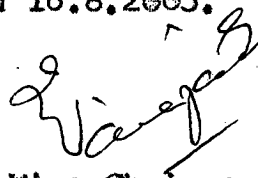
W/S submitted
by the respondents.



08.08.2005

Mr. B.C. Pathak, learned counsel for the respondents is unwell. His junior sought for adjournment. Post on 16.8.2005.


Member


Vice-Chairman

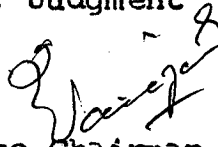
mb

16.8.05.

~~Order reserved~~

Heard learned counsel for the parties. Hearing concluded. Judgment reserved.


Member


Vice-Chairman

lm

14.11.2008

Mr. M. Mahanta, Advocate, is present representing the Applicant's side. Mr.G. Basha, Sr. Standing Counsel appearing for the Union of India is on accommodation for to-day.

In the said circumstances, call this matter for hearing on 10.12.2008 "to be spoken to"



S.N.Shukla)
Member(A)



(M.R.Mohanty)
Vice-Chairman

lm


25.02.2009

Call this matter on 18.03.2009.

W/S filed.


(M.R. Mohanty)
Vice-Chairman

lm


17.3.09.

18.03.2009

Call this matter on 25.03.2009.


(M.R. Mohanty)
Vice-Chairman

lm

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./B.A.No. 1111 119/2004.

DATE OF DECISION 20.7.2004.

.....Shri M.P.Gogoi.....APPLICANT(S).

.....Mr.J.L.Sarkar, A.Chakraborty & Mrs.K.Dutta.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS-

.....U.O.I.& Ors.....RESPONDENT(S)

.....Mr.B.C.Pathak, Addl.C.G.S.C.....ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. K.V.SACHIDANANDAN, JUDICIAL MEMBER.

THE HON'BLE MR. K.V.PRAHLADAN, 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
- Judgment delivered by Hon'ble Member (J).

CENTRAL ADMINISTRATIVE TRIBUNAL: : GUWAHATI BENCH. 9

Original Application No.119 of 2004.

Date of Order : This, the 20th Day of July, 2004.

THE HON'BLE SHRI K. V. SACHIDANANDAN, JUDICIAL MEMBER.

THE HON'BLE SHRI K. V. PRAHLADAN, ADMINISTRATIVE MEMBER.

Shri Madhuryya Kr.Gogoi
S/o Late Debeshwar Gogoi
Working as Area Manager Telecom (East)
Office of the Area Manager Telecom
Dispur, Wireless, Guwahati-6. . . . Applicant.

By Advocates Mr.J.L.Sarkar, Mr.A.Chakraborty & Mrs.K.Dutta.

- Versus -

1. Union of India
Represented by the Secretary
to the Government of India
Ministry of Telecommunication
New Delhi.
2. The Chairman
Telecom Commission
Department of Telecommunication
Sanchar Bhawan, 20, Ashoka Road
New Delhi.
3. Senior Deputy Director General (Vigilance)
Department of Telecom, West Block-II
Wing-2, Ground Floor, R.K.Puram
Delhi-110 066. . . . Respondent.

By Mr.B.C.Pathak, Addl.C.G.S.C.

O R D E R (ORAL)

SACHIDANANDAN, K.V., MEMBER(J):

The six charge sheets issued on the same cause of action arising out of granting temporary status to 27 casual madoors by the applicants vide order dated 27.5.1996 is impugned in this O.A. The applicant has filed this O.A. seeking the following reliefs:-

Cont

"8.1 The proceedings in the charge-sheet for which Departmental inquiry has been completed be finalised without further delay and the other charge-sheets should also be finalised with that charge-sheet (Annexure-VII) in a common proceeding.

Or

8.2 All the six charge-sheets be dropped/ cancelled by a formal order by the respondents without further delay closing the departmental proceeding being kept pending with no action by them.

8.3 The applicant is entitled to the cost of the case which may kindly be quantified by the Hon'ble Tribunal.

8.4 Any other relief or reliefs as the Hon'ble Tribunal deem fit and proper."

2. Mr.J.L.Sarkar, learned counsel appeared for the applicant and Mr B.C.Pathak, learned Addl.C.G.S.C. for the respondents.

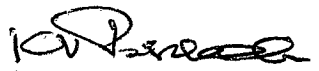
3. When the matter came up for hearing, learned counsel for the applicant Mr.J.L.Sarkar submitted that out of six charge sheets in one case enquiry proceeding has been completed on 7.8.2003 and in another case enquiry was completed but no report was filed and in the remaining four cases Inquiry Officers and Presenting Officers have been appointed. The learned counsel for the applicant has drawn attention of this Tribunal to the Scheme of Central Vigilance Commission dated 23.5.2000 wherein it is stated that conducting departmental enquiry and submission of report should be completed within six months from the date of appointment of I.O./P.O. Learned counsel for applicant submitted that he will be satisfied if direction is issued to the respondents to complete

Cont.

enquiry proceeding within a time frame . Learned Addl.C.G.S.C. Mr.B.C.Pathak submitted that respondents have no objection in adopting such cause of action. In the interest of justice we direct the respondents to conduct and complete the departmental enquiry proceedings pending against the applicant, as observed above, within six months from the date of receipt of this order.

With the above observations made above, the O.A. is disposed of.

There shall, however, be no order as to costs.



(K.V.PRAHLADAN)

ADMINISTRATIVE MEMBER



(K.V.SACHIDANANDAN)

JUDICIAL MEMBER

Central Administrative Tribunal
14 MAY 2004
GURUDEV

12
Filed by the applicant through
Smt. K. Dutta, advocate,
Guwahati
14/5/04

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

Title of the case : O.A. No.: 119 /2004
Sri M.K. Gogoi : Applicant
----- versus -----
Union of India & ors. : Respondents

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

31.01.1995 The applicant joined in the post of Telecom District Engineer, Tezpur. After his joining in the said post he found an order under circular dated 17.12.1993 to confer temporary status to all eligible casual mazdoors in terms of the said circular. The names of casual mazdoors were recommended by all the sub-divisions (under Tezpur Division) to the Tezpur division. The applicant, thereafter, constituted a four member committee for recommending the names of eligible casual mazdoors among the list of aforesaid recommended names.

27.05.1996 Based on recommendation of the above said committee the applicant by order dated 27.05.1996 conferred Temporary Status to 221 casual mazdoors.

18.9.1997 The Assistant General Manager (Admn), Assam - Telecom Circle by his letter dated 18.9.1997

decided to cancel the order of conferring temporary status in view of anomaly.

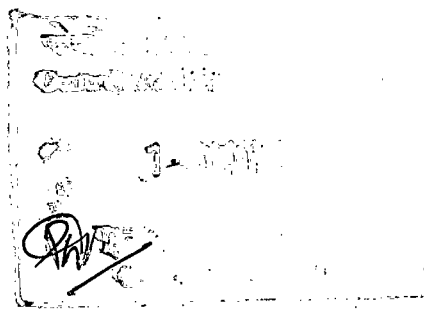
20.10.1997 The applicant by Memo dated 20.10.1997 implemented the decision to cancel the aforesaid order of conferring temporary status.

19.11.1997 The Telecom District Manager, Tezpur reconsidered the factual position as regards conferring of temporary status and passed the order dated 19.11.1997 cancelling the applicant's order dated 20.10.1997 by which the granting of temporary status was cancelled.

19.06.2001 The respondents department issued charge sheet against the applicant that he committed serious irregularities in regularising casual mazdoors.

7/3/2002 } Five other charge sheets on same cause has
11/9/2003 } been issued by the Respondents.
9/10/2003 }

28.01.2003 The Department proceedings are not yet completed causing loss of promotional benefits to the applicant. The applicant by representation dated 28.1.2003 prayed for combine proceeding without any result.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

Title of the case : O.A. No.: 119 /2004

Sri M. K. Gogoi : Applicant

----- versus -----

Union of India & ors. : Respondents

I N D E X

Sl.No.	Annexure	Particulars of Documents	Page No.
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2.	-	Verification	21
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4.	II	Letter dated 27.05.1996	24-31
5.	III	Letter dated 18.9.1997	32
6.	IV	Memo dated 20.10.1997	33
7.	V	Order dated 19.11.1997	34
8.	VI	Charge Sheet dated 19.6.2001	35-45
9.	VII to XI	Copy of Five other Charge Sheets	46-97
10	XII	Representations	98-101
11	XIII	Written Statement of Defence	102-106
12	XIV	Defence Brief	107-125

In The Central Administrative Tribunal
Guwahati Bench :: Guwahati.

O.A. No. 119 /2004

Shri Madhuryya Kr. Gogoi, son of
Late Debeshwar Gogoi working as
Area Manager Telecom (East), Office
of the Area Manager Telecom,
Dispur, Wireless, Guwahati - 6.

_____Applicant

-----Vs.-----

1. Union of India represented by
the Secretary to the Govt. of
India, Ministry of
Telecommunication, New Delhi.

2. The Chairman, Telecom Commission,
Department of Telecommunication,
Sanchar Bhawan, 20, Ashoka Road,
New Delhi.

3. Senior Deputy Director General
(Vigilance), Department of Telecom,
West Block-II, Wing-2, Ground
Floor, R.K. Puram, New
Delhi-110066.

_____Respondents

15
Filed by the applicant
through Mr. Anwarul Kabir, Advocate.
11/05/04.

Myoga

Details of the Application :

1. Particulars of the order against which the application is made :

The application is made for dropping/canceling or finalising six charge-sheets (issued on the same cause arising out of granting temporary status to 221 casual mazdurs by the applicants order dated 27/05/1996 i.e. Annexure-IV) by a common proceedings expeditiously.

2. Jurisdiction:

The Applicant declares that the subject matter of the application is within the jurisdiction of the Hon'ble Tribunal.

3. Limitation:

The applicant declares that the application is within the period of limitation under section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the case:

4.1 That the applicant is a citizen of India and as such is entitled to the rights and privileges guaranteed by the constitution of India.

4.2 That the applicant was initially appointed as Assistant Divisional Engineer (Group-A) by order dated 22/09/1989 in the respondent's department and was posted at

Shillong. He joined service w.e.f. 23/10/1989. The applicant was promoted as Telecom District Engineer (Senior Time Scale) in August, 1992. At present he is working as Area Manager Telecom (East) at Guwahati.

4.3 That the applicant begs to state that he was posted on transfer as Telecom Divisional Engineer, Tezpur and joined in the post at Tezpur on 31/01/1995 and worked there in that capacity upto September, 1996.

W. J. J.

4.4 That before the applicant joined the Tezpur Division, numbers of casual mazdurs were appointed in the said circle and under the scheme prevalent in the Department. such casual mazdurs working during the period 31/03/1985 to 22/06/1988 were to be granted Temporary Status if they were not absent for last more than 365 days and other conditions in the scheme.

4.5 That the predecessor of the applicant, Shri K. Balasubramaniam, during his tenure from 1991 to 1994 as TDE allowed to continue casual labourers in different sub-divisions under his control. Regular payment of wages were also made under his sanction. The applicant has now come to know that he submitted a "Nil" report to the Circle Office as regards the engagement of casual mazdurs. The applicant states that all these mazdurs were engaged prior to the joining of the applicant in the Tezpur Division.

4.6 That the applicant begs to state that after his joining in the post of TDE, he found that Department of

Telecommunication (for short D.O.T.) issued an order to confer temporary status to all eligible casual mazdurs who were engaged by the circles during the period from 31/03/1985 to 22/06/1988 and who were still continuing for such works in the circles where they were initially engaged and who were not absent for the last more than 365 days counting from the date from the issue of the said order under Circular dated 17/12/1993 which was forwarded to all Sub-Divisional Officers/Engineers from the Office of the TDE under letter No. E-98/Casual Labour/93-94/125 dated 28/01/1994 for information, guidance and necessary action as these Sub-Divisional Officers/Engineers were Field Officers and the casual mazdurs were working under them. The said Circular dated 17/12/1993 also provided that the services of all the casual mazdurs who have not rendered at least 240 days (206 days in case of Administrative Office observing 5 days a week) of service in a year should be terminated after following the provisions of the Industrial Dispute Act, 1947.

Copy of the Circular dated 17/12/1993 is enclosed as Annexure-I.

4.7 That the applicant begs to state that in response to the aforesaid Circular issued by D.O.T. and forwarded by the Office of the Telecom Divisional Engineer on 28/01/1994, all the Sub-Divisions (all total eleven sub-division) under Telecom Divisional Engineer, Tezpur recommended the names of casual labourers working within their jurisdiction who were engaged before 22/06/1988 and were eligible for conferring

18
Laboratory

Temporary Status as per D.O.T. Circular. (Annexure-I).

4.8 That the applicant further begs to state that on receipt of recommendation from all the Sub-Divisional Officers/Engineers along with the particulars of services etc., the Telecom District Engineer Office was verifying the records for conferring Temporary Status when the applicant joined as Telecom District Engineer.

4.9 That the applicant begs to state that because of union case in the RJCM forum at circle level and pressure in Local JCM level the cases were reviewed again in the Office of Telecom District Engineer, Tezpur and a selection committee was constituted by the applicant consisting four members all of whom are gazetted Officers from different field of the Department namely, Accounts, Human Resource Development, Engineering and field units.

4.10 That the applicant begs to state that the Selection Committee thus formed for recommending the names of casual labourers from among the list of casual labour forwarded by the Sub-Divisions who were eligible to confer with Temporary Status as per the guidelines given in the aforesaid Circular issued by D.O.T. on 17/12/1993 after verifying the available record recommended the names of 221 eligible casual labours continuously working in respective Sub-Divisions since on or before 22/06/1988. Based on the recommendation of Selection Committee, the applicant issued Order of conferring Temporary Status provisionally to 221 casual labours working in eleven Sub-Divisions under Telecom

W. B. B. B.

District Engineer vide letter No. X-1/CMPT/96-97/CON-7 dated 27/05/1996.

Copy of the letter No. X-1/CMPT/96-97/CON-7 dated 27/05/1996 is enclosed as Annexure-II.

4.11 That the applicant begs to state that there was a partial ban on engagement of casual labour imposed by D.O.T. vide its letter No. 270/G/84-STN dated 30/03/1985. However, there was relaxation given for engagement of casual labour in project organisation and in line dismantling/construction work in the Electrification and Project Circle. In 1985, all the states of North East Region including Assam was within one composite circle i.e. NE Telecom Circle and Telecom facilities in the region during the period was very poor. To provide better telecommunication facility Govt. of India in 1987 bifurcated NE Telecom Circle into two new Circle namely Assam Telecom Circle exclusively to look into the construction/maintenance of Telecom facility for the state of Assam and NE Telecom Circle for the other states. After formation of independent Assam Telecom Circle there were too many expansion work undertaken by Department of Telecommunication to augment the telephone facilities in all the District and Sub-Divisional Headquarter of Assam which necessitated deployment of large scale casual labourers to complete the targeted work. The casual labours engaged during 1987 and 1988 were allowed to continue because of continuance of pressure of expansion of Telecom Network and was ultimately utilised for maintenance work. The engagement of casual labours were necessitated for providing man hand

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for new installation such as Telephone Exchange, MARR, UHF system, open wire carrier system providing reliable transmission media to new exchanges. As a matter of fact there were two sub-divisions in Tezpur division during 1985 which has become eleven sub-division in 1995 and now there are twenty four sub-division.

4.12 That the applicant begs to state that the circle authority did not apply for relaxation to Headquarter for engagement of casual labours for expansion work as well as day to day maintenance work for its any divisions. But for exigencies of work the field staff were allowed to engage casual labour and for this temporary advances were sanctioned to officers for making payment of wages whereas other circle unit got prior approval from the D.O.T. for engagement of casual labour.

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4.13 That the applicant begs to state that after taking over the charge of Telecom District Engineer, Tezpur on 31/01/1995 the applicant found on record those casual labours working in different sub-divisions and when there names were recommended by duly constituted Departmental Selection Committee all the 221 casual labours were conferred Temporary Status in terms of Circular dated 17/12/1993 by his common order dated 27/05/1996.

4.14 That by a letter dated 18/09/1997 the Assistant General Manager (Admn.), Assam Telecom Circle wrote to Telecom District Manager (Shri B.K. Goswami) in the subject of conferring Temporary Status and indicated that earlier reports of Tezpur show that no casual labours has been

engaged in the Tezpur SSA after 31/03/1985 and therefore, there should not arise a situation for conferment of Temporary Status. The authenticity of certificates has been questioned in the para 2 of the said letter and the aforesaid letter dated 18/09/1997 said, "In view of the above anomaly, it has been decided to cancel the order conferring the Temporary Status." This letter further states that renewal exercise should be made to identify the casual labours entitled for Temporary Status within a period of one month. The letter was endorsed to the applicant by the TDM, Tezpur for examination and necessary actions. The applicant issued office orders implementing the decision to cancel the order conferring the Temporary Status, under his Memorandum No. X-1/CMPT/96/97/CON-7 dated 20/10/1997.

Copy of the letter dated 18/09/1997 is enclosed as Annexure-III.

Copy of the Memo dated 20/10/1997 is enclosed as Annexure-IV.

4.15 That as already stated above the factual position is that casual mazdurs were engaged in the Tezpur Division (and other divisions also) during the said period from 31/03/1985 to 22/06/1988. However, after formal consideration by constituted Departmental Committee temporary status were conferred on the casual mazdurs by the applicant. From the facts of the case the NIL report as regards engagement of casual mazdurs submitted by Shri Balasubramaniam as explained above cause the confusions and thereafter, the letter dated 18/09/1997 was issued by the AGM, Assam Circle and which was followed by the

Library

applicant's order dated 20/10/1997 canceling the granting of Temporary Status. However, the then TDM (Shri B.K. Goswami), Tezpur reconsidered the factual position and passed an order on 19/11/1997 which read as under :

"Memo No. X-1/CMPT/96-97/CON-7 dated 20/10/1997 issued by DE (P & A), Tezpur may be treated as canceled."

The applicant was the DE (P & A), Tezpur as mentioned in the above order dated 19/11/1997. In this connection, it is stated that in the facts and circumstances of the case the TDM, Tezpur considered/reconsidered the totality of the matters and took the administrative decision to maintain the order of granting Temporary Status of casual mazdurs as explained above. The casual mazdurs are now having the Temporary Status in consequence upon the administrative order of the TDM, Tezpur.

Copy of the Order dated 19/11/1997 is enclosed as Annexure-V.

4.16 That the applicant begs to state that on 19/06/2001, the Department issued a charge-sheet against the applicant that the applicant committed serious irregularities in as much as, he in collusion with the members of the Selection Committee constituted by him, regularised 34 numbers of casual mazdurs with malafied intention although none of them was eligible for such regularisation that too without verifying the genuineness of the recommendations of different SDOs/SDEs and experience certificate issued by JTO/Lineman etc. and thus putting the

W.B. Ghosh

Department in huge financial loss.

Copy of the charge-sheet dated 19/06/2001 is enclosed as Annexure-VI.

4.17 That the applicant further begs to state that the department subsequently issued the following five charge-sheets :

- (1) Memo No. 8-15/2001-Vig II dated 07/03/2002.
- (2) Memo No. 8-181/2001-Vig II dated 11/09/2003.
- (3) Memo No. 8-186/2001-Vig II dated 11/09/2003.
- (4) Memo No. 8-167/2001-Vig II dated 11/09/2003.
- (5) Memo No. 8-165/2001-Vig II dated 09/10/2003.

copy

The above charge-sheets were issued on the same cause and against one order i.e. No. X-1/CMPT/96-97/CON-7 dated 27/05/1996 (Annexure-II) issued by the applicant by breaking into Sub-Divisions list of casual labour.

Copy of the (1) Memo No. 8-15/2001-Vig II dated 07/03/2002, (2) Memo No. 8-181/2001-Vig II dated 11/09/2003, (3) Memo No. 8-186/2001-Vig II dated 11/09/2003, (4) Memo No. 8-167/2001-Vig II dated 11/09/2003 and (5) Memo No. 8-165/2001-Vig II dated 09/10/2002 are enclosed as Annexure-VII, VIII, IX, X & XI respectively.

4.18 That the applicant begs to state that it is alleged in the charge-sheet that Shri K. Balasubhramaniyam the then TDE, Tezpur had submitted a report through his letter No. E-38/COMPT/Vol.II/123 dated 07/12/1993 stating

that no casual labourer was recruited in Tezpur Division after 31/03/1985. This statement of Shri K. Balasubhramaniyam is not correct. It is stated that wages for casual mazdur during the period of Shri K. Balasubhramaniyam and there is recorded accounts observations on such payments about which Shri K. Balasubhramaniyam had full knowledge. Moreover, he issued identity cards to casual labourers under his seal and signature.

4.19 That out of the six charge-sheets, the inquiry in respect of the Charge Sheet no. 8-15/2001-Vig II dated 07/03/2002 (Annexure-VI) has been completed long back. The chronology of the dates are as under :

- (a) Date of Charge-Sheet : 07/03/2002.
- (b) Written Statement submitted by the applicant : 27/03/2002.
- (c) Inquiry completed and defence brief submitted by the applicant. : 07/08/2003.

Though the inquiry proceedings in the above charge-sheet has been completed almost one year back, the Inquiry Officer has not, to the best of the knowledge of the applicant, submitted the inquiry report, and the applicant has not been served with any report. The reason of such delay is best known to the disciplinary authorities. Such undue delay is causing harassment and suffering including loss in service of the applicant.

4.20 That the applicant has also submitted his written statement in respect of the other five charge-sheets but

Myoga

neither he has received any communication dropping charges/closing the charge-sheets, nor any inquiry has been commenced. All these charge-sheets have been kept hanging over the head of the applicant.

4.21 That the applicant is a Group-A Officer (ITS of 1986 Batch). The pendency of the aforesaid charge-sheets is causing loss to his promotional prospects. The Blue Book published in 1996 does not contain his name though the names of his juniors have been included therein (juniors upto 1993 batch). He has submitted representation but no reply has been given. In the year 1997 the promotion for the Junior Administrative Grade (for short JAG) was under consideration. Such promotions are given by the President of India and initially these are termed as ad-hoc. The applicant was eligible for the promotion to the above grade and there was no stigma/blemish against such promotion. But his juniors viz., Shri S.K. Bali and Shri Meikanta Manickam N. were promoted. However, the applicant was given the said promotion on ad-hoc basis by order dated 05/02/1998. He is still holding the post in ad-hoc basis. His juniors have been given regular promotion by order dated 13/01/2003. His name should have been between Sl. No. 127 and 128 of the said order of promotion. He has thereby been suffering loss of promotion and emoluments from 1997 to 1998.

lobony

4.22 That the applicant begs to state that the allegation brought against the applicant relates to the engagement of casual mazdurs during 31/03/1985 to 22/06/1988 and order issued by the applicant granting Temporary Status

of the said mazdurs by order dated 27/05/1996. It is stated that by the said order the applicant had provisionally conferred Temporary Status to 221 casual mazdurs in Tezpur Division on recommendation of the duly constituted committee. These 221 casual mazdurs were working in eleven sub-divisions under Tezpur Division. The Article of Charges and Imputations has allegations centering the order dated 27/05/1996 granting Temporary Status. But most curiously though the allegations are same and squarely identical, on the same order passed by the applicant i.e., Annexure-II. Six separate charge-sheets have been issued for six sub-divisions under the Tezpur Division. The break up of the number of casual mazdurs granted Temporary Status in each of the six sub-divisions are appended below :

	<u>Sub-Divisions</u>	<u>No. of Casual Mazdurs</u>
1.	SDE(P), Tezpur	22
2.	North Lakhimpur	34
3.	Dhemaji	22
4.	SDO(T), Tezpur	15
5.	Udalguri	21
6.	SDE (Comp), Tezpur	07

The allegations in the Articles of Charges and the defence of the applicant in the written statement are same and as already stated inquiry in respect of one charge-sheet has been completed including submission of defence brief by the applicant in August, 2003. The inquiry report is still awaited. In respect of charge-sheet by Memo No. B-180/2000-Vig II dated 19/06/2001 Inquiry Officer has been

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Lakshmi

appointed and after preliminary hearing for two days there has not been any further sitting/proceeding/hearing although more than 2 years have elapsed. The defence in the other charge-sheets also shall be the same.

4.23 That the promotional prospects of the applicant has been under cloud for the pendency of the charge-sheets on allegations relating as back as in 1985-1988. The facts of the case also show that the respondents are very sloth sod in their approach in finalising the aforesaid departmental proceedings and the applicant has to bear the burnt for the delay of the respondents. It is also the apprehension of the applicant that the respondents may come with further such charge-sheet also.

Wagon

4.24 That the applicant humbly submits that where a single charge-sheet, if there is any genuine allegation, should have been issued alleging the allegations against his order dated 27/05/1996 comprising the alleged irregularities in the sub-divisions under his control covered by the same single administrative order. It is stated from the charge-sheets issued against the applicant it is unambiguously clear and transparent that the charge-sheets are the consequence of the said office order dated 27/05/1996 and centre round the said office order and administrative functions of the applicant in issuing that office order. These six charge-sheets, therefore, deserves to be clubbed together.

4.25 That the applicant begs to state that the

allegations relate to very old period and the charge-sheets deserves to be canceled on that count. The applicant has co-operated with the respondents to bring out the truth and factual position as far as possible within the scope of available records and his remembrance. This is without prejudice to his rights of defence arising out of the delay in bringing the charges.

Wobey

4.26 That the respondents should not make further delay in concluding the departmental proceedings. For this all the charge-sheets should be clubbed together and proceeded with by a single and common departmental proceedings or all the departmental proceedings should be dropped/canceled.

4.27 That the applicant begs to state that after receiving the charge-sheets, the applicant submitted representation on 28/01/2003 to Sr. DDO (Vigilance) to combine/club together all the charge-sheets and proceed with by a single case/departmental proceeding as the charges are same and framed on the basis of one order issued by the applicant which was subsequently cancelled by the applicant himself as DE (P & A), Tezpur. The applicant in his written statement of defence dated 19/11/2003 against Memo No. B-181/2001-Vig II dated 11/09/2003 also prayed for dropping all the charges framed against him by six charge-sheets for single cause of action, but the authorities did not take any steps against applicant's prayer.

[Handwritten signature]

Copy of the representations dated 24-12-2003, 23-02-2004 28/01/2003 & written statement of

defence dated 27/11/2003³, are enclosed as

Annexure-XII (Series) & Annexure-XIII,
and Defence brief as Annexure XIV -
respectively.

