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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No.....29/2005

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AB
31/1/17

FORM NO.4
(SEE RULE 43)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O R D E R S H E E T

Original Application No. 29/05

Misc.Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant: A.K. Sarker

Respondent: U.P. DSS

Advocates for the Applicant - P.K. Tiwari, U.K. Nair, J. Pukayosha
& N.D. Barman

Advocates of the Respondents _____

Notes of the Registry Date Order of the Tribunal

15.2.2005

Present: The Hon'ble Mr. M.K. Gupta,
Member (J).

The Hon'ble Mr. K.V. Prahладan
Member (A).

Heard Mr. P.K. Tiwari, learned
counsel for the applicant.

Order passed, kept in separate
sheets.

The O.A. is dismissed in terms
of the order at the admission stage
itself. NO costs.

Mr. Prahладан
Member (A)

Mr. Gupta
Member (J)

bb

7/3/05
Copy of the order has
been sent to the DSS
for issuing the same to
the applicant as well as
to the Adv. Standard
Counsel for the Respo.

8/1

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./~~XXX~~ NO. 29 of 2005.

DATE OF DECISION 15.2.2005.

.....A.K.Sarkar.....APPLICANT(S)

.....Mr.T.K.Tiwari.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS -

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

.....None present.....ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. M.K.GUPTA, JUDICIAL MEMBER.

THE HON'BLE MR. K.V.PRAHADAN, 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 Judicial Member.


N

CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH

Original Application No. 29 of 2005

Date of Order: This, the 15th day of February 2005.

THE HON'BLE MR. M. K. GUPTA, JUDICIAL MEMBER.

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

A.K. Sarkar, S & A.O.
Northeast Frontier Railway
Maligaon, Guwahati.

... Applicant.

By Advocates S/Sri P. K. Tiwari, U. K. Nair, J. Purkayastha & N. D. Barman.

- Versus -

1. The Union of India
Through the Secretary
Ministry of Railways
Rail Bhawan, Govt. of India
New Delhi.
2. The General Manager
Northeast Frontier Railway
Maligaon, Guwahati-11.
3. The Finance Adviser & Chief Accounts Officer
(Open Line), Northeast Frontier Railway
Maligaon, Guwahati-11.
4. The Dy. Chief Accounts Officer (General)
Northeast Frontier Railway, Maligaon
Guwahati-11. Respondents.

By Mr. S. Sarma, counsel for Railways. - Not present.

ORDER(ORAL)

M.K.Gupta, Member (J):

By the present O.A. the applicant seeks amalgamation and consolidation of enquiry for which different charge memorandum dated 13.8.2003, 13.8.2003, 1.9.2003 and 5.11.2003 were issued by the respondents alleging distinct and different misconduct. It was contented that he submitted representation dated 10.2.2004

requesting the authorities to consolidate those charge memorandums into one comprehensive proceeding, instead of splitting up. The said request was not acceded to Vide communication dated 19/20.2.2004. Thereafter another representation was addressed to the respondents on 1.1.2005 and reiterating the same request as made earlier. The said request has not been considered so far.

2. Shri P. K. Tiwari, learned counsel for the applicant strongly relies upon from the vigilance manual extracts of which were published in document titled as Vigilance Awareness Week 2002 to contend that multiplicity of charges and splitting up the same allegation into a number of charges should be avoided.

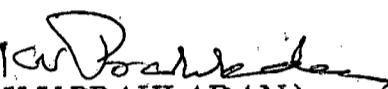
3. We have carefully gone through the different memorandum of charges issued to the applicant. A perusal of the same indeed goes to show that the allegations made against the applicant are distinct and different. The list of documents also varies from case to case besides the list of witnesses as indicated in the said memorandum of charges. This Bench has already taken a view in O.A. No.4 of 2004 in D. Payeng vs. Union of India & Others that there is no rule or law to support such contention to amalgamate distinct and different charge memorandum into one charge sheet, particularly when it contains different and distinct allegations against the delinquent official besides distinct and separate documents as well as witness. Separate charge has to be framed for each allegation.

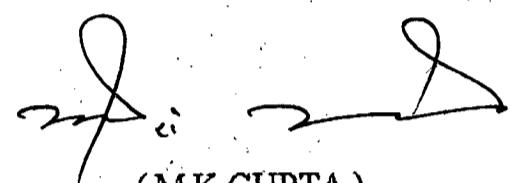
4. On bestowing our careful consideration we do not find any substance on the reliance placed on the extract from the Vigilance Manual. What has been emphasized therein is that there should be no splitting and multiplicity on the same allegation. Simultaneously it was stressed that there should be separate charge for each allegation.

As we have already noticed that list of witnesses as well as the list of documents appended to individual charge memorandum contain different documents

as well as witnesses. Therefore, we will not be justified to issue a direction to the respondents to amalgamate all the charge memorandums into one consolidate and comprehensive charge memorandum. If such request is made before the respondents, it will be open to them to consider the same objectively and dispassionately.

5. Accordingly we find no merit in the O.A. and the same is dismissed, without issuing any notices to the respondents under the provisions of Section 19(3) of the A.T. Act, 1985. No costs.


(K.V.PRAHLADAN)
ADMINISTRATIVE MEMBER


(M.K.GUPTA)
JUDICIAL MEMBER

bb

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Q.B. No. 27 of 2002

Anil Kumar Sarkar

- Versus -

Union of India & Ors.

S Y N O P S I S

Applicant is currently posted as S & AO Northeast Frontier Railway, Maligaon. He is aggrieved by the holding of four disciplinary proceedings pursuant to issuance of even number of charge sheets even though cause of action for such proceedings is same. The Applicant made a prayer before the competent authority for preparation of one comprehensive charge sheet including all the charges levelled in four numbers of charge sheet and for holding of one disciplinary proceeding under one Enquiry Officer at a place preferably at Guwahati inasmuch as not only the cause of action arose in Guwahati, but majority of the witnesses are also based in Guwahati. Moreover, most of the relevant documents and almost all the records of the case are in possession of the N.F. Railway authorities at Guwahati. However, overlooking these important aspects in a similar matter arising out of the common cause of action, four similar memorandums of charges have been issued initiating four disciplinary proceedings in three different places viz. Guwahati, Kolkata and Delhi under three different Enquiry Officers.

The holding of four disciplinary proceedings in similar matters in three different places under three different

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Enquiry Officers has not only prejudiced the Applicant, but the same is also not in public interest. It cannot also be justified on the ground of administrative exigencies as it will be to the convenience of the administration if one comprehensive charge sheet is prepared and one disciplinary proceeding is held under one Enquiry Officer preferably at Guwahati. Hence, the present application.

Filed by : -

Jadeep Borthayorha
Advocate.

THE CENTRAL ADMINISTRATIVE TRIBUNAL JARVVAHATI BENCH
GUWAHATI

सुनामी दायी २९
O.A. No. Guwahati Bench ८१/२०६६

Sri A.K.Sarkar.

... Applicant

- Vs -

The Union of India & Ors.

... Respondents

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Filed by:

*Jaideep Birla vs. K.A.
Advocate.*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

C.A. No.

of 2005

- BETWEEN -

A.K. Sarkar, S & A.O.,

North East Frontier Railway,

Maligaon, Guwahati.

... Applicant

- AND -

1. The Union of India, through
the Secretary, Ministry of
Railways, Rail Bhawan,
Government of India, New
Delhi.

2. The General Manager,
Northeast Frontier Railway,
Maligaon, Guwahati-II.

3. The Financial Adviser &
Chief Accounts Officer (Open
Line), Northeast Frontier
Railway, Maligaon, Guwahati-
II.

4. The Dy. Chief Accounts Officer
(General), North East
Frontier Railway, Maligaon,
Guwahati-II.

... Respondents

Filed by:-
The Applicant
Through:-
Jagdish Pandey & Mr
Advocate

A.K.S.

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DETAILS OF APPLICATION

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

The present application is directed against the deemed refusal of the Deputy Chief Accounts Officer (General), North East Frontier Railway, Maficaon Guwahati to club four similar charge sheets making similar allegations and arising out of common cause of action into one comprehensive charge sheet inclusive of all the charges and to conduct the four disciplinary proceedings in question as one comprehensive disciplinary proceeding at one place (preferably at Guwahati) under one Enquiry Officer.

2. JURISDICTION OF THE TRIBUNAL :-

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

3. LIMITATION :-

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

4. FACTS OF THE CASE :-

4.1 That the Applicant is presently working as S & AO Northeast Frontier Railway, and is currently posted at Guwahati.

A.K.S.

4.2 That during the period 1994-95 when the Applicant was functioning as Assistant Accountant Officer in Central Store Accounts ~~Section~~ in the office of the Financial Adviser & Chief Accounts Officer (Open Line), Northeast Frontier Railway, Maligaon, Guwahati-11, he was entrusted with the duties and responsibilities of supervision of the entire works of the central store Account sections, including the supervision of the bills of various firms involved in manufacturing and supplying of cast iron sleeper plates to Northeast Frontier Railway. It was in pursuance of the discharge of these duties that certain allegations were made against him which ultimately culminated in General Manager Northeast Frontier Railway, Maligaon, Guwahati (Disciplinary Authority) issuing four numbers of memorandum of charges against him viz.

