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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

FORM NO. 4.
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Original Application No. 246/05

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicant(S): Dr. P. K. Deb

Respondant(S): H. S. I. Jais

Advocate for the Applicant(S): M. Chandra, S. Nath

Advocate for the Respondant(S): Railway Counsel

Notes of the Registry	Date	Order of the Tribunal
This application is in form. is filed/C. F. for Rs 50/- deposited vide IPO/BB No. <u>209/158684</u> Dated <u>29.8.05</u> Dy. Registrar <u>Steps at Jais</u> <u>15.9.05</u>	16.9.2005	<p>Present: The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman.</p> <p>Heard Mr. S. Nath, learned counsel for the applicant and Mr. J. L. Sarkar, learned counsel for the Railways.</p> <p>The applicant has approached this Tribunal for a direction to the Inquiry Officer the second respondent to defer the disciplinary proceeding initiated against him untill he becomes medically fit to join duty. It is stated that the applicant had made a request on that behalf on 13.9.05 (Annexure-G). It is seen from the communication dated 9.8.2005 (Annexure-F) that the Inquiry Officer had fixed the date for preliminary hearing on 8th & 9th of August, 2005; the applicant did not appear. Therefore, the Inquiry Officer had posted the matter to 20th & 21st September, 2005. It is seen from the said communication that the Inquiry Officer has noted the prayer of the applicant and therefore therefore, he had requested the CMD/MLG/N.F. Railways to send a Railway Doctor to the home address of the applicant to ascertain his actual</p>

Contd.

Contd.

16.9.2005 position and assist the Inquiry Officer to expedite finalization of the instant DAR case pending against him.

In the circumstances, I do not think that any direction need to be issued from this Tribunal in the matter. It is for the applicant to make appropriate arrangement to represent him before the second respondent and produce valid documents in support of request for deferring the proceeding. If any such request is made supported by medical reports and certificates, certainly the second respondent will consider the same and pass appropriate orders in accordance with law.

The O.A. is disposed of with the above observations.

Vice-Chairman

bb

*Received
for Advocate
for J. S. Sankar
19.9.05*

19.9.05

*C. G. G. has been
collected by the applicant's
Advocate.*

15 SEP 2005

गुवाहाटी न्यायपीठ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

O. A. No. 246 /2005

Dr. Prabir Kumar Deb

-Vs-

Union of India and Others.

SYNOPSIS OF THE APPLICATION

The applicant is in Group A Service (Medical department, N.F. Railway), working as Sr. Divisional Medical Officer. He is sick w.e.f. 20.02.2004 for acute depression and not in office.

A departmental disciplinary proceeding has been initiated by memorandum dated 07.04.2005 for alleging fact since 10.12.1990 to 16.12.2003. The applicant is under treatment of Dr. P. Barma, Neuropsychiatrist, Kolkata and Dr. S.P. Ghose, Alipurduar. He has requested the Inquiry Officer to conduct the hearing after he is medically fit. The next date of preliminary hearing has been fixed on 20.09.05 and 21.09.05. The applicant is under medical advice not to undertake stress and strain of such inquiry. The applicant requested the Inquiry Officer not to hold the hearing now and hold the same after he is fit. He reserves his right to challenge the charge sheet on the ground of being old and stale.

His prayer in this application is for holding the inquiry when he is medically fit.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

O.A. No. _____/2005

BETWEEN:

Dr. Prabir Kumar Deb,

Bungalow No. 1224,
Railway Hospital Colony,
Alipurduar Junction,
Alipurduar.

-----Applicant.

-AND-

1. The Union of India,
Represented by General Manager,
N.F. Railway,
Maligaon,
Guwahati- 11.
2. Maj. (Retd.) J.R. Biswas,
Retd. Chief Personal Officer (Railways)
Presently Railway Inquiry Officer,
Indian Railways
House No. B- 7/315,
P.O- Kalyani,
West Bengal- 741235.
3. The Divisional Railway Manager,
Alipurduar Junction,
P.O- Alipurduar,
Dist- Jalpaiguri,
West Bengal.

..... Respondents.

P. K. Deb.

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Filed by the applicant
through Subordinate
Advocate

DETAILS OF THE APPLICATION

1. Particulars of the order (s) against which this application is made:

This application is made before this Hon'ble Tribunal praying for an order for conducting disciplinary proceedings initiated against the applicant after he is medically fit. At present applicant is sick for acute depression and receiving treatment from Neuropsychiatrist.

2. Jurisdiction of the Tribunal:

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

3. Limitation:

The applicant further declares that this application is filed within the limitation prescribed under Section- 21 of the Administrative Tribunals Act' 1985.