4.28 That after conducting the inquiry in the charge-sheet No. 8-15/2001-Vig II dated 07/03/2002 upto the stage of submission of defence brief respondents have stopped further to proceed with the other charge-sheets including one dated 19/06/2001 in which Inquiry Officer has been appointed. The respondents have found that the allegations being the same, all the charge-sheets would end similarly. Such delay is causing undue harassment and loss of promotional benefit of the applicant. The applicant has reasons to believe that respondents are satisfied that the applicant has no lapse in the matter and therefore, they have decided not to further proceed with the charge-sheets. But formal orders dropping the charge-sheets have not been issued. The keeping the charge-sheets pending, explicitly demonstrates malice-in-law. The sword of Damocles is kept hanging over the head of the applicant.

4.29 That the policy of the Government of India is that in the same case if charge-sheets are issued against more than one employee, the departmental inquiry should be conducted in a common proceeding. In the instant case, six charge-sheets have been issued against the applicant in the same case arising out of his order granting Temporary Status to 221 casual mazdurs by order dated 27/05/1996. Neither any enunciated policy/rule nor service jurisprudence supports

Hyogen

issuing of plural number of charge-sheets nor different proceedings for each charge-sheets as in the instant case. On the other hand, it vitiates the spirit of common proceeding in the same case.

4.30 That the Government of India, Ministry of Railways, has announced a time schedule for finalising the departmental proceedings and the total time is 150 days. This principle shall apply to the departmental proceedings in the Telecom Department also. The CCS-CCA rules and the Railway Servants (Discipline & Appeal) Rules, 1968 are statutory rules in pari-materia.

legible

5. Ground for reliefs with legal provisions.

5.1 For that separate departmental proceedings for six charge-sheets arising out of single cause and single order of the applicant is irregular and violative of rules of common proceedings.

5.2 For that the respondents have issued charge-sheets related to the causes of very old periods and hence the charge-sheets are liable to be dropped/canceled.

5.3 For that the respondents are proceeding in a sloth sod manner in completing the departmental proceedings causing loss of promotional benefits to the applicant.

5.4 For that the respondents have failed to consider the prayer of the applicant through his representation dated 28/01/2003 for common/single departmental proceeding.

5.5 For that long pendency of the departmental proceedings is illegal and violative of norms of administrative fairness.

5.6 For that the actions of the respondents in not holding common proceedings is arbitrary and whimsical and has highly prejudiced the promotional benefits of the applicant and hence offends Article 14, 16 and 21 of the Constitution of India.

5.7 For that malice in law is explicit and the applicant is entitled to the reliefs prayed for.

6. Details of the remedies exhausted

The applicant declares that he has represented by letter dated 28/01/2003 without any result and there is no other efficacious remedies under any Rule and this Hon'ble Tribunal is the only forum to adjudicate the subject matter.

7. Matters not previously file or pending with any other court

The applicant declares that he has not filed any case on the subject matter before any court, forum or any other institution. However, he has represented by letter dated 28/01/2003 without any result.

8. Reliefs sought for

Under the above facts and circumstances the applicant prays for the following reliefs :

8.1 The proceedings in the charge-sheet for which

Departmental inquiry has been completed be finalised without further delay and the other charge-sheets should also be finalised with that charge-sheet (Annexure-VII) in a common proceeding.

Or

8.2 All the six charge-sheets be dropped/cancelled by a formal order by the respondents without further delay closing the departmental proceeding being kept pending with no action by them.

8.3 The applicant is entitled to the cost of the case which may kindly be quantified by the Hon'ble Tribunal.

8.4 Any other relief or reliefs as the Hon'ble Tribunal deem fit and proper.

The above reliefs are prayed for on the ground stated in para 5 above.

9. **Interim Relief**

During the pendency of this application the applicant prays for the following interim reliefs:

9.1 To finalise the proceedings in all the charge-sheets expeditiously including the decision of dropping/canceling the charge-sheets expeditiously and within a stipulated time.

9.2 Any other relief or reliefs as the Hon'ble Tribunal deem fit and proper.

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The above reliefs are prayed for on the ground stated in para 5 above.

13. This application is filed through the Advocate.

1. Particulars of Postal Order:

- i) IPO No : *JJ6/389328*
- ii) Date of Issue : *10-5-2004*
- iii) Issued from : *Guwahati*
- iv) Payable at : *Guwahati*

2. List of Enclosures

As per Index.

Verification

Laban V V

Verification

I, Madhuryya Kr. Gogoi, son of Late Debeswar Gogoi, aged about 43 years, working as Area Manager Telecom (East) in the Office of The AMT, Dispur, a resident of New Guwahati, Dist-Kamrup, do hereby verify that the statements made in the paragraphs 1,4,6 to 12 are true to my knowledge and statements in para 2,3 and 5 are true to my legal advice and that I have not suppressed any material fact.

And I, sign this verification on this *1st* day of May, 2004.

M. Gogoi
(Madhuryya Kumar Gogoi)

SIGNATURE

No.269-4/93-SMT-II
Government of India
Department of Telecommunications
STN Section

New Delhi.

To

All Heads of Telecom. Circles/Metro Telecom. Distt.
All Heads of other Administration Offices,
All Heads of Mtce. Regions/Project Circles.

Subject: Casual Labourers (Grant of Temporary Status and
Regularisation) Scheme, 1989 engaged in Circles
After 30.3.85 and upto 22.6.88.

Sir,

I am directed to refer to this office order No.269-4/93-STN dated 25th June,1993, wherein orders were issued to extent the temporary status to all these Casual Mazdoors who were engaged by the Project Circles/Electrification Circles, during the period 31.3.85 to 22.6.88 and who were still continuing for such works where they were initially engaged and who were not absent for the last more than 365 days counting from the date of issue of the above said orders.

2. The matter has further been examined in this office and it is decided that all those Casual Mazdoors who were engaged by the Circles during the period from 31.3.85 to 22.6.88 and who are still continuing for such works in the Circles where they were initially engaged and who are not absent for the last more than 365 days counting from the date of issue of this order, be brought under the above said scheme.

3. The engagement of Casual Mazdoors after 30.3.85, in violation of the instructions of the Head Quarter, has been viewed very seriously & it is decided that all past cases wherein recruitment has been made in violation of instructions of the Head Quarter dtd. 30.3.85 should also be analysed and disciplinary action be initiated against defaulting officers.

4. It has, also been decided that engagement of any Casual Mazdoors after the issue of this order should be viewed very seriously and brought to the notice of the appropriate authority for taking prompt and suitable action. This should be the personal responsibility of the Heads of Circles, concerned DE/Class-II officers and amount paid to such Casual Mazdoors towards wages should be recovered from the person who has recruited/ engaged Casual Labour in violation of these instructions.

5. It is further stated that the services of all the Casual Mazdoors who have not rendered at least 240 days (206 days in the case of Administrative Offices observing 5 days a week) of service in a year on the date of issue of these orders, should be

Complete.

Attested,
[Signature]
[Signature]

terminated after following the conditions as laid down in I.D. Act. 1947 under Section 25.F, G & H.

6. These orders are issued with the concurrence of Member (Finance) vide U.O. No.3811/93-FA-I dated 1.12.93.

Hindi version follows.

Yours faithfully,

Sd/-

(S.K. DHAWAN)

ASSISTANT DIRECTOR GENERAL(STN)

Copy to :-

1. All the Staff members of Department JCM
2. All Recognized Unions/Associations
3. Budget/TE-I/TE-II/SSA/CWC/PAT/NCS/SR Sections of the Telecom Commission.
4. SPB-I Section, Department of Posts, New Delhi.

No.TF/NE/STAFF-45/VOL-V Dated at GH. the 29.2.93

Copy to :-

All Directors & DEs under T/F – for necessary action.

Sd/-

Assistant Engineer(Admn)
O/o the CGMT Task Force
Guwahati-781003.

*Attended!
By
R.D.*

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE TDE, TEZPUR
TEZPUR-784001.

No.X-1/CMPT/96-97/Con-7

Dated at Tezpur the 27th May, 96.

With reference to the CGMT, Assam Circle, Guwahati RJCM Minutes & C.O. forwarded under GMST/2/Vol-VI/58 dtd. 29.8.95 the under mentioned Casual Mazdoors/Part Time Casual Mazdoors are hereby conferred Temporary Status provisionally under the scheme "Casual Labour (Grant of temporary Status & Regularisation) with immediate effect.

The terms & conditions are as under :-

(I) Conferment of Temporary Status to the Casual Labours would not involve any change in their duties & responsibilities. The engagement will be on daily rate of pay on a need basis. They may be deployed any where within the recruitment unit/territorial Circles on the basis of availability of work.

(II) Each Casual Labours who acquire Temporary Status will not however, be brought on the permanent establishment unless they were selected through regular selection process for Group 'D' posts.

(III) Temporary Status would entitle the Casual Labourers to the following benefits.

(a) Wages at daily rate with reference to the minimum of the scale of pay for a regular Gr.'D' official including DA, HRA & CCA.

(b) Benefit in respect of increments in the pay scale will be admissible for every one year of service subject to performance of duty for at least 240 days in a year.

(c) Leave entitlement will be on a pro-rata basis, one day for every 10 days of work. Casual leave or any other kind of leave will not be admissible. They will also be allowed to carry forward the leave at their credit on their regularization. They will not be entitled to the benefit of encashment of leave on termination of service for any reason or their quieting service.

(d) Counting of 50% of service rendered under Temporary Status for the purpose of retirement benefit after their regularization.

(e) After rendering three years continuous service on attainment of Temporary Status the Casual Labourers would be treated at par with temporary Gr.'D' employees for the purpose of contribution of G.P.F. & would also further be eligible for the grant of Festival Advance/ Flood Advance on the same conditions as per applicable to temporary

*Atul Chandra
Dutta
D.D.*

Gr.'D' employees, provided they furnish two sureties from permanent Govt. Servant of this department.

(f) Until they are regularized, they would be entitled to productivity linked bonus only at rates as applicable to casual labours.

(g) Despite conferment of temporary status, the service of a casual labourer may be dispensed with in accordance with the relevant provisions of the industrial disputes Act, 1947 on the ground of non availability of work. A casual labourer with temporary status can quit service by giving one month's notice.

(h) If a casual labourer with temporary status commits a misconduct and the same is proved in an enquiry after giving him reasonable opportunity, his services will be dispensed with they will not be entitled to the benefit of encashment of leave on termination of services.

(i) The payment will be given w.e.f. joining date.

N.B. Their names are not being arranged in order of seniority.

LIST OF CASUAL MAZDOORS/PART TIME MAZDOORS SELECTED FOR
CONFERRING TEMPORARY STATUS.

<u>SL. NO.</u>	<u>NAME OF THE CASUAL MAZDOOR.</u>	<u>WORKING UNDER</u>	<u>DT. ENTRY IN DEPT.</u>
<u>SDE(CABLE), TEZPUR.</u>			
1.	Arabinda Halai	SDECABL	03/02/88
2.	Pulin Bora	SDECABL	05/03/88
3.	Prasanta Koch	SDECABL	05/03/88
4.	Digambar Das	SDECABL	08/03/88
5.	Babul Bhuyan	-	11/03/88
6.	Jitu Talukdar	-	11/03/88
7.	Basanta Bijoy Mahanta	-	15/03/88
8.	Rana Sur	-	15/03/88
9.	Sankar Ghatak	-	15/03/88
10.	Uttam Saha	-	20/03/88
11.	Ranjit Das	-	26/03/88
12.	Mahesh Deka	-	26/03/88
13.	Ghanashyam Lahkar	-	26/03/88
14.	Kamal Ch. Das	-	26/03/88
15.	Nripen Ch. Haloi	-	26/03/88
16.	Balin Das	-	26/03/88
17.	Nipul Choudhury	-	26/03/88

18.	Pulak Haloi	SDECABL	26/03/88
19.	Bipul Nath	-	28/03/88
20.	Babul Saikia	-	28/03/88
21.	Bijit Bora	-	28/03/88
22.	Smt. Kalpana Saikia	-	28/03/88
23.	Ramesh Ch. Nath	-	28/03/88
24.	Pankaj Chetri	-	28/03/88
25.	Bhaben Ch. Saikia	-	28/03/88
26.	Anil Thakur	-	28/03/88
27.	Mridul Deka	-	30/03/88
28.	Puran Ch. Nath	-	20/03/88
29.	Balin Swargiary	-	30/03/88
30.	Bhagya Sangma	-	30/03/88

SDE (COMPUTER), TEZPUR

1.	Rajib Gogoi	SDECOM	01/01/88
2.	Dharani Swargiary	-	01/01/88
3.	Naba Kumar Sarma	-	01/01/88
4.	Arani Ch. Talukdar	-	01/01/88
5.	Mridul Kr. Das	-	01/02/88
6.	Nagen Saikia	-	01/02/88
7.	Dandhar Das	-	01/02/88

SDE(CONSTRUCTION), TEZPUR

1.	Jiten Kr. Sut	SDECONS	19/04/88
2.	Prasanna Sarania	-	20/04/88
3.	Indreswar Bhuyan	-	21/04/88
4.	Kandanpa Saikia	-	22/04/88
5.	Ranaprasad Bodo	-	23/04/88
6.	Pankaj Sutradhar	-	25/04/88

SDE(PHONES), CHARJALI

1.	Jitu Sarmah	SDECLI	01/01/88
2.	Jyoti Prasad Saikia	-	01/01/88
3.	Dhanpad Swargiary	-	01/01/88
4.	Juri Sarma	-	01/01/88
5.	Kishore Kr. Pathak	-	01/01/88
6.	Maina Borah/Khargeswar Bora	-	01/01/88
7.	Babul Saikia	-	01/01/88
8.	Paban Kataki	-	01/01/88
9.	Gobinda Bhuyan	-	01/01/88
10.	Biren Das	-	01/01/88

11.	Gagan Bhuyan	SDECLI	01/01/88
12.	Jiten Sarma	-	01/01/88 *heldup
13.	Gobinda Borah	-	01/01/88
14.	Coniram Sarmah	-	01/01/88
15.	Prabhat Sarmah	-	01/01/88
16.	Ramdeb Bhakat	-	01/01/88*heldup
17.	Tilak Bora	-	01/01/88
18.	Pranjal Kataki	-	01/01/88
19.	Abani Baruah	-	01/01/88
20.	Tunmoni Saikia	-	01/01/88
21.	Biren Bora	-	01/01/88
22.	Basanta Bhuyan	-	01/01/88
23.	Dharmendra Kr. Rai	-	01/01/88
24.	Pulin Borah	-	01/01/88
25.	Amika Barman	-	01/01/88
26.	Prabhat Kalita	-	15/02/88
27.	Deepen Bhuyan	-	15/02/88

*Held up due to non submission of Employment Exchange Card.

SDE(PHONES),DHEMAJI

1.	Bharat Basphore	SDEPDMJ	01/01/88
2.	Jayanta Phukan	-	01/01/88
3.	Kalyan Mech	-	01/02/88
4.	Biman Kr. Payeng	-	01/04/88
5.	Biren Duwarah	-	01/04/88
6.	Lila Ram Panyang	-	01/04/88
7.	Sunanda Sonowal	-	01/04/88
8.	Ananda Sonowal	-	01/04/88
9.	Monan Sonowal	-	01/04/88
10.	Nabin Sonowal	-	01/04/88
11.	Lolit Sonowal	-	01/04/88
12.	Prafulla Sonowal	-	01/04/88
13.	Cheni Ram Bora	-	01/05/88
14.	Robin Doley	-	01/05/88
15.	Khemachand Pegu	-	01/05/88
16.	Dinesh Pegu	-	01/05/88
17.	Kzamal Ch. Nath	-	01/05/88
18.	Babul Bora	-	24/04/88
19.	Kalipada Bora	-	23/03/88
20.	Thagi Ram Taye	-	25/03/88
21.	Bibekananda Pegu	-	25/03/88
22.	Gagan Deka	-	25/03/88

SDE(PHONES), TEZPUR.

1.	Anil Kumar Das	SDEPTZ	01/01/88
2.	Ranjan Adhikari	-	01/01/88
3.	Shivjyoty Majumder	-	01/01/88
4.	Ujjal Mahanta	-	01/01/88
5.	Abdul Karim	-	01/02/88
6.	Dipak Deka	-	01/02/88
7.	Satya Ranjan Kalita	-	01/02/88
8.	Mahesh Baroi	-	01/02/88
9.	Resmi Acharjee	-	01/02/88
10.	Swadesh Seal	-	01/02/88
11.	Debasis Das	-	01/02/88
12.	Ajit Das	-	01/02/88
13.	Abdul Jabbar	-	01/02/88
14.	Chintumoni Borah	-	01/02/88
15.	Siba Pd. Sarmah	-	01/04/88
16.	Nabajyoty Deka	-	01/05/88
17.	Jadav Deka	-	01/05/88
18.	Nanki Devi	-	01/06/88
19.	Nayan Kalita	-	01/06/88
20.	Reba Kanta Saikia	-	01/06/88
21.	Dinen Ch. Deka	-	01/06/88
22.	Phulena Baspore	-	01/07/88 4 hrs a day.

SDE(PHONES), UDALGURI

1.	Rahini Kanta Basumatary	SDEPUDL	01/05/88
2.	Bhupen Barman	-	01/05/88
3.	Moinul Haque	-	01/05/88
4.	Mozamil Haque	-	01/05/88
5.	Rajat Bhattacharjee	-	01/05/88
6.	Jatin Saloi	-	01/05/88
7.	Miran Daimary	-	02/05/88
8.	Nabin Rava	-	02/05/88
9.	Dayaram Bodo	-	03/05/88
10.	Durlab Baruah	-	16/04/88
11.	Binendra Basumatary	-	18/04/88
12.	Rajin Kr. Bodo	-	24/04/88
13.	Baneswar Bodo	-	25/04/88
14.	Nigam Swargiary	-	26/04/88
15.	Sanjoy Dutta	-	26/04/88
16.	Narendra Basumatary	-	27/04/88
17.	Kamaleswar Narzary	-	28/04/88
18.	Vama Kt.Chamlagain	-	28/04/88

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19.	Biar Ali	SDEPUDL	28/04/88
20.	Biran Rava	-	30/04/88
21.	Tandram Bodo	-	30/04/88

SDO(PHONES), TEZPUR

1.	Bhaba Kt. Sarma	SDOPTZ	01/01/88
2.	Rajkumar Katakai	-	01/01/88
3.	Pradip Sut	-	01/01/88
4.	Pulak Ch. Mahanta	-	01/01/88
5.	Pradip Kr. Bora	-	01/01/88
6.	Babul Ch. Das	-	01/01/88
7.	Pradip Borah	-	01/01/88
8.	Narendra Katakay	-	01/01/88
9.	Ganesh Das	-	01/01/88
10.	Nagina Ray	-	01/01/88
11.	Ramesh Katel	-	01/01/88
12.	Gautam Kr. Paul	-	01/01/88

SDO(T), MANGALDOI

1.	Swapan Kr. Saha	SDOTMLD	01/01/88
2.	Indira Borah	-	01/01/88
3.	Inarmal Gowala	-	01/01/88*heldup
4.	Gajen Baruah	-	01/01/88
5.	Samshad Alam	-	01/01/88
6.	Binod Ch. Bodo	-	01/01/88
7.	Mazidur Rahman	-	01/01/88
8.	Taizuddin Ahmed	-	01/01/88
9.	Rabin Ch. Bodo	-	01/01/88
10.	Khagendra Nath Deka	-	01/01/88
11.	Sartaz Ahmed	-	01/01/88
12.	Sadhi Ram Deka	-	01/01/88
13.	Maznur Ali	-	01/01/88
14.	Babul Ch. Kalita	-	01/01/88

- held up due to non submission of Employment Exchange Card.

SDO(T) NORTH LAKHIMPUR

1.	Balo Saikia	SDOTNMP	01/01/88
2.	Ratneswar Sonowal	-	01/01/88
3.	Rohit Sonowal	-	01/01/88
4.	Dambaru Chutia	-	01/01/88

5.	Dilip Neog	SDOTNMP	01/01/88
6.	Maina Sonowal	-	01/01/88
7.	Jogeswar Borah	-	01/01/88
8.	Gahin Sonowal	-	01/01/88
9.	Dimbeswar Sonowal	-	01/01/88
10.	Jiten thengal	-	01/01/88
11.	Mahendra Challeng	-	01/01/88
12.	Dhaniram Basumatary	-	01/01/88
13.	Rebat Sonowal	-	01/01/88
14.	Dimbeswar Saikia	-	01/01/88
15.	Motilal Mili	-	01/01/88
16.	Gobin Sonowal	-	01/01/88
17.	Lohit Borah	-	01/01/88
18.	Ghana Sonowal	-	01/01/88
19.	Lakeswar Sonowal	-	01/01/88
20.	Niju Hazarika	-	01/01/88
21.	Dibya Sonowal	-	01/01/88
22.	Atul Sonowal	-	01/01/88
23.	Prafulla Sonowal	-	01/01/88
24.	Giridhar Saikia	-	01/01/88
25.	Upendra Nath Saikia	-	01/01/88
26.	Siba Gogoi	-	01/01/88
27.	Nirmal Pawe	-	01/01/88
28.	Rudra Thengal	-	01/01/88
29.	Tulan Thengal	-	01/01/88
30.	Khargeswar Sonowal	-	01/01/88
31.	Anil Nath	-	01/01/88
32.	Ghana Kt. Sonowal	-	01/01/88
33.	Maheswar Saikia	-	01/01/88
34.	Jogen Sonowal	-	01/10/88

SDO(T), TEZPUR

1.	Dipali Hazarika	SDOTTZ	01/01/88
2.	Dwijen Baishya	-	01/05/88
3.	Atul Ch. Deka	-	01/05/88
4.	Mazibur Rahman	-	01/05/88
5.	Phulena(Golapmani)Baspore	-	01/05/88
6.	Parimal Sarkar	-	01/05/88*Heldup
7.	Sakiram Mazhi	-	10/05/88
8.	Karuna Ch. Lahkar	-	15/05/88
9.	Biswajit Malakar	-	15/05/88
10.	Mina Das	-	15/05/88
11.	Paramita Dey	-	15/05/88
12.	Rupen Ch. Das	-	20/05/88
			21/05/88

13.	Sanjoy Kr. Deb	SDOTTZ	21/05/88
14.	Dukhan Ray	-	21/05/88
15.	Anup Kr. Dutta	-	30/05/88
16.	Dina Kanta Ghatowal	-	01/06/88*heldup

- Held up due to non submission of Educational, Age Certificates & Employment Exchange card.

TDE, TEZPUR

1.	Manjula Das	TDETZ	01/01/88
2.	Sekhar Chetia	-	05/05/88
3.	Ranjan Das	-	05/05/88
4.	Aloke Shome	-	05/05/88
5.	Prasanta Das	-	05/05/88
6.	Sabitri Dasroy	-	07/05/88
7.	Ananda Rava	-	07/05/88
8.	Biswa Das	-	07/05/88
9.	Baneswar Baishya	-	07/05/88
10.	Rumi Kalita	-	07/05/88

Sd/-
TDE, Tezpur.

Copy for information to :-

1. CGMT/GH w.r.t. his letter No.
2. ADT(S&E),O/O CGMT,GH.
3. AMT/GH.
4. All Gr.'B' officers of Tezpur SSA
5. JAO's, SSS(Construction, Staff & General) O/O TDE,TZ.
6. Spares.
7. File No.E-38/CMPT/TZ.

Sd/-
TDE, Tezpur.

*Attended
by
Bhrishu*

Government of India
Department of Telecommunications
Office of The Chief General Manager Telecom: Assam Circle
Ulubari Guwahati-7

NO. Rectt-3/10/Loos/Pt-V Dated at Guwahati the 18-9-97

To

Confidential

Recd

✓

Sri B.K. Goswami
Telecom Dist. Manager,
Tezpur

Sub:- Conferment of Temporary status

Ref:- TDE, TZ Memo No. X-1/CMPT/TA/Conf./97-98/38 dated
7-4-97

The case is examined in the context of the reports submitted by Tezpur during the preceding years wherein he consistently mentioned that no Casual Mazdoor has been engaged in the Tezpur SSA after 31-3-85. It follows from these reports that there is no Casual Mazdoor in the SSA. Obviously there showed not, in the normal course, arise a situation necessitating the conferment of Temporary status.

The Temporary status has been conferred solely on the basis of post facto certificate issued by line staff and countersigned by SDEs. Authenticity of these certificates has not been verified from Muster Roll paid voucher. There is also no supporting record indicating the sponsorship of Employment Exchange. The absence of these vital records has further complicated the issue and gives room for foulplay.

In view of the above anomaly it has been decided to cancel the order conferring the Temporary status. This should be followed by a renewed exercise to identify the Casual Mazdoors entitled for Temporary status on the basis of authenticated records as shown above. The exercise has to be completed within a period of one month. Simultaneously, the office who engaged the Casual Mazdoors in defiance of the ban order should be identified. I have been directed to request you to take action on the above line and to send detailed report in confidence.

To examine & take necessary action.
B. Goswami
25/9/97

DE (PTA)
N. J. J.
26.9.97

(A.K. Cheleng)
Asstt. General Manager (Admn)
O/O The Chief General Manager,
Assam Telecom Circle Guwahati

Attended by
W. J. J.

NO: X-1/CMPT/96-97/CON-7

Dated: 20-10-97
Tezpur.

With reference to the CGMT, Assam Telecom. Circle Gauhati office order no. Rectt-3/10/Loos/pt.v dated at Gauhati the 18-9-97, the provisional conferment of Temporary status to the casual masdoor at Tezpur vide the TDE/T2p order no X-1/CMPT/96-97/Con-7 dated 27-5-96 has been withdrawn with immediate effect. The entire exercise has to be completed within a period of one month from the date of issue of this letter. A xerox copy of the above order is enclosed for reference and guidance.

O/L

Myojor

(M. K. Gogoi)

DE (P&A) Tezpur.

Copy to -

- 1 The CGMT, Assam Telecom. Circle, Gauhati for information and necessary action.
- 2 The TDM / Tezpur for information & Necessary action
- 3 The AGM (Admn.) Gauhati for information & Necessary action.
- 4 All Group-B officers.
- 5 The AO (cash.)
- 6 File no : E-38 / CMPT / Vol-III

Attended /
M. K. Gogoi
P&A

Myojor

DE (P&A) Tezpur.

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE TELECOM. DISTRICT MANAGER, TEZPUR.

No. X-1/CFT/96-97/Con.7

Dated at Tezpur, the 19-11-97

Memorandum No. X-1/CFT/96-97/Con.7 dt. 20-10-97 issued by D.E. (P&A), Tezpur may be treated as cancelled.

Refund

Sd:

(B.K. Goswami)

Telecom. District Manager,
Tezpur-784001.

Copy to:-

1. The C.G.M.T., Assam Telecom Circle, Guwahati - for information and necessary action.
2. The D.E. (P&A), Tezpur - for information & necessary action.
3. The A.G.M. (Adm.), Guwahati - for information & necessary action.
4. All Group 'B' officers.
5. The A.O. (Cash), O/O TDM/Tezpur.
6. File No. E-33/CFT/Vol-III.