- (1) PNO/AD/RC-8A/2009-SHG/AKS dated 13.8.03
- (2) PNO/AD/RC-9A/2009-SHG/AKS dated 13.8.03
- (3) PNO/AD/RC-10(A)/2009-SHG/AKS dated 1.9.03
- (4) PNO/AD/RC-20,21,23 & 24(A)/2009-SHG/AKS dated 5.11.03

Copies of the four numbers of memorandum of charges dated 13.8.03, 13.8.03, 1.9.03 and 5.11.03 are annexed herewith and marked as ANNEXURES-A/1, A/2, A/3 and A/4 respectively.

4.3 That the aforesaid four numbers of memorandums of charges were in regard to common cases of payment of escalated bills due to increase in price of pig iron by

Vizag Steel Plant (VSP) and escalated freight charges of pig iron of VSP. Pursuant to the aforesaid four memorandums of charges, the Disciplinary Authority proposed to hold four numbers of different enquiries against the Applicant under Rule 9 of the Railway Servants (Discipline & Appeal) Rules, 1968 and the Applicant was directed to submit his written statements of defence against as many charge sheets showing cause as to why the disciplinary proceedings should not be initiated against him.

4.4 That it would be apposite to give the background of the present case for proper appreciation of the circumstances leading to initiation of four separate disciplinary proceedings against the Applicant. When the distribution of pig iron was brought out from the control of Joint Parliamentary Committee vide notification dated 16.1.92, the respective Steel Plants were authorised to fix their own prices and to intimate the same to the Railway Board for issuing covering circular by the Board. As per circular dated 26.3.93, the escalation of freight was to be allowed as per special clause 6(i)(a) of the Special Conditions of Contract. The aforesaid circular was amended on 15.7.93 by which the maximum limit of freight was allowed at Rs.730/- per metric ton or actual freight charges whichever was less and the same was applicable with effect from 18/19.5.92. This was made applicable only in respect of cast iron steel plates (CISP)

Q.U.S.

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manufactured by the parties by procuring pig iron from Vizag Steel Plant. It is the case of the Railway authority that different firms viz. (1) M/s. Precisions Casting & Engineering Works, Howrah, (2) M/s. Mona Iron & Steel Co., (3) M/s. Calcutta Iron & Engineering Co. and (4) few other firms i.e. M/s. Marcandy Prasad Radha Krishna Prasad Pvt. Ltd. (M/s. MPPR), M/s. J.D. Casting & Forging Pvt. Ltd. (M/s. JDF), M/s. Prakash Engineering Works (M/s. PEW) and M/s. Beget Casting & Engineering Co. (M/s. BCEC) did not purchase any quantity of pig iron from VSP during the relevant period from the date of placement of the order in question till the date of last supply of CISPs and that the aforesaid firms manufactured and supplied the CISPs out of pig iron arranged from sources other than VSP. However, the aforesaid firms fraudulent and dishonestly preferred the bills claiming the increase in the freight charges pursuant to the circular dated 26.3.93 issued by the Railway Board in respect of increase in the price of pig iron of VSP. Therefore, even though the increase/decrease in the price of pig iron of VSP was not applicable on the CISPs so supplied by the aforesaid firms, these firms by dishonestly showing the manufacturing of CISPs supplied to the Railways from the pig iron of VSP took the advantage of the circular dated 26.3.93 which covered the increase in the price of pig iron of VSP.

4.5 That the Applicant who at the relevant point of time was functioning as Assistant Accountant Officer in

CSA (████████) in the office of the Financial Adviser & Chief Accounts Officer (Open Line), Northeast Frontier Railway was entrusted with the duties of supervision of the entire works of CSA (████████) section including the bills of these firms. The allegations against the Applicant was that he failed to properly check the bills of these firms and passed the escalated bills of these firms and issued cheques in their favour for supply of cast iron sleeper plates purportedly manufactured by VEP, to the Northeast Frontier Railway.

4.6 That since the Applicant was not furnished with the relevant documents despite his asking for the same in order to submit an effective written statement of defence in each one of the four memorandum of charges, therefore, there was initial delay in Applicant submitting his written statements of defence in all the four disciplinary proceedings. The Disciplinary Authority without waiting for the Applicant's written statements of defence in all the four memorandums of charges appointed the Enquiry and the Presenting Officers in all the four cases. It was only after appointment of the Enquiry Officers that the Applicant submitted his provisional written statement of defence on the basis of whatever documents were made available to him. The nature of replies given by the Applicant in all the four cases were substantially similar. The significant aspects of the Applicant's defence in all the four proceedings are given hereinbelow in a summarised form :

(i) It was contended that the copies of various allocation orders were not endorsed to the N.F. Railway by the Railway Board and the Accounts Office of the N.F. Railway was not aware on which steel plant allocation for supply of pig iron was made to the firm concerned. The documents now available show that the allocation orders were either addressed to individual steel plants like SAIL, TISCO, VSP etc. or to the individual contractors with copies endorsed to each other but not endorsed to the N.F. Railway. Therefore, the Applicant who at the relevant point of time was working as Assistant Accounts Officer in Central Store Accounts (.....) was not aware of the various allocation orders issued by the Railway Board.

(ii) The reference was made to one particular letter No. Track/21/91/0112/7 dated 16.4.92 which was made available only after initiation of proceedings. This letter was never received earlier in the Accounts Department of the N.F. Railway. It was argued that if this letter was received at General Manager (W)'s office, the same could have been forwarded by them at the time of forwarding the bills of the firm to Accounts Office or bills could have been returned to the firm saying their claim is not acceptable. Instead the office of the General Manager (W) forwarded the bills of some of the firms to the office of the Financial Adviser & Chief Accounts Officer for making payment in terms of Clause 6.2 of the Special Conditions of Contract.

A.K.S.

(iii) Examples were given of even Railway Board issuing letters to the office of the General Manager (Construction), N.F. Railway authorising it to settle the claims of the individual firms vide Clause 6.2 of the Special Conditions of Contract.

(iv) The reference was given of Railway Board's letter issued by the Deputy Director, Track and addressed to General Manager, Track, N.F. Railway for making payment on the basis of pig iron vouchers and consequently, the General Manager, Track, N.F. Railway also asked the Accounts Department to make payment accordingly. However, while framing charges the authorities ignored the significant letter.

(v) It was further argued that the freight charges were claimed on the basis of the letter of the Railway Board dated 15.7.93 only after getting the clarification from Railway Board. The reference was given of certain letters by which this clarification was taken from the Railway Board as well as from the office of the General Manager (W), N.F. Railway.

(vi) Applicant emphasised the fact that there was no malafide or dishonest intention on his part in clearing the bills based on VSP rates. It was submitted by him that as a Assistant Accountant Officer during the relevant period in terms of para 2822 of Stores Code, Volume 2, he was not required to check thoroughly bills and 100% checking is to be done by the dealers

D.V.S.

and that senior officers also conduct some test checks before the bills are signed by them for payment. It was humanly impossible for him to carry out thorough check of each bill even while looking after various routine additional works which was entrusted upon him.

(vii) The Applicant also spoke about the pressure of the Railway Board for making expeditious payment to the contractors and the simultaneous pressure also exerted by the contractors for releasing payment to them. It was further emphasised that the Railway Board itself had instructed that the payment can be made to the firms on the firm's producing proof for purchase of pig iron. It was argued that some of the firms had produced original invoices while a few others had submitted only the xerox copies and it was only after instructions from the superior authorities that the bills of the firms in question were cleared.

(viii) Lastly it was contended that the Applicant can at best be held guilty of supervisory lapse without any ulterior motive or malafide intention and that even in the event of holding the Applicant guilty of supervisory lapse, the blame for the same has to be shared by other senior officers of the Railway administration.

4.7 That the Disciplinary Authority without waiting for defence statements of the Applicant appointed Enquiry Officers in each of the four memorandum of charge. To begin with the Disciplinary Authority vide

B.K.S.

order dated 04.08.04 appointed Shri K.K. Mitra, retired Financial Adviser & Chief Accounts Officer, South Eastern Railway as Enquiry Officer in memorandum of charge dated 13.8.03. By yet another letter of even date, the Disciplinary Authority also appointed Shri C. Mitra, Senior Vigilance Inspector of N.F. Railway, Maligaon as Presenting Officer. The Enquiry Officer vide letter dated 8.10.04 disclosed his intention of holding the disciplinary proceeding pertaining to memorandum of charges dated 13.8.03 in the office of the Financial Adviser & Chief Accounts Officer, South Eastern Railway, Garden Reach, Kolkata.