4. Facts of the case:

4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

4.2 That the applicant is in Group 'A' service in the Medical Department of the Railway after passing U.P.S.C examination. He is now working as Senior Divisional Medical Officer, New Bongaigaon and sick under medical advice. He is an M.B.B.S, with Diploma in Medical Diagnosis, and sent by Railways to Australia and obtained Graduate Diploma in Health Management from the New England University, Australia. Unfortunately he is now running a bad health and has been a victim of Depression and

keeping close contact with Doctors and remaining under their close observation.

- 4.3 That the applicant is now receiving treatment under Dr. S.P. Ghose, M.D, of Hospital Road, Alipurduar and Dr. P. Barman, M.B.B.S, DPM, Consultant Neuropsychiatrist, Kolkata.
- 4.4 That a major penalty charge sheet has been issued against the applicant under memorandum dated 07.04.2005. The applicant was sick w.e.f. 20.02.2004 under medical certificates, and he received the chargesheet during his sickness. He submitted his reply by letter dated 04.05.2005 to the General Manager, N.F. Railway, denying the allegations and nominating defence Counsel, and requested for proper inquiry to prove his innocence by examination of documents and witnesses. He also stated the fact of his sickness in the reply dated 04.05.2005.

Copies of the statement of Article of charges and the imputations are enclosed herewith as Annexure- A.

Copy of the reply dated 04.05.05 is enclosed herewith as Annexure- B.

- 4.5 That Shri J.R. Biswas, retired Chief Personnel Officer has been appointed as Inquiry Officer by the letter dated 16.06.2005. The applicant has requested the Inquiry Officer by letter-dated 27.06.2005 with medical certificates enclosed therein, to hold the inquiry after he recovers from sickness.

Copy of letter dated 27.06.2005 (~~with the medical certificate~~) is enclosed herewith as Annexure- C.

- 4.6 That it is stated that date of preliminary hearing was fixed on 08.08.05 and 09.08.05 at Maligaon, Guwahati-11, by letter dated 12.07.05 of the Inquiry Officer. The applicant by the letter dated 25.07.2005 informed the Inquiry

Officer that under medical advice it would not be possible for him to attend the said preliminary hearing.

Copies of the letter dated 12.07.05 and 25.07.05 (with medical certificate) are enclosed herewith as Annexure- D and E respectively.

- 4.7 That under the circumstances explained above the applicant could not attend the said preliminary bearing and next date has been fixed on 20.09.2005 and 21.09.2005 at Maligaon, Guwahati-11. The applicant has been informed of the same by Inquiry Officer vide his letter dated 09.08.05.

Copy of the letter dated 09.08.05 with the proceeding is enclosed herewith as Annexure- F.

- 4.8 That the Inquiry Officer was kind enough to enquire about the health of the applicant over telephone on 09.08.05 and informed him about the next date fixed on 20.09.05 and 21.09.05 and advised him to attend on those dates at Maligaon, Guwahati-11.

The applicant was also eager for the completion of the proceedings; accordingly he immediately contacted the local Doctor at Alipurduar (West Bengal), Dr. Ghose, who was hesitant to permit him without consulting Dr. Barma, Neuropsychiatrist of Kolkata, under whose medical care the applicant is having his treatment. The Physician asked about the nature of the inquiry and when he knew that the matters relate to old period from 1990 and involves examination of documents and witnesses, he advised that the Neuropsychiatrist should be consulted. Accordingly, the applicant contacted Dr. Barma over phone requesting for an engagement but Dr. Barma asked him not to make any journey. Ultimately Dr. Barma visited Alipurduar on 14.08.2005, examined the applicant and advised him that for cause of his health he should continue physical and mental rest. As the dates of preliminary hearing were on 20.09.2005 and 21.09.2005, the applicant hoped that if health improves he

could participate in the hearing. But most unfortunately he could not regain his health and he contacted his local Doctor on 10.09.2005 and also the Neuropsychiatrist at Kolkata over phone, and the Doctors advised him not to undertake any stress or strain or mental tormenting exercise. The applicant informed the Inquiry Officer by letter dated 12.09.05 that due to his sickness it would not be possible for him to attend the hearing on 20.09.05 and 21.09.05.

Copy of the letter dated 12.09.05 is enclosed herewith as Annexure-G and copy of the medical certificate is enclosed herewith as Annexure-H.