B K Goswami

Telecom. District Manager,
Tezpur-784001.

*Directed
B.K. Goswami*

(6)

4B

No.8-180/2000-Vig.II
Government of India
Ministry of Communications
Department of Telecom

West Block-I, Wing-2
Ground Floor
R.K. Puram Sector-I
New Delhi-110066

Dated the 19th 2001

MEMORANDUM

The President proposes to have an inquiry held against Shri M.K. Gogoi, formerly TDE, Tezpur and now Director RTTC, Guwahati under Rule 14 of the CCS (CCA) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexures-III & IV).

A copy of the first stage advice of CVC for instituting major penalty proceedings against Shri M.K. Gogoi, is also enclosed.

2. Shri M.K. Gogoi is directed to submit within ten days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.
3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.
4. Shri M.K. Gogoi is further informed that if he does not submit his written statement of defence on or before the date specified in Para 2 above, or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the CCS (CCA) Rules, 1965 or the orders/directions issued in pursuance of the said Rule, the Inquiring Authority may hold the inquiry against him ex-parte.
5. Attention of Shri M.K. Gogoi is invited to Rule 20 of the CCS (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political


*Attended
By
AW*

Contd.

or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Shri M.K. Gogoi is aware of such representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS (Conduct) Rules, 1964.

6. Receipt of this Memorandum may be acknowledged.

By order and in the name of the President.


(OM.PARKASH)
ADG III (VIG II)

Encl: As above.

Shri M.K. Gogoi,
Director,
RTTC, Guwahati.

(Through the CGM, BSNL, Assam Telecom Circle, Guwahati)

*Attested
By
P.M.*

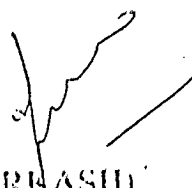
Statement of article of charge framed against Shri M.K. Gogoi, formerly TDE, Tezpur and now Director RTTC Guwahati.

ARTICLE

That the said Shri M.K. Gogoi while functioning as TDE, Tezpur during 1976 committed serious irregularities in as much as he in collusion with the Members of the Selection Committee constituted by him, regularised 34 numbers of Casual Mazdoors of North Lakshimpur as Temporary Status Mazdoors with mala fide intention although none of them was eligible for such regularisation that too without verifying the genuineness of the recommendations of different SDO's/SIDE's and Experience Certificates issued by JTC/Lineman etc. and thus putting the Department to a huge financial loss.

Thus, by his above acts, the said Shri M.K. Gogoi failed to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of a Government servant thereby contravening the provisions of Rule 3 (1) (i), (ii) & (iii) of CCS (Conduct) Rules, 1964.

By order and in the name of the President.


(OM PARRASH)
ADG III (VIG II)

ANNEXURE-II

Statement of imputations of misconduct/misbehaviour in support of article of charge framed against Shri M.K. Gogoi, formerly TDE, Tezpur and now Director, RITC, Guwahati.

The said Shri M.K. Gogoi was functioning as TDE, Tezpur during 1996.

2. That the Directorate of Telecom, New Delhi issued a circular vide No. 269-1/93-STN-II dated 17-12-1993 for regularisation of Casual Labourers engaged in different circles of the Deptt. after 31-3-85 upto 22-6-88 and to appoint them as Temporary Status Mazdoors. In the said circular the following conditions are clearly mentioned in respect of the casual labourers, who are eligible for regularization under this scheme:

(i) It extended the temporary status to all those casual mazdoors who were engaged by the Project Circle/Electrification circles during the period from 31-3-85 to 22-6-88 and who were still continuing for such works where they were initially engaged and who were not absent for the last more than 365 days counting from the date of issue of the said order dated 17-12-93.

(ii) That all those causal mazdoors who were engaged as per the aforesaid Circular during the period from 31-3-85 to 22-6-88 and who are still continuing for such works in the circles, where they were initially engaged and who are not absent for the last more than 365 days counting from the date of issue of this order, be brought under the said scheme.

(iii) The engagement of casual mazdoors after 30-3-85 in violation of instructions of the Head Quarter, has been viewed seriously and it is decided that all past cases wherein recruitment has been made in violation of instructions of the Head Quarter should also be analysed and disciplinary action be initiated against defaulting Officers.

(iv) That engagement of any casual mazdoor after the issue of the order should be viewed very seriously and brought to the notice of the appropriate authority for taking prompt and suitable action. This should be the personal responsibility of the Heads of Circles concerned/Class II Officers and amount paid to such Causal Mazdoors as wages should be recovered from the person(s) who has/have recruited/engaged casual mazdoors in violation of these instructions.

(v) That the services of all the casual mazdoors who have not rendered at least 240 days (206 days in case of Administrative Offices observing 5 days a week) of service in a

year on the date of issue of those orders, should be terminated after following the conditions as laid down in I.D. Act, 1947 under Sec. 25 F.G. & H

(vi) These orders are issued with concurrence of Member (Finance) vide HO No. 3811/93-FA-1 dated 1-12-93.

3. That the above said circular/order dated 17-12-93 was sent to all Head of Telecom Circles, Metro Telecom district, all Heads of other Administrative Offices etc. The copy of this circular/order was circulated amongst the TDMs/TDEs under Assam Circle, Guwahati vide No. Rectt-3/10/General (E&R) for CGMT/Guwahati including TDE, Tezpur. The DE (P), Tezpur had also circulated the same to all Heads of Sub-Division vide endorsement No. E-98/Casual Labour/93-94/125 dated 28-1-1994 for information, guidance and necessary action.

4. That the field staff of Tezpur Telecom Division in collusion with these 34 persons, concerned JTOs and SDOs/SDEs, who issued 34 false and fabricated Experience Certificates in favour of the said 34 persons showing them as Casual Labourers working since 1988 to 1996 (Feb) and the same were got countersigned by the respective JTOs and SDOs/SDEs as a token of proof of their having worked under them without being based on any material evidences.

5. That the concerned SDOs/SDEs of Tezpur Telecom Division in collusion with Shri M.K. Gogoi, formerly TDE, Tezpur, forwarded all the Certificates to Shri M.K. Gogoi with their recommendation for consideration of the total 221 persons including these 34 casual mazdoors as Temporary Status Mazdoors (TSM). Shri M.K. Gogoi thereafter constituted a Selection Committee on 25-3-1996 with four persons namely (1) Shri P. Das, SDE (P), Tezpur (2) Shri U.C. Swargiary, AO (Cash), Tezpur (3) Shri D. Payeng, SDO (P), Tezpur and (4) Shri A.K. Sarkar, SDE (HRD), O/o TDE, Tezpur for recommendation/selection of eligible casual labourers for regularisation as TSMs vide order No. X-1/CMPT/Tz/95-96/Con-1 dated 25-3-96.

6. That the Selection Committee had prepared/got prepared gradation list of all total 221 casual labourers including these 34 casual mazdoors sub-division wise and recommended for their regularisation as TSMs. Shri M.K. Gogoi, formerly TDE, Tezpur knowing fully that the said gradation lists were bogus and with malafide intention passed order for regularisation of 221 persons as TSM within his Telecom Division vide No. X-1/CMPT/96-97/Con-7 dated 27-5-96 by putting interest of Department in jeopardy.

7. That it was within the knowledge of Shri M.K. Gogoi that no casual labourers were engaged in his SSA w.e.f. 31-3-85 as Shri K. Subramaniam, the then TDE, Tezpur had informed Shri S.C. Chakraborty, the then Asst. Director Telecom (E&R), O/o CGMT, Assam Circle, Guwahati vide his letter No. E-38/CMPT/Vil.II/123 dated 7-12-93 in reply to a letter No. Rectt.3/10/Pl.III/5 dated 27-8-93 that no casual labourers were recruited in his SSA.

8. That Shri Gogoi had informed the Assam Telecom Circle vide his letter No. E-38/COMPT/94-95/168 dated 17-2-1995 and letter No. E-38/COMPT/Vol. III/96-97/15 dated 30-8-1996 that no casual labourers have been engaged in his division.

9. Even after appointing these 34 casual mazdoors conferring on them TSM status on 27-5-1996 Shri M.K. Gogoi was also found to have issued a false certificate to Shri M.K. Sudarsanam, DGM (Admn) vide his letter No. E-38/COMPT/VOL.III/96-97/15 dated 30-8-1996 certifying with reference to DGM's letter No. 1-3/COMPT/96 dated 20-8-1996 that no casual mazdoor was engaged in his division except 21 casual labourers in Traffic Wing on permanent basis. Shri M.K. Gogoi issued this letter when DGM wanted to fix responsibility for taking action against those who were responsible for making appointments of casual employees in spite of the ban order issued earlier.

10. Shri Gogoi again vide his letter No. X-1/COMPT/TZ/Confdl/29 dated 12-9-1996 addressed to A. Baruah, AD Employment Exchange intimated that no employment in Grade 'D' under his SSA was made in view of total ban in employment.

11. It is also revealed that Shri M.K. Sudarsanam, DGM (Admn) vide his DO letter addressed to Shri B.K. Goswami, TDM informed him that the statement furnished to them vide letter No. E-38/COMPT/VOL.III/96-97/15 dated 30-8-1996 and No. X-1/COMPT/96-97/21 dated 7-8-1996 were contradicting to the information given by their SSA, regarding casual mazdoor. He was aghast how a 'nil' report has been sent by their SSA and at the time of relaxation of the ban order, TDE had appointed these 34 casual employees as TSM in 1996. He requested Shri Goswami to look into the matter and fix responsibility on all erring officers.

12. On the basis of recommendation of Shri P.Das, formerly SDE (Phones), Tezpur, Shri M.K. Gogoi issued order vide No. S-1/COMPT/96-97/CON/24 dated 14-8-1996 selecting them as TSM.

Thus, by his above acts, the said Shri M.K. Gogoi failed to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of a Government servant thereby contravening the provisions of Rule 3 (1) (i), (ii) & (iii) of CCS (Conduct) Rules, 1964.



List of documents by which the articles of charge framed against Shri M.K. Gopin, formerly TDE, Tezpur and now Director, RTTC, Guwahati are proposed to be sustained.

1. Gradation list of casual labours under SDO (T), North Lakshimpur.
2. Letter No.A-20/96-97/88 dated 1-5-1996 of SDO (T), North Lakshimpur addressed to TDE/Tezpur.
3. Attested copy of School Transfer certificate No. 21 dated 23-8-1991 of Gagaldubi Janajati High School, Gagaldubi of Shri Gohin Sonowal S/o Khatiram Sonowal.
4. Attested copy of HSLC passed school certificate of Miss Niju Hazarika D/o Suren Hazarika passed from Badhakara High School.
5. Attested copy of leaving certificate No. 44 dated 10-2-1991 of Ruddhar Tengal S/o Haliram Tengal of Bhurbandha Jalbhari M.E. School, Gereki.
6. Attested copy of transfer certificate No.433 dated nil of Gagamukh Nagar High School, Moinapara of Shri Anil Nath.
7. List of 33 casual Majdoors under SDO, North Lakshimpur duly recommended for conferring the status of TSM by selection committee.
8. Letter No.A-20/95-96/87 dated 15-3-1996 of ADOT, North Lakshimpur addressed to TDE/Tezpur in R/o casual laboures engaged after 30-3-1985 to 22-6-1988.
9. Certificate to Ghanakanta Sonowal issued by G. Das, SI.
10. Certificate to Maheswar Saikia issued by G. Das, SI.
11. Certificate to Bolo Saikia issued by G. Das, SI.
12. Certificate dated 11-3-1996 to Ratneswar Sonowal by G. Das, SI.
13. Certificate dated 11-3-1996 to Rohit Sonowal issued by G. Das, SI.
14. Certificate dated 11-3-1996 to Dambaru Chetia by G. Das, SI.
15. Certificate dated 11-3-1996 to Dilip Neog by G. Das, SI.
16. Certificate dated 11-3-1996 to Maina Sonowal by G. Das, SI.
17. Certificate dated 11-3-1996 to Jogeswar Borah by G. Das, SI.
18. Certificate dated 11-3-1996 to Gohin Sonowal by G. Das, SI.

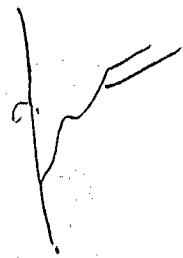


19. Certificate dated 11-3-1996 to Dimbeswar Sonowal by Maheswar Ray, SI.
20. Certificate dated 11-3-1996 to Jiten Thengal by Maheswar Ray, SI.
21. Certificate dated 11-3-1996 to Mahendra Challeng by Maheswar Ray, SI.
22. Certificate dated 11-3-1996 to Dhaniram Basumatary by Maheswar Ray, SI.
23. Certificate dated 11-3-1996 to Rebot Sonowal by Maheswar Ray, SI.
24. Certificate dated 11-3-1996 to Dimeswar Saikia by G. Das, SI.
25. Certificate dated 11-3-1996 to Motilal Mili by G. Das, SI.
26. Certificate dated 11-3-1996 to Gobin Sonowal by G. Das, SI.
27. Certificate dated 11-3-1996 to Lohit Bara (Sonowal) by G. Das, SI.
28. Certificate dated 11-3-1996 to Ghana Sonowal by G. Das, SI.
29. Certificate dated 11-3-1996 to Lokeswar Sonowal by G. Das, SI.
30. Certificate dated 11-3-1996 to Miss Niju Hazarika by G. Das, SI.
31. Certificate dated 11-3-1996 to Dibya Sonowal by Md. Taslim.
32. Certificate dated 11-3-1996 to Atul Sonowal by Md. Taslim.
33. Certificate dated 11-3-1996 to Prafulla Sonowal by Md. Taslim.
34. Certificate dated 11-3-1996 to Giridhar Saikia by Md. Taslim.
35. Certificate dated 11-3-1996 to Upendra Nath Saikia by Md. Taslim.
36. Certificate dated 11-3-1996 to Siba Gogoi by Md. Taslim.
37. Certificate dated 11-3-1996 to Nirmal Pawe by Md. Taslim.
38. Certificate dated 11-3-1996 to Jogen Sonowal by Md. Taslim.
39. Certificate dated 11-3-1996 to Radha Thengal by G. Das, SI.
40. Certificate dated 11-3-1996 to Tulon Thengal by G. Das, SI.
41. Certificate dated 11-3-1996 to Khargeswar Sonowal by G. Das, SI.
42. Certificate dated 11-3-1996 to Babul Nath (a) Anil Nath by M. Ray, SI.
43. Absence statement of TSM under SDO (T), North Lakshimpur for the Month of June '96 to Oct' 97.
44. Absentee statement of TSM under SDO (P), North Lakshimpur for the month of September '96 to October' 97.
45. Statement of Salary of TSM under SDO (P), North Lakshimpur for June, July & August, 1996.
46. Attendance Register of TSM under SDO (T) North Lakshimpur.

47. Joining reports of TSMS.
48. Promotion order of Shri Guneswar Das and Md. Taslim order No. E-198/OTBP/88-89/149 dated 20-7-1988 of TDE, Tezpur.
49. Promotion order of Shri Guneswar Das and Md. Taslim as Lineman vide order No. E-198/OTBP/III dated 24-3-1997 of TDE, Tezpur.
50. Promotion order of Shri Maheswar Ray as Sub Inspector vide order No. E-198/OTBP/90-91/15 dated 7-6-1990 of TDE, Tezpur.
51. Joining report dated 22-4-1989, 26-6-1990 & 23-2-1997 earned leave application dated 30-12-1989, 6-9-1990, 1-6-1996 & C.L. application dated 2-1-1996 of Shri Maheswar Ray SI under SDOT, North Lakshimpur.
52. Joining report dated 21-1-1981 and Earned Leave application for 5 days w.e.f. 5-3-1995 dated Nil and dated 27-2-1986 of Shri Guneswar Das, SI under SDO (T), North Lakshimpur.
53. Joining order dated 5-12-1990 & Earned Leave applications dated 6-12-1989, 26-10-1990 15-5-1997 & 23-1-1998 of Md. Taslim the then SI under SDOT, North Lakshimpur.
54. Seizure memo dated 20-11-1997
55. --do - dated 6-6-1998.
56. -- do - dated 23-7-1998.
57. -- do - dated 8-9-1998.
58. -- do - dated 16-11-1998.
59. Order No.X-1/CMPT/96-97/Con-7 dated 27-5-1996 of TDE, Tezpur in R/o regularisation of casual labours under SDOT, North Lakshimpur as TSM.
60. Letter No. E-38/CMPT/Vol. III/96-97/15 dated 30-8-1996 of TDE, Tezpur addressed to DGM (Admn), O/o CGMT, Assam Circle, Guwahati regarding engagement of casual labourers.
61. Letter No. X-1/CMPT/TZ/95-96/Confdl/1 dated 25-3-1996 of TDE, Tezpur in respect of constitution of selection committee for conferring casual labours to TSM.

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62. Letter No. E-38/CMPT/94-95/168 dated 17-2-1995 of TDE, TZ addressed to Asstt. Director Telecom (E&R), O/o CGMT, Guwahati in respect of Nil report of casual labours w.e.f. 31-12-1993 onwards.
63. Letter No. E-38/CMPT/Vol.II/123 dated 7-12-1993 of TDE, Tezpur addressed to Asstt. Director Telecom (E&R), O/o CGMT, Guwahati in respect of Nil report of recruitment of casual labour after 31-3-1985.
64. Original letter No. 269-14/93-STN. II dated 17-12-1993 of Asstt. Director General (STN), New Delhi in respect of regularisation of casual labours engaged in circles after 30-3-1985 and upto 22-6-1988.
65. Letter No. 269-8/93-STN dated 29-7-1993 of Asstt. Director General (STN), New Delhi.
66. Letter No. Rectt. 3/10/Part.III/3 dated 26-8-1993 of Asstt. Director Telecom (E&R), O/o CGMT, GHY addressed to TDE, Tezpur.
67. Letter No. TDM/Tez/1005/CBI dated 11-8-1998 of Shri B.K. Goswami, TDM, Tezpur in respect of non-availability of payment documents ACG-17.
68. Letter No. 270/6/84-STN, New Delhi dated 30-3-1985 of Shri S. Krishnan, Director (ST), Posts & Telegraph in respect of banning of engagement of casual labours.
69. FIR of the case.
70. Part-III, Central Civil Services Group 'C' of CCS (CCA) Rules in respect of Authority competent to impose penalties under Rule 11.



ANNEXURE IV

List of witnesses by whom articles of charge framed against Shri M.K. Gogoi, former TDE, Tezpur and now Director, RTTC, Guwahati are proposed to be sustained.

1. Md. Islam Ahmed S/o Late Sh. Basiruddin Ahmed, Chief Accounts Officer, O/o TDM, Tezpur.
2. Shri B.K. Goswami, TDM, Tezpur R/o 100/5 Jessore Road, Dum-Dum, Bhagabati Park, Calcutta-74.
3. Shri Upen Swargswary, Sr. Accounts Officer, O/o TDM, Tezpur R/o Indira Nagar, PS & PO- Tezpur, Sonitpur (Assam).
4. Shri Ajit Kumar Sarkar, the then SDE (HRD) and now SDO (T), Tezpur R/o Village & P.O. - Dhekiajuli Ward No. 6, District-Sonitpur.
5. Shri Dharmeswar Payeng, the then SDO (P), Tezpur and now DE (Phones), Jorhat R/o Town Bantu, North Lakshimpur, Ward. No. 14.
6. Shri P. Das, the then SDE (Phones), Tezpur.
7. Shri B.C. Pal, Asstt. Director Telecom (E&R), O/o CGMT, Guwahati.
8. Shri Gajanan Deuri, Sr. Section Supervision (S.S.S.) under SDOT North Lakshimpur S/o Late Shri Maya Singh Deuri R/o Nakari Nagar, Baptist Mission Path, P.O. & P.S. North Lakshimpur.
9. Shri N.C. Kakati, JSO under SDOT, North Lakshimpur.
10. Shri K. Barman, I.O. or the Case.
11. Shri Gunja Ram Deuri, Sr. Telecom Supervision, O/o SDO (P) North Lakshimpur.
12. Shri H.S. Debnath, JAO, O/o TDM, Tezpur.

Attested
By
[Signature]

[Signature]

(7)

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BIHARAT SANCHAR NIGAM LIMITED
(A Government of India Enterprise)
O/O THE G.M., KAMRUP TELECOM DISTRICT
Ulubari, Guwahati-781007.

No. GM/SDE(Vig)/X-106/01-02/2,

Dated at Guwahati, The 26-03-2002.

To,

Sri M. K. Gogoi, AMT (East),
Telephone Exge. Bldg.,
Dispur, Guwahat-781005.

Subject :- Memorandum Of Charge Sheet.

Reference :- Vig / Assam / Disc. IX / 48, Dtd. 21-03-2002.

As directed, find enclosed herewith the Memorandum no. 8-15/2001-Vig. II. dtd. 07-03-2002 along with enclosures in origin received from ADG. III(Vig-II), New Delhi.

In this regard you are requested to send the following documents to this office at the earliest for onward transmission to the Circle VO, O/O The CGMT/GH.

- (1). Your dated acknowledgement of receipt of the above Memorandum in origin.
- (2). Your Defence Statement in quadruplicate in origin.

Matter may please be treated as "Urgent" pl.

Encl:- As above.

26/3

S.D.E. (Vig),
O/O The G.M., Kamrup Telecom District,
Ulubari, Guwahati-7

Attended
by
[Signature]

No.8-15/2001-Vig.II
Government of India
Ministry of Communications
Department of Telecom

West Block-I, Wing-2
Ground Floor
R.K. Puram Sector-I
New Delhi-110066

Dated 7-3-2002

MEMORANDUM

The President proposes to have an inquiry held against Shri M.K. Gogoi, formerly TDE, Tezpur and now Director, (RTTC), Guwahati under Rule 14 of the CCS (CCA) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexures-III & IV).

A copy of the first stage advice of CVC for instituting major penalty proceedings against Shri M.K. Gogoi, is also enclosed.

2. Shri M.K. Gogoi is directed to submit within ten days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.
3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.
4. Shri M.K. Gogoi is further informed that if he does not submit his written statement of defence on or before the date specified in Para 2 above, or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the CCS (CCA) Rules, 1965 or the orders/directions issued in pursuance of the said Rule, the Inquiring Authority may hold the inquiry against him ex-parte.
5. Attention of Shri M.K. Gogoi is invited to Rule 20 of the CCS (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political

Contd.....2

or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Shri M.K. Gogoi is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS (Conduct) Rules, 1964.

6. Receipt of this Memorandum may be acknowledged.

By order and in the name of the President.



(OM PARKASH)
ADG III (VIG II)

Encl: As above.

Shri M.K. Gogoi. ✓
Director (RTTC),
Guwahati
(Through the CGM, BSNL, Assam Circle, Guwahati)

ANNEXURE-I


Statement of Article of Charge framed against Shri M.K. Gogoi, formerly TDE, Tezpur and now Director, RTTC, Guwahati.

ARTICLE

That the said Shri M.K. Gogoi while functioning as TDE, Tezpur during 1996 committed serious irregularities in as much as he in collusion with the Members of the Selection Committee constituted by him, regularized 22 numbers of Casual Mazdoors of SDE (P), Tezpur as Temporary Status Mazdoors with mala fide intention although none of them was eligible for such regularization that too without verifying the genuineness of the recommendations of different SDO's/SDE's and Experience Certificates issued by JTO/Lineman etc. and thus putting the Department to a huge financial loss.

Thus, by his above acts, the said Shri M.K. Gogoi failed to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of a Government servant thereby contravening the provisions of Rule 3 (1) (i), (ii) & (iii) of CCS (Conduct) Rules, 1964.

By order and in the name of the President.


(OM PARKASH)
ADG III (VIG II)

ANNEXURE-II

Statement of imputations of misconduct/misbehaviour in support of Article of Charge framed against Shri M.K. Gogoi, formerly TDE, Tezpur and now Director, RTTC, Guwahati.

The said Shri M.K. Gogoi was functioning as TDE, Tezpur during 1996.

2. That the Directorate of Telecom, New Delhi issued a circular vide No. 269-4/93-STN-41 dated 17-12-1993 for regularization of Casual Labourers engaged in different circles of the Deptt. after 31-3-1985 upto 22-6-1988 and to appoint them as Temporary Status Mazdoors. In the said circular, the following conditions are clearly mentioned in respect of the casual labourers, who are eligible for regularization under this scheme:

i) It extended the temporary status to all those casual mazdoors who were engaged by the Project Circle/Electrification circles during the period from 31-3-1985 to 22-6-1988 and who were still continuing for such works where they were initially engaged and who are not absent for the last more than 365 days counting from the date of issue of this order, be brought under the said scheme.

ii) That all those casual mazdoors who were engaged as per the aforesaid Circular during the period from 31-3-1985 to 22-6-1988 and who are still continuing for such works in the circles, where they were initially engaged and who are not absent for the last more than 365 days counting from the date of issue of this order, be brought under the said scheme.

iii) The engagement of causal mazdoors after 30-3-1985 in violation of instructions of the Head Quarter, has been viewed seriously and it is decided that all past cases wherein recruitment has been made in violation of instructions of the Head Quarter should also be analysed and disciplinary action be initiated against defaulting officers.

iv) That engagement of any casual mazdoor after the issue of the order should be viewed very seriously and brought to the notice of the appropriate authority for taking

prompt and suitable action. This should be the personal responsibility of the Heads of Circles concerned/Class II Officers and amount paid to such Casual Mazdoors as wages should be recovered from the person(s) who has/have recruited/engaged casual mazdoors in violation of these instructions.

v) That the services of all the casual mazdoors who have not rendered at least 240 days (206 days in case of Administrative Officers observing 5 days a week) of service in a year on the date of issue of those orders, should be terminated after following the conditions as laid down in I.D. Act, 1947 under Sec, 25 F.G. & H.

vi) These orders are issued with concurrence of Member (Finance) vide UO No. 3811/93-FA-1 dated 1-12-1993.

3. That the above said circular/order dated 17-12-1993 was sent to all Heads of Telecom Circles, Metro Telecom District, all Heads of other Administrative Offices etc. The copy of this circular/order was circulated amongst the TDMs/TDEs under Assam Circle, Guwahati vide No. Rectt-3/10/General (E&R) for CGMT/Guwahati including TDE, Tezpur. The DE (P), Tezpur had also also circulated the same to all Heads of Sub-Divisions vide endorsement No. E-98/Casual Labour/93-94/125 dated 28-1-1994 for information, guidance and necessary action.