Copy of the order of Disciplinary Authority dated 04.08.04 appointing Shri K.K. Mitra, retired Financial Adviser & Chief Accounts Officer, South Eastern Railway as Enquiry Officer is annexed herewith and marked as ANNEXURE-A/5.

Copy of the order of Disciplinary Authority dated 04.08.04 appointing Shri C. Mitra, Senior Vigilance Inspector, N.F. Railway, Maligaon as Presenting Officer is annexed herewith and marked as ANNEXURE-A/5A.

Copy of the letter issued by the Enquiry Officer dated 8.10.04 disclosing his intention of holding the disciplinary proceeding pertaining to memorandum of charges dated 13.8.03 in the office of the Financial Adviser & Chief Accounts Officer, South Eastern Railway, Kolkata is

annexed herewith and marked as ANNEXURE-B/5B.

4.8 That in a similar manner, the Disciplinary Authority vide order dated 17.9.04 appointed Smt. Punam Pandey, Commissioner for Departmental Enquiry(CDE)/Central Vigilance Commission (CVC) as an Enquiry Officer in memorandum of charge dated 13.8.03. The Disciplinary Authority by yet another even dated order appointed Shri R.P. Chaturvedi, Chief Vigilance Inspector of N.F. Railway, Maligaon as Presenting Officer. The Enquiry Officer vide letter dated 5.10.04 disclosed her intention of holding the disciplinary proceeding in her chamber at New Delhi.

Copy of the order of Disciplinary Authority dated 17.9.04 appointing Smt. Punam Pandey, CDE/CVC as Enquiry Officer in regard to memorandum of charges dated 13.8.03 is annexed herewith and marked as ANNEXURE-B/6.

Copy of the order of the Disciplinary Authority dated 17.9.2004 appointing Shri R.P. Chaturvedi, CVI, N.F. Railway, Maligaon as Presenting Officer is annexed herewith and marked as ANNEXURE-B/6A.

Copy of the letter issued by Smt. Punam Pandey dated 5.10.04 disclosing her intention of holding the disciplinary proceeding pertaining to memorandum of charges dated 13.8.03 in her office chamber at New Delhi is annexed herewith and marked as ANNEXURE-B/6B.

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4.9 That in a like manner, the Disciplinary Authority vide order dated 17.9.04 appointed the same Smt. Punam Pandey, CDE/CVC as Enquiry Officer in memorandum of charge dated 01.09.03. The Disciplinary Authority by yet another even dated order appointed Shri C. Mitra, Senior Vigilance Inspector of N.F. Railway, Maligaon as Presenting Officer. The Enquiry Officer vide letter dated 5.10.04 disclosed her intention of holding the disciplinary proceeding in her office chamber at New Delhi.

Copy of the order of Disciplinary Authority dated 17.9.04 appointing Smt. Punam Pandey, CDE/CVC as Enquiry Officer in regard to memorandum of charges dated 1.9.03 is annexed herewith and marked as ANNEXURE-B/2.

Copy of the order of the Disciplinary Authority dated 17.9.2004 appointing Shri C. Mitra, Senior Vigilance Inspector, N.F. Railway, Maligaon as Presenting Officer is annexed herewith and marked as ANNEXURE-B/2A.

Copy of the letter issued by Smt. Punam Pandey dated 5.10.04 disclosing her intention of holding the disciplinary proceeding pertaining to memorandum of charges dated 1.9.03 in her office chamber at New Delhi is annexed herewith and marked as ANNEXURE-B/2B.

4.10 That similarly, the Disciplinary Authority vide

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order dated 23.7.04 appointed Shri J.R. Biswas, retired Chief Personnel Officer/CLW (presently resident of House No. B-7/315, P.O. Kalyani, District Nadia, West Bengal) as Enquiry Officer in memorandum of charge dated 5.11.03. The Disciplinary Authority by even dated order also appointed Shri C. Mitra, Senior Vigilance Inspector of N.F. Railway, Maligaon as Presenting Officer. The Enquiry Officer vide letter dated 25.8.04 disclosed his intention of holding the disciplinary proceeding in the office of Financial Adviser & Chief Accounts Officer, Northeast Frontier Railway, Maligaon, Guwahati-11.

Copy of the order of Disciplinary Authority dated 23.7.04 appointing Shri J.R. Biswas, retired Chief Personnel Officer as Enquiry Officer in regard to memorandum of charges dated 5.11.03 is annexed herewith and marked as ANNEXURE-A/78.

Copy of the order of the Disciplinary Authority dated 23.7.2004 appointing Shri C. Mitra, SVI, N.F. Railway, Maligaon as Presenting Officer is annexed herewith and marked as ANNEXURE-A/80.

Copy of the letter of Shri J.R. Biswas, Enquiry Officer dated 25.8.04 disclosing his intention of holding the disciplinary proceeding pertaining to memorandum of charges dated 5.11.03 in the office of the Financial Adviser & Chief Accounts Officer, Northeast Frontier Railway, Guwahati is annexed herewith and marked as ANNEXURE-A/88.

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4.11 That perusal of the four numbers of memorandums of charges and statement of allegations contained therein shows that even though the nature of allegations are similar and same arise out of similar facts, four numbers of memorandums of charges were issued against the Applicant for imposition of major penalty under the provisions of Railway Servants (Discipline & Appeal) Rules, 1968. The only difference in each of these four memorandum of charges is that the firms which were issued with cheques in question by the Applicant were different. However, the mere factum of the beneficiary firms being different could not have been the just and sufficient reason for issuing four different memorandum of charges inasmuch as the memorandum of charges dated 5.11.03 dealt with the payment of cheques to as many as four different firms. If the memorandum of charges dated 5.11.03 could bring in its purview payment of cheques to as many as four different firms then it is difficult to understand as to why in the case of three other different firms, three separate memorandums of charges dated 13.8.03, 13.08.03 and 1.9.03 were issued.

4.12 That before showing as to how the Applicant is being severely prejudiced by holding of disciplinary proceeding pertaining to four separate memorandum of charges in regard to same matter in three different places under three different Enquiry Officers, it would be appropriate to demonstrate the significant features of each of the memorandum of charges warranting preparation of one comprehensive charge-sheet including

A.V.S.

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all the charges and holding of one comprehensive disciplinary proceeding in a place (preferably Guwahati) under one Enquiry Officer.

MEMORANDUM OF CHARGE DATED 13.9.2003

4.13 That the memorandum of charge dated 23.9.03 is in regard to clearance of bills of M/s. Calcutta Iron & Engineering Co. Ltd., Calcutta for freight charges of VSP pig iron. Perusal of the list and nature of documents annexed with the memorandum of charges shows that practically all the documents on which the reliance has been placed by the prosecution are available with the N.F. Railway authorities at Maligaon. It is also curious to notice that in the list of witnesses, total sixteen numbers of witnesses have been cited by the prosecution. Out of these sixteen numbers of witnesses, nine witnesses are based in Maligaon/Guwahati. One witness is based in Delhi and the remaining six witnesses are based at Kolkata.

4.14 That as stated earlier, the Applicant could not initially file his written statement of defence as the relevant documents despite being asked for were not made available to him. It was only after appointment of the Enquiry Officer and the Presenting Officer, the Applicant filed his written statement of defence. The case of the Applicant in his defence statement was similar to his defence statement in other three cases. The defence plea of the Applicant in a summarised form

A.K.S.

has already been adverted to in para 4.5 of the present application.

4.15 That after appointment of an Enquiry Officer, the Disciplinary Authority vide letter dated 19.10.2004 informed the Applicant of the letter of the Enquiry Officer dated 8.10.2004 fixing the preliminary hearing of the case at Kolkata on 6.11.2004. As regards the nomination of the Defence Assistant, it was stated that the matter was under process.

Copy of the letter dated 19.10.2004 is annexed herewith and marked as ANNEXURE-A/2

4.16 That the Applicant engaged the services of Shri S.C. De, a retired employee of N.F. Railway, Maligaon as his Defence Assistant.

4.17 That subsequently vide letter dated 8.10.2004, the Enquiry Officer informed the Applicant that the preliminary hearing of the case will be held on 6.11.2004 at Kolkata. Subsequently, the Enquiry Officer issued another notice dated 6.11.2004 fixing the date of regular hearing from 5.11.2005 to 8.1.2005 at Kolkata.

Copy of the letter dated 6.11.2004 is annexed herewith and marked as ANNEXURE-A/10 .

4.18 That the Applicant vide letter dated 6.11.2004 submitted an additional list of defence documents and requested the Enquiry Officer to make available these

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documents to him in order to enable him to effectively defend his case.

Copy of the letter dated 6.11.2004 is annexed herewith and marked as **ANNEXURE-A/11**.

4.19 That the response of the Applicant against the imputation of charges and the nature of documents required by him shows that all the documents on which he is placing reliance for his defence are available with the N.F. Railway authority at Maligaon/Guwahati.