4.9 That the applicant is afraid that if the hearing is held inspite of his absence due to sickness as in the earlier dates i.e. on 20.09.05 and 21.09.05, he shall suffer irreparable loss. Therefore, finding no other alternatives the applicant approaching before this Hon'ble Tribunal to direct the respondents not to hold the preliminary hearing on 20.09.05 and 21.09.05 and further be pleased to direct the respondents to hold inquiry after the applicant becomes medically fit to join duty and is in office. This application is filed without prejudice to his right to challenge the charge sheet being very old and stale matter.

4.10 That this application is made bonafide and for the cause of justice.

5. Grounds for relief (s) with legal provisions:

5.1 For that, when the applicant is in serious illness under expert medical care, he is in rest, the holding of hearing as explained is not just and fair.

5.2 For that, holding of inquiry during sickness of the applicant is injurious for his health and violates fundamental right under Article 21 of the Constitution of India.

5.3 For that, Railway Disciplinary rules do not mandate inquiry when the employee is absent on ground of sickness.

P. K. Deb.

5.4 For that, principles of natural justice demands that the applicant shall be given scope of defence with healthy mental condition.

5.5 For that, the applicant deserves justice by the Inquiry Officer during his (applicant's) sickness.

6. Details of remedies exhausted.

That the applicant declares that there is no remedy under any rule, and the Hon'ble Tribunal is the only forum now for cause of justice. However, he has submitted application as explained above.

7. Matters not previously filed or pending with any other Court.

The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other Authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief (s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to grant the following relief(s):

- (i) That the departmental proceedings be held after the applicant becomes medically fit to join duty, and is in office.
- (ii) That the preliminary hearing on 20.09.2005 and 21.09.2005 shall not be held on these dates.
- (iii) That the applicant be given scope to participate in inquiry in good health.

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

9. Interim order prayed for:

During pendency of the case, the applicant prays for the following interim relief: -

- (i) The hearing on 20.09.2005 and 21.09.2005 be stayed/suspended.
- (ii) The departmental proceeding may be held after the applicant is fit medically.

10. The application is filed through Advocates.

11. Particulars of the I.P.O

- i) I.P.O No. : 206 JS864
- ii) Date of issue : 29.08.05
- iii) Issued from : ~~29.08.05~~ G.P.O, Guwahati.
- iv) Payable at : G.P.O, Guwahati.

12. List of enclosures:

As given in the index.

VERIFICATION

I, Shri Prabir Kumar Deb, S/o- Late Asit Baran Deb, aged about 44 years, resident of Alipurduar, do hereby verify that the statements made in Paragraph 1, 4 and 6 to 12 are true to my knowledge and those made in Paragraph 2, 3 and 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 14th day of September, 2005.

P. K. Deb

**Statement of Articles of Charges framed against
Dr. P. K. Deb, Sr. DMO/Radiology/APDJ**

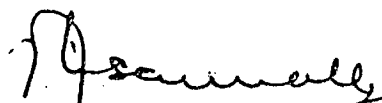
ARTICLE-I

Dr. P. K. Deb, while posted and functioning as Sr. DMO/Radiology/APDJ committed gross misconduct inasmuch as he entertained non-railway persons without observing proper procedure to be followed while extending medical facilities to outsiders and conducted Ultra Sonography Tests upon them. He also failed to ensure that requisite fee is deposited by the patients with the Railway Administration for the tests.

ARTICLE-II

Dr. P. K. Deb was having private practice at nursing homes, outside railway jurisdiction, without permission from Railway Administration.

Thus, by the aforesaid act of omission and commission, Dr. P. K. Deb, Sr. DMO showed lack of devotion to duty and acted in a manner unbecoming of a railway servant, contravening the provisions of Rule 3(1) (ii) & (iii) of Railway Service (Conduct) Rules, 1966.


(A.K. Sanwalka)
General Manager

*Attested
by Advocate*

**Statement of imputations of misconduct/misbehaviour on the basis of
which article of charge framed against Dr.P.K.Deb,
EX. Sr.DMO/ Radiology/APDJ are proposed to be sustained.**