4. That the field staff of Tezpur Telecom Division in collusion with these 22 persons, concerned JTOs and SDOs/SDEs, who issued 21 false and fabricated Experience Certificates in favour of the said 22 persons showing them as Casual Labourers working since 1988 to 1996 (Feb) and the same were got countersigned by the respective JTOs and SDOs/SDEs as a token of proof of their having worked as Casual Mazdoors under them without being based on any material evidences.

5. That the concerned SDOs/SDEs of Tezpur Telecom Division in collusion with Shri M.K. Gogoi, formerly TDE, Tezpur, forwarded all the Certificates to Shri M.K. Gogoi with their recommendation for consideration of the total 221 persons including these 22 casual mazdoors as Temporary Status Mazdoors (TSM). Shri M.K. Gogoi thereafter constituted a Selection Committee on 25-3-1996 with four persons namely (1) Shri P.Das, SDE (P), Tezpur (2) Shri U.C. Swargary. AO (Cash), Tezpur (3) Shri D.

g SDO (P), Tezpur and (4) Shri A.K. Sarkar, SDE (HRD), O/o TDE, Tezpur for recommendation/selection of eligible casual labourers for regularization as TSMs vide order No. X-1/CMPT/Tz/95-96/Con-1 dated 25-3-1996.

6. That the Selection Committee had prepared/got prepared gradation list of all total 221 casual labourers including these 22 casual mazdoors sub-division wise and recommended for their regularization as TSMs. Shri M.K. Gogoi, formerly TDE, Tezpur knowing fully that the said gradation lists were bogus and with malafide intention passed order for regularization of 221 (including these 22 casual mazdoors) persons as TSM within his Telecom Division vide No. X-1/CMPT/96-97/Con-7 dated 27-5-1996 by putting interest of the Department in jeopardy.

7. That it was within the knowledge of Shri M.K. Gogoi that no casual labourers were engaged in his SSA w.e.f. 31-3-1985 as Shri K. Subramaniam, the then TDE, Tezpur had informed Shri S.C. Chakraborty, the then Asstt. Director Telecom (E&R), O/o CGMT, Assam Circle, Guwahati vide his letter No. E-38/CMPT/Vol. II dated 7.12.1993 in reply to a letter No. Rectt.3/10/Pt.III/5 dated 27-8-1993 that no casual labourers were recruited in his SSA.

8. That Shri Gogoi had informed the Assam Telecom Circle vide his letter No. E-38/CMPT/94-95/168 dated 17-2-1995 and letter No. E-38/CMOT/Vol.III/96-97 dated 13-8-1996 that no casual labourers have been engaged in his division.

9. Even after appointing these 22 casual mazdoors conferring on them TSM status on 27-5-1996 Shri M.K. Gogoi was also found to have issued a false certificate to Shri M.K. Sudarsanam, DGM (Admn) vide his letter No. E-38/COMPT/Vol. III/96-97/15 dated 30-8-1996 certifying with reference to DGM's letter No. 1-3/COMPT/96 dated 20-8-1996 that no casual mazdoor was engaged in his division except 21 casual labourers in Traffic Wing on permanent basis. Shri M.K. Gogoi issued this letter when DGM wanted to fix responsibility for taking action against those who were responsible for making appointments of casual employees in spite of the ban order issued earlier.

Shri Gogoi again vide his letter No. X-1/COMPT/Confdl/29 dated 12-9-1996 addressed to Shri A. Baruah, AD Employment Exchange intimated that no employment in Grade 'D' under his SSA was made in view of total ban in employment.

11. It is also revealed that Shri M.K. Sudarsanam, DGM (Admin) vide his DO letter addressed to Shri B.K. Goswami, TDM informed him that the statement furnished to them vide letter No. E-38/COMPT/Vol. III/96-97/15 dated 30-8-1996 and No. X-1/COMPT/96-97/21 dated 7-8-1996 were contradicting to the information given by their SSA, regarding casual mazdoors. He was aghast as to how a 'nil' report has been sent by their SSA and at the time of relaxation of the ban order, TDE had appointed these 22 casual employees of SDEP, Tezpur out of 221 casual employees as TSM in 1996. He requested Shri Goswami to look into the matter and fix responsibility on all erring officers.

12. On the basis of recommendation of Shri P. Das, formerly SDE (Phones), Tezpur, Shri M.K. Gogoi issued order vide No. S-1/COMPT/96-97/CON/24 dated 14-8-1996 selecting them as TSM.

Thus, by his above acts, the said Shri M.K. Gogoi failed to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of a Government servant thereby contravening the provisions of Rule 3 (1) (i), (ii) & (iii) of CCS (Conduct) Rules, 1964

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGE FRAMED AGAINST SHRI M.K. GOGOI FORMERLY TDE, TEZPUR NOW DIRECTOR, RTTC, GUWAHATI ARE PROPOSED TO BE SUSTAINED.

1. Certificate issued in favour of Smt. Chintamani Bora D/O. Purna Bora by A.B. Dutta, P.I. (2 sheets).

2. Certificate issued in favour of Sh. Nayan Kalita, Lt. Dhaniram Kalita by Jiten Baruah, L.H. (two sheets).

3. Certificate issued in favour of Abdul Jabbar S/O Lt. Eousuf Ali by Baiju Rai C/S (two sheets).

4. Certificate issued in favour of Hanksi Devi D/O. Bharat Ray by Medini Baruah, Tech (Two sheets).

5. Certificate issued in favour of Dinan Ch. Deka S/O. Lt. Surya Deka by Jiten Baruah, L.H. (two sheets).

6. Certificate issued in favour of Ranjan Adhikary S/O. C. Adhikary by A.B. Dutta, P.I. for 1988, 1989 (two sheets).

7. Certificate issued in favour of Ranjan Adhikary Lt. Medini Baruah, Tech from 1989 to 1996 (two sheets).

8. Certificate issued in favour of Ajit Das S/O. Jogen Ch. Das by Jogen Ch. Baruah, S.I. for 1988 to 1995 (two sheets).

9. Certificate issued in favour of Ajit Baruah Lt. D. Saha, JTO for 1996 (two sheets).

10. Certificate issued in favour of Shivjyoti Hazumdar S/O Lt. Arun Kr. Hazumdar by A.B. Dutta, P.I. for 1988 to 1991 (two sheets).

11. Certificate issued in favour of Shivjyoti Hazumdar by D. Saha, JTO fro 1991 to 1996 (two sheets).

12. Certificate issued in favour of Bipak Deka S/O. Kanta Deka by A.B. Dutta, P.I. for 1988 to 1991 (two sheets).

13. Certificate issued in favour of Bipak Deka Lt. D. Saha, JTO for 1991 to 1996 (two sheets).

14. Certificate issued in favour of Satya Ranjan Palit S/O Lt. Rupeswar Kalita by Jogen Ch. Baruah S.I. for 1988 to 1996.

15. Certificate issued in favour of Debasis Das S/O A.K. Das by Jogen Ch. Baruah for 1988 to 1991 (two sheets).

16. Certificate issued in favour of Debasis Das for 1991 to 1996 (two sheets).

17. Certificate issued in favour of Shadesh Seal S/O Lt. Parash Seal by Jogen Ch. Baruah, S.I. for 1988 to 1991 (two sheets).

- 18. Certificate issued in favour of Shades Seal by Hemanta Bora for 1992 to 1996 (two sheets).
- 19. Certificate issued in favour of Reba Kanta Saikia S/O Lt. Hari Kanta Saikia by Sukan Ray, S.I. for 1988 to 1996 (one sheet).
- 20. Certificate issued in favour of Abdul Karim S/O. Lt. Eqsuf Ali by A.B.Dutta P.I. for 1988 to 1991 (two sheets).
- 21. Certificate issued in favour of Abdul Karim by Hemanta Bora TTA (PRX) for 1991 to 1996 (two sheets).
- 22. Certificate issued in favour of Jadav Debn S/O. Jagu Debn by Baiju Rai C/S for 1988 to 1996 .
- 23. Certificate issued in favour of Mahesh Baroi S/O. Lt. Manindra Baroi by A.D.Dutta, P.I. for 1988 to 1992 (two sheets).
- 24. Certificate issued in favour of Mahesh Baroi by Hemanta Bora for 1992 to 1996 (Two sheets).
- 25. Certificate issued in favour of Rashmi Acharjee D/O. Sushil Acharjee by A.D.Dutta, P.I. for 1988 and 1989 (two sheets).
- 26. Certificate issued in favour of Reshmi Acharjee by Sarat Hazarika, S.S(O) for 1990 to 1996 (two sheets).
- 27. Certificate issued in favour of Anil Kumar Das S/O. Kanak Ch.Das by A.B.Dutta, P.I. for 1988 to 1991 (two sheets).
- 28. Certificate issued in favour of Anil Kr. Das by Hamanta Bora, TTA (PRX) for 1991 to 1996 (two sheets).
- 29. Certificate issued in favour of Hobajyoti Debn S/O. Kamaleswar Debn for 1988 to 1996 by Baiju Rai, C/S (two sheets).
- 30. Certificate issued in favour of Shiva Prasad Sharma, S/O Lt. Hari Prasad Sharma by A.B.Dutta, P.I. for 1988 to 1996 (two sheets).

File No.8 of SDE(Phones) Tezpur Contains:

- 31. Recommendation sheet of Selection Committee in respect of Casual Labourers of 22 Nos. (four sheets).
- 32. List of twenty one no. daily rated Hazdoors vide letter No.E-27/DRH/95-96/9 dt. 1.3.96 of Shri Prantosh Das, SDE(Phones), Tezpur with his recommendation.
- 33. Request letter of Shri Shiba Prasad Sharma for temporary Status Hazdoor with no. of days he worked yearwise from 1988 to , duly certified and recommended by Sh. Prantosh Das, (Phones), Tezpur.

Approved

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File No. 1 of SDE (Phones), Tezpur.

35. Letter No. E-27/CM/96-97/2 dated 13.5.96 of Das, SDE (Phones), Tezpur addressed to Telecom District Engineer, Tezpur in r/o conferring of TSM to Casual / part time labourers.

36. Gradation List of 22 Nos. Casual labourers duly recommended by Selection Committee.

36. Proforma of 22 Nos. Casual labourers submitted by P. Das, SDE (Phones), Tezpur (two sheets).

37. H.S.L.C. Examination passed Certificate of Sh. Ajit Das, passed in 1992 from Vivekananda Vidyapeeth H.S. School, Tezpur (attested copy).

38. H.S.L.C. Exam. passed certificate of Abdul Jabbar passed in 1989 from Barmi High School, Barmi, Kamrup, now Dist. Nalbari (attested copy).

39. ADMIT Card to H.S.L.C. Exam - 1995 of Miss Chintamani Bora of SEBA No. 62573 (attested copy).

40. ADMIT Card No. 128702 and Certificate to H.S.L.C. Examination in 1991 of Hayan Kalita (2 Nos. attested copy).

41. H.S.L.C. Passed certificate of Sh. Navajyoti Deka passed in 1990 as a regular candidate from Tezpur Govt. H.S. School (attested copy).

42. Certificate No. 480 dt. 12.3.96 of H.S.L.C. Exam. 1991 passed Certificate of Sh. Jadav Deka.

45. Promotion / Posting order of Sh. Sarat Ch. Hazarika w.e.f. 20.4.88 vide order No. E-148/OTDP/90-91/45 dt. 25.9.90 of T.D.E., Tezpur.

46. Joining report dt. 17.7.96 of Sh. Hemanta Bora as TTA (PRX), Tezpur.

47. Posting Order No. E-4/P1/TFR/83-84/218 dt. 30.7.83 of DET, Tezpur in r/o. posting of Sh. Ashim Bijoy Dutta as Phone Inspector (P.I.) w.e.f. 9.7.83.

48. Joining report dt. 9.7.83 of Sh. Ashim Bijoy Dutta, as P.I.

49. Posting Order No. E-12/LH/84-85/223 dt. 18.10.84 of Shri. Jiten Barma as Lineman at Tezpur.

50. Letter No. X-1/CMPT/96-97/CON-7 dt. 27.5.96 of TDE, Tezpur in r/o order for regularisation of Casual Labourers under SDE(P) Tezpur as TSM (relevant file page- 4) (total 7 sheets) original in RC.10(A)/97).

51. Joining report of Sh. Chikijyoti Mazumdar dt. 30.5.96 as TSM.

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2. Joining report of Sh. Nanki Devi, dt. 30.5.96 as TSM.
53. Joining report of Sh. Ujjal Mahanta dt. 30.5.96 as TSM.
54. Joining report of Sh. Ajit Das, dt. 30.5.97 as TSM.
55. Joining report of Sh. Swadesh Shil dt. 30.5.96 as TSM.
56. Joining report of Sh. Keshmi Acharjee dt. 30.5.96 as TSM.
57. Joining report of Miss Chintamani Bora, dt. 30.5.96 as TSM.
58. Joining report of Sh. Debasis Das dt. 30.5.96 as TSM.
59. Joining report of Sh. Reba Kanta Saikia dt. 30.5.96 as TSM.
60. Joining report of Sh. Jadav Deka dt. 30.5.96 as TSM.
- Joining report of Abdul Jabbar dt. 30.5.96 as TSM.
62. Joining report of Dinan Deka dt. 30.5.96 as TSM.
63. Joining report of Nayan Kalita dt. 30.5.96 as TSM.
64. Joining report of Ranjan Adhikary dt. 30.5.96 as TSM.
65. Joining report of Mahesh Baroi dt. 30.5.96 as TSM.
66. Joining report of Satya Ranjan Kalita dt. 30.5.96 as TSM.
67. Joining report of Abdul Karim dt. 30.5.96 as TSM.
68. Joining report of Dipak Deka dt. 30.5.96 as TSM.
69. Joining report of P. Basphore dt. 30.5.96 as TSM.
70. Joining report of Anil Kr. Das dt. 30.5.96 as TSM.
71. Joining report of Nabajyoti Deka dt. 30.5.96 as TSM.
72. Acquittance Roll in r/o. TSM under SDE (Phones) Tezpur for June, July, and August, 1996 (Total 04 Sheets).
73. Attendance Register of TSM under SDE(P) Tezpur for June '96 to Nov. '97 in respect of Tezpur Telephone TK Exge.
74. Attendance Register of TSM under SDE(P) Tezpur for June '96 to Feb '98 in r/o Tezpur Telephone Exge.
75. Attendance register of TSM under SDE(P) Tezpur for June '96 to Nov '97 in r/o O/O SDE(Phones) Tezpur.

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76. Letter No. E-38/CMPT/VOL-111/96-97/15 dt. 30.8.96 of TDE, Tezpur addressed to Dy. GM (Admn) O/O CGMT, Assam Circle, Guwahati regarding engagement of casual labourer (File No. X-1/CMPT/TZ/Confdl, 1996 relevant page 72).

(Original letter at Sl. No. 2406 listed documents in RC. 10(A)/97-SHG)

77. Letter No. X-1/CMPT/TZ/95-96/Confdl/1 dt. 25.8.96 of TDE, Tezpur in r/o. constitution of selection committee for conferring casual labourer's to TSM (File No. X-1/CMPT/TZ/Confdl, 1996 relevant page -15).

(Original letter listed document Sl.No.26 in RC. 10(A)/97-SHG).

78. Letter No. E-38/CMPT/94-95/168 dt. 17.2.95 of TDE, Tezpur, addressed to Asstt. Director Telecom (E&R), O/O DGMT, Guwahati in r/o. NIL report of Casual Mazdoor w.e.f. 31.12.93 onward (File No. Rectt-3/10(Part-II)/Loose, Rectt-3/10/Part-II of O/O CGMT, Guwahati relevant page- 117).

(Original letter at listed document Sl.No.28 in RC. 10(A)/97-SHG).

79. Letter No. E-30/CMPT/Vol-111/123 Dt. 7.12.93 of TDE, Tezpur addressed to Asstt. Director Telecom (E&R) O/O CGMT, Guwahati in r/o NIL report of recruitment of Casual Labour after 31.3.85 (File No. Rectt.3/10(Part-II)/Loose, Rectt.3/10/Part-III of O/O CGMT, Guwahati relevant page -76)

(Original letter at listed document at Sl.No.29 in RC. 10(A)/97-SHG).

80. Original letter No. 269-4/93-STN-II dt. 17.12.93 of Asstt. Director General (STN) New Delhi in r/o regularisation of Casual labourers engaged in Circles after 30.3.85 and upto 22.6.88. (File No. Rectt. 3/10(Part-II)/Loose, Rectt. 3/10/Part-III of O/O CGMT, Guwahati, relevant page-35)

(Original letter listed document Sl.No.30 in RC. 10(A)/97-SHG).

81. Letter No. 289-8/43-STN dt. 29.7.93 of Asstt. Director General (STN), New Delhi.

82. L/No. rectt.3/10/Part-III/3 dated 26.8.93 of Asstt. Director Telecom (E&R) O/O CGMT, Guwahati addressed to TDE, Tezpur. (Sl.No.81 and 82 are in the same file at Sl No.79 above).

83. Letter No. E-38/CMPT/VOL.111/96-97/15 Dt. 30.8.96 of TDE, Tezpur addressed to Dy. GM (Admn), O/O CGMT, Guwahati in r/o engagement of Casual labour (Nil report) (File No. Rectt.3/10/Part-V of O/O CGMT, Guwahati, relevant page-4).

(Original letter at listed document Sl.No.33 in RC. 10(A)/97-SHG).

L/No. THM/TEZ/1005/GRH dt. 11.11.98 of Shri
D. C. Aswami, THM/Tezpur in r/o non-availability of AGG 17
documents (Total page -2), (Original letter st Sl.No.58 of
13(A)/97-SHG).

L/No. 270/6/84-STN, New Delhi dt. 30.3.95 of Sh.
Shan, Director (STN), posted Telegraph in r/o banning
engagement of Casual labour (attested copy)

(Original at Sl. No.59 of listed documents in
13(A)/97-SHG.)

86. Seizure Memo dt. 16.11.98

Seizure memo dt. 6.11.98

88. FIR of Case No. Re. 13 (A)/97-SGH.

89. Any other document which may be considered relevant.

ANNEXURE-IV

List of witnesses by whom Article of Charge framed against Shri M.K. Gogoi, formerly TDE, Tezpur and now Director, RTTC, Guwahati are proposed to be sustained.

1. M. Islam Ahmed S/o Late Shri Basiruddin Ahmed, Chief Accounts Officer, O/o TDM, Tezpur.
2. Shri B.K. Goswami, TDM, Tezpur R/o 100/5 Jessore Road, Dum-Dum, Bhagabati Park, Calcutta-74.
3. Shri B.C. Pal. Asstt. Director Telecom (E&R), O/o CGMT, Guwahati.
4. Shri Babul Ch. Nath S/o Late Upen Ch. Nath, Telecom Office Asstt. (TDA), O/o TDM, Tezpur. Vill: Saikia Suburi, P.O. Dekragaon, P.S. Mission Chariali, Distt. Sonitpur (Assam)
5. Shri Badal Saha, SS (O), O/o TDM, Tezpur, S/o Radha Raman Saha, Vill. Tengabari, PO & PS Mangaldai, Dist. Darrang (Assam).
- ✓ 6. Shri K. Barman, Inspector, CBI, ACB, Guwahati (IO).
- ✓ 7. Shri Maheswar Bhuyan, SDE (Cable), Tezpur.
- ✓ 8. Shri H.S. Debnath, JAO, O/o TDM, Tezpur.

*Attested
by
[Signature]
[Signature]*

Representation 1

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ANNEXURE-VIII

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24

BHARAT SANCHAR NIGAM LIMITED

(A GOVT OF INDIA ENTERPRISE)

O/o THE GENERAL MANAGER, KAMRUP TELECOM DISTRICT

ULUBARI, GUWAHATI-781007.

No. GM/SDE(Vig)/X-117/03-04/02,

Dated at Guwahati, The 17-10-2003.

To,

Shri Madhurya Kr. Gogoi,
Area Manager (West),
Telephone Exchange Building,
Panbazar, Guwahati - 781001.

Subject :- Memorandum.

Reference :- Memorandum No. 8-186/2001-Vig.II, dtd. 11-09-2003

Reference to above, enclosed find here with a Memorandum vide no. 8-186/2001-Vig.II, dtd. 11-09-2003 issued by Shri S. D. Kaushik, Assistant Director General (VT), O/O The Sr. DDG (Vig), New Delhi along with Annexure I, II, III & IV.

The acknowledgement receipt of the Memorandum and your Defence Statement i.r.o. the said Memorandum if any, may be sent to the this office (each in quadruplicate in original) for onward transmission to V.O. O/O The CGMT, Assam Telecom Circle Guwahati for his further necessary disposal.

Encls: -

- ① Memorandum
- ② c ve Advice

B.G. 17-X
General Manager, BSNL,
Kamrup Telecom District, Ulubari,
Guwahati - 781007.

*Attended
Director
BTL*

No.8-186/2001-Vig.II
Government of India
Ministry of Communications & Information Technology
Department of Telecommunications
(Vigilance Wing)

West Block-1, Wing-2,
R.K. Puram, New Delhi-66.

Dated 11-9-2003

MEMORANDUM

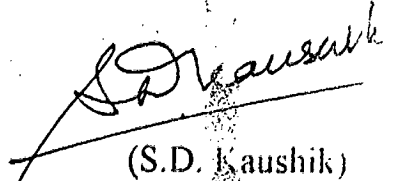
The President proposes to have an inquiry held against Shri Madhurya Kr. Gogoi, the then TDE, Tezpur, presently Area Manager, Assam Telecom Circle under Rule 14 of the CCS(CCA) Rules, 1965. A substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of article of charge (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of the article of charge is enclosed (Annexure II). A list of documents by which and a list of witnesses by whom the article of charge is proposed to be sustained are also enclosed (Annexures III & IV). A copy of the first stage advice of CVC for instituting major penalty proceedings against Shri Madhurya Kr. Gogoi is also enclosed.

2. Shri Madhurya Kr. Gogoi is directed to submit within ten days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.
3. He is informed that an inquiry will be held only if the article of charge is not admitted. He should, therefore, specifically admit or deny the article of charge.
4. Shri Madhurya Kr. Gogoi is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of Rule 14 of CCS(CCA) Rules, 1965 or the orders/directions issued in pursuance of the said rule the Inquiring Authority may hold the inquiry against him ex-parte.
5. Attention of Shri Madhurya Kr. Gogoi is invited to Rule 20 of the CCS(Conduct) Rules, 1964, under which no government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Madhurya Kr. Gogoi is

aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS(Conduct) Rules, 1964.

6. Receipt of this Memorandum shall be acknowledged by Shri Madhurya Kr. Gogoi.

By order and in the name of the President:



(S.D. Kaushik)
Assistant Director General (VT)

✓
Shri Madhurya Kr. Gogoi,
Area Manager
BSNL
Assam Telecom Circle
Guwahati.
(Through CGMT, Assam Circle)

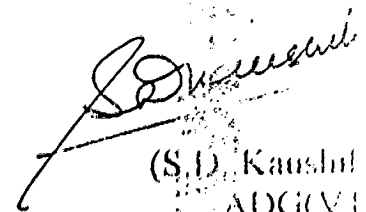
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ANNEXURE

STATEMENT OF ARTICLE OF CHARGE FRAMED AGAINST SHRI
M.K.GOGOI THE THEN TDE TEZPUR, NOW AREA MANAGER, ASSAM
TELECOM CIRCLE

It is alleged that Sh. M.K.gogoi while posted and functioning as TDE Tezpur during 1996, failed to maintain absolute integrity and utmost devotion to duty and acted in a manner unbecoming of a Government servant in as much as he appointed 221 Casual Labourers as Temporary Status Mazdoor in Tezpur Division including 21 in Udalguri Sub-division on the basis of forged experience certificates and thereby violated provisions of Rule 3 (1) (i), (ii) & (iii) of CCS(Conduct) Rules 1964.

By order and in the name of the President.

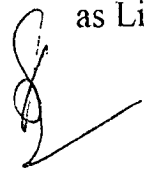

(S.D. Kaushik)
ADG(VI)

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STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR
IN SUPPORT OF ARTICLE OF CHARGE FRAMED AGAINST SHRI
M.K.GOGOI, THE THEN TDE TEZPUR, NOW AREA MANAGER, ASSAM
TELECOM CIRCLE

It is alleged that Shri M.K.Gogoi while posted and functioning as TDE, Tezpur during 1996 failed to maintain absolute integrity and utmost devotion to duty and acted in a manner unbecoming of a Government servant in as much as he appointed 221 casual labourers as Temporary Status Mazdoors (TSMs) in Tezpur Division including 21 in Udalguri Sub-Division on the basis of forged experience certificates in the context of following facts and circumstances.

1. Whereas it is alleged that Shri M.K.Gogoi was posted as TDE Tezpur during 1996.
2. Whereas it is alleged that TSM scheme was introduced by the Department of Telecom to regularize Casual labourers engaged between 30-3-85 and 22-6-88 and it was circulated to different Circles vide letter No.296/4/93-STN dt 17-12-93. As per the scheme, a Casual labourer should complete at least 240 days when engaged in field work or 206 days when engaged in office and he should not be absent from his duties for last 365 days from the date of issuance of the circular. The casual labourers should also be engaged on Muster Roll basis.
3. Whereas it is alleged that Shri K.Balasubramaniam, TDE, Tezpur had submitted a report through his letter No.E-38/CMPT/Vol.II/123 dt 7.12.93 stating that no casual labourer was recruited in Tezpur Division after 31-3-85. A similar NIL reply was sent to Telecom commission, Head Quarter, New Delhi by Sh. D.Payeng, the then SDO i/c of O/O TDE Tezpur vide letter No. E-38/CMPT/Vol.II/167 dtd. 8-12-94.
4. Whereas it is alleged that the Casual labour can be engaged by SDO/SDE office on Muster roll basis as per Rule 150-170 given in Post and Telegraph Financial Hand Book-III Part-I. However, the engagement on Muster Roll basis was stopped from 30-3-85. The Muster Roll is stored permanently in the Office of TDE. The Casual Labour can also be engaged on ACG-17 basis to attend to works of emergency nature. No attendance register is maintained in this case. The ACG-17 payment vouchers are forwarded to the TDE office and only a broad ACE-2 account is maintained in the O/O SDE. Thus, no permanent records regarding the number of working days against particular orders for the casual labourers are available in the O/o SDE/SDO or with the field staff such as Line Man, Line Inspector, Sub-Inspector and Phone Inspector.