4.20 That, moreover, the defence witnesses which the charged official is likely to cite are also stationed at Maligaon/Guwahati and/or they are within the jurisdiction of N.F. Railway.

4.21 That it is therefore seen that the subject matter of the enquiry is in regard to an alleged act of omission or commission on the part of the Applicant which ostensibly took place at the headquarter of N.F. Railway at Maligaon. The majority of the documentary evidence and the witnesses are at Maligaon. However, the Enquiry Officer is from South Eastern Railway and he has chosen to hold the enquiry at Kolkata.

4.22 That the Applicant is not in a position to appoint any employee of the Railways based at Kolkata as his defence counsel and his choice of defence counsel is limited to present and past Railway employees stationed at Maligaon, Guwahati and the Defence Assistant engaged by him is a resident of

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Maligaon, Guwahati. There are practical difficulties on the part of the Applicant's Defence Assistant to go to Kolkata regularly and to defend the case of Applicant in the disciplinary proceeding.

MEMORANDUM OF CHARGE DATED 13.9.2003

4.23 That the memorandum of charge dated 25.9.03 is in regard to clearance of bills of M/s. Kona Iron & Steel Co. for freight charges of VSP pig iron. Perusal of the list and nature of documents annexed with the memorandum of charges shows that practically all the documents on which the reliance has been placed by the prosecution are available with the N.F. Railway authorities at Maligaon. It is also curious to notice that in the list of witnesses, total sixteen numbers of witnesses have been cited by the prosecution. Out of these sixteen numbers of witnesses, ten witnesses are based in Maligaon/Guwahati and/or within the jurisdiction of N.F. Railway. One witness is based in Delhi and the remaining five witnesses are based at Kolkata.

4.24 That as stated earlier, the Applicant could not initially file his written statement of defence as the relevant documents despite being asked for were not made available to him. It was only after appointment of the Enquiry Officer and the Presenting Officer that the Applicant filed his written statement of defence during on 1.9.03. The case of the Applicant in his defence statement was similar to his defence statement

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in other three cases. The defence plea of the Applicant in a summarised form has already been adverted to in para 4.6 of the present application.

4.25 That on receipt of the office memorandum of the Enquiry Officer dated 5.10.2004 disclosing her intention to hold a preliminary hearing of the case on 18.10.2004 at New Delhi, the Applicant on being instructed by the Enquiry Officer to engage a Defence Assistant, took the services of Shri M. Chakraborty, retired Section Officer, Accounts, N.F. Railway, Maligaon.

4.26 That the response of the Applicant against the imputation of charges shows that all the documents on which he is placing reliance for his defence are available with the N.F. Railway authority at Maligaon/Guwahati. It is pertinent to mention that vide letter dated 18.10.2004, the Applicant brought to the notice of the Enquiry Officer various documents which are extremely necessary for the purpose of his defence. The perusal of the letter dated 18.10.2004 shows that almost all the documents barring one or two are in the custody of the N.F. Railway authorities at Maligaon. The relevancy of the documents as sought for vide letter dated 18.10.04 was explained by the applicant vide his letter dated 26.10.04.

Copies of the letters dated 16.10.04 and 26.10.04 is annexed herewith and marked as ANNEXURE-A/12 & 13 respectively.

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4.27 That the Applicant attended the preliminary hearing at New Delhi on 18.10.04 and it was at this preliminary hearing that he submitted his written statement of defence. In his defence statement, the Applicant denied all the allegations contained in the charge sheet. The nature of the defence statement submitted by the Applicant was substantially similar to the case of the Applicant as stated in para 4.6 of this application. In fact, in all the four disciplinary proceedings the defence plea is broadly similar. After holding the preliminary hearing on 29.10.2004, the Enquiry Officer had fixed the date for regular hearing in the first week of December 2004 and now the hearing is scheduled to be held in the month of February 2005. The applicant faced practical difficulties in attending to Disciplinary proceedings at different places.

4.28 That like other three disciplinary proceedings, the defence witnesses which the Applicant is likely to cite are stationed at Maligaon/Guwahati and/or they are within the jurisdiction of N.F. Railway.

4.29 That it is therefore seen that the subject matter of the enquiry is in regard to an alleged act of omission or commission on the part of the Applicant which ostensibly took place at the headquarter of N.F. Railway at Maligaon. The majority of the documentary evidence and the witnesses are at Maligaon. However, the Enquiry Officer is stationed at New Delhi and she has chosen to hold the enquiry at New Delhi to suit her

convenience.

4.30 That the Applicant cannot have any defence counsel at Delhi. His choice of defence counsel is limited to the present and past Railway employees stationed at Maligaon, Guwahati. Consequently, the Applicant has engaged a Defence Assistant who happens to be the retired Senior Section Officer, Accounts of N.F. Railway and is stationed at Maligaon. There are practical difficulties for the Applicant and his defence counsel to go to Delhi in regular intervals to defend the case of the Applicant in the disciplinary proceeding in question.

MEMORANDUM OF CHARGE DATED 1.9.2003

4.31 That the memorandum of charge dated 1.9.03 is in regard to clearance of bills of M/s. Precision Casting & Engineering Works, Howrah for freight charges of VSP pig iron. Perusal of the list and nature of documents annexed with the memorandum of charges shows that practically all the documents on which the reliance has been placed by the prosecution are available with the N.F. Railway authorities at Maligaon. It is also curious to notice that in the list of witnesses, total sixteen numbers of witnesses have been cited by the prosecution. Out of these sixteen numbers of witnesses, ten witnesses are based in Maligaon/Guwahati. One witness is based in New Delhi and the remaining five witnesses are based at Kolkata.

P.K.S.

4.32 That as stated earlier, the Applicant could not initially file his written statement of defence as the relevant documents despite being asked for were not made available to him. It was only after appointment of the Enquiry Officer and the Presenting Officer that the Applicant filed his written statement of defence. The case of the Applicant in his defence statement was similar to his defence statement in other three cases. The defence plea of the Applicant in a summarised form has already been adverted to in para 4.6 of the present application.

4.33 That on receipt of the office memorandum of the Enquiry Officer dated 5.10.2004 disclosing her intention to hold a preliminary hearing of the case on 18.10.2004 at New Delhi, the Applicant on being instructed by the Enquiry Officer to engage a Defence Assistant, took the services of Shri M. Chakraborty, retired Section Officer, Accounts, N.F. Railway, Maligaon and Shri M. Chakraborty gave his consent to the Disciplinary Authority to act as the Defence Assistant of the Applicant.

4.34 That vide office memorandum dated 5.10.2004, the Enquiry Officer had fixed the preliminary hearing on 18.10.2004 at New Delhi. The applicant with great

difficulty attended the preliminary hearing on 18.10.2004. The applicant denied the charges levelled against him. It may be mentioned here that the applicant was forced to attend the Preliminary hearing in view of the threat held out, by the Enquiry officer of proceeding in the matter ex-parte.

Copy of the order of Enquiry Officer dated 18.10.2004 is annexed herewith and marked as ANNEXURE-A/14.

4.35 That the Applicant attended the preliminary hearing on 29.10.2004 and he also submitted a letter dated 18.10.2004 furnishing a list of the documents. On receipt of the letter dated the Enquiry Officer, as is reflected in the order dated 18.10.2004 (Annexure-A/14) directed the applicant to submit the relevancy of the documents as sought for by him vide his said letter dated 18.10.2004. As directed, the applicant vide his letter dated 26.10.04 explained the relevancy of the documents sought for by him vide letter dated 18.10.04.

Copies of the Applicant's letters dated 18.10.2004 and 26.10.04 are annexed herewith and marked as ANNEXURE-A/15 and A/16.

4.36 That the Enquiry Officer vide order dated 29.10.2004 took note of the Applicant's letters dated

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18.10.2004 & 26.10.04 and except a few, all documents and witnesses mentioned by the Applicant were held to be relevant and his prayer for the same was allowed. The Enquiry Officer thereafter fixed the date for regular hearing in the first week of December 2004. Subsequently, fresh dates have now been fixed for regular hearing in February 2005.

Copy of the order of Enquiry Officer dated 29.10.2004 is annexed herewith and marked as ANNEXURE-A/17.

4.37 That the response of the Applicant against the imputation of charges shows that all the documents on which he is placing reliance for his defence are available with the N.F. Railway authority at Maligaon/Guwahati. As stated earlier, vide letter dated 18.10.2004, the Applicant brought to the notice of the Enquiry Officer various documents which are extremely necessary for the purpose of his defence. The perusal of the letter dated 18.10.2004 shows that almost all the documents barring, one or two are in the custody of the N.F. Railway authorities at Maligaon.

4.38 That moreover, the defence witnesses which the Applicant is likely to cite are also stationed at Maligaon/Guwahati and/or they are within the jurisdiction of N.F. Railway.