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Article - I

- 1.0. Dr. P. K. Deb, was posted and functioning as Sr. DMO/Radiology in Railway Hospital/APDJ during the period 10-12-1990 to 16-12-2003.
- 2.0. As informed vide CMS/APDJ's letter No.H/CON/VIG/Pt.1 dated 28-07-2004, the general instructions regarding rendering medical assistance to non-railway persons was that the application for the treatment of non-railway person had to come through a serving railway employee; treatment was to be rendered after obtaining permission of In-charge of the Hospital and after ensuring deposition of the requisite fee to the Railway Administration.
- 3.0. In terms of Para (622) of Indian Railways Medical Manual- 2000, Volume-I, free medical attendance and treatment facilities are not admissible to outsiders. The charges for different types of investigations and treatment, etc, have to be realized from them as specified by Railway Board.
- 4.0. In terms of Railway Board's Circular No. 2000/H/6-1/45 dated 15-5-2001, the amount to be charged for USG test on non-railway person is Rs.490/- [Rs. 40/- as outdoor registration charges & Rs. 450/- as USG charges].
- 5.0. Dr. Deb performed USG tests on some of the non-railway persons without observing the laid down procedure as mentioned under para - 2.0. No application for treatment of such persons was forwarded through railway employee and no approval was sought for treatment of these persons from CMS/APDJ. No record showing deposition of prescribed fee was made available at Railway Hospital/APDJ.
- 6.1. In course of check at APDJ Railway Hospital, four USG reports were recovered from the chamber of Dr. P. K. Deb in presence of hospital staff. On verification, it was noted that one of the persons, Ms. Subhadra Barman, in whose name one USG report was prepared, was registered neither in OPD register nor in the register maintained by USG section. Rest of the three USG reports were found to be in order and prepared as per laid down procedure.

*Attested
by
[Signature]*

6.2. On verification from the register maintained at hospital for registration of non-railway persons, name of Ms. Subhadra Barman was not found.

6.3. On verification from EDPM/APDJ in respect of Ms. Subhadra Barman, shown to be F/Chowkedar in the address mentioned on USG report prepared by the doctor, it was informed that she was not a railway employee of the division at all.

6.4. In another three cases of Smt. Archana Sarkar, Sri. Sujit Biswas & Sri Uttam Chakraborty, no designation was mentioned on the USG reports prepared by the doctor.

On the standard format used for preparation of USG report at railway hospital, APDJ, there is provision to indicate patient's name, employee's name and designation.

6.5. In case of Sri Sujit Biswas, a four digit OPD serial no. (4698 dated 12-8-03) was mentioned on the USG report prepared by the doctor. However, on verification at APDJ hospital, it was informed that 4 digit serial no. was not used on that particular date.

6.6. On verification from one Sri Uttam Chakraborty, a non-railway person, working as a teacher in State Government School, it was informed that Dr. Deb performed USG test upon him at railway hospital, APDJ, but without observing the laid down procedure.

Serial no. & date shown on the USG report prepared in favour of Sri Uttam Chakraborty was 6895 dated 19-11-03, which did not tally with the Serial no. used on that date in the OPD register.

7.0. On being enquired about, Dr. Deb failed to explain satisfactorily, why the USG reports, were prepared by him without observing laid down procedure.

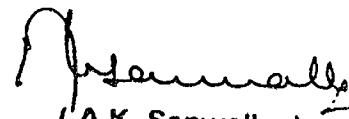
8.0. The non-railway persons on whom Dr. Deb performed USG test deposited no such amount with Railways, in violation of Para (622) of IRMM-2000 & Railway Board's letter referred above.

It was informed by GMS/APDJ that the names of Sri Sujit Biswas, Smt. Archana Sarkar, Sri Uttam Chakraborty & Ms. Subhadra Barman did not appear in the non-Railway Patients' Register and no permission was granted to anybody to conduct USG tests on these patients as outsiders.

9.0. By way of above act of omission and commission, Dr. P. K. Deb, Sr.DMO, exhibited lack of devotion to duty and acted in a manner unbecoming of a railway servant, contravening the provisions of Rule 3(1) (ii) & (iii) of Railway Service (Conduct) Rules, 1966.

Article - II

- 1.0. In terms of Para (210) of Indian Railway Medical Manual - 2000, doctors are not allowed to open their own Pharmacies or sit in a shop/consulting room in open bazaar.
- 2.0. Dr. Deb, was available/practicing at Green Land Nursing Home Pvt. Ltd, Alipurduar, outside the railway jurisdiction, without prior permission from competent authority, and entertained patients.
- 3.0. In course of vigilance check, railway officials made a visit to Green Land Nursing Home Pvt. Ltd, Alipurduar. Dr. Deb was available in the nursing home and was reported entertaining patients.
- 4.0. On being enquired (on 09-07-2004) in connection with conversation between him (Dr. P. K. Deb) and CVI/Medical on 19-03-2004 at Green Land Nursing Home Pvt. Ltd, Alipurduar, though Dr. Deb could not remember what he actually told to the CVI/Medical, he did not deny from the fact that any conversation took place between him and the CVI / Medical at Green Land Nursing Home Pvt. Ltd, Alipurduar.
- 5.0. Dr. Deb entertained non-railway patients and wrote prescriptions using letterheads of two private medical establishments namely Medinova Diagnostic Centre, Alipurduar and Modern X-Ray Clinic, Alipurduar.
- 6.0. CMS/APDJ informed that Dr. P. K. Deb did not take any permission from him to engage himself in private practice with private medical institution as mentioned above.
- 7.0. In doing medical practice at Green Land Nursing Home Pvt. Ltd, Alipurduar and other non-railway medical establishments, without previous sanction of railway administration, Dr. Deb violated provision of Para 15 (i) (b) of Railway Services (Conduct) Rules, 1966.
- 8.0. By the above act of omission and commission, Dr. P. K. Deb, Sr. DMO/Radiology/APDJ exhibited lack of devotion to duty and acted in a manner unbecoming of a railway servant contravening the provisions of Rule 3.1 (ii) & (iii) of Railway Service (Conduct) Rules, 1966.