5. Whereas, it is alleged that S/Shri R.K.Das, the then JTO, Sailendra Swargiary, JTO, S.K.Dutta the then Sub-Inspector, S.Bhattacharjee, Sub-Inspector, Gopal Singh, the then Sub-Inspector, Lankeswar, Rava Lineman, N.C.Boro, Lineman, K.B.Chetri, Lineman issued 21 numbers of false and fabricated experience certificates in favour of 21 casual laborers showing them as Casual laborers working since 1988 to Feb'96 in the office of the SDE(P) Udalguri and Shri J.N.Deori the then SDE(P) Udalguri countersigned the experience certificates without verifying the records and knowing that no records exists for the same and forwarded them to Shri M.K.Gogoi, the then TDE Tezpur, who appointed these 21 persons as Temporary Status Mazdoor on the basis of the recommendations of the members of the Departmental Promotion Committee viz: Shri D.Payeng the then SDE(P) Tezpur, P.Das, the then SDOP Tezpur, A.K.Sarkar, the then SDO(HRD) and U.Swargiary the then AO(Cash).
6. Whereas, it is alleged that Shri M.K.Gogoi knew that no permanent records are maintained in the SDE office regarding the engagement of Casual Labourers either on Muster Roll basis or on ACG-17 basis as only broad ACE-2 account is maintained in SDE office. The permanent records are kept in his own office i.e. the O/O TDE Tezpur. Thus he appointed 221 Casual labourers, including 21 in Udalguri Sub-Division as TSM on the basis of the forged experience certificates in which the number of working days of a casual labourer in corresponding years from 1988 to 1996 were filled up by the field staff by sheer imagination. He knew that none of the field staff have records to support the certificates given by them as no records are available with the field staff such as Lineman, Line Inspector, Sub-Inspector, Phone Inspector, JTO.
7. Whereas it is alleged that Shri M.K.Gogoi did not verify the genuineness of the experience certificates before appointing the Casual labourers as TSMs. Though the Muster Roll Register is stored in the office of TDE, Sh. M.K.Gogoi did not check the Muster Roll Register. He also did not verify the ACG-17 payment vouchers before passing the order of appointment of TSMs.
8. Whereas, it is alleged that Shri M.K. Gogoi appointed 221 casual labourers as TSMs in Tezpur division including 21 in Udalguri Division without obtaining approval of Telecom Commission, Head quarter and without giving an intimation to the CGMT, Assam Circle, Guwahati. But when he was asked to explain by Sh. S.K.Kayal, Area Director Telecom, Guwahati vide letter No. AMD-GH/CORR/96 dtd. 28-6-96, he deliberately gave a wrong and misleading reply vide letter No. X-1/CMPT/96-97/21 dt.7-7-96 explaining the DOT order for the appointment had been obtained and quoted the letter reference number which in fact, is the original Circular under which appointment was to be done. Likewise, while explaining the circumstances under which such recruitment was resorted to, Shri M.K.Gogoi referred to the RJCMs meeting quoting minutes No.CMPT/L/Vol-VI/58 dt. May 1996 whereas in the said minutes, there is no reference to the appointment of TSM under Tezpur Division at all.

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9. Whereas it is alleged that Shri M.K.Gogoi joined as TDE in the Tezpur Division in Jan'95. In Feb'95 he had sent a letter to the then Area Director Telecom (E & R), Shri M.Biswas of the O/O CGMT Guwahati in which he has stated that from 31-12-93 onwards no candidate was given TSM status nor there was any candidate yet to be regularized as TSM. Thus, Sh. M.K.Gogoi had the full knowledge that there was no casual laborers under Tezpur Division eligible for appointment as TSM. Even if the casual laborers were not appointed as TSM on Muster roll basis but were appointed on ACG-17/ACE-2 basis, their records relating to their appointments i.e. ACG-17 payment vouchers are preserved in the TDE office for a temporary period of two years. In view of the above fact, the TDE was well aware of the fact that the experience certificates submitted by different accused persons in favour of the casual laborers concerned were bogus ones, as there was no record to support those certificates.

By his above said acts Shri M.K. Gogoi failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of a Government servant thereby violating Rule 3(1)(i),(ii) and (iii) of CCS(Conduct) Rules, 1964.

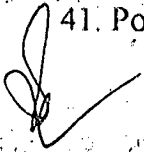


ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGE FRAMED AGAINST SHRI M.K.GOGOI THE THEN TDE TEZPUR, NOW AREA MANAGER, ASSAM TELECOM CIRCLE IS PROPOSED TO BE SUSTAINED.

1. Letter No. E-38/CMPT/94-95/168 Tezpur dtd. 17-2-95 written by Sh. M.K.Gogoi TDE Tezpur to ADT(E & R) giving details of TSM employed after 1989 (Page No. 117) Sl.No. 28 in RC-10(A)/97.
2. Letter No. E-38/CMPT/94-95/167 Tezpur dtd. 8-12-94 written by CAO to Head of Division and Accounts Officer (Page 110)
3. letter NO. AMT-GH/Corr/96 dtd. 28-6-96 written by Shri S.K.Kayal Area Director Telecom Guwahati to Sh. M.K.Gogoi TDE Tezpur.
4. Letter No. ZX-1/CMPT/96-97/21 dtd. Tezpur 7-7-96 written by M.K.Gogoi TDE(Tez) to Sh. S.K.Kayal Area Director Telecom Guwahati.
5. X-1/CMPT/Tz/95-96/Confdl./1 dtd. Tz 25-3-96 by Sh. M.K.Gogoi TDE(Tz) regarding constitution of DPC(Page 15)
6. Minutes of the meeting of RJCM Item No. 38(Page-5)
7. E-38/CMPT/Col.II/ 123 dtd. 9-12-93 written by Sh. Balasubramaniam, TDE Tz addressed to Sh. S.C.Choudhury Asstt. Director Telecom O/O CGMT listed in RC-10(A)/97 Sl.No. 29.
8. Original letter No. 269-4/95-STN-II dtd 17-12-93 of ADG(STN) New Delhi in respect of regularization of CLs engaged in Circle after 30-3-85 upto 21-6-88.
9. Attested copy of letter No. 270/6/84-STN New Delhi dtd. 30-3-1985 of Shri Krishnan, Director (STN) P & T in respect of barring of engagement of Casual labourers. Attested copy of letter listed in RC-10(A)/97 Sl.No. 59.
10. Letter No. D.O. No. Rectt-3/10 Pt.V dtd. 25-7-97 written by Sh. K.Padmanabhan, CGMT Assam Circle to Sh. G.D.Gaiha DDG(Tel) in respect of violation of name of Muster roll and sponsorship from employment exchange (Page-77)
11. letter NO. Estt.9-12 dtd. 30-6-2000 written by Sh. A.K.Challeng AGM(Admn) O/O CGMT to the DSP CBI Shillong in respect of TDEs responsibility to implement TSM Scheme.
12. Proforma in which names of 21 nos of casual labourers and details were prepared signed and recommended by DPC members (Page 36, 84, 33, 32)
13. Letter No. Misc UDL/95-96/41 dtd. Udalguri dated the 18-3-96 written by Sh. J.N.Doeri SDOP Udalguri to forward a list of 19 CLs (Page 30).
14. Certificate issued to Shri Jatin Saloi, S/o late Padma Ram Saloi by Sh. R.K.Das, JTO(Page 29)
15. Certificate issued to Sh. Piar Ali, S/o Sh. Mahasin Ali by Sh. Sailendra Swaingiary, JTO(Page 21)
16. Certificate issued to Sh.Durlabh Baruah, S/o Baddheswar Baruah by S. R.K.Das, JTO(Page 21)
17. Certificate issued to Sh.Moinul Haque, S/o Ayub Ali by Sh. R.K.Das, JTO (Page 20).
18. Certificate issued to Sh. Mozamil Hussain , S/o Sh. Mumtaz Ali by Sh. R.K.Das, JTO(Page 19)
19. Certificate issued to SH. Yamakanta Chamala Gai S/o Sh.Bhara Nandu Gai by Sh. Gopal Singh, SI(age 16)
20. Certificate issued to Sh. Miran Daimary S/o Shri Chiran Daimary by Sh. Sankar Bhattacharjee, SI(Page 15)

21. Certificate issued to Sh. Bhupen Barman, S/O Sh. Suresh Barman by Sh. K.B.Chetri, SI(Page 14)
22. Certificate issued to Sh. Rajat Bhattacharjee S/o Sh. Rajendrda Bhattacharjee by S.K.Dutta, SI(Page 13)
23. Certificate issued to Sh. Kameswar Narzary S/O Sh.Upen Narzary issued by N.C.Boro L/M (Page 12)
24. Certificate issued to Sh. Biren Rabha S/o Sh. Rabindra Rabha by Sh. Gopal Singh, SI(Page11)
25. Certificate issued to Sh. Tanuram Boro, S/O Late Sh. Badung Boro by Shri S.K.Dutta, SI(Page10)
26. Certificate issued to Sh Navin Rava S/O Sh. Ratiram Rava by Sh. S.K.Dutta SI(Page 9)
27. Certificate issued to Sh. Sanjay Dutta S/O Sh. Sudhendra Kr. Dutta SI(Page 8)
28. Certificate issued to Sh. Dayaram Boro, S/o Sh. Bayan Boro by Sh. Sankar Bhattacharjee, SI(Page7)
29. Certificate issued to Sh. Nigam Swargiary S/o Sh. Raghu Nath Swargiary by Sankar Bhattacharjee, SI(Page-6)
30. Certificate issued to Sh. Binanda Basumatary S/o Sh. Late Ramendra Basumatary by Sh. Gopal Singh SI (Page-5).
31. Certificate issued to Sh. Rohini Kant Basumatary S/o Sh. Guni Ram Basumatary by Sh. Lankeswar Rava (Page-4)
32. Certificate issued to Sh. Baneswar Boro, S/o Late Sh. Golap Ch. Boro by Sh. S.K.Dutta SI(Page 3)
33. Certificate issued to Sh. Rajendra Boro, S/o Sh. Dandi Ram Boro by Sh. Gopal singh. SI (page2)
34. Certificate issued to sh. Narendra Basumatary, S/O Sh. Abhiram Basumatary By Sh. Gopal Singh, SI(Page 1)
35. Seizure Memo dtd. 13-9-99
36. Seizure Memo dtd. 11-10-99
37. FIR of the case.
38. Letter NO. E-1/96-97/7 Udalguri, Dt. 6-5-97 by Sh. J.N.Deori SDE(P) Udalguri in respect of forwarding names of 21 casual labourers in proper format. File 7B Udalguri.
39. Joining reports of all the 21 casual labourers in Udalguri in File 7A Udalguri.
40. Post and Telegraph Financial Hand Book (III) Part I.
41. Posts and Telegraph Mannual, Vol. X



ANNEXURE-IV

LIST OF WITNESSES BY WHOM THE ARTICLE OF CHARGE FRAMED AGAINST SHRI M.K.GOGOI THE THEN TDE TEZPUR, NOW AREA MANAGER, ASSAM TELECOM CIRCLE IS PROPOSED TO BE SUSTAINED.

1. Shri A.K.Challeng, AGM(Admn) O/O CGMT Guwahati.
2. Shri Dilip Kumar Rai Barman, AO(Cash) O/O TDE Tezpur
3. Shri Rajiv Yadav TDM Tezpur, VillVedi, PO Ramaipatty Dist. Varanasi UP.
4. Shri S.K.Kayal, Area Manager (T) Howrah, Kolkata Telephones R/o 23/3/2A Rup Narayan Nanda Lane, Kolkata-25.
5. Shri M.K.Bhattacharjee, SDE O/O TDM Tezpur.
6. Shri Bishnu Kr. Paul, AAO O/O TDM Tezpur.
7. Biraj Mohan Basumatary, Sr. TOA O/O SDE Udalguri
8. Shri H.S.Debnath, JAO O/O TDM Tezpur.
9. Shri R.N.Choudhury, SDE(P) Udalguri
10. Shri K.Barman , Inspector the then IO of the case
11. Shri D.Dutta, Inspector the then IO of the case.
12. Shri Vaibhav Agashe, DSP CBI Shillong.

Attested,
V. B. Barman
A.M.

(9)

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BHARAT SANCHAR NIGAM LIMITED

(A GOVT OF INDIA ENTERPRISE)

O/o THE GENERAL MANAGER, KAMRUP TELECOM DISTRICT

ULUBARI, GUWAHATI-781007.

No. GM/SDE(Vig)/X-115/03-04/02,

Dated at Guwahati, The 17-10-2003

To,

Shri Madhurya Kr. Gogoi,
Area Manager (West),
Telephone Exchange Building,
Panbazar, Guwahati - 781001.

Subject :- Memorandum.

Reference :- Memorandum No. 8-181/2001-Vig.II, dtd. 11-09-2003

Reference to above, enclosed find here with a Memorandum vide no. 8-181/2001-Vig.II dtd. 11-09-2003 issued by Shri S. D. Kaushik, Assistant Director General (VT), O/O The Sr. DDG (Vig), New Delhi along with Annexure I, II, III & IV.

The acknowledgement receipt of the Memorandum and your Defence Statement i.r.o. the said Memorandum if any, may be sent to the this office (each in quadruplicate in original) for onward transmission to V.O. O/O The CGMT, Assam Telecom Circle Guwahati for his further necessary disposal.

Encl:-
(1) Memorandum
(1) C.C. Advice

B.S. 12-X
General Manager, BSNL,
Kamrup Telecom District, Ulubari,
Guwahati - 781007.

*Attended
B.S. 12-X
B.S.*

No.8-181/2001-Vig.II
Government of India
Ministry of Communications & Information Technology
Department of Telecommunications
(Vigilance Wing)

West Block-1, Wing-2,
R.K. Puram, New Delhi-110066.

Dated 11-9-2003

MEMORANDUM

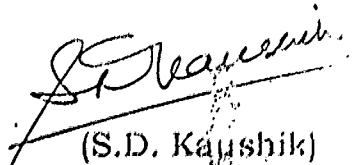
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2. Shri Madhurya Kr. Gogoi is directed to submit within ten days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.
3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should therefore specifically admit or deny each article of charge.
4. Shri Madhurya Kr. Gogoi is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of Rule 14 of CCS(CCA) Rules, 1965 or the orders/directions issued in pursuance of the said rule the Inquiring Authority may hold the inquiry against him ex-parte.
5. Attention of Shri Madhurya Kr. Gogoi is invited to Rule 20 of the CCS(Conduct) Rules, 1964, under which no government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Madhurya Kr. Gogoi is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS(Conduct) Rules, 1964.

7/6/03

Receipt of this Memorandum may be acknowledged by Shri Madhurya Kr. Gogoi.

By order and in the name of the President.



(S.D. Kaushik)

Assistant Director General (VT)

Shri Madhurya Kr. Gogoi,
Area Manager
BSNL
Assam Telecom Circle
Guwahati.
(Through CGMT, Assam Circle)

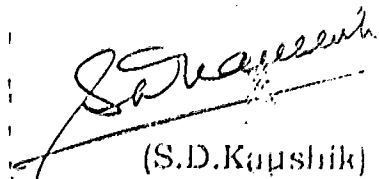
ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SHRI M.K.GOGOI THE THEN TDE, TEZPUR NOW AREA MANAGER, ASSAM TELECOM CIRCLE

That the said Shri M.K.Gogoi while posted and functioning as TDE, Tezpur, now Area Manager, Assam Telecom Circle, during 1996 committed serious irregularities in as much as he appointed 221 Casual Labourers as Temporary Status Mazdoor in Tezpur SSA including 22 in Dhemajli Sub-Division on the basis of forged experience certificates.

By his above acts, Shri M.K.Gogoi failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of a Govt. servant thereby violating Rule 3(1) (i),(ii) and (iii) of CCS(Conduct) Rules 1964.

By order and in the name of the President.



(S.D.Kaushik)
Assistant Director General (VF)

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF ARTICLES OF CHARGE FRAMED AGAINST SHRI M.K.GOGOI, THE THEN TDE, TEZPUR, NOW AREA MANAGER, ASSAM TELECOM CIRCLE

It is alleged that Shri M.K.Gogoi while posted and functioning as TDE Tezpur during 1996 failed to maintain absolute integrity and utmost devotion to duty and acted in a manner unbecoming of a Govt. servant in as much as he appointed 221 casual labourers as Temporary Status Mazdoors (TSM) in Tezpur Division including 22 in Dhemaji Sub-Division on the basis of forged experience certificates in the context of following facts and circumstances.

- i) Whereas it is alleged that Shri M.K.Gogoi was posted as TDE, Tezpur during 1996.
- ii) Whereas it is alleged that TSM scheme was introduced by the Department of Telecom to regularize Casual labourers engaged between 30-3-85 and 22-6-88 and it was circulated to different circles vide letter No. 296/4/93-STN dtd. 17-12-93. As per the scheme, a Casual labourer should complete at least 240 days when engaged in field work or 206 days when engaged in office and he should not be absent from his duties last 365 days from the date of issuance of the Circular. The casual labourers should also be engaged on Muster Roll basis.
- iii) Whereas it is alleged that Shri K.Balasubramanian, TDE Tezpur had submitted a report through his letter No. E-38/CMPT/Vol.II/123 dtd. 7-12-93 stating that no casual labourer was recruited in Tezpur Division after 31-3-85. A similar NII, reply was sent to Telecom commission, Head Quarter, New Delhi by Sh. D.Payeng, the then SDO i/c of O/o TDE, Tezpur vide letter No. E-38/CMPT/Vol.II/167 dtd. 8-12-94.
- iv) Whereas it is alleged that the Casual labour can be engaged by SDO/SDE office on Muster roll basis as per Rule 150-170 given in Post and Telegraph Financial Hand Book-III Part-I. However, the engagement on Muster Roll basis was stopped from 30-3-85. The Muster Roll is stored permanently in the Office of TDE. The Casual Labour can also be engaged on ACG-17 basis to attend to works of emergency nature. No attendance register is maintained in this case. The ACG-17 payment vouchers are forwarded to the TDE office and only a broad ACE-2 account is maintained in the O/O SDE. Thus, no permanent records regarding the number of working days against particular orders for the casual labourers are available in the O/O SDE/SDO or with the field staff as such Line Man, Line Inspector, Sub-Inspector and Phone Inspector.
- v) Whereas, it is alleged that Shri B.K.Panyeng, the then P.I, P.C.Dowrah, the then SI, Indreswar Baruah, the then SI, Baijnath Prasad, L.I, J.C.Tamuli, SI issued 22 NOS. of false and fabricated experience certificates in favour of 22 casual labourers showing them as Casual labourers working since 1988 to February, 1996 in the O/O SDE(P) Dhemaji and Shri M.N.Pegu, the then SDE(P) Dhemaji alongwith S/Sh B.D.Pegu, SDE(P), Dhemaji countersigned the experience certificates without verifying the records and knowing that no records exists for the same and forwarded them to Sh. M.K.Gogoi, the then TDE, Tezpur. Shri Gogoi appointed these 22 persons as Temporary Status Mazdoor (TSM) on the basis of the recommendations of the members of the Departmental Promotion Committee (DPC) viz. S/Shri

D. Payeng, the then SDE(P) Tezpur, P. Das, the then SDOP Tezpur, A.K. Sarkar the then SIDO(IIRD), U. Swargiary, the then AO(Cash).

- vi) Whereas, it is alleged that Shri M.K. Gogoi knew that no permanent records are maintained in the SDE office regarding the engagement of Casual Labourers either on Muster Roll basis or on ACG-17 basis as only broad ACE-2 accounts is maintained in SDE office. The permanent records are kept in his own office i.e. the O/O TDE Tezpur. Thus he appointed 221 Casual labourers including 22 in Dhemaji Sub-Division as TSM on the basis of the forged experience certificates in which the number of working days of a casual labourer in corresponding years from 1988 to 1996 were filled up by the field staff by sheer imagination. He knew that none of the field staff have records to support the certificates given by them as no records are available with the field staff such as Lineman, Line Inspector, Sub-Inspector, Phone Inspector, JTO.
- vii) Whereas, it is alleged that Shri M.K. Gogoi did not verify the genuineness of the experience certificates before appointing the Casual labourers as TSM's. Though the Muster Roll Register is stored in the office of TDE, Sh. M.K. Gogoi did not check the Muster Roll Register. He also did not verify the ACG-17 payment vouchers before passing the order of appointment of TSM's.
- viii) Whereas, it is alleged that Shri M.K. Gogoi appointed 221 casual labourers as TSMs in Tezpur division including 22 in Dhemaji Division without obtaining approval of Telecom Commission, Head quarter and without giving an intimation to the CGMT, Assam Circle, Guwahati. But when he was asked to explain by Sh. S.K. Kayal, Area Director Telecom, Guwahati vide letter No. AMD-GH/CORR/96 dtd. 28-6-96, he deliberately gave a wrong and misleading reply vide letter No. X-1/CMPT/96-97/21 dtd. 7-7-96 explaining the DOT order for the appointment had been obtained and quoted the letter reference number which in fact, is the original Circular under which appointment was to be done. Likewise, while explaining the circumstances under which such recruitment was resorted to Shri M.K. Gogoi referred to the RJCMs meeting quoting minutes No. CMPT/L/Vol-VI/58 dtd. May 1996 whereas in the said minutes, there is no reference to the appointment of TSM under Tezpur Division at all.
- ix) Whereas it is alleged that Shri M.K. Gogoi joined as TDE in the Tezpur Division in Jan'95. In Feb'95 he had sent a letter to the then Area Director Telecom (E & R) Shri M. Biswas of the O/O CGMT Guwahati in which he has stated that from 31-12-93 onwards no candidate was given TSM status nor there was any candidate yet to be regularized as TSM. Thus, Sh. M.K. Gogoi had the full knowledge that there was no casual laborers under Tezpur Division eligible for appointment as TSM. Even if the casual laborers were not appointed as TSM on Muster roll basis but were appointed on ACG-17/ACE-2 basis even then their records relating to their appointments i.e. ACG-17 payment vouchers are preserved in the TDE office for a temporary period of two years. In view of the above fact TDE was well aware of the fact that the experience certificate submitted by different accused persons in favour of the casual laborers concerned were bogus ones, as there was no record to support those certificates.

By his above acts, Shri M.K. Gogoi failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of a Govt. servant thereby violating Rule 3(1) (i), (ii) and (iii) of CCS(Conduct) Rules 1964.

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGE FRAMED AGAINST SHRI M.K.GOGOI THE THEN TDE, TEZPUR, NOW AREA MANAGER, ASSAM TELECOM CIRCLE ARE PROPOSED TO BE SUSTAINED.

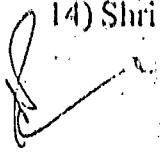
- 1) E-38/CMPT/94-95/168 Tz dtd. 17-2-95 giving details of TSM employed after 1989 written by Shri M.K.Gogoi TDE Tezpur
- 2) Letter No. E-38/CMPT/Vol-II/167 Tz dtd. 8-12-94 written by D.Payeng SDOP (I/c) (Page:106)
- 3) Letter NO. AMT-GH/Corr/96 dtd. 28-6-96 written by Shri S.K.Koyal, Area Director GH.
- 4) Letter No. ZX-1/CMPT/96-97/21 dtd. 7-7-96 written by Shri M.K.Gogoi to AMT GH.
- 5) X-1/CMPT/Tz/95-96/Confdl/Tz dtd. 25-3-96 regarding constitution of DPC (Page-15)
- 6) Minutes of meeting of RJCM item -38 (Page-5)
- 7) E-38/CMPT/Vol-III/123 Tz dtd. 9-12-93
- 8) Letter No. 269-4/95-STN-II dtd. 17-12-93 of ADG(STN) New Delhi in regard of CI engagements in Circle after 30-3-85 upto 22-6-88.
- 9) Letter No. 270/6/84-STN New Delhi dtd. 30-3-85 Barring engagement of casual labours.
- 10) DO No. Rectt 3/10/Pl.V dtd. 25-7-97 written by CGMT violation of name of Muster roll and sponsorship form of employment exge (Page-77)
- 11) Letter No. Estt 9/12 dtd. 30-6-2000 written by A.K.Challeng.
- 12) No. X-1/CMPT/96-97/CON-7 dtd. 27-5-96 by TDE Tz.
- 13) X-1/DMJ/96-97 DMJ dtd. 14-5-96 issued by B.D.Pegu forwarding a list of 22 casual labours (Page-83).
- 14) Certificate of Prafulla sonowal, Sunanda Sonowal, Ananda Sonowal, Mohan sonowal, Nabin sonowal, Lalit Sonowal, Khemson Pegu, Babul Bora, Dinesh Pegu, Jayanta Phukan, Kamal Ch. Nath, Kalyan Mech.
- 15) Proforma of selected and rejected candidate prepared and signed by DPC members. (Page-33,32,31).
- 16) Letter No. A-21/95-96/06 Dhemaji dtd. 24-1-96 written by M.N.Pegu SDOP Dhemaji forwarding 15 Nos. documents of Casual labours.
- 17) Certificates of Kalipada Bora, Thagiram Taye, Bibekanandda Pegu, Bharat Dasgupta, Cheniram Bora, Biman Kr. Payeng, Rabin Dolley, Lilaram Payeng, Biren Dowrah and Gagan Deka.
- 18) Seizure Memos dt.20.8.1999, 13.9.1999 and 29.9.1999



ANNEXURE-IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRAMED AGAINST SHRI M.K.GOGOL THE THEN TDE TEZPUR NOW AREA MANAGER, ASSAM TELECOM CIRCLE ARE PROPOSED TO BE SUSTAINED.

- 1) Shri A.K.Challeng, AGM(Admn) O/O CGMT, Guwahati.
- 2) Shri Dilip Kumar Rai Barman, AO(Cash) O/O TDE Tezpur
- 3) Shri Rajiv Yadav TDM Tezpur, Vill.Vedi, PO Ramaipatty Dist. Varanasi UP.
- 4) Shri S.K.Kayal, Area Manager (T) Howrah, Kolkata Telephones R/o 23/3/2A Rup Narayan Nanda Lane, Kolkata-25.
- 5) Shri M.K.Bhattacharjee, SDE O/O TDM Tezpur.
- 6) Shri Bishnu Kr. Paul, AAO O/O TDM Tezpur.
- 7) Devalal Lazhon SS O/O SDEAP Dhemaji
- 8) Shri Lakshminath Saikia TOA O/O SDEP Dhemaji
- 9) Shri Vaibhav Agashe, DSP CBI Shillong.
- 10) Shri B.K. Pegu, JTO(Jonai), Dhemaji
- 11) Shri H.S. Debnath, JAO in the O/o TDM, Tezpur
- 12) Surendra nath Boro, SI(Stores), in O/o Dhemaji
- 13) Shri K. Barman, Inspector/CBI
- 14) Shri D. Dutta, Inspector/CBI



*Attested
by
[Signature]*

BHARAT SANCHAR NIGAM LIMITED
(A GOVT OF INDIA ENTERPRISE)
O/o THE GENERAL MANAGER, KAMRUP TELECOM DISTRICT
ULUBARI, GUWAHATI-781007.

No. GM/SDE(Vig)/X-116/03-04/02,

Dated at Guwahati, The 17-10-2003.