4.39 That it is therefore seen that the subject matter

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of the enquiry is in regard to an alleged act of omission or commission on the part of the Applicant which ostensibly took place at the headquarter of N.F. Railway at Maligaon. The majority of the documentary evidence and the witnesses are at Maligaon. The Presenting Officer is from Maligaon. The Defence Assistant of the Applicant is also from Maligaon. However, the Enquiry Officer is stationed at New Delhi and she has chosen to hold the enquiry at New Delhi to suit her convenience.

4.40 That like the earlier memorandum of charges in regard to memorandum of charge dated 31.10.83 also, he cannot have any different counsel based at New Delhi to defend in the disciplinary proceeding in question and his choice of defence counsel is limited to the present and past employees stationed at Guwahati. Consequently, the Applicant has engaged the service of a Defence Assistant from Maligaon. However, it is unfortunate that the Presenting Officer has been raising objection about the engagement of the said Defence Assistant by the Applicant.

MEMORANDUM OF CHARGE DATED 5.11.83

4.41 That the memorandum of charge dated 5.11.83 is in regard to clearance of bills of M/s. Marcandy Prasad Radha Krishna Prasad Pvt. Ltd. (M/s. MPRP), M/s. J.D. Casting & Forging Pvt. Ltd. (M/s. JDCF), M/s. Prakash Engineering Works (M/s. PEW) and M/s. Beget Casting & Engineering Co. (M/s. BCEC) for freight charges of VSP pig iron. Perusal of the list and nature of documents

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annexed with the memorandum of charges shows that practically all the documents on which the reliance has been placed by the prosecution are available with the N.F. Railway authorities at Maligaon. It is also curious to notice that in the list of witnesses, total twenty five numbers of witnesses have been cited by the prosecution. Out of these twenty five numbers of witnesses, fourteen witnesses are based in Maligaon/Guwahti. Seven witnesses are based in Delhi and the remaining four witnesses are based at Kolkata.

4.42 That as stated earlier, the Applicant could not initially file his written statement of defence as the relevant documents despite being asked for were not made available to him. It was only after appointment of the Enquiry Officer and the Presenting Officer that the Applicant filed his written statement of defence. The case of the Applicant in his defence statement was similar to his defence statement in other three cases. The defence plea of the Applicant in a summarised form has already been adverted to in para 4.6 of the present application.

4.43 That on receipt of the letter of the Enquiry Officer dated 25.8.2004 disclosing his intention to hold a preliminary hearing of the case at Guwahti on 24.9.2004 (wrongly typed as 25.9.2004), the Applicant duly appeared for preliminary hearing on 24.9.2004 and on the said date, he nominated S.C.De, Retired CEI/HQ/Maligaon as his Defence Assistant. The name of

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the aforesaid Defence Assistant was also approved by the competent authority. Subsequently, the date of regular hearing was fixed on 28th to 30th November 2004 at Maligaon. As stated earlier at the time of hearing itself on 24.9.2004, the Applicant submitted his provisional defence statement which was prepared without perusing the number of relevant documents which were not supplied to the Applicant despite he specifically demanded. While submitting his defence statement on 24.9.2004, the Applicant vide forwarding letter of the even date gave the list of additional documents which were highly relevant for the purpose of Applicant's defence.

Copy of the forwarding letter of the Applicant dated 24.9.2004 is annexed herewith and marked as **ANNEXURE-A/18.**

GENERAL SUBMISSIONS

4.44 That when memorandum of charge dated 5.11.2003 can take within its purview the matter pertaining to the clearance of the bills of four different firms, then it is difficult to understand as to why the remaining three memorandum of charges which deal with the clearance of the bills of three separate firms, cannot be clubbed into one comprehensive memorandum of charges.

4.45 That when the Enquiry Officer Shri Biswas (a

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resident of P.O. Kalyani, District Nadia, West Bengal) who has been entrusted with the task of holding enquiry in regard to the memorandum of charge dated 5.11.2003, can hold the enquiry at Maligaon, there is no reason as to why the enquiries in regard to three other memorandum of charges cannot be held at Guwahati.

4.46 That from the facts and circumstances, it is clear that the Enquiry Officers Smt. Purnam Pandey and Shri K.K. Mitra have chosen to hold enquiry at Delhi and Kolkata respectively only to suit their convenience.

4.47 That it is seen that the similar enquiries arising out of the common cause of action of similar nature which were covered by one investigation, have been divided in four different parts and in three different places viz. New Delhi, Kolkata and Guwahati. These four enquiries are being held under three different Enquiry Officers at New Delhi, Kolkata and Guwahati with two of the enquiries being held at New Delhi and one each at Kolkata and Guwahati.

4.48 That due to holding of these four numbers of similar enquiries in three different places under three different Enquiry Officers, the Applicant is being severely prejudiced. Now he is required to go to two different places viz. Delhi and Kolkata apart from attending the enquiry at Guwahati. The task of the Applicant of effectively defending himself has become still more difficult because there are practical difficulties in getting such a Defence Assistant who

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can make himself available to go to Delhi and Kolkata in regular intervals. Moreover, the documentary evidence on which the reliance has been placed by the Applicant and the witnesses who are likely to depose in his defence are within the jurisdiction of N.F. Railway with almost all of them living in Maligaon, Guwahati. The practical difficulties in placing such documentary evidence and production of defence witnesses in Kolkata and Delhi can well be imagined. Under these circumstances, it is well nigh impossible for the Applicant to properly defend his case and due to this he is facing serious prejudice.

4.49 That neither the administrative convenience nor the public interest can justify holding of four numbers of similar enquiries in three different places under three different Enquiry Officers. Even the administrative convenience and the public interest demands that one comprehensive disciplinary proceeding inclusive of all the charges be held at one place preferably at Guwahati under one Enquiry Officer so that justice can be done. This would also avoid the possibility of different Enquiry Officers arriving at conflicting findings. Moreover, one Enquiry Officer holding such a comprehensive enquiry would be in a far better position to take a comprehensive and broader view of the issues involved. Hence the fair play and justice demands that all the four separate memorandums of charges be clubbed into one and one comprehensive memorandum of charges be prepared and one common

disciplinary proceeding be held at Maligaon, Guwahati under one Enquiry Officer.

4.50 That till August 2003, only two memorandums of charges were issued and in pursuance thereof, two different Enquiry Officers were appointed who intended to hold disciplinary proceedings in two different places. When the Applicant started facing practical difficulties in attending to two numbers of similar enquiries in two different places under two different Enquiry Officers, he vide his letter No. DAR/DKB/MISC/2003 dated 21/23.10.2003 requested the Disciplinary Authority for preparation of one comprehensive charge sheet including the charges of all the charge sheets issued against him. In support of his contentions, the Applicant placed reliance on the instructions issued under Railway Servants (Discipline & Appeal) Rules, 1968.

Copy of the Applicant's letter dated 10.2.2004 is annexed herewith and marked as ANNEXURE-A/12.

4.51 That the Disciplinary Authority vide letter dated 19/20.2.2004 rejected the prayer of the Applicant stating that Vigilance Officer/Engineering in his letter dated 13.2.2004 has stated that the relevant instructions issued under Rule 9 of Discipline & Appeal Rules, 1968 does not say anything regarding clubbing of cases. In support of the aforesaid, Disciplinary Authority also enclosed Part-IV, Rule 9 of the Railway

Servants (Discipline & Appeal) Rules, 1968.

Copy of the letter of the Disciplinary Authority dated 19/20.2.2004 with the enclosure is annexed herewith and marked as ANNEXURE-A/20.

4.52 That the applicant in response to the communication dated 19/20.2.2004, again vide letter dated 22.3.04 requested the Disciplinary Authority for preparation of one comprehensive charge sheet incorporating all the charges of four disciplinary proceedings. In support of his case, the Applicant referred to the instructions incorporated in N.E. Railway's Vigilance Bulletin published in September 2002 (Issue No. 3/4) under heading "framing of charge sheet". In the aforesaid letter, the Applicant also tried to clarify the doubts in the mind of the Disciplinary Authority in regard to clubbing of cases as expressed by the Disciplinary Authority in its letter dated 19/20.2.2004. With the letter dated 8.3.2004, the Applicant also enclosed the relevant instructions of the Vigilance Bulletin published in September 2002.

Copy of the Applicant's letter dated 22.3.2004 is annexed herewith and marked as ANNEXURE-A/21.

4.53 That however the letter of the Applicant dated 8.3.2004 did not yield any response. The difficulties of the Applicant continued unabated and he started receiving letters from three different Enquiry Officers holding enquiries in three different places in regard

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to similar set of charges. Finding the task of attending these proceedings extremely difficult, the Applicant submitted the comprehensive representation dated 1.1.2005 wherein he explained in detail about the similarity of the charges and raised the issues of public interest, administrative convenience and also the prejudice being caused to the Applicant. It was contended by the Applicant that if the comprehensive charge sheet is prepared including all the charges and such a disciplinary proceeding is held in one place under one Enquiry Officer, then the same would not only be in public interest, but would also be administratively convenient for the Disciplinary Authority. It was also contended by the Applicant that holding of the similar enquiries in three different places under three different Enquiry Officers would severely prejudice the Applicant in properly defending himself and the same would also give rise to the possibilities of Enquiry Officers arriving at conflicting findings.