(A.K. Sanwalka)
General Manager

To

Mr J. R. Biswas,
Retd. CPO
House No. B - 7 / 315,
P.O - Kalyani,
Dist - Nadia.

Respected Sir,

Sub : Nomination of Inquiry Officer.

Reference : General Manager, N. F. Railway's order no.
E/74/GAZ/478/CON dated 16.06.2005.

With utmost regard, I beg to state that the aforesaid order of the General Manager has been received by me on 27.06.2005, sent to me in my bungalow address.

Sir, I hereby want to inform you that I am on sick list being sick and taking medical care from Dr S. P. Ghose, MBBS ; MD (Medicine) and the disease has been diagnosed as "Acute Depression" which warrants prolonged treatment and I am as yet undergoing treatment as directed by him. The Medical certificate is enclosed herewith.

Only being physically fit I can attend the DAR inquiry. As soon as I am found fit by the doctor and certified so, I shall intimate to your kindness of this fact and then only date of DAR inquiry may kindly be fixed so that I can attend the inquiry along with my nominated defence counsel whose address is given below.

Sri Shyamal Kumar Chowdhury
Babupara (Jamtala Road)
P.O. Alipurduar
Jalpaiguri
PIN : 736121.

When I am found fit and date of DAR inquiry is fixed, necessary passes will be required for me and my defence counsel to attend the inquiry.

Thanking you sir,

Your faithfully,

P. K. Deb

(Dr P. K. Deb)
Sr-DMO/N.F.RLY/APDJ
Presently under sick list.
27.06.2005.

*Affected
Sri Advocate*

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Annexure - D

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NOTICE OF PRELIMINARY HEARING

No. JRB/NFR/E/74/GAZ/478/CON

Dated : 12.07.2005

From
Maj. (Retd.) J. R. Biswas, AMIE (India)
Retd. Chief Personal Officer/CLW & IRPS
Presently R.I.O./Indian Railways,
House No. B-7/315, P.O. Kalyani, 741235 (WB)
Tele : 033-2582 6883, Mobile : 9433226045

To
✓ Dr. P. K. Deb
Sr. DMO/NBQ (Hospital Designate)/NF Railway
Bungalow No. 1224, Hospital Colony, Alipurduar Jn. Dist. Jalpaiguri
West Bengal

Dear Sir,

Sub : DAR Inquiry against Dr. P. K. Deb, Sr. DMO/NBQ in N.F. Railway's case No. E/74/GAZ/478/CON under Rule 9 of R. S. (D&AR, 1968)

I have been nominated as the Inquiry Officer (IO) by the General Manager of N.F. Railway in the above DAR Case vide his order no. E/74/GAZ/478/CON dated 16.06.05, copy endorsed to you.

Thank you for your letter dated on 27.06.2005 addressed to me about your sickness. I hope that you have recovered from your sickness by now.

The date of Preliminary Hearing (PH) has been fixed on 8th and 9th August 2005 at 10.00 hours at Maligaon in the office of GM (vigilance)/N.F. Railway H.Q./Maligaon. (8th & 9th Aug 2005)

You are requested to attend the above PH along with your Defence Helper (DH), if any, so as to expedite finalization of the instant DAR case. It may please be noted that the purpose of PH is to sort out the preliminaries and modalities for completion of DAR case. No deposition of witnesses is recorded during the PH.

The sanction of competent authority may also be obtained for nomination of your DH in the mean time. However, PH can be conducted without the assistance of DH as per extant procedure.


(J. R. Biswas)
Retd. CPO/CLW & Inquiry Officer

Copy for Information and necessary action to:

1. Dy. CPO (Gaz)/N.F. Rly./Maligaon -


1.1 He is requested to send one 1st Class 'A' railway duty pass, to the undersign to my above home address ex-Kalyani to Guwahati and back valid upto 12th August 2005 available in AC 1st in Rajdhani Express with break journey at SDAH/HWH & NJP, both ways.