To,
Shri Madhurya Kr. Gogoi,
Area Manager (West),
Telephone Exchange Building,
Panbazar, Guwahati - 781001.

Subject :- Memorandum.

Reference :- Memorandum No. 8-167/2001-Vig.II, dtd. 11-09-2003

Reference to above, enclosed find here with a Memorandum vide no. 8-167/2001-Vig.II, dtd. 11-09-2003 issued by Shri S. D. Kaushik, Assistant Director General (VT), O/O The Sr. DDG (Vig), New Delhi along with Annexure I, II, III & IV.

The acknowledgement receipt of the Memorandum and your Defence Statement i.r.o. the said Memorandum if any, may be sent to the this office (each in quadruplicate in original) for onward transmission to V.O. O/O The CGMT, Assam Telecom Circle Guwahati for his further necessary disposal.

- Similar -
(1) Memorandum
(2) CVC Advice

Boh...
General Manager, BSNL,
Kamrup Telecom District, Ulubari,
Guwahati - 781007.

*Attended
K. D. Saha
ADW*

No.8-167/2001-Vig.II
Government of India
Ministry of Communications & Information Technology
Department of Telecommunications
(Vigilance Wing)

West Block-1, Wing-2,
R.K. Puram, New Delhi-66.

Dated 11-9-2003

MEMORANDUM

The President proposes to have an inquiry held against Shri Madhurya Kr. Gogoi, the then TDE, Tezpur, presently Area Manager, Assam Telecom Circle under Rule 14 of the CCS(CCA) Rules, 1965. A substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexures III & IV). A copy of the first stage advice of CVC for instituting major penalty proceedings against Shri Madhurya Kr. Gogoi is also enclosed.

2. Shri Madhurya Kr. Gogoi is directed to submit within ten days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

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

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

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

6. Receipt of this Memorandum may be acknowledged by Shri Madhurya Kr. Gogoi.

By order and in the name of the President.

(S.D. Kaushik)

Assistant Director General (VT)

✓ Shri Madhurya Kr. Gogoi, ~~Area Manager~~
Area Manager, Assam Telecom Circle, Guwahati
BSNL, Assam Telecom Circle, Guwahati
Assam Telecom Circle, Guwahati
Guwahati.

(Through CGMT, Assam Circle) M. J. Gogoi, ~~Area Manager~~
Area Manager, Assam Telecom Circle, Guwahati
BSNL, Assam Telecom Circle, Guwahati
Assam Telecom Circle, Guwahati
Guwahati.

By order and in the name of the President.

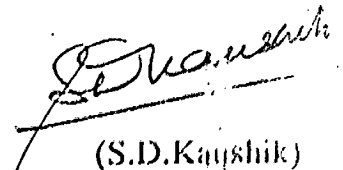
ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SHRI M.K.GOGOI THEN TDE, TEZPUR NOW AREA MANAGER, ASSAM TELECOM CIRCLE

That the said Shri M.K.Gogoi while posted and functioning as TDE, Tezpur, now Area Manager, Assam Telecom Circle, during 1996 committed serious irregularities in as much as he appointed 221 Casual Labourers as Temporary Status Mazdoor in Tezpur SSA including 15 in the office of SDO(T), Tezpur on the basis of forged experience certificates.

By his above acts, Shri M.K.Gogoi failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of a Govt. servant thereby violating Rule 3(1) (i),(ii) and (iii) of CCS(Conduct) Rules 1964.

By order and in the name of the President.



(S.D.Kaushik)
Assistant Director General (VI)

D.Payeng, the then SDE(P) Tezpur, P.Das, the then SDOP Tezpur, A.K.Sarkar the then SDO(HRD), U. Swargiary, the then AO(Cash).

- vi) Whereas, it is alleged that Shri M.K.Gogoi knew that no permanent records are maintained in the SDE office regarding the engagement of Casual Labourers either on Muster Roll basis or on ACG-17 basis as only broad ACE-2 accounts is maintained in SDE office. The permanent records are kept in his own office i.e. the O/O TDE Tezpur. Thus he appointed 221 Casual labourers, including 15 in the office of SDO(T), Tezpur as TSM on the basis of the forged experience certificates in which the number of working days of a casual labourer in corresponding years from 1988 to 1996 were filled up by the field staff by sheer imagination. He knew that none of the field staff have records to support the certificates given by them as no records are available with the field staff such as Lineman, Line Inspector, Sub-Inspector, Phone Inspector, JTO.
- vii) Whereas it is alleged that Shri M.K.Gogoi did not verify the genuineness of the experience certificates before appointing the Casual labourers as TSM's. Though the Muster Roll Register is stored in the office TDE, Sh. M.K.Gogoi did not check the Muster Roll Register. He also did not verify the ACG-17 payment vouchers before passing the order of appointment of TSM's.
- viii) Whereas, it is alleged that Shri M.K. Gogoi appointed 221 casual labourers as TSMs in Tezpur division including 15 in the office of SDO(T), Tezpur without obtaining approval of Telecom Commission, Head quarter and without giving an intimation to the CGMT, Assam Circle, Guwahati. But when he was asked to explain by Sh. S.K.Kayal, Area Director Telecom, Guwahati vide letter No. AMD-GH/CORR/96 dtd. 28-6-96, he deliberately gave a wrong and misleading reply vide letter No. X-1/CMPT/96-97/21 dtd. 7-7-96 explaining the DOT order for the appointment had been obtained and quoted the letter reference number which in fact, is the original Circular under which appointment was to be done. Likewise, while explaining the circumstances under which such recruitment was resorted to Shri M.K.Gogoi referred to the RJCMs meeting quoting minutes No. CMPT/L/Vol-VI/58 dtd. May 1996 whereas in the said minutes, there is no reference to the appointment of TSM under Tezpur Division at all.
- ix) Whereas it is alleged that Shri M.K.Gogoi joined as TDE in the Tezpur Division in Jan'95. In Feb'95 he had sent a letter to the then Area Director Telecom (E & R), Shri M.Biswas of the O/O CGMT Guwahati in which he has stated that from 31-12-93 onwards no candidate was given TSM status nor there was any candidate yet to be regularized as TSM. Thus, Sh. M.K.Gogoi had the full knowledge that there was no casual laborers under Tezpur Division eligible for appointment as TSM. Even if the casual laborers were not appointed as TSM on Muster roll basis but were appointed on ACG-17/ACE-2 basis even then their records relating to their appointments i.e. ACG-17 payment vouchers are preserved in the TDE office for a temporary period of two years. In view of the above fact TDE was well aware of the fact that the experience certificate submitted by different accused persons in favour of the casual laborers concerned were bogus ones, as there was no record to support those certificates.

By his above acts, Shri M.K.Gogoi failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of a Govt. servant thereby violating Rule 3(1) (i), (ii) and (iii) of CCS (Conduct) Rules 1964.

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ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGE FRAMED AGAINST SHRI M.K.GOGOI THE THEN TDE, TEZPUR, NOW AREA MANAGER, ASSAM TELECOM CIRCLE ARE PROPOSED TO BE SUSTAINED.

- 1) E-38/CMPT/94-95/168 Tz dtd. 17-2-95 giving details of TSM employed after 1989 written by Shri M.K.Gogoi TDE Tezpur .
- 2) Letter No. E-38/CMPT/Vol-II/167 Tz dtd. 8-12-94 written by D.Payeng SDOP (I/c)
- 3) Letter NO. AMT-GH/Corr/96 dtd. 28-6-96 written by Shri S.K.Koyal, Area Director GH.
- 4) Letter No. X-1/CMPT/96-97/21 dtd. 7-7-96 written by Shri M.K.Gogoi to AMT GH.
- 5) Letter No: X-1/CMPT/Tz/95-96/Confdl/Tz dtd. 25-3-96 regarding constitution of DPC
- 6) Minutes of meeting of RJCM item-38
- 7) Letter No: E-38/CMPT/Vol-III/123 Tz dtd. 9-12-93 written by K. Balasubramanian, TDI, Tezpur
- 8) Letter No. 269-4/95-STN-II dtd. 17-12-93 of ADG(STN) New Delhi in regard of CL engagements in Circle after 30-3-85 upto 15-6-88
- 9) Letter No. 270/6/84-STN New Delhi dtd. 30-3-85 Barring engagement of casual labours.
- 10) DO No. Reclt .3/10/Pl.V dtd. 25-7-97 written by CGMT
- 11) Letter No. Estt 9/12 dtd. 30-6-2000
- 12) E-14/Part.II dated 11-3-1996 issued by SDO(T) forwarding names of 15 casual labours
- 13) Certificate of Smt. Paramita Dey d/o late Narayan Chandra Dey
- 14) Certificate of Sh. Atul Chandra Deka s/o late Madan Deka
- 15) Certificate of Sh. Biswajit Malakar s/o Sachin Malakar
- 16) Certificate of Sh. Dinakanta Ghatowal s/o Phaguna Ghatowal
- 17) Certificate of Sh. Anoop Datta s/o A.C.Dutta
- 18) Certificate of Sh. Dukhan Roy s/o Shankar Roy
- 19) Certificate of Smt. Meena Das d/o Gemini Das
- 20) Certificate of Sh. Parimal Sarkar s/o Rati Ranjan Sarkar
- 21) Certificate of Sh. Phulena Basphor s/o Shri S. Basphor
- 22) Certificate of Sh. Rupen Das s/o Sarat Das
- 23) Certificate of Sh. Sanjay Kumar Deb w/o Nani Gopal Deb
- 24) Certificate of Sh. Karuna Lahkar s/o Dasrathi Lahkar
- 25) Certificate of Sh. Saki Ram Majhi s/o Durga Majhi
- 26) Certificate of Sh. Duijan Baishya s/o H. N. Baishya
- 27) Proforma (25 sheets which contain the names of 16 numbers of casual labourers and their particulars, such as DOB, community, date of entry in deptt, educational qualifications, no. of duty days worked. It contains the signatures of TSMs.)
- 28) Recommendation sheets of DPC in favour of 15 numbers of casual labourers (3 sheets). It contains the signatures of DPC members
- 29) Experience Certificates of Smt. Deepali Hazarika issued by Shri Haloi, Wireless Operator
- 30) Gradation list of 16 persons prepared by DPC members (F.3/10/Part III)
- 31) P&T Financial Hand Book III Part I
- 32) Seizure Memos dt. 13.9.1999 and 28.10.1999

ANNEXURE-IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRAMED AGAINST SHRI M.K.GOGOI THE THEN TDE TEZPUR NOW AREA MANAGER, ASSAM TELECOM CIRCLE ARE PROPOSED TO BE SUSTAINED.

- 1) Shri A.K.Challeng, AGM(Admn) O/O CGMT Guwahati.
- 2) Shri Dilip Kumar Rai Barman, AO(Cash) O/O TDE Tezpur.
- 3) Shri Rajiv Yadav TDM Tezpur, Vill.Vedi, PO Ramaipatty Dist. Varanasi UP.
- 4) Shri S.K.Kayal, Area Manager (T) Howrah, Kolkata Telephones R/o 23/3/2A Rup Narayan Nanda Lane, Kolkata-25.
- 5) Shri M.K.Bhattacharjee, SDE O/O TDM Tezpur.
- 6) Shri Bishnu Kr. Paul, AAO O/O TDM Tezpur.
- 7) Shri Bhaban Kumar Talukdar, Sr.TOA in o/o TDM, Tezpur.
- 8) Shri Niranjana Hazarika, Sr.Clerk in o/o SDOT, Tezpur.
- 9) Shri Ashim Chakraborty, Sr. TOA, in the o/o SDOT, Tezpur.
- 10) Shri Vaibhav Agashe, DSP CBI Shillong.
- 11) Shri K. Barman, Inspector/CBI
- 12) Shri D. Dutta, Inspector/CBI

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CENTRAL VIGILANCE COMMISSION
11.

The Commission observed that CBI had earlier recommended two regular cases against Shri M.K. Goswami, and elsewhere the charges relates to irregularities in recruitment of casual labourers viz ISMs, and had advised initiation of major penalty proceedings against Shri M.K. Goswami and others in consonance with the recommendation of CBI.

Commission accordingly in agreement with the views of Department of Telecom advises initiation of major penalty proceedings against the following officers:-

1. Khiren Choudhary, the then SDO(T).
2. Pralakesh Deka, JTO, 3. Dilip Kumar Ghosh, JTO
4. Anil Ch. Dutta, Line Inspector
5. Prem Shankar Prasad, Phone Inspector
6. Narosh Ch. Paul, SI, 7. Narayan Ch. Boro, Lineman
8. Madhuryya Kr. Gogoi, Director(I)
9. Sukiram Majhi, TSM, 10. Dwijon Baidhya, TSM
11. Karuna Ch. Lahkar, TSM 12. Rupen Ch. Das, TSM
13. Parimal Kumar Garkar, TSM 14. Biswajit Malakar, TSM
15. Paramita Day, TSM 16. Sanjay Kr. Deb, TSM
17. Abul Ch. Deka, TSM 18. Anup Kr. Dutta, TSM
19. Dina Kanta Ghatowal, TSM 20. Mina Das, TSM
21. Dineswar Payong, DE(P&A)
22. Upon Swargiary, then AO(Cash),
23. Ajit Kr. Sarker, then SDO(HRD) now SDO(T)
24. Smt. Dipali Hazarika, TSM 25. Dukhen Ray, TSM
26. Phulena Bhasphore, TSM 27. Prantosh Das, then SDC
28. Bijan Bihari Nath, then AE(C)
29. Ganapati Mukherjee, JTO, 30. Ramesh Ch. Halok, JTO

Department of Telecom is also advised to conduct the inquiry proceedings by appointing their own I.O and forward to the Commission for 2nd stage advice on conclusion of inquiry proceedings alongwith their recommendations since emanated from respective I.O's reports.

Department's F.No. 9-65/2001-VIG.1 is returned herewith.

(S.M. Batia)
Director

Department of Telecom (Sh. Ranbir Khanna, SR, DDG(V) H. Dathi)

FD Note No. 001/P&A/127 dated

03 AUG 2001

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Attested
Handwritten signature and initials.

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BIHARAT SANCHAR NIGAM LIMITED
(A GOVT OF INDIA ENTERPRISE)
To THE GENERAL MANAGER, KAMRUP TELECOM DISTRICT
ULUBARI, GUWAHATI-781007.

No. GM/SDE(Vig)/X-118/03-04/02,

Dated at Guwahati, The 21-10-2003.

To,

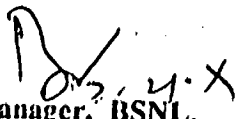
Shri Madhurya Kr. Gogoi,
Area Manager (West),
Telephone Exchange Building,
Panbazar, Guwahati - 781001.

Subject :- Memorandum.

Reference :- Memorandum No. 8-165/2001-Vig.II, dtd. 09-10-2003

Reference to above, enclosed find here with a Memorandum vide no. 8-165/2001-Vig.II. dtd. 09-10-2003 issued by Shri S. D. Kaushik, Assistant Director General (VI), O/O The Sr. DDG (Vig), New Delhi along with Annexure I, II, III & IV.

The acknowledgement receipt of the Memorandum and your Defence Statement i.r.o. the said Memorandum if any, may be sent to the this office (each in quadruplicate in original) for onward transmission to V.O. O/O The CGMT, Assam Telecom Circle Guwahati for his further necessary disposal.


General Manager, BSNL,
Kamrup Telecom District, Ulubari,
Guwahati - 781007.

*Attended
B. S. Chatterjee
21/10/03*

No.8-165/2001-Vig.II.
Government of India
Ministry of Communications & Information Technology
Department of Telecommunications
(Vigilance Wing)

West Block-1, Wing-2,
R.K. Puram, New Delhi-66.

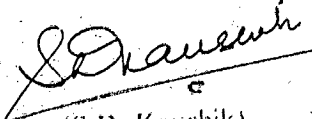
Dated 9-10-2003

MEMORANDUM

The President proposes to have an inquiry held against Shri. Madhurya Kr. Gogoi, the then TDE, Tezpur, presently Area Manager, Guwahati, Assam Telecom Circle under Rule 14 of the CCS(CCA) Rules, 1965. A substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexures III & IV). A copy of the first stage advice of CVC for instituting major penalty proceedings against Shri Madhurya Kr. Gogoi is also enclosed.

2. Shri Madhurya Kr. Gogoi is directed to submit within ten days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.
3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should therefore specifically admit or deny each article of charge.
4. Shri Madhurya Kr. Gogoi is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of Rule 14 of CCS(CCA) Rules, 1965 or the orders/directions issued in pursuance of the said rule the Inquiring Authority may hold the inquiry against him ex-parte.
5. Attention of Shri Madhurya Kr. Gogoi is invited to Rule 20 of the CCS(Conduct) Rules, 1964, under which no government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Madhurya Kr. Gogoi is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS(Conduct) Rules, 1964.
6. Receipt of this Memorandum may be acknowledged by Shri Madhurya Kr. Gogoi.

By order and in the name of the President.


(S.D. Kaushik)
Assistant Director General (V.I)

✓ Shri Madhurya Kr. Gogoi,
Area Manager
BSNL
Assam Telecom Circle
Guwahati.
(Through CGMT, Assam Circle)

ANNEXURE I

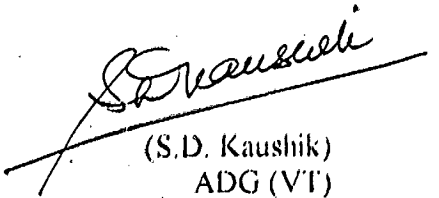
STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SHRI MADHURYA KR. GOGOI, THE THEN TDE, TEZPUR, PRESENTLY AREA MANAGER, ASSAM TELECOM CIRCLE

ARTICLE OF CHARGE

It is alleged that Shri M.K. Gogoi while posted and functioning as TDE, Tezpur during 1996 failed to maintain absolute integrity and utmost devotion to duty and acted in a manner unbecoming of a Govt servant in as much as he appointed 221 Casual Labourers as Temporary Status Mazdoor in Tezpur Division including 7 in O/o SDE(Comp), Tezpur on the basis of forged experience certificates.

By his aforesaid acts Shri Madhurya Kr. Gogoi, contravened Rule 3(1)(i),(ii)&(iii) of CCS(Conduct) Rules, 1964.

By order and in the name of the President.


(S.D. Kaushik)
ADG (VT)

ANNEXURE IISTATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLE OF CHARGE FRAMED AGAINST SHRI MADHURYA KR. GOGOI THE THEN TDE, TEZPUR, PRESENTLY AREA MANAGER, ASSAM TELECOM CIRCLE

It is alleged that Shri M.K. Gogoi while posted and functioning as TDE, Tezpur during 1996 failed to maintain absolute integrity and utmost devotion to duty and acted in a manner unbecoming of a Govt servant in as much as he appointed 221 Casual Labourers as Temporary Status Mazdoor in Tezpur Division including 7 in the O/o SDE (Comp), Tezpur on the basis of forged experience certificates in the context of following facts and circumstances.

- i) Whereas it is alleged that Shri M.K. Gogoi was posted as TDE, Tezpur during 1996
- ii) Whereas it is alleged that TSM scheme was introduced by the Department of Telecommunications to regularize Casual labourers engaged between 30/3/1985 and 7/6/1988 and it was circulated to different Circles Vide letter No.296/4/93-STN dt.17.12.1993. As per the scheme a Casual Labourer should complete at least 240 days when engaged in field work or 206 days when engaged in office and he should not be absent from his duties for last 365 days from the date of issuance of the circular. The casual labourers should also be engaged on Muster Roll basis.
- iii) Whereas it is alleged that Shri.K. Balasubramaniam, TDE, Tezpur submitted a report through his letter No.E-38/CMPT/Vol.II/123 dt.7/12/1993 stating that no casual labourer was recruited in Tezpur Division after 31/3/1985. A similar NIL reply was sent to Telecom Commission Hqrs, New Delhi by Shri D. Payeng the then SDO, I/c of O/o TDE, Tezpur vide letter No.E-38/CMPT/Vol.II/167 dt.8/12/1994.
- iv) Whereas it is alleged that the Casual Labourer can be engaged by SDO/SDE office on Muster Roll basis as per rule 150-170 given in Post and Telegraph Financial Hand Book-III, Part-I. However the engagement on Muster Roll basis was stopped from 30.3.1985. The Muster Roll is stored permanently in the office of TDE. The Casual Labourers can also be engaged on ACG-17 basis to attend to works of emergency nature. No attendance register is maintained in this case. The ACG-17 payment vouchers are forwarded to the TDE office and only a broad ACE-2 account is maintained in the O/o SDE. Thus, no permanent records regarding the number of working days against particular orders for the casual labourers are available in the office of the SDE/SDO or with the field staff as such Line Man, Line Inspector, Sub Inspector and Phone Inspector.
- v) Whereas it is alleged that S/Sh. Pitambar Sharma, JTO, Sukan Ray the then SI, Sarat Chandra Nath, Line Inspector, M.P Ray, the then Sub Inspector, H.N. Hafoi the then Cable Splicer, Jatin Sharma the then JSO issued 7 nos of false and fabricated experience certificates in favour of 7 casual labourers showing

them as Casual Labourers working since 1988 to February 1996 in the office of the SDE(Comp), Tezpur and Md. Bazlur Rehman the then SDE(Comp), Tezpur countersigned the experience certificates without verifying the records and knowing that no records exists for the same and forwarded them to Shri M.K. Gogoi, the then TDE, Tezpur. Shri M.K. Gogoi, the then TDE, Tezpur appointed these 7 persons as Temporary Status Mazdoor (TSM) on the basis of the recommendations of the members of the Departmental Promotion Committee (DPC) viz., S/Shri D. Payeng the then SDE(Comp), Tezpur, P. Das the then SDO(P), Tezpur, A.K. Sarkar, the then SDO(HRD), U. Swargiary the then AO(Cash).

- vi) Whereas it is alleged that Shri M.K. Gogoi knew that no permanent records are maintained in the SDE office regarding the engagement of casual labourers either on muster roll basis or on ACG-17 basis as only broad ACE-2 accounts is maintained in SDE Office. The permanent records are kept in his own office i.e. the O/o TDE, Tezpur. Thus he appointed 221 Casual labourers including 7 in O/o SDE(Comp), Tezpur as TSM on the basis of the forged experience certificates in which the number of working days of a casual labourer in corresponding years from 1988 to 1996 were filled up by the field staff by sheer imagination. He knew that none of the field staff have records to support the certificates given by them as no records are available with the field staff such as linemen, line inspector, sub-inspector, phone inspector, JTO.
- vii) Whereas it is alleged that Shri M.K. Gogoi did not verify the genuineness of the experience certificates before appointing the Casual Labourers as TSMs. Though the Muster Roll Register is stored in the office of TDE, Shri M.K. Gogoi did not check the Muster Roll Register. He also did not verify the ACG-17 Payment Vouchers before passing the order of appointment of TSMs.
- viii) Whereas it is alleged that Shri M.K. Gogoi appointed 221 Casual Labourers as TSMs in Tezpur Division including 7 in O/o SDE(Comp), Tezpur Division without obtaining approval of Telecom Commission Hqrs and without giving an intimation to the CGMT, Assam Circle, Guwahati. But when he was asked to explain by Shri S.K. Kayal, Area Director, Telecom, Guwahati vide letter No AMD-GH/CORR/96 dt.28.6.1996 he deliberately gave a wrong and misleading reply vide letter No.X-1/CMPT/96-97/21 dt.7.7.96 explaining the DOT order for the appointment had been obtained and quoted in the letter reference number which in fact is the original circular under which appointment was to be done. Likewise while explaining the circumstances under which such recruitment was resorted to, Shri M.K. Gogoi referred to the RJCMS meeting quoting minutes No.CMPT/L/Vol-VI/58 dt. May, 1996 whereas in the said minutes there is no reference to the appointment of TSM under Tezpur Division at all.
- ix) Whereas it is alleged that Shri M.K. Gogoi joined as TDE in Tezpur Division in January, 1995. In February 1995 he had sent a letter to the then Area Director Telecom (E&R) Shri M. Biswas of the O/o CGMT, Guwahati in which he had stated that from 31.12.1993 onwards no candidate was given TSM status nor there was any candidate yet to be regularized as TSM. Thus Shri M.K. Gogoi

had the full knowledge that there was no casual labourers under Tezpur Division eligible for appointment as TSM. Even if the casual labourers were not appointed as TSM on Muster Roll basis but were appointed on ACG-17/ACF-2 basis even then their records relating to their appointments i.e. ACG-17 payment vouchers are preserved in the TDE office for a temporary period of two years. In view of the above fact TDE was well aware of the fact that the experience certificate submitted by different accused persons in favour of the casual labourers concerned were bogus ones as there was no record to support those certificates.

Thus Shri Madhurya Kr. Gogoi had failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of a public servant and committed gross misconduct. He thereby contravened Rule 3(1)(i)(ii)&(iii) of CCS(Conduct) Rules, 1964.

[Handwritten signature]

ANNEXURE III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SHRI MADHURYA KR. GOGOI, DIRECTOR ARE PROPOSED TO BE SUSTAINED

File No.9(A) of SDE(Computer), Tezpur

1. Certificate issued in favour of Sri Dandadhar Das, S/o Lt. Mahendra Nath Das by Shri H.N. Haloi the then Cable Splicer, O/o SDE(C), Tezpur
2. Certificate issued in favour of Shri Nagen Saikia, S/o Sri Chandra Kt. Saikia by Sri Sarat Nath the then Line Inspector, O/o SDE(C), Tezpur
3. Certificate issued in favour of Sri Mridul Kr. Das, S/o Manik Das by Sri Sarat Nath, LI of the O/o SDE(C), Tezpur
4. Certificate issued in favour of Shri Naba Kr. Sarmah, S/o Lt. Dharani Sarmah by Sri Sukan Roy, SI, O/o SDE(C), Tezpur
5. Certificate issued in favour of Shri Dharani Swargiary by Sri Sukan Roy, SI, O/o SDE(C), Tezpur
6. Certificate issued in favour of Sri Rajib Gogoi, S/o Shri Nila Kt. Gogoi by Sri Sukan Roy, SI, O/o SDE(C), Tezpur
7. Certificate issued in favour of Shri Avani Ch. Talukdar, S/o Sri Upen Ch. Talukdar by Sri Mohan Prasad Roy, SI, O/o SDE(C), Tezpur
8. Certificate issued in favour of Shri Avani Ch. Talukdar, S/o Sri U.C. Talukdar regarding engagement for line maintenance by Shri M.P. Roy, SI, O/o SDE(C), Tezpur.