Copy of the representation submitted by the Applicant dated 1.1.2005 is annexed herewith and marked as ANEXURE-A/22.

4.54 That the copy of the representation dated 1.1.2005 was also submitted by the Applicant to the three different Enquiry Officers vide forwarding letter dated 1.1.2005 with the request that pending consideration of the representation, the further

enquiry with regard to the charge memo under reference be kept in abeyance.

Copy of one such letter dated 1.1.2005 is annexed herewith and marked as ANNEXURE-A/23.

4.55 That however, all the three Enquiry Officers have refused to pay heed to the entreaties of the Applicant and all the four different enquiries against the Applicant in three different places under three different Enquiry Officers are now continuing on various dates. Being faced with this piquant situation and left with no other alternative, the Applicant has come before this Hon'ble Tribunal for the ends of justice.

4.56 That the Applicant files this application bonafide for securing the ends of justice.

GROUND FOR RELIEF WITH LEGAL PROVISIONS :

1.1 Because when the charges are similar based on similar facts and similar set of documentary evidence, then there is no rationale in framing of four different charge sheets leading to holding of four different enquiries in three different places under three different Enquiry Officers. Holding of enquiries in such manner would only give rise to the possibilities of three different Enquiry Officers arriving at conflicting findings.

1.2 Because holding of four different enquiries on similar charges in three different places under three

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different Enquiry Officers has seriously prejudiced the Applicant as he is unable to engage the defence counsel in places like Kolkata and Delhi. It is also difficult for the Applicant to take witnesses in his favour from Guwahati to Delhi and Kolkata.

3.7 Because framing of comprehensive charge sheet including the charges of four numbers of memorandums of charges for the purpose of holding one comprehensive disciplinary proceeding in one place under one Enquiry Officer is in conformity with the instructions incorporated in Railway Vigilance Bulletin published in September 2002. By preparing four different charge sheets in regard to similar matter, the official Respondents are acting in contravention of their own executive instructions.

3.8 Because neither the administrative convenience nor the public interest can justify holding of four numbers of similar enquiries in three different places under three different Enquiry Officers. Even the administrative convenience and the public interest demands that one comprehensive disciplinary proceeding inclusive of all the charges be held at one place preferably at Guwahati under one Enquiry Officer so that justice can be done. This would also avoid the possibility of different Enquiry Officers arriving at conflicting findings. Moreover, one Enquiry Officer holding such a comprehensive enquiry would be in a far better position to take a comprehensive and broader view of the issues involved. Hence the fair play and

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justice demands that all the four separate memorandums of charges be clubbed into one and one comprehensive memorandum of charges be prepared and one common disciplinary proceeding be held at Maligaon, Guwahati under one Enquiry Officer.

Because holding of four different enquiries in three different places under three different Enquiry Officers in regard to same matter is unfair and arbitrary and violates the Applicant's fundamental right under Article 14 of the Constitution.

6. DETAILS OF REMEDIES EXHAUSTED :

That in the present case, no other adequate alternative remedy is available to the Applicant under law.

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

The Applicant further declares that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any other Court, Authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

Quash and set aside the memorandum of charges dated 13.8.2003, 13.8.2003, 1.9.2003 and 5.11.2003 (Annexures-A/1, A/2, A/3 and A/4 respectively).

Direct the Respondents to prepare one comprehensive

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charge sheet inclusive of all the charges framed under the memorandum of charges dated 13.8.2003, 13.8.2003, 13.8.2003 and 5.11.2003 and to hold one comprehensive enquiry under one Enquiry Officer at Guwahati.

3.3 Pass such other order/orders as may be deemed fit and proper under the facts and circumstances of the case.

3.4 Award cost of the application.

3.5 INTERIM ORDER PRAYED FOR :-

In the facts and circumstances of the case, the Applicant prays that pending disposal of the application, the enquiries against the Applicant pursuant to the memorandum dated 13.8.2003, 13.8.2003, 1.9.2003 and 5.11.2003 be kept in abeyance.

.....

The Application is filed through Advocate.

3.6 PARTICULARS OF THE I.P.O. :-

(i) I.P.O. No. : 206135639
(ii) Date : 29.11.2004
(iii) Payable at : Guwahati.

3.7 LIST OF ENCLOSURES :-

As stated in the Index.

Verification.....

D.K.S.

vX

VERIFICATION

I, Sri Anil Kumar Sarkar, aged about 56 years, applicant in the accompanying application, presently resident of Maligaon, Guwahati in the district of Kamrup, do hereby solemnly affirm and verify that the statements made in paragraphs 1.2; 3, 4.1, 4.3 to 4.6, 4.11 to 4.14, 4.16, 4.19 to 4.25, 4.27 to 4.33, 4.37 to 4.40, 4.44 to 4.49, 4.55, 4.56, 6&7 are true to my knowledge ; those made in paragraphs 4.2, 4.7 to 4.10, 4.15, 4.17, 4.18, 4.26, 4.34 to 4.36, 4.43, 4.50 to 4.54 are true to my information derived from records and the rests are my humble submissions before the Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 29 th day of January, 2005.

Anil Kumar Sarkar

STANDARD FORM NO.5 MEMORANDUM OF CHARGE SHEET UNDER
RULE 9 OF THE RAILWAY RULES- 1968.

NORTHEAST FRONTIER RAILWAY

OFFICE OF THE
GENERAL MANAGER
GUWAHATI-781011.

NO. FNO/AD/RC-9(A)/2000-SHG/AKS

DATE: 13. 08. 03

MEMORANDUM

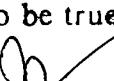
The undersigned propose(s) to hold an inquiry against Shri A.K.Sarkar, the then AAO/CSA new DFM/RNY under Rule 9 of the Railway Servants (Discipline & Appeal) Rules, 1968. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held, is set out in the enclosed statement of articles of charge (Annexure-I). A statement of imputations of misconduct or misbehaviour in support of each articles of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed. (Annexure-III & IV).

2. Shri A.K.Sarkar, the then AAO/CSA new DFM/RNY is hereby informed that if he so desires, he can inspect and take extracts from the documents mentioned in the enclosed list of documents (Annexure-III) at any time during office hours within ten days of receipt of this Memorandum. For this purpose he should contact undersigned N.F.Railway, maliagon, immediately on receipt of this Memorandum.

3. Shri A.K. Sarkar, is further informed that he may, if he so desires, take the assistance of any other Railway servant (who satisfies the requirements of rule 9(13) of the Railway Servants (Discipline & Appeal) Rules, 1968 for inspecting the documents and assisting him in presenting his case before the Inquiring Authority in the event of an oral inquiry being held. For this purpose, he should nominate one or more persons in order of preference. Before nominating the assisting Railway Servant(s), Shri A.K. Sarkar should obtain an undertaking from the nominee(s) that he(they) is (are) willing to assist him during the disciplinary proceedings. The undertaking should also contain the particulars of other cases if any, in which the nominee(s) already undertaken to assist and the undertaking should be furnished to the undersigned, along with the nomination.

Copy

Certified to be true copy


(J. Purkayastha)
Advocate

Shri A.K. Sarkar, the then AAO/CSA now DFM/RNY

4. _____ is hereby directed to submit to the undersigned a written statement of his defence within ten days of receipt of this Memorandum, if he does not desire to inspect any documents for the preparation of his defence and within ten days after completion of inspection of documents, if he desires to inspect documents, and also-

(a) to state whether he wishes to be heard in person; and

(b) to furnish the names and addresses of the witnesses, if any, whom he wishes to call in support of his defence.

5. Shri A.K. Sarkar 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.

6. Shri A.K. Sarkar is further informed that if he does not submit his written statement of defence within the period specified in para 4 or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of Rule 9 of the Railway servants (Discipline & Appeal) Rules, 1968, or the order/ directions issued in pursuance of the said rule, the Inquiring Authority may hold in the Inquiry ex- parte.

7. The attention of Shri A.K. Sarkar is invited to Rule 20 of the Railway services (conduct) Rules, 1966, under which no Railway Servant shall bring or attempt to bring any political or other 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 A.K. Sarkar 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 Railway Services (Conduct) Rules, 1966.