1.2. A Railway Duty Pass in favour of the DH of Dr. Deb (CO) may also be sent to his address, if the approval of competent authority regarding nomination of the DH is finalized before the date of PH.

2. Sri J. C. Borthakur, Chief Vigilance Inspector, Store / CVO's office, N. F. Rly. / MLG - He is requested to be present in the PH along with all relevant documents on 8th and 9th August 05 as above.

3. CMD / Maligaon (Copy of Dr. P. K. Deb's letter dt. 27.06.05 is enclosed) :

4. Dy. CVO/S/N.F. Rly./MLG alongwith a copy of letter of Dr. P. K. Deb dated 27.06.05 to IO/A room in the Officer's Rest House at Maligaon may kindly be booked for the IO for the above period from 8th to 9th Aug, 05.


(J. R. Biswas)
Retd. CPO/CLW & Inquiry Officer

Accepted
for
A. B. Bhowmik

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Annexure - E

Registered with A/D

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To
Maj. (Retd.) J. R. Biswas, AMIE (India)
Retd. Chief Personal Officer/CLW & IRPS
Presently R.I.O./Indian Railways,
House No. B-7/315, P.O. Kalyani, 741235 (WB)

Sir,

Sub : DAR Inquiry against Dr. P. K. Deb, Sr. DMO / NBQ in N. F
Railway's case no. E/74/GAZ/478/CON under rule 9 of R. S.(D&AR,1968)
Ref : Your letter no. JRB/NFR/E/74/GAZ/478/CON dt. 12.07.2005

With due regard and humble submission I beg to state that your kindness intimated that I have recovered from my sickness but in fact I have not recovered and as such my sickness still continues. On receipt of your above quoted letter on date i.e on 22.07.2005, I have consulted the physician who is locally treating me on the general prescription of Dr P. Barma, MD (PSYCHIATRY), Kolkata. Since I have been diagnosed as a patient of Acute Depression, the local doctor advised me not to attend any inquiry or to undertake any sort of journey and cases which may cause immense damage to my physical and mental condition, within at least 6 months or till I am considered fit by the doctor to undertake strain, stress or tension.

Sir, under the circumstances, I most reluctantly, but being forced by the sickness of mine, do hereby intimate your kindness that I shall not be able to attend the DAR inquiry as fixed by your kindness on 8th & 9th, August. As such I would fervently request yourself to defer the date of DAR inquiry and refix it only as and when the doctors consider me fit to attend inquiry. I shall intimate your kindness as and when I am found fit by the doctors.

Vide your above quoted letter, you have asked my nominated defence council Mr S. K. Chowdhury to submit his consent letter as well as approval letter from GM/N.F.RLY/Maligaon to act as my defence council, endorsing the same on a copy of the above letter which has been sent directly by your kindness to him in his residential address. He has received the GM's approval to act as my defence council to me, vide Dy CPO/G's letter no. E/74/GAZ/478/CON dt. 23.06.2005 (received on 20.07.2005). However, for your record a xerox copy of the same is enclosed herewith.

Thanking you, with regards.—

Yours faithfully,

P. K. Deb
(Dr P. K. Deb)
Sr-DMO/N.F.RLY/APDJ
Presently under sick list.
25. 07. 2005

- DA : 1) one copy of Medical Certificate.
2) Xerox copy of the letter of Dy CPO/GAZ
regarding nomination.

*Attested
Dr. P. K. Deb*

Dr. S.P. GHOSH
M.B.B.S. (CAL) M.D. (CAL)
Physician & Cardiologist
Hospital Road, Alipurduar.
Dist. Jalpaiguri.
Ph. (03564) 255061

VISITING HOURS
9 a.m. to 2 p.m.
5 p.m. to 7 p.m.

ডাঃ
এস পি সি এস (কি)
ফিজিসিয়ান এন্ড কার্ডিওলজিস্ট
হাসপাতাল রোড, আলিপুরদুয়ার
জেলা : জলপাইগুড়ি
দূরত্ব : (০৩৫৬৪) ২৫৫০৬১

Date 25/7/05

This is to certify that Dr. P.K. Deb
is suffering from Acute Depression and
is under my treatment.
He is advised not to
take any stress and tension work
more than 6 months or like 1 - consider him
fit.