File No.9(B) of SDE(Computer), Tezpur

9. Letter No.E-8/Casual/95-96/1 dt.12.3.1996 addressed to TDE, Tezpur requesting him for consideration and regularization for 6 numbers of casual labourer.
10. Recommendation Sheets of Selection Committee in favour of 6 numbers of Casual Labourers (Two sheets)
11. Pro forma of 7 casual labourers submitted by Sri B. Rahman the then SDE(Computer), Tezpur
12. Forwarding letter No.E-8/CL/96-97/1 dt.10.5.1996 by Shri B. Rahman the then SDE(Comp), Tezpur addressed to TDE, Tezpur
13. Draft Gradation list of 7 numbers of casual labourers submitted/duly recommended by Selection Committee.

FILE NO:3/10/PART II/LOOSE SEIZED IN RC.12(A)/98-SHG

14. Letter No.E-38/CMPT/94-95/168, Tezpur dt.17.2.1995 written by Sri M.K. Gogoi, TDE, Tezpur to ADT(E&R) giving details of TSMs employed after 1989 (page 117) Sl.No.28 in RC-10(A)/97-SHG
15. Letter No.E-38/CMPT/VOL.II/167, Tezpur dt.8.12.1994 written by D. Payeng, SDO(P), i/c o/o TDE, Tezpur (Page 106)
16. Letter No.AMT-GH/Corr/96 dt.28.6.1996 by Shri S.K. Kayal, Area Director, Telecom Guwahati to Shri M.K. Gogoi, TDE, Tezpur (P.56)



ending engagement

our

17. Letter No.X-1/CMPT/96-97/21 dt.Tezpur 7.7.96 written by Shri M.K. Gogoi, TDE(Tezpur), to Shri S.K. Kayal, Area Director, Guwahati
18. X-1/CMPT/TZ/95-96/Confdl dt.Tezpur 25.3.1996 by Shri M.K. Gogoi, TDE, Tezpur regarding constitution of DPC(P.15)
19. Minutes of the meeting of RJCM item No.38(p.5)
20. E-38/CMPT/VOL.II/123. Tezpur dt.9.12.1993 written by Shri K. Balasubramaniam, TDE, Tezpur addressed to Shri S.C. Choudhary, Assistant Director, Telecom, O/o CGMT, Listed in RC/10(A)/97-SI.No.29
21. Original Letter No.269-4/95-STN-11 dt.17.12.1993 of ADG(STN), Department of Telecommunications, New Delhi in respect of regularization of casual labourers engaged in Circle after 30.3.1985 up to 7.6.88. Original letter listed in RC-10(A)/97- SI.No.30
22. Attested copy of letter No.270/6/84-STN, New Delhi dt.30.3.1985 of Shri Krishan, Director (STN), P&T in respect of banning of engagement of Casual Labourers. Attested copy of letter listed in RC-10(A)/97-SHG- sl.No.59
23. Seizure Memo dt.13.9.1999
24. Seizure Memo dt.13.9.1999
25. Joining Reports of the casual labourers (file No.9B of SDE(Compt), Tezpur
26. FIR of the case
27. Post and Telegraph Financial Handbook(III) Part I
28. Letter No.Estt-9/12 dt.30.6.2000 written by Shri A.K. Chelleng, AGM, in the O/o CGMT, Guwahati to DSP/CBI/SHG in respect of TDE's responsibility to implement TSM Scheme

ANNEXURE IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRAMED AGAINST SHRI M.K. GOGOI, THE THEN TDE, TEZPUR, PRESENTLY DIRECTOR(RTTC), GUWAHATI ARE PROPOSED TO BE SUSTAINED

1. Shri A.K. Challeng, AGM (Admn)
2. Shri Dilip Kumar Rai Barman, AO(Cash) in the O/o TDE, Tezpur, LS-type III/7/6 Baishnabghata Palebi Telecom Complex, Kolkata
3. Shri Rajiv Yadav, TDM, Tezpur, Vill. Vedi, PO Ramaipatty, District Varanasi, UP
4. Shri M.K. Bhattacharjee, SDE in the O/o TDM, Tezpur
5. Sri Bishnu Kr.Paul, AAO, in the O/o TDM, Tezpur
6. Sri Sarbeshwar Nath, ISO in the O/o TDE(FRs)
7. Sri Biren Ch. Das, TOA in the O/o SDE(FRs)
8. Md.Islam Mansoori, Sr.TOA(O) in the O/o SDE(FRs), Tezpur
9. Shri S.K. Kayal, Area Manager, Howrah, Calcutta Telephones, R/O 23/3/2A, Rup Narayan Nanda Lane, Calcutta 25
10. Shri K. Barman, Inspector/CBI, IO of the case
11. Shri D. Dutta, Inspector/CBI, IO of the case.
12. Shri Vaibhav Agashe, IO of the case.



*Attended
by
M.K. Barman*

28.01.2003
Guwahati.

Sri G.S.Grover,
Sr.DDG (Vigilance),
Department of Telecom.
West block-ii, Wing-2, Ground floor.
R K Puram
New Delhi.- 110066

Sub: Request to combine disciplinary cases against the undersigned and
Early conduction of disciplinary proceeding.

Sir,

It is to invite to your kind attention that I have been implicated by the CBI in a case of regularization of Casual Mazdoor to the Temporary Status Labour when I was Telecom District Engineer Tezpur, in 1996. As per the charge framed against me is that I had collusion with the committee members scrutinizing the case of the Casual Mazdoor forwarded and recommended by the Field Officers. The Investigating Agency for their convenience investigated the cases subdivision wise and submitted their report by splitting subdivision wise. Thus following 7(seven) cases framed against me out of a single case:-

<u>Sl.No.</u>	<u>Case No.</u>	<u>Related to Sub-Divn.</u>	<u>Remarks.</u>
1.	RC-14(A)/97-SHG	SDOT North-Lakhimpur	Charge sheet No.8-180/2000-Vig II Dated 19.06.2001 issued.
2.	RC-13(A)/97-SHG	SDOP Tezpur	Chargesheet No.8-15/2001 Vig II Dated 7.3.2002 issued.
3.	RC-12(A)/99-SHG	SDE (Computer) Tezpur.	Rule-14
4.	RC-11(A)/99-SHG	SDOT Tezpur.	--do --
5.	RC-9(A)/99-SHG	SDOT Dhemaji	--do --
6.	RC-10(A)/99-SHG	SDOT Udalguri	--do --
7.	RC7 (A)/2001-SHG	OTHERS.	---

But Sir, as Telecom District Engineer Tezpur I have maintained absolute integrity and acted as per the DOT order No.269-4/99-STN-2 dated 17.12.93 circulated by Circle Office, Guwahati. So the charge framed against me is absolutely baseless. However, Sir, I feel and also confirmed by the investigating agency that charges framed against me is single case but for a convenient to the agency, investigation was done sub-division wise. So Sir, I request you to review and make a single case so that only one Inquiry Officer can conduct the entire disciplinary proceeding.

Thanking you,

Yours sincerely,
M.K. Gogoi
(M.K. GOGOI)

AREA MANAGER (EAST)
KAMRUP TELECOM DIST.
DISPUR, GUWAHATI-6.

*Attended
by
[Signature]*

To
The Chief General Manager,
Assam Telecom. Circle
Ulubari, Guwahati
Assam

24-12-2003
Guwahati

(Through proper channel)

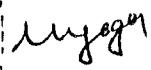
Sub: Request to withdraw five numbers additional of Charge sheets and allow only one inquiry under rule 14.

Sir,

It is to invite your kind attention that I have been issued with all total six numbers of Charge sheets by the department for a single order of conferring temporary status to a few number casual mazdoors at Tezpur in 1996. The above order was issued as per the DOT order no - 269-4/93 STN-II dated 17-12-1993, which was subsequently withdrawn by me later on as per the direction of the Circle Office. I feel sir, that all the above charge sheets are issued either to demoralize me or just a carelessness on the part of the vigilance section, as no more than one punishment can be imposed for a single act, which too has not been done for any personal gain. The first charge sheet was issued on 19-06-2001. That sir, nearly three years has passed, but inquiry is still in preliminary stage. During above period I have never been on leave, so that inquiry can be conducted in time. So sir, I feel it may take years together to complete all six inquiries and actual fact will never come out and ultimately will be suppressed. I am forced to think, that it is conspiracy, which is framed, just to block my carrier in the department. So sir, I request you to conduct only one thorough enquiry, so that I can prove my absolute integrity and work for the betterment of the department.

Thanking you.

Yours sincerely,



(M.K. Gogoi)

*Attested
[Signature]
[Signature]*

To

Shri G.S. Grover,
Sr.DDG (Vigilance),
Department of telecom.
West block-ii, Wing-2, ground floor.
R K Puram
New Delhi-110066

23-02-2004
Guwahati

(Through proper channel)

Sub: Request to combine disciplinary cases and early completion of the Disciplinary proceeding.

Sir,

Please refer to my earlier letter dated 29-01-2003 on merging of pending disciplinary cases and early completion inquiry proceeding. There all total are six no. of disciplinary cases frame against me, for a single provisional approval order of conferment of TSM to a few casual mazdoors, who were engaged and recommended by field officers. I latter on as per the advice of the CGMT, Assam Telecom circle, too withdrew the above order. The pending disciplinary cases are as below.

SL.No.	Sub division Related	Charge sheet no.	Inquiry officer nominated.
1	SDOT North Lakshimpur	8-180/2000-Vig II Dated 19-06-2001	Shri R.K. Mishra GMT-Varanasi
2	SDOP Tezpur	8-15/2001- Vig II Dated 7-03-2002	Shri S Roy GMT(S) CTD
3	SDE Udalguri	8-186/2001-Vig II Dated 11-09-2003	Not Nominated
4	SDOT Dhemaji	8-181/2001-Vig II Dated 11-09-2003	do
5	SDOT Tezpur	8-167/2001-Vig II Dated 11-09-2003	do
6	SDE(Computer)Tzp.	8-165/2001-vig II Dated 09-10-2003	do

That sir, I have no fear to appear before the inquiry and I have full confidence of being innocence. My first charge sheet was issued on 19-06-2001, but sir, even after completion of three years no regular inquiry

*Attended
by
D. S. Roy*

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proceeding has been conducted on plea of non-availability of documents. So sir, I feel it may even take a decade to complete all the six inquiries if all moves in the same pace. In view of the above, sir I request you to review and take further follow up action so that proceeding of all the six or a combine one may be completed in a specific time frame, ^{and} so that mere delaying of the inquiry should not block my advancement in carrier ahead of me. Thanking you.

Yours sincerely,

(M.K.Gogoi)
Area manager (East)
Kamrup Telecom Dist.
Dispur, Guwahati-6

BIHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)

To,

27.03.2002
Guwahati.

SDE (Vig),
O/o The GM/KTD,
Ulubari, Guwahati-7.

Sub :- *Written statement of defence-major penalty proceedings against Sri M. K. Gogoi, Area Manager (East), Guwahati.*

Ref :- *Memorandum No. 8-15/2001-Vig. II, dated 07.03.2002 ^{serve d} save on 26.03.2002 through SDE (Vig), O/o the GM/KTD, Guwahati.*

Please reference the memorandum on the subject cited above. The written statement of defence, dated 27.03.2002 addressed to the Hon'ble President of India is enclosed herewith for your further disposal.

Kindly acknowledge the receipt.

Encl :

1. Defence Statement.

২০/৩
২০/৩
বিহারত সঞ্চার নিগাম লিমিটেড
in-Divisional Encl. (Vigilance)
বিহারত সঞ্চার নিগাম লিমিটেড
Area of General Manager, Telecom
উলুবারী, গুৱাহাটী-৭

Attested
২০/৩
২০/৩

M. K. Gogoi
M. K. Gogoi
Area Manager (East)
Kamrup Telecom Distt
Dispur, Guwahati-6.

To

Dated the 27th March, 2002.

The Hon'ble President,
Govt. of India,
Rastrapati Bhawan,
New Delhi – 110 001.

Respected Sir,

With due respect and humble submission, I have the honour to submit the written statement of defence for favour of your kind consideration:-

1. That sir, I was served with a memorandum No.8-15/2001-VIG.II dated 7.3.2002 on 26.3.2002, proposing initiation of major penalty proceedings. The article of charges served through the above memorandum is baseless and hence totally denied. Thus, I request to be heard in person.
2. That sir, vide D.O.T. circular No.269-4/93-STN-II dated 17.12.1993, the scheme for conferring temporary status to casual mazdoors was introduced. For this purpose, a selection committee consisting of 4 members was constituted to verify/scrutinize the cases of casual mazdoors recommended by field officers and on the basis of the recommendation of the said committee, approval for conferring temporary status was accorded by the undersigned. In this connection, it is to point out that I was not a member of the committee with a view that the committee would act impartially and without influence. Similar committee was also formed in other SSAs for this purpose. This norm is also being followed now and recent cases were settled not only in Assam Telecom Circle but in other circle also. Verification of authenticity of the certificates issued by SDOs and SDEs from the ACE-2 accounts of respective units was entrusted with the committee. The copy of the above said letter dated 17.12.1993 from DOT was also given to the committee. The cases found eligible after verifying the recommendations of different SDOs/SDEs by the committee were only approved on provisional basis.

3. That sir, the allegations made in the imputations of misconduct/misbehaviour in support of the article of charges are found to be a misrepresentation of the facts and I would like to submit the following.

I offer no comments for paragraphs 1,2 and 3.

4. The question of verifying the experience certificates whether it is false or true comes only when there is a complaint. In absence of any complaints, it is not possible to carry out physical verification of casual labourers in field or to refer the cases to the local administration/independent investigating agencies for investigation. Unless proved, SSA head can not doubt the certificates countersigned by a gazetted officer. However, it was confirmed that the certificates were actually issued by the SDOs/SDEs.
5. The cases for conferring temporary status were initiated on the basis of the policy framed by the DOT and communicated to the field units for further action. Accordingly, the field units forwarded the cases and hence the allegation of collusion is totally baseless. A committee was formed, as done in other SSAs, to sort out the eligible cases.
6. Selection committee prepared a list of 221 casual labourers after verifying the ACE-2 accounts including those 22 casual mazdoor sub-division wise and recommended for their selection and conferment of temporary status. It was not a gradation list as alleged. The conferment of temporary status was accorded on provisional basis on the recommendations of the committee and thus the allegation of malafide intention is baseless. It was done as per the policy of DOT and on the basis of the scheme for conferment of temporary status to casual mazdoors.

-: 3 :-

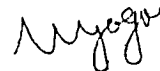
7. I assumed the charge of TDE Tezpur on 31st January, 1995. I can not say on what basis the then TDE wrote the letter to Circle office that no casual labourers were recruited in his SSA with effect from 31.3.85.
8. I was not even familiarized with the working of the SSA during the short span of 16 days, and I wrote the letter No. E-38/CMPIT/94-95/168 dated 17.2.95 after verifying Master Rolls only. Subsequently, it was found that labourers were engaged through ACE-2 accounts by the field officers for carrying out estimated works/capital works. I remember to have written a letter No. E-38/CMPIT/Vol.III/96-97/15 dated 30.8.1996, addressed to Shri M. K. Sudarsanam, the then DGM (Admn), o/o the CGMT, Guwahati, indicating that after conferment of temporary status to 221 casual mazdoors, no casual mazdoors exists in the SSA except 21 casual/part time mazdoors in traffic wing.
9. I deny to have misinformed Mr. M. K. Sudarsanam, the then DGM (Admn), o/o the CGMT, Guwahati in view of the submission made in para 8 above.
10. I have intimated to Shri A. Baruah, AD, Employment Exchange vide my letter No. X-1/COMPT/TZ/Confdl/29 dated 12.9.1996 that in view of total ban, there was no direct recruitment of group 'D' officials.
11. That sir, vide my letter dated 30.8.1996, it was intimated to Shri M. K. Sudarsanam, the then DGM (Admn), o/o the CGMT, Guwahati, that after conferment of temporary status to 221 casual mazdoors, no casual mazdoors exist in the SSA except 21 casual/part time mazdoors in traffic wing.
12. No selection was done on the recommendation of an individual officer.

-: 4 :-

That sir, it is evident from what has been stated above that the undersigned always maintained absolute integrity, devotion to duty and not acted in a manner unbecoming of a Government servant. Thus, I have not violated the provision of Rule 3 (1) (i) (ii) & (iii) of the CCS (Conduct) Rules, 1964.

With regards,

Yours faithfully,



(M. K. Gogoi)
Area Manager (E),
BSNL, Dispur,
Guwahati-781 006.

Attested
by
AW.

DISCIPLINARY PROCEEDING UNDER RULE 14 OF CCS (CCA) RULES 1965 AGAINST SRI M.K. GOGOI, THE THEN TDE, TEZPUR NOW AREA MANAGER (EAST), GUWAHATI.

Dated at Guwahati, the _____

DEFENCE BRIEF

The allegation against Sri M.K. Gogoi, the then TDE Tezpur was that while functioning as TDE Tezpur during 1996 committed serious irregularities in as much as he in collusion with the members of the selection committee constituted by him, regularized 22 number of casual Mazdoors of SDE (P) Tezpur as Temporary Status Mazdoors with mala fide intention although none of them was eligible for such regularization that too without verifying the genuineness of the recommendations of different SDO's/ SDE's and Experience Certificates issued by JTO/Lineman etc. and thus putting the department to huge financial loss.

That in the statement of imputation of misconduct/ misbehaviour in support of Article of charge framed against the charged officer it was stated in Para 2 that the directorate of Telecom, New Delhi issued a circular vide No.269-4/93 STN-II dtd. 17.12.1993 for regularization of Casual Labours engaged in different circles of the department after 31.3.1985 upto 22.6.1988 and to appoint them as Temporary Status Mazdoors. In the said circular the following conditions are clearly mentioned in respect of the casual labourers, who are eligible for regularization under this scheme:

- 1) It extended the temporary status to all those casual Mazdoors who were engaged by the project circle/Electrification circles during the period from 31.3.1985 to 22.6.1988 and who were still continuing for such works where they were initially engaged and who are not absent for the last more than 365 days counting from the date of issue of the order, be brought under the said scheme.

*Accepted
Dated
ANS*

- 2) That all those casual Mazdoors who were engaged as per the aforesaid circular during the period from 31.3.1985 to 22.6.1988 and who are still continuing for such works in the circles where they were initially engaged and who are not absent for the last more than 365 days counting from the issue of this order be brought under the said scheme.
- 3) The engagement of casual Mazdoors after 30.3.1985 in violation of instructions of the Head Quarter has been viewed seriously and it is decided that all past cases wherein recruitment has been made in violation of instruction of the Head Quarter should also be analysed and disciplinary action be initiated against the defaulting officers.
- 4) The engagement of any casual Mazdoor after the issue of the order should be viewed very seriously and brought to the notice of the appropriate authority for taking prompt and suitable action. This should be the personal responsibility of the Heads of circles concerned/Class-II officers and amount paid to such casual Mazdoors as wages should be recovered from the person(s) who has/have recruited/ engaged casual Mazdoors in violation of these instructions.
- 5) That the services of all the casual Mazdoors who have not rendered at least 240 days (206 days in case of Administrative Officers observing 5 days week) of service in a year on the date of issue of those orders should be terminated after following the conditions as laid down in I.D.Act 1947 under section 25 F.G.&H.
- 6) These orders are issued with concurrence of Member (Finance) vide U.O. No.3811/93-FA-1 dtd. 1.12.1993.

That it was a fact that DOT issued order to confer Temporary status Mazdoor to the eligible casual labours who were working more than 240 days in a year (206 days in case of Administrative office) vide its circular No.269-4/93-STN-II dated 17.12.1993. After the bifurcation of Assam Circle from composite N.E.Circle (Assam Circle was part of NE circle) during 1987 there was too much expansion work of

Telecommunication Network in all the division undertaken by Department of Telecommunication to augment the Telephone facilities in all the district and Sub-divisional Headquarters of Assam which necessitated deployment of casual Mazdoors in large number to complete the targeted work.

That in regards to the statement in para 3 of the statement of imputation of misconduct/ misbehavior in support of article of charge framed against the charged officer, it is to state that the aforesaid circular dtd. 17.12.93 was sent to all concern and ultimately it was circulated to all SDOs/ SDEs of Tezpur Division vide letter No.E-98/Casual labour/93-94/125 dated 28.1.1994 for information, guidance and necessary action as SDOs/SDEs are field officers and causal Mazdoors were working in their jurisdiction and authority. Moreover SDO/SDEs are the appointing authority of Regular Mazdoors.

That regarding the allegation in para 4 of the statement of imputation of misconduct/ misbehaviour that the field staff of Tezpur Telecom Division in collusion with these 22 persons concerned JTOs and SDOs/SDEs who issued 21 false and fabricated Experience Certificates in favor of the said 22 persons showing them as casual labours working since 1988 to 1996 (Feb) and the same were got countersigned by the respective JTO's and SDOs/ SDEs as a token of proof of their having worked as Casual Mazdoors under them without being based on any materials evidence, is not substantiated by the prosecution. In fact this practice of engaging casual Mazdoors by field staff were prevailed in the department from the very beginning for construction of UG cables and after few years of continuous working as casual Mazdoors they were regularized by concern SDO as and when vacancy arises.

That in respect of the allegation in para 5 of the statement that the concerned SDOs/SDEs of Tezpur Telecom Division in collusion with Sri M.K.Gogoi, formerly TDE Tezpur forwarded all the certificates to Sri M.K. Gogoi with their recommendation for consideration of the total 221 persons including these 22 casual Mazdoors as Temporary status Mazdoors (TSM). Sri M.K.Gogoi, thereafter constituted a selection committee on 25.3.1996 with four persons namely (1) Sri P. Das, SDE (P) Tezpur, (2) Sri U.C. Swargiary, A.O. (Cash) Tezpur, (3) Sri D.

Payeng, SDO (P) Tezpur and (4) Sri A.K. Sarkar, SDE (HRD) o/o the TDE Tezpur for recommendation/ selection of eligible casual labourers for regularization as TSMs vide order No.X-1/CMPT/TZ/95-96/Con-1 dated 25.3.1996, it is to submit before your benign authority that the charged officer assumed the charge of TDE Tezpur on 31.1.1995 and one year prior to his assuming the charge of TDE Tezpur the circular dtd. 17.12.1993 for conferring TSM to casual Mazdoor was circulated among the SDOs/SDEs working in Tezpur Division vide its letter dtd. 28.1.1994. Accordingly in response to this circular all the SDOs/SDEs recommended and forwarded the cases of casual labours working in their sub-division including these 22 casual labours for conferring TSM. The charged officer on receiving the recommendation constituted an independent selection committee consisting of four members from different wing of the Division such as Accounts, HRD, and field unit etc. to recommend the names of casual labours who fulfilled the criteria as per the circular. The charged officer as a prudent man acted most bona fide and in most reasonable manner after discussion with his counterpart in other division/ circle and in no way in collusion with any other officer. Unfortunately this aspersion cast by investigation officer without any material fact.

That in regards to the statement made in para 6 of the statement of imputation of misconduct / misbehaviour that the selection committee had prepared / got prepared gradation list of all total 221 casual labours including these 22 casual Mazdoors sub-divisionwise and recommended for their regularization as TSMs. Sri M.K. Gogoi formerly TDE Tezpur knowing fully that the said gradation lists were bogus and with malafide intention passed order for regularization of 221 (including these 22 casual Mazdoors) persons as TSM within his Telecom Division vide No.X-1/CMPT/96-97/CON-7 dtd. 27.5.1996 by putting interest of the department in jeopardy, is nothing but a cock and bull story made up in a vindictive manner to malign the reputation of a senior officer for the reason best known to the investigating Agency. It was not known to the charged officer that the gradation list prepared by the selection committee was bogus and it is still today not proved that the list was bogus and all the TSM are still working. Moreover the list submitted by the selection committee was not 221, it was 227 and out of 227 only 221 were made TSM thereby raising doubt about the bona fide of investigating team whether they were sincere

about finding the truth. As a matter of policy of the Govt. and because of some court verdict this order in question was issued in 17.12.1993 so that a class of Govt. Employees did not exploit unskilled workers.

That the allegation raised in para 7 of the statement was that it was within the knowledge of Sri M.K. Gogoi that no casual labours were engaged in his SSA with effect from 31.3.1985 as Sri K.Subramanium, the then TDE, Tezpur had informed Sri S.C.Chakraborty, the then Asstt. Director, Telecom (E&R) O/o CGMT, Assam Circle, Guwahati vide his letter No.E-38/CMPT/Vol.II dtd. 7.12.1993 in reply to a letter No. Rectt.3/10/Pt.III/5 dtd. 27.8.1993 that no casual labours were recruited in his SSA is not seemingly reasonable or probable. Because TDE office is not maintaining any record of casual Mazdoor in the first place as the appointing authority of regular Mazdoor is class-II officer and Mazdoor are sub-divisional cadre. Secondly had there not been any casual Mazdoor in the SSA then how the TDE Tezpur circulated copy of the circular dtd. 17.12.1993 to all his SDOs/SDEs vide his letter No.E-38/Casual Labour/93-94/125 dtd. 28.1.1994 as stated in para 3 of the statement of imputation of misconduct/misbehaviour, within a period of less than one month. Moreover letter in question was issued to include casual Mazdoor in Central Govt. employment Group Insurance Scheme but the then TDE without circulating the letter to all SDOs/SDEs of Tezpur grudgingly replied to ADT (E&R) Guwahati that there was no casual Mazdoor. Than why he has circulated the letter dtd. 17.12.1993 is not understood. The charged officer joined as TDE Tezpur on 31.1.1995 and before his joining most of the SDOs/SDEs submitted the list of casual Mazdoor working in their respective unit. No action was taken till it was decided in the RJCM/LJCM meeting that the casual labour that were engaged before 22.6.1988 would be conferred TSM and administration accepted the demand of RJCM and fresh initiative was taken in this regard. Further the same TDE made objection for making payment to casual Mazdoor vide his letter, no. A-3/AE cable(mtce.) Tz/93-94/34 dtd 7.3.94 in his own seal and signature for 36 casual labours and made objection for taking LTI without attestation of 25 casual mazdoors (a copy of the letter enclosed) , after that how the said TDE submit the nil report is not understood. It proves that it was in the knowledge of Sri K. Bala Subramanium the then TDE Tezpur that there was casual labours

working in the Division since long and he has issued ID cards to some of the casual labourers on his own seal and signature (copy enclosed).