8. The receipt of this Memorandum may be acknowledged.

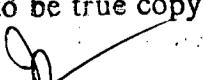
Enclo:- Annexures- I, II, III, & IV.
(Sixteen pages)

N
(VIPAN NANDA)
General Manager
N.F. Railway/Maligaon

To
Shri/Smt. Shri A.K. Sarkar,
the then AAO/CSA now DFM/RNY

(Through DRM/RNY)

Certified to be true copy


(J. Purkayastha)
Advocate

Annexure-I

Article of Charge framed against Shri A.K.Sarkar, Divisional Finance Manager, N.F. Railway, Rangiya

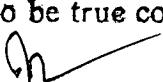
That Shri A.K.Sarkar, while functioning as Asstt. Accts. Officer in CSA (Bills) in the office of the FA&CAO (Open Line), N.F.Railway during 1994 committed gross misconduct in the matter of checking and passing the bills of M/S.Calcutta Iron & Engineering Co. Ltd., Calcutta in respect of the Railway Board's Contract No.Track-1/21/91/0101/7/50708 dated 15.7.91 for manufacture and supply of Cast Iron Sleeper Plates (CISPs) to N.F.Railway and other Railways in as much as;

Article-I

Shri A.K.Sarkar failed to properly check the bills of M/S.Calcutta Iron & Engineering Co. Ltd., Calcutta for freight charges on VSP pig iron as announced by the Railway Board, passed the same and also issued payment cheque for the whole quantity of 7,352.099 MT of C.I.S.Ps as claimed by the said firm, despite the fact that M/S.Calcutta Iron & Engineering Co. was entitled to freight charges for allocated quantity of 3492.000 MTs of pig iron on VSP though the firm produced Xerox copies of vouchers/invoices for purchase of 5038.50 MT of pig iron from VSP, which resulted into wrongful loss of Rs.28,17,872.27 to N.F.Railway and corresponding wrongful gain to M/S.Calcutta Iron & Engineering Co. Ltd.

Thus Shri A.K.Sarkar by his above said acts of omission and commission committed gross misconduct and failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of public servant causing wrongful loss of Rs.28,17,872.27 to N.F.Railway in contravention of the provisions of Rule 3(1) (i), (ii) and (iii) of Railway Service(Conduct) Rules, 1966.


(Vipan Nanda)
General Manager
N.F.Railway, Maligaon


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Annexure-II

**Statement of Imputation against Shri A.K.Sarkar, Divisional
Finance Manager, NF Railway, Rangiya.**

That Shri A.K.Sarkar was posted and functioning as Asstt. Accts. Officer in CSA(Bills) in the office of the FA&CAO, Open Line, N.F. Railway, Maligaon during 1994 to December, 1995, as such his main duties and responsibilities were to check the bills claimed by the various contractors in terms of the conditions of the contract with the relevant papers and after satisfying the entitlement of such claim and also to pass such bills.

2. That the Railway Board, under the approval of the then Railway Minister issued counter offer to different parties including M/S.Calcutta Iron & Engineering Co. Ltd., vide No.Track-1/21/90/0101/7/Policy dated 06.06.91, vide which the firm was ordered to supply 6875 tons of CISPs at the rates mentioned therein. The aforesaid offer was however, revised by the railways vide No.Track-1/21/91/0101/7/50708 dt. 21.04.93 (by increasing the quantity to be supplied from 6875 MT to 8938 tons.) Out of this increased quantity, the party was to supply 4011 tons of CISPs to N.F.Railway (2903 tons to NE(OL) & 1108 tons to NF(CON) and for manufacturing and supply of the aforesaid quantities of CISPs M/S.Calcutta Iron & Engineering Co. was allotted 3492 Tonns of pig iron on VSP Stockyard, 565 MT pig iron on SAIL and 5109 Tonns on IISCO by the Railway Board].

3. That M/S.Calcutta Iron & Engineering Company, against the aforesaid allocated quantity lifted 5038.50 MT pig iron from VSP against various invoices i.e., lifted 1546.51 MT of pig iron, more than the allocated quantity, from VSP. The firm was entitled to get benefit of escalation/freight as declared by the Railway Board, in respect of VSP pig iron etc. only in respect of the quantity lifted by them limited upto the allocated quantity and not more than that.

4. That the price of pig iron was controlled by JPC earlier and the JPC was, however, dissolved w.e.f. 16/17.01.92 and thereafter the price of pig iron was fixed by the respective steel plant. As per Special Condition of Contract item No.6-1(A), it was stipulated that "If the price of pig iron is increased/decreased by the JPC during the currency of the contract, the contract price per ton of CISPs shall be increased/decreased by an amount equal to the variation in the prices."

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It was also stipulated that this variations in the price of CISPs will apply only to CISPs, inspected after 15 days from the date of revised price of pig iron comes into effect. The sleepers manufactured by M/S. Calcutta Iron & Engineering Co. (M/S. CIEC) to be supplied to the Railways was to be inspected by M/S. RITES, as per Clause 4 of Railway Board's special condition of contract. The payment of escalation, if any, depended on the date of inspection, as mentioned above. The material manufactured by the accused firm, to be supplied against the order in question was inspected by M/S. RITES on different dates and covering inspection certificate issued. After inspection, the accused firm supplied the following quantities to different Railways as shown below:-

- i) 1300 MT = Northern Railway (Open Line)
- ii) 2647 MT = Northern Railway (Construction)
- iii) 1280 MT = North East Rly. (Construction)
- iv) 1108 MT = N.F.Railway (Construction)
- v) 2603 MT = N.F.Railway (Open Line)

Total 8938.000 MT

5. That the firm M/S. Calcutta Iron & Engineering Co. Ltd., claimed and received the payment for the above supplied rightly from the Railways concerned through different bills. The VSP increased the price of pig iron vide letter VSP Price Circular No.92/93-02 dt. 2.6.02 w.e.f. midnight of 18/19.5.92. Pursuant to this, the Railway Board, vide No. track/21/92/0103/7 dt. 15.7.93, allowed the increase in the freight charges to the extent of Rs.730/- or actual paid, whichever was less, in respect of C.I. Sleeper plates manufactured out of pig iron, purchased from VSP after 18-19/05/92, subject to production of vouchers by the parties concerned, in support of the claim, in proof of purchase of pig iron from VSP, during the relevant period.

6. That M/S. Calcutta Iron & Engineering Co. Ltd., in view of the above circular, allowing the increase in VSP pig iron, the accused firm, claimed the freight charges, vide different bills, mentioned below:-


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Sl. No	Bill No.& date	Increased rate per MT claimed	Quantity	Amount claimed (in Rs.)	Amount passed (in Rs.)
1	361/93-94 dt. 24.1.94	Rs.610/-	897.36	5,69,279/-	4,58,225/-
2	361A/93-94 dt. 24.1.94	Rs.610/-	1,101.764	6,98,959/-	561509/-
3	267/93-94 dt. 5.8.94	Rs.730/-	107	81,236/-	22003/-
4	268/93-94 dt. 5.8.94	Rs.730/-	52.89	40,153/-	3268/-
5	269/93-94 dt. 5.8.94	Rs.730/-	1,278.38/-	9,70,545/-	933216/-
6	270/93-94 dt. 5.8.94	Rs.730/-	261.08	198,214.21	190,590.59
7	271/93-94 dt. 5.8.94	Rs.730/-	1,437.2	109,120.18	1,049,154/-
8	272/93-94 dt. 5.8.94	Rs.730/-	949.25	720,673.6	692,955.42
9	401/93-94 dt. 24.2.94	Rs.730/-	1,267.18	9,62,040/-	925038/-
			7,352.099	5,332,219.99	48,35,959/-

7. That M/S.Calcutta Iron & Engineering Co. claimed the freight charges for 7352.099 MT of CISPs vide the said bills supplied to above said Railways from the N.F.Railway. As stipulated in the terms and conditions of the contract stated above and also clarified by the Railway Board, Shri A.K. Sarkar was required to check the bills properly. Production of original voucher showing purchase of pig iron from VSP was the pre condition for allowing above said bills @Rs.730/- per MT of the pig iron purchased from the VSP.

8. That said M/S.Calcutta Iron & Engineering Co. had produced Xerox copies of invoices as proof of purchase of only 5038.590 MT Pig Iron from VSP as against this said Shri A.K.Sarkar passed the above said bills claiming freight charges for 7352.099 MT of C.I.Sleepr Plates and the amount so passed was paid to M/S.Calcutta Iron & Engineering Co. by Shri A.K. Sarkar.

9. That the amounts against the bills in question were paid to M/S.Calcutta Iron & Engineering Co. vide consolidated cheque No.051427 dt. 28.1.94 for Rs.18,18,870/-, 051429 dt. 31.1.94 for Rs.6,22,051/- and 066627 dt. 11.8.94 for Rs.44,55,023/- amounting to Rs.68,95,944/- including payment against other bills also in addition to the aforesaid nine disputed bills.

10. That the said firm was having it's two A/cs. i.e. 2/291 and 22 respectively in SBI Bagri Market Branch and IOB India Exchange Place, Kolkata and the cheques so received were claimed through these A/cs.

11. That M/S.Calcutta Iron & Engineering Co. was entitled to freight charges for allocated quantity of 3492.000 MTs on VSP only but the firm had produced Xerox copies of vouchers/invoices for 5038.50 MT of pig iron purchased from VSP.