Dr. S.P. Ghosh
M.B.B.S. (CAL) M.D. (CAL)
Physician & Cardiologist
Hospital Road Alipurduar.
36571

ECG By Appointment

Heard
his
advocate

NOTICE OF PRELIMINARY HEARING

No. JRB/NFR/E/74/GAZ/748/CON

From

Maj(Retd.) J.R. Biswas, AMIE (India)

Retd. Chief Personal Officer, CLW & IRPS

Presently RIO/ Indian Railway

House No. B-7/315, P.O. Kalyani- 741235(WB)

Tele-033-2582-6883, Mob- 9433226045

DT. 09/08/05

To,

Dr. P.K. Deb,

Sr. DMO/NBQ/N.F. Railway.

Bunglo No. 1224, Hospital colony, Alipurduar Jn., Dist. Jalpaiguri, WB

Dear Sir,


Sub:- DAR inquiry against Dr. P.K. Deb, Sr. DMO/NBQ in N.F. Railway's
case No. E/74/GAZ/748/CON

You did not attend the Preliminary Hearing (PH) of above DAR case held on 8th & 9th August/05 in the office of GM/Vigilance, N.F. Railway, Maligaon in terms of notice of PH of even No dt. 12/07/05.

The next date of PH has been fixed on 20th & 21st September/2005 at the same venue.

You were contacted on telephone on date at your residence at Alipurduar by the I.O. and were instructed to attend the next PH, now fixed to be held on 20th & 21st September/2005 at the same venue, without fail in order to avoid drawing of Ex-Parte proceedings.

You may come prepared with the list of additional documents and also with the list of defence witnesses (DW), if required by you on the next date of PH.


(J.R. Biswas)
Retd. CPO/CLW & Inquiry Officer

Copy for information & necessary action to:

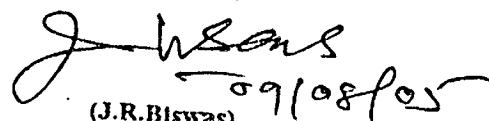
1. Dy. CPO/GAZ/N.F. Railway/Maligaon. He is requested to issue one 1st Class - A Rly. Spl. Duty Pass to the undersigned EX. Kalyani to Guwahati and back, valid from 15/9/05 to 30/09/05, available in AC 1st Rajdhani/express with break journey at SDH/HWH and NJP, both ways.

2. A Railway 1st class Spl. Duty pass in favour of Shri Shyamal Kumar Chaudhury, Ex. OS/DRM/W/APDJ and defence Helper to Dr. P.K. Deb may be sent to his home address at Babu para (Jamtola Road), P.O. Alipurduar-736121, Jalpaiguri.

3. Sri J.C. Borthakur, CVI/S/MLG. under DY.CVO/S/MLG.

4. CMD/MLG/N.F. Railway. He is requested to send a Railway Doctor to the home address of Dr. P.K. Deb to ascertain his actual position and assist the I.O. to expedite finalization of the instant DAR case pending against him.

5. Dy. CVO/Store/MLG.


(J.R. Biswas)
Retd. CPO/CLW & Inquiry Officer

*Attended
for
Pehru*

INQUIRY PROCEEDINGS & DAILY ORDER SHEET OF PRELIMINARY HEARING (PH) OF DAR CASE NO. E/74/GAZ/748/CON DT. 07/04/05 AGAINST DR. P.K.DEB, EX.SR.DMO/RADIOLOGY/ APDJ, NOW SR.DMO/NBQ (desig)/ N.F.RAILWAY HELD ON 08/08/05 & 09/08/05 AT MALIGAON, N.F.RAILWAY.

No. JRB/NFR/E/74/GAZ/748/CON

Dated 09/08/05

In terms of notice of even No. dtd. 12/07/05, the Preliminary Hearing (PH) was held in the office of the GM/Vigilance, N.F.Railway, Maligaon.

Members present on 08/08/05 & 09/08/05

S/Sri

1. J.R. Biswas, Inquiry Officer (IO).
2. J.C.Borthakur, Presenting Officer (PO).

Members absent on 08/08/05 & 09/08/05


1. Dr. P.K.Deb, Charged Officer (CO).
2. Shyamal Kumar Chaudhuri, Defence Helper (DH) & Ex.OS/DRM/W/APDJ

It is seen that both CO & his DH were absent on both the days of PH held on 8th & 9th August / 2005. Though the attendance of DH during preliminary hearing is not mandatory as per extant rule, but CO should have attended the PH as per notice. Dr. P.K.Deb, Sr.DMO/N.F.Railway & CO has written two letters to the I.O. in his home address of B-7/315, Kalyani- 741235 (WB) intimating that he has been suffering from "Acute Depression" and was under the treatment of Dr. S.P.Ghosh, Physician & Cardiologist, Hospital Road, Alipurduar, New Jalpalguri (Tele - 03564/255061). It is not known whether Dr. Ghosh is a Railway Doctor or Private practitioner.