That regarding the statement in para 8 of the statement of imputation of misconduct/ misbehaviour that Sri M. K. Gogoi, had inform the Assam Circle vide his letter No. E-38/CMPT/94-95/168 dtd. 17.2.95 and letter No.E-38/CMPT/Vol.III/96-97 dtd. 30.8.96 that no casual labours have been engaged in this division is not correct. In letter No.E-38/CMPT/94-95/168 dtd. 17.2.95 it was mentioned that from 1.10.89 to 31.12.90 total number of TSM made was 80 and number of candidate to be regularized was 9, from 31.12.91 to 31.12.92 TSM made was 11, number of candidate yet to be regularized i.e. to be made RM was 8 and 31.12.93 onward nobody was declared TSM and nobody was made RM i.e. regularized. The reply was in the context of the earlier order of 1988 of that casual labour that were engaged before 31.3.1985 and subsequently made TSM and RM during 1989 and 1990. Nowhere in this letter it was mentioned that no casual labour have been engaged in the divisions. The letter No. E-38/CMPT/Vol.III/96-97 dtd. 30.8.1996 addressed to Sri M.K. Sudarsanam DGM (Admn),Guwahati it was mentioned that except in traffic wing no casual Mazdoor engaged in the division. This letter was issued on 30.8.1996 whereas all other casual labours engaged before 22.6.1988 were conferred TSM vide letter No. X-1/CMPT/96-97/CON-7 dtd. 27.5.1996 and remaining casual labours engaged after 22.6.1988 were terminated who could not be made TSM. It is therefore the nil report submitted by the charged officer was correct (at that time traffic wing was not controlled by SSA).

That in regards to para-9 of the statement of imputation of misconduct/ misbehavior that even after appointing these 22 casual Mazdoors conferring them TSM status on 27.5.1996 Sri M.K. Gogoi was also found to have issued a false certificate to Sri M.K. Sudarsanam, DGM (Admn) vide his letter No.E-38/COMPT/Vol.III/96-97/16 dtd. 30.8.1996 certifying with reference to DGM's letter No.1-3/COMPT/96 dtd. 20.8.1996 that no casual Mazdoors was engaged in his division except 21 casual labours in Traffic wing on permanent basis. Sri M.K. Gogoi, issued this letter when DGM wanted to fix responsibility for taking action against those who were responsible for making appointments of casual employees in spite of the ban order issued earlier, it is to submit that the report in question was correct and

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charged officer made the most proper reply as the casual Mazdoors in question were already made TSM on the basis of the order dtd. 17.12.1993 and they were working long before his joining in Tezpur. The charged officer only mentioned about the casual Mazdoors engaged after his joining and not mentioned about those who were working continuously before the cut off date of 22.6.1988. There is a wide gap between working and engaged and the charged officer rightly mentioned about the casual labours engaged during his tenure and not about the casual labours working since 1988 or before and made TSM . If the dept wanted to fix responsibility there were no hurdles in this as the official/officer who had engaged the casual labours had issued certificate under their name, seal and signature with full responsibility.

That regarding the statement in para 10 of the statement of imputation of misconduct/ misbehavior that Sri M.K.Gogoi again vide his letter No.X-1/COMPT/Confdl/29 dtd. 12.9.1996 addressed to Sri A.Barua AD Employment Exchange intimated that no employment in Grade-'D' under his SSA was made in view of total ban in employment - it is to mention here that the charged officer as TDE Tezpur has never engaged any casual labour nor allowed to engage any casual labour in his knowledge. He has only conferred TSM to those casual labours that were working in Tezpur Division and engaged before 22.6.1988 on the instruction of the Deptt. After completing all the formalities as per norms of the department. There were no engagement of Group'D' official during the tenure of charged officer in Tezpur Division and even casual labour (who are not treated as Group'D' in the department) was not engaged. It was therefore the reply given on 12.9.1996 that no employment in Group-'D' under the SSA was made in view of total ban, was absolutely correct.

That in regards to the allegation made in para 11 of the statement of imputation of misconduct/ misbehavior that it is also revealed that Sri M.K. Sudarsanam, DGM (Admn) vide his DO letter addressed to Sri B.K. Goswami, TDM informed him that the statement furnished to them vide letter No.E-38/COMPT/Vol.III/96-97/15 dtd. 30.8.1996 and No.X-1/COMPT/96-97/21 dated 7.8.1996 were contradicting to the information given by their SSA, regarding casual Mazdoors. He was aghast as to how a 'Nil' report has been sent by their SSA and at the time of relaxation of the ban order, TDE had appointed these 22 casual

employees of SDEP Tezpur out of 221 casual employees as TSM in 1996. He requested Sri Goswami to look into the matter and fix responsibility of all erring officers. In this regard it is to mention here that (1) DO letter of Sri M.K. Sudarsanam, DGM and (2) letter No.X-1/COMPT/96-97/21 dated 7.8.1996 were not placed before the inquiry by P.O. although defence had given requisition for these two letters. However there was nothing wrong in sending 'Nil' report as most of the casual labours engaged before 22.6.1988 were made TSM.

That regarding the allegation in para 12 of the statement of imputation of misconduct/ misbehavior that on the basis of recommendation of Sri P. Das, formerly SDE (Phones) Tezpur Sri M.K Gogoi issued order vides No.S-1/COMPT/96-97/CON/24 dtd. 14.8.1996 selecting them TSM. It is to submit that there was no such order issued by the charged officer to confer TSM on the recommendation of a single officer. The order for conferring TSM was issued once by the charged officer on the recommendation of the selection committee vides letter No.X-1/CMPT/96-97/CON-7 dtd. 27.5.1996. The allegation in question is false, fabricated and without any material evidence. Even the letter mentioned in this para was not included in the list of documents with deliberate intent to malign the reputation of a sincere officer with ulterior motive. SW-6, who was the investigating officer in the case, was asked during cross-examination whether any casual Mazdoor was regularized by the charge officer beyond the list without the recommendation of the selection committee. His reply before the inquiry was that he has not found.

That after going through the statement of imputation of misconduct/misbehaviour it appears that no materials evidence directly or indirectly was put forwarded to sustain the charges. The whole allegation was based on suspicion and suspicion should not be allowed to take the place of evidence. Administrative instruction regarding a policy decision is binding nature of statutory rules and the charged officer was bound by the instruction to confer TSM. In regards to the conferment of TSM order is concern it was carried out as per the guidelines issued by nodal ministry/department, namely, department of Personnel and Training from time to time prescribing constitution of internal screening committee. There is no question about the authority

of TDE to pass such order if it is satisfied about the eligibility of casual labour in question and the instruction dated 17.12.1993 confer the power to take a objective decision.

That the inquiry was initiated on erroneous allegation framed in the charge sheet. On the day of preliminary hearing on 19.10.2002 the presenting officer handed over 75 numbers of listed documents out of 88 listed documents mentioned in annexure-III of the charge sheet. On scrutiny of the listed documents it was found that out of all these 75 documents only 17 documents are relevant to the instant case, remaining documents were certificates or joining reports which are no way connected with the case as the allegation was that, in collusion with selection committee constituted by him, regularized without verifying genuineness of recommendation of different SDO/SDE and experience certificate issued by JTO/Lineman etc. It is therefore necessary for the prosecution to prove vital charge 'collusion'. There is not a single document listed in Annexure-III, which may be called nearer to the charges framed against the charged officer. In this connection reference is not conclusive without any material evidence, which puts an indelible stigma on charged officer.

That the prosecution produced state witnesses before the inquiry during progress of the regular hearing. SW-1, Md. Islam Ahmed the then Sr. A.O. (TRA) who identified the signature of the charged officer at the time of preliminary enquiry. In his deposition he has agreed the statement given to the investigating agency.

That SW-2 Sri B.K. Goswami the then TDM Tezpur who has stated in his deposition before the inquiry in reply to presenting officers question that some documents were handed over to CBI by Sri J.N. Deori DE (P&A). He also told the inquiry. "In October, November 1997 a letter was issued by circle office to cancel the appointment of 221 TSM's who were conferred TSM status vide letter No.X-1/CMPT/96-97/Con-7 dtd. 27.5.96 of TDE (Tezpur). Accordingly a letter was issued by the DE (P&A) canceling the previous order. After this I was compelled to withdraw the cancellation letter issued by DE (P&A) due to threat, gherao, slogan etc. organized by the TSMs and their unions." At that time charged officer was working as DE (P&A) Tezpur, which was confirmed through Q No.1 during cross-examination. From the

deposition of SW-2 it is fairly clear that the cancellation order issued by the charged officer, withdrawing conferment of TSM to 221 person was revoked by SW-2. Had there been any doubt about the genuineness of the conferment of TSM how can SW-2 revoke the conferment of TSM, only because some TSMs shouted slogan and gheraoed him is not very convincing. However it is clear, that the charged officer issued the provisional order of conferring TSM of 221 persons in Tezpur Division on the basis of the recommendation of the selection committee, which was also cancelled by him. If any personal interest were there the charged officer would not have cancelled the order. Moreover the cancellation order was issued by charged officer on the instruction of circle office to start reverification but it is not understood how TDM could revoke the cancellation order without reverification as instructed.

That the prosecution produced Sri B.C. Paul, ADT (Estt) circle office before the inquiry as SW-3 who in his deposition refused to comment in reply to question no.3 regarding procedure followed for conferring TSM by charged officer as the then TDE Tezpur. The use of recruitment by presenting officer in most of the questions during examination-in-chief is very surprising as because the charged officer did not recruit any casual Mazdoor or regular Mazdoor. These Mazdoors were working in Tezpur Telecom Division long before his joining on 31.1.1995 since 1987/88 and he was bound by the instruction dated 17.12.1993 to confer TSM to eligible casual labours. In his reply during re-examination SW-3 referred the letter issued on 30.3.1985 for clarification regarding engagement of casual Mazdoors. According to letter no. 270/G/84-STN dated 30.3.1985 it is mentioned in para 2 that it has been decided that fresh recruitment and employment of casual labour for any type of work should be stopped forthwith in Telecom Circles/District. The casual labour already in employment should be utilized only (1) for work of casual nature, (2) all installation works of temporary nature, (3) cable laying work and (4) line construction/dismantling work. Regular post of Mazdoors/Grp D post are sanctioned for maintenance /Admn work as per standards already laid down by this office from time to time. But instead of recruiting regular Mazdoors as per standard Tezpur division engaged casual labour for the expansion work long before the joining of the charged officer on 31.1.1995.

That SW-4 Sri Babul Chandra Nath, Sr. TOA(G) o/o the then TDE Tezpur was produced before the inquiry who has identified the signature of all the officers during preliminary investigation. He has agreed the statement given to investigating agency on 26.8.98 and the statement was marked as state exhibit.

That Sri Badal Saha SS(O) O/o the then TDE Tezpur was also produced before the inquiry as SW-5 who in his deposition agreed the statement given to investigating agency on 26.8.98. SW-4 identified the signature of the charged officer. He in his deposition mentioned that he knew some of the casual labourers since long but could not give the exact year from when they were working.

That the prosecution then presented SW-6, which is very vital witness for the prosecution as he was the investigating officer of the case. In his deposition SW-6 stated in his reply to question No.2 that he partially agreed to the charges framed against Sri M.K. Gogoi, when asked about the word partially he explained that as because during investigation of this instant case no such serious violation was detected as the genuineness of the certificate issued to so called casual labourers was to be verified by the concerned SDO/SDEs. When asked about the relevancy of the word collusion SW-6 replied that the word collusion used in the article of charges is not relevant, as because it was found during the investigation that the selection committee was constituted by Sri M.K. Gogoi the then TDE Tezpur (charged officer) as per procedure. In reply to question No.5 of presenting officer, whether charged officer was biased towards anybody while formation of selection committee, SW-6 replied in negative. During cross-examination SW-6 in his reply to Q. No.1 of D.A. mentioned that during investigation all members of the selection committee were examined by SW-6 also told the inquiry that no casual labour was regularized by the charged officer without any recommendation of the selection committee. From the deposition of SW-6 the investigating officer of the case there was no evidence against the charged officer in respect of the charges framed against him.

That the prosecution presented Sri M. Bhuyan, the then SDE(Cable) Tezpur as SW-7 who is at present working as SDOP-I, Tezpur. SW-7 in his deposition told that he found these casual labours

were working in cable sub-division when he has joined there. In reply to P.O's question No.3 he stated that as per normal procedure records are to be maintained by the certificate issuing official. He also did not agree that the casual labours were made TSM against false and fabricated certificates issued by the field staff. SW-7 explained in reply to Q.No.5 of P.O. that the official engaged casual labour for completion of project work as well as maintenance work and make the payment from their temporary advance and record signature in ACG-17. SW-7 also told in his deposition that attendance sheet was to be maintained by the officials who engaged them. SW-7 reiterated in reply to Q.No.8 of P.O. that regular recruitment was not done after 1985. But payment to casual Mazdoors on ACG-17 was not banned at that time and temporary advance was sanctioned to complete some targeted works. This was possible by engaging casual labour as no work was given to contractor at that time. SW-7, who was since long working in the Tezpur division, rightly mentioned that as no work of Telephone Exchange installation/ expansion, cable laying, new connection, line erection etc. were given to contractor at that time and temporary advance was sanctioned to complete the work, therefore casual labours were engaged to complete the targeted work. SW-7 in his reply to Q.No.2 during cross-examination regarding appointing of authority of Mazdoors, most categorically told the enquiry that casual labours were engaged by Lineman/PI etc. when it is required for field work. But regular Mazdoors were appointed by SDO. He also told during cross-examination that ACG-17 payment vouchers of casual labour were submitted in ACE-3 account of the officer taking temporary advance against maintenance/capital/estimate works and officer concern submitting those bills as vouchers of ACE-2. From the deposition of SW-7 it is crystal clear that casual labours were engaged by Lineman/PI etc. who were made regular by SDO from time to time as per procedure. It is therefore can be concluded that there is no record available with TDE office about the casual labours working in the sub-division and the 'Nil' report sent by the then TDE (Predecessor of the charged officer) without collecting any report from sub-divisions to circle office was a mistake which made the whole affair embarrassing for the department.

The prosecution brought one additional witness Sri A.K. Sarkar as SW-8 who was working as SDE(HRD) in the office of TDE Tezpur

and also a member of the selection committee. In his deposition SW-8 mentioned in his reply to Q.no.3 of P.O. that the selection committee was asked to recommend the eligible casual Mazdoor after verifying the available documents supplied to them. The required documents were checked by the selection committee and recommended only the eligible candidates fulfilling the criteria for conferment of casual Mazdoor to TSM. Some cases were also not recommended for not fulfilling the required criteria. In reply to question regarding who supplied the documents SW-8 told that respective sub-divisional heads supplied the required documents. When P.O. asked in his question No.5 'what are the documents verified for conferment of TSM ? The SW-8 replied that (1) Experience certificates containing number of days worked by a casual Mazdoor w.e.f. 1988 (240 days in a year or not, 206 days in case of 5 days week, (2) whether citizen of India, (3) Education certificate, (4) Age proof certificate, (5) Employment Exchange certificates (6) properly recommended by the controlling officer. In reply Q. No.6, of P.O. regarding what were the things verified in case of experience certificate SW-8 replied that (1) No. of days working by a casual Mazdoor year wise (2) whether it was signed by SI/LI/CS or by JTO and finally countersigned by controlling officer with seal. The P.O. asked in his Q.No. 7 whether SW-8 verified the days certified by controlling officer with attendance register and payment vouchers, in reply the SW-8 told that random cases were verified in case of doubt. During cross-examination it was specifically asked whether at the time of verification he was influenced by any authority for recommendation of individual case and whether there was any instructions to recommend the cases of some casual labourers from any authority. His reply was negative in both the question. In reply to Q.No.3 of DA, SW-8 told the inquiry that they verified the (1) paid voucher (ACE-3/ACE-2) (2) Attendance Register from specific controlling officer. From the deposition of SW-8 it is evident that the selection committee verified the necessary documents before recommendation of the case one by one and the record were made available to them were sufficient for verification.

After submission of case before the inquiry on behalf of the disciplinary authority, statement of defence was submitted with a copy to P.O. Requisition for additional document was submitted to Inquiry Authority on 13.01.2003 on behalf of Charged officer, which were brought to the record and marked as defence exhibit. Out of 14

additional document requisitioned only 7 were brought to record remaining documents could not be recovered. Letters from Sl.No.1 to 4 mentioned in the requisition for additional documents on 13.1.2003 by the defence were required as these were mentioned in the statement of misconduct/ misbehavior. The prosecution also could not produce the letter through which the charges for conferring 22 casual Mazdoors as TSM were made. MIS report of TDE Tezpur from 1.4.1985 to 31.3.1996 and minutes of RJCM/LJCM meeting during the period from 1994 to 1996 were also not recovered by the Presenting Officer, which could have justified the engagement of casual Mazdoors during the period upto 1988.

All the additional documents were marked as defence exhibit D.Ext-01 to D.Ext-07. If any one goes through the D.Ext-04 the estimate register for cable laying/ installation work during the period from 1.4.85 to 31.3.96 it will be clear to him how much work was carried out during the period from 1985 to 1988 in Tezpur Division. As the work was not allotted to contractor at that time, the work was carried out departmentally through engaging casual Mazdoor in the field and as the expansion work continued the casual Mazdoors were continuously working till 1993-94 when the order dtd. 17.12.1993 for conferring TSM was issued. Of course the charged officer was not posted at that time, he joined much later on 31.1.1995. The charged officer finally cancelled the provisional conferment of TSM order vide letter No.X-1/CMPT/96-97/CON-7 dated 20.10.1997 produced as D.Ext-06 before the inquiry.

That three witnesses were produced on behalf of the defence. DW-1 Sri Upen Swargiary, the then Accounts Officer O/o TDE Tezpur who was a member of the Selection Committee was produced to disprove the charges that without verification of records casual Mazdoors were conferred TSM. DW-1 in his deposition mentioned that they have followed the guidelines issued by competent authority and checked (1) Whether they are citizen of India, (2) date of birth, (3) work experience certificate issued by competent authority (4) attendance particulars (5) document of the cases whether duly signed by supervising authority and counter signed by their controlling authority, (6) whether counter signing authority is a gazetted officer or not, (7) whether name of casual Mazdoor duly forwarded by their controlling

authority (8) total working days in a year more than 240 days or not (9) whether their name is registered in the local employment Exchange or not, (10) Whether the case was recommended duly by their supervising as well as controlling officers. Over and above as DDO (Drawal & Disbursing officer) at that time he has checked personally many ACE-2 and ACE-3 A/cs for verification of their name.

That DW-2 Sri D. Payeng, the then SDO (P) Tezpur was also a member of the Selection Committee and deposed before the inquiry that as per DOT letter, instructions was issued that those casual Mazdoors who were engaged prior to 22.6.88 and served more than 240 days in proceeding year to be conferred TSM. They have verified working particulars submitted by concerned field officers/ controlling officers. DW-2 also confirmed that they verified the records of SI/LI, work diary and attendance and battery register etc. He has also mentioned that the selection Committee only recommended the cases eligible for conferring TSM and not all cases forwarded by field units.

DW-3, Sri Manoj Karki JTO (PRX) was then produced before the inquiry. DW-3 has placed records of six casual Mazdoor before the Selection Committee who were conferred TSM. In his deposition before the inquiry he has told that there was sufficient record available in the exchange, namely the attendance register, jumperslips with signature of casual Mazdoors after completion of work during the period from 1988 and before that. Their signature is also available in register maintained in battery maintenance and Engine log book, counter foils of ACE-2 a/cs of SDE (P) and identity card of the labour issued during 1988 -89 etc. DW-3 also mentioned that CBI never asked for verification of any documents of PRX exchange at Tezpur.

After closed of regular hearing Presenting Officer submitted prosecution brief where in page 2 he has mentioned that none of the members of the Selection Committee have pointed out about the (a) Ban of recruitment of casual Mazdoors after 31.3.1985. (b) Employment exchange sponsorship (c) Authentication of certificates issued by SI/ Lineman and countersigned by JTO/SDO/ SDE (d) verification of paid vouches etc. Regarding ban on recruitment of casual Mazdoor after 31.1.1985 it is to bring to the notice of the inquiry the D.O. letter No. 269-7/2002-

Pers.IV dtd. 27.02.2003 addressed to Sri R.K.P.Hinduja CGMT, NE TF Guwahati by Sri S.C. Misra, DGM (Estt) Corporate office New Delhi where it was mentioned that recruitment of casual labourers was completely banned w.e.f. 22.6.88 (a copy enclosed). Further if any officer violates the instruction, action is to be taken against him only. Regarding verification of employment exchange sponsorship and verification of certificates and paid vouchers all the selection committee member deposed before the inquiry how they have verified and recommended. The deposition of SW-6 Sri K.Barman, CBI Inspector was wrongly depicted in prosecution brief. SW-6 in his reply to Q.3 of P.O. most categorically told before the inquiry that during investigation of this case no serious violation was detected as the genuineness of the certificate issued to so call casual labours. Reply of SW-6 against the Q.No.4 was that the word 'collusion' used in the article of charge is not relevant as because it was found during the investigation that the selection committee was constituted by Sri M.K. Gogoi the then TDE, Tezpur as per procedure. From the reply of SW-6 it could be concluded that the charges were framed with ulterior motive to harass an honest and sincere officer. The action taken by the charged officer in forming a selection committee for verification and recommendation was as per procedure.

The conclusion of P.O. in paragraph -1 of page-3 in regards to the deposition of SW-7 in his reply to Q.Nos. 2, 6 and 8 that knowing well the ban order of casual Mazdoors after 31.3.1985 but still allowed his field staffs to engage casual Mazdoors violating norms just to do favour to all those casual Mazdoors for conferring TSM, is not logically justified. P.O. has not stated about the reply of other questions by SW-7. In his reply to Q.No.3, 4, 5 and 7, SW-7 told the inquiry that there was no ban on payment through ACG-17 and temporary advances were sanctioned to complete the targeted work. This was possible by engaging casual Mazdoors no work was given to contractor at that time.

P.O.'s view in respect of the deposition of SW-8 in para -2 in page-3 in question no.7 that he has not checked attendance register and payment voucher for individual casual Mazdoors but could only make sample check thus proving that the certificates were false and

fabricated, is totally a wrong inference. SW-8 replied in Q.No.7 that random cases were verified in case of doubt and during cross-examination, in reply Q.No.3 he told the inquiry that (1) paid voucher (ACE-3/ACE-2) (2) attendance register for specific controlling officer were verified by them. Thus the conclusion of P.O. in regards to the deposition of SW-8 was not judicious. SW-8 also mentioned that there was no influence on the selection committee from any authority to recommend any individual case.

The inference drawn by P.O. from the deposition of DW-2 in its brief as mentioned in para-3 of page-3 is similar to the inference drawn for SW-8. It seems P.O. has not gone through the charges properly what was the role assigned to the charged officer specifically in relation to the charges, what was expected of him and what he actually did or omitted to do. As a matter of fact SDO/SDE were appointing authority of Lineman/regular Mazdoor etc. as per P&T manual Vol-IV. A Lineman /Sub-Inspector /Phone-Inspector were authorized to engage casual Mazdoor and supervised M/roll and payment could be made through ACE-2. It is, therefore, when SDO/SDE made recommendation for conferment of TSM, who is a responsible officer in the deptt. and taking all the responsibility of engagement, the selection committee was no way wrong to verify the record in regards to length of services i.e. date of engagement etc. in doubtful cases. However the fact remains that the engagement of Mazdoor whether false or true is not the question in this case. The question is whether the fact was known to the charged officer or whether there was in collusion with the selection committee, is available or not. But in regards to collusion with selection committee the prosecution is silent and in furtherance to disprove the collusion factor SW-6 in unambiguous term mentioned that the word 'collusion' used in the article of charges is not relevant in this case.

The P.O. misinterpreted the deposition of DW-3 in para-4 of page-3 in as much as he has mentioned that he had joined the deptt. in 1991 only but he countersigned the certificates for the period before his joining in the deptt. without verifying the genuineness of the documents like attendance register, payment vouchers etc. DW-3 stated in his deposition in reply to Q.No.4 of DA that there were sufficient record available in the exchange namely attendance register, jumper slips with signature of casual Mazdoors (which were mandatory for the official

who carried out the work to be given after completion of jumpering in MDF for new connections or for diversions) during the period from 1988 and before that. DW-3 also mentioned that their signature was available in register maintained in battery Mtcc. and Engine log book, counter foil of ACE-2 a/cs of SDE (P) and Identity card of the labourers issued during 1988-89 etc. From the deposition of DW-3 it is evident that the certificates issued by him were genuine and as per deptt. rules it is no matter who are in charge of the unit whether he was working from 1988 or 1991 who so ever in the charge is duty bound to forward and recommend the case on the basis of available record.

The prosecution could not establish any of the charges through the oral and documentary evidences submitted before the inquiry. Not a single state witness testified against the charged officer before the inquiry. The word 'in collusion' mentioned in annexure-I could not be corroborated by the evidence adduced during the inquiry. The order for conferment of TSM to casual Mazdoors working in the division was made as per the DOT circular No. 269-4/93-STN-II dated 17.12.1993 which was further circulated to all SDOs/SDEs of Tezpur division vide TDE's letter No.E-78/casual labour/93-94/125 dtd. 28.1.1994 long before the charged officer joined as TDE/Tezpur (31.1.1995) and in response to circular dated 17.12.1993 all the SDOs/ SDEs recommended and forwarded the name of eligible casual Mazdoor working under them. What action should have been expected from the charged officer who had received the recommendation of eligible casual labourer of different sub-divisions under his jurisdiction ? Charged officer after receipt of recommendation behaved with due care, reasonably and honestly and formed a selection committee appointing member from different field such as Accounts, HRD, field unit etc. in order to rule out arbitrariness in the process of selection as per deptt. procedure. The selection committee had function like Department Promotion Committee (DPC) to recommend the eligible candidate after verification of each candidature. The recommendation of the selection committee is again binding nature until otherwise there is some inner contradiction.

It is erroneous to infer that the selection committee prepared a false and vagues list. They have recommended cases based on the record sent by respective SDO/SDEs. It is to be seen some relevant

consideration has been taken into account and it is also necessary to assess the actual or potential importance of the fact over looked. The charged officer with his knowledge and experience verifying the recommendations of selection committee issued a provisional order conferring TSM to all those casual Mazdoors recommended by the selection committee as a prudent man expected to do. Whether the action of the charged officer violative of law, rules and procedure – no; the order was issued on instruction of DOT and on the basis of recommendation of the selection committee and exercised fairly and reasonably. Ultimately this provisional order was cancelled on the instruction of CGMT/Assam vide letter No. X-1/CMPT/96-97/CON-7 dtd. 20.10.1997 by the charged officer.

CONCLUSION : Taking into consideration all the circumstances and facts and the evidences adduced during the inquiry the prosecution could not prove the charges to the hilt or even beyond reasonable doubt. On the other side defence documents and oral testimony clearly disproved the charges. The charged officer acted bonafide , without any deliberate intent. Hence all the charges should be dropped and the charged officer should be exonerated.

(S.K. SIKIDER)
DEFENCE ASSTT.

Copy to :-

The Inquiry Officer,
GM,TD/Silchar.

*Attested
by
[Signature]*