P.O. tried to contact DH through his relation at his residence at APDJ on telephone on 08/08/05 & 09/08/05, but every time he was told that he (DH) had gone out. I.O. contacted Dr. Deb, CO on telephone on 09/08/05 at his residence and enquired why he had not attended the PH as fixed and explained to him the implications of not attending the inquiry which may result in drawing of Ex-Parte proceedings. Moreover, PH is a simple exercise and is meant for sorting out the preliminaries and modalities for expeditious completion of DAR case against him and therefore, he should have attended the same to reduce his mental agonies, if any.


In view of above, the next date of PH has been fixed on 20th & 21st Sept./2005 at the same venue.


A copy of this Inquiry proceedings & Daily Order Sheet has been sent to C.O. at his home address.


(J.R.Biswas)
Retd. CPO/CLW & Inquiry Officer

Copy, alongwith a copy of Notice of next PH (20 & 21/09/05) for information & necessary action to :

1. CMD/N.F.Railway/Maligaon
2. Dy. CPO/GAZ/NFR/Maligaon
3. P.O. V.C.O., S. DH


(J.R.Biswas)
Retd. CPO/CLW & Inquiry Officer


Retd. CPO/CLW & Inquiry Officer

-19-

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Annexure - G

FROM: TELE. KING, FF DTDC APD

FAX NO. : 03564 56318

Sep. 13 2005 23:40 PM PJ

To

Registered

Maj. (Retd) J. R. Biswas, AMIE (India)
Hdtd. Chief Personal Officer/CLW & IRPS
Presently I.L.O./Indian Railways,
House No. 3-7/315, P.O. Kalyani, 741235 (WB)

Sir,

Subject: DAR Inquiry against Dr. P. K. Deb, Sr. DMO / NBQ in N. F
Railway's case no. E/74/GAZ/478/CON under rule 9 of R. S. (D&AR, 1900)
Ref: Your letter no. JRB/NFR/E/74/GAZ/478/CON dt. 09.08.2005

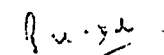
With due respect, I beg to state that I had already informed you on date 25.07.2005 that due to my illness I was not in a position to attend the inquiry fixed on date 8th and 9th August, 2005 and requested you to fix the date after my recovery.


I received another letter mentioned above from your end to attend the inquiry on 20th and 21st September, 2005. After receiving your letter, I consulted my doctors. Both the doctors advised me not to take any stress at this moment which may affect my health badly.

I, therefore, request you to defer the date of inquiry after my recovery.

Thanking you in anticipation,

Yours faithfully,


(Dr P. K. Deb)
Sr-DMO / N.F.RLY / APDJ
Presently under sick list.
12.09.2005.


J. R. Biswas

-20-

Annexure-H

24

Dr. Punyabrata Barma
MBBS, DPM

Consultant Neuropsychiatrist

Residence:

Rupa Apart-I

Flat No.-5, 281 Canal Street P.O. Sreebhumi,
Cal-48, Phone : 521-3776.

Chamber :

Sreebhumi Specialist Centre

225, Canal Street, Cal-48

Phone : 521-4474.

Tue & Sat : 4-6 P.M (Opp Daffodil Nursing Home)

Date:

21st April 2001

Rx
Dr P. K. Das

Psychotic Depression

✓ Sub SRT

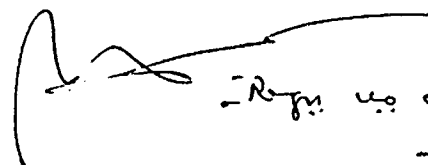
1m OD per li continuing

✓ Sub Olla (10)

1m OD per li continuing

✓ SUPERVISED MEDICATION

✓ Revised Plan Summary

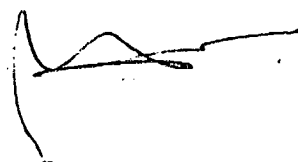

Regn No 51542
DPM / MD

Affected
for
recovery

14. Aug. August '04

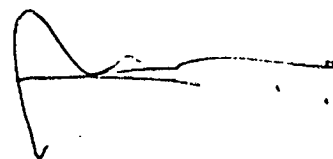
2nd early small

criticism previous medicine



2nd Feb '05

criticism previous medicine



14. Aug. August '05

Amid thin

✓ 3rd SET (100)

1st OD des 6 criticism

✓ 3rd OT (10)

2nd can OD des 6 criticism

✓ 3rd SET (15)

1st OD des 6 criticism

2nd OD after 6 criticism