(Vipan Nanda)
General Manager
N.F.Railway, Maligaon

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(J. Purkayastha)
Advocate

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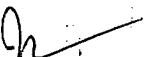
12. That said Shri A.K.Sarkar failed to maintain devotion to duty and absolute integrity and acted in a manner unbecoming of public servant and passed and paid to the firm's above said bills, in gross violation of the instructions and also made payments for a quantity of 7,352.099 MT which resulted into wrongful loss of Rs.28,17,872.27 to NF Railway and corresponding wrongful gain to M/S.Calcutta Iron & Engineering Co.Ltd.

13. Thus Shri A.K.Sarkar, due to his acts of above said omission and commission, committed gross misconduct and violated provisions of Rule 3(l) (i), (ii) and (iii) of Railway Service (Conduct) Rules, 1966.


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Annexure-III

CALENDAR OF DOCUMENTARY EVIDENCE

<u>Sl. No.</u>	<u>Name of the documents</u>	<u>Gist of the documents</u>	<u>Proved by</u>
1	FIR in RC.8(A) / 2000 - SHG.	This will prove the allegations upon which the investigation was carried out.	PW-16
2	Railway Board's Tender File No.TRACK-1/21/90/0101/7/Policy (Tender) relating to Tender No.Track 16 of 1990 for procurement of C.I. Sleeper plates for the year 1991-92 & 1992-93. MR No.6/2001 (71) Pages N/P-1 to 5 24 to 37 C/P-28-44	This will prove the issue of Limited Tender No.Track-16 of 1990 to the established C.I. Sleeper manufactures including M/s Calcutta Iron & Engineering Co. for manufacture and supply of CST-9 Sleeper plates for 1991-92 & 1992-93. This will also prove the comparative charts, Minutes of the Tender Committee dtd.12.3.91 and final approval by the Minister of Railway and the counter offer made to the manufacturers including the said firm.	PW-1, PW-11,
3	Letter No.Track/21/91/0112/7 dt.29.5.92 MR No.6/2001 (71)	These documents will prove the issue of Pig Irons allocation orders on VSP & IISCO against the contracts of Tender No.Track-16 of 1990 to M/s Calcutta Iron & Engineering Co. Which will further prove that the firm claimed freight and difference in IISCO rates as alleged which was adequately covered by allocation letters issued by the Railway Board.	PW-1, PW-11, PW-8
4	Letter No.Track/21/91/0112/7 dt.12.2.92 MR No.6/2001 (71)	Pig Iron Allocation File No.Track/21/91/0112/7. MR No.6/2001 (70)	
5	Letter No.Track/21/91/0112/7 dt.3.6.92 MR No.6/2001 (71) Page No.55	Pig Iron Allocation File No.Track-1/21/92/0112/7. MR No.6/2001 (71)	
6	Letter No.Track/21/91/0112/7 dt.2.6.92 MR No.6/2001 (71) Page No.59		
7	Letter No.Track/21/91/0112/7 dt.13.8.92 MR No.6/2001 (71) Page No.106		
8	Letter No.Track/21/91/0112/7 dt.28.10.92 MR No.6/2001 (71) Page No. 193		
9	Letter No.Track/21/91/0112/7 dt.24.12.92 MR No.6/2001 (71) Page No.257		
10	Letter No.Track/21/91/0112/7 dt.19.1.93 MR No.6/2001 (71) Page No.279		
11	Letter No.Track/21/91/0112/7 dt.20.1.93 MR No.6/2001 (71) Page No.284		
12	Letter No.Track/21/91/0112/7 dt.24.7.91 MR No.17/2001(1) Page No.69		
13	Demand Registration form for pig iron with VSP Calcutta on 9.8.1991 MR No.17/2001(1) Page No.70,71		PW-1, PW-11,P W-7&8
14	Money Receipt No.Mktg.I&S/MR/157 dt.11.5.92		PW-1

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	for Rs.15,89,943/- for 332 MT pig iron MR No.17/2001(1) Page No.73		PW-11,P W-7&8
15	Delivery order no. Mktg/I&S/DO/219 dated 11.5.92 MR No.17/2001(1) Page No.74		PW-1 PW-11,P W-7&8
16	Money Receipt No.Mktg./I&S/MR/105 dt.29.4.92 for Rs.15,93,648/- for pig iron MR No.17/2001(1) Page No.75		PW-1 PW-11,P W-7&8
17	Delivery order no. Mktg/I&S/DO/67 dated 29.4.92 for 100.00 MT pig iron MR No.17/2001(1) Page No.76		PW-1 PW-11,P W-7&8
18	Money Receipt No.Mktg./I&S/MR/105 dt.23.4.92 for Rs.15,93,648/- for pig iron MR No.17/2001(1) Page No.79		PW-1 PW-11,P W-7&8
19	Delivery order no. Mktg/I&S/DO/67 dated 23.4.92 for 300.00 MT pig iron MR No.17/2001(1) Page No.80		PW-1 PW-11,P W-7&8P
20	RITES Inspection reports original in respect of material supplied to NF/OL and duplicates / photocopies in respect of material supplied to other Railways MR No. 17/2001(1) Pages 29, 30, 45, 46, 49, 56 to 59, 61 to 64, 74 to 77, 79 to 82, 86 to 88, 90 to 93, 97 98, 101, 103, 112 to 115, 121, 145 to 152, 166168, 194 to 214, 217, 233 to 258, 264 to 273, 292 to 296, 300 to 304, 439 & 440	This will prove the date of inspection of the CISPs by RITES which were after 1.4.92 and as such the material manufactured and supplied were entitled to escalation for freight and freight separately announced vide letter dated 15.7.1993	PW-2 to 5 PW-11
21	Price Escalation Circular of VSP No. Track/21/92/0103/7 dtd.15.7.93 available in file No. Track/21/92/0103/7/Pig. MR No.6/2001(69) at Page No.94	This will prove that apart from escalation freight @Rs.730/- on VSP pig iron was allowed after 19.5.1992	PW-1, PW-2, PW-11, 8
22	Price Escalation Circular of IISCO No. Track/21/92/0103/7 dtd.26.3.93 available in file No. Track/21/92/0103/7/Pig. MR No.6/2001(69)at Page No.92	This will prove that escalation of Rs.64/- per MT on order placed on 100% own material basis and Rs.34/- per MT on order placed on 50% C.I.Scrap basis was allowed for pig iron purchased from VSP	PW-1, PW-2, PW-11, PW-8.

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General Manager
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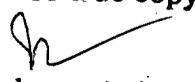
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		during the period from 1.4.1992 to 17/18.5.1992, due to increase in the freight of pig iron.	
23	Contract No. Track-1/21/91/0101/ 7/ 50708 dt. 15. 7.1991 in favour of M/s. Calcutta Iron & Engineering Co. MR No.17/2001(1) pages 1 to 9	This will prove the ordered quantity and terms and condition of the contract.	PW-1, PW-2, PW-6,PW-10
24	Letter No. Track-1/21/91/0101/ 7/ 50708 dt. 21. April 1993 in favour of M/s. Calcutta Iron & Engineering Co. MR No.17/2001(2) Page No.185	This will prove the ordered quantity and terms and condition of the contract.	PW-1, PW-2, PW-6,PW-10
25	AB no. CS/100/471 dated 29.3.93 in respect of firm's bill vide which escalation on account of freight @Rs63/- / Rs.34/- was claimed.	These will prove the claim and payment of escalation on account of freight on quantity of CISPs supplied after 19.5.92 @ Rs.63/- or Rs.34/- do-	PW-11
26	AB no. CS/100/502 dated 16.8.93 in respect of firm's bill vide which escalation on account of freight @Rs63/- / Rs.34/- was claimed.	-do-	PW-11
27	AB no. CS/100/499 dated 16.8.93 in respect of firm's bill vide which escalation on account of freight @Rs63/- / Rs.34/- was claimed.	-do-	PW-11
28	AB no. CS/100/588 dated 7.9.93 in respect of firm's bill vide which escalation on account of freight @Rs63/- / Rs.34/- was claimed.	-do-	PW-11
29	AB no. CS/100/504 dated 16.8.93 in respect of firm's bill vide which escalation on account of freight @Rs63/- / Rs.34/- was claimed.	-do-	PW-11
30	AB no. CS/100/501 dated 16.8.93 in respect of firm's bill vide which escalation on account of freight @Rs63/- / Rs.34/- was claimed.	-do-	PW-11
31	AB no. CS/100/497 dated 16.8.93 in respect of firm's bill vide which escalation on account of freight @Rs63/- / Rs.34/- was claimed.	-do-	PW-11
32	AB no. CS/100/500 dated 16.8.93 in respect of firm's bill vide which escalation on account of freight @Rs63/- / Rs.34/- was claimed.	-do-	PW-11
33	AB no. CS/100/1200 dated 27.1.94 in respect of firm's bill vide which	These bills will show the rate and quantity for which the accused firm	PW-2 to 5 PW-11



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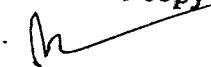
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	increase in the price of pig iron due to increase in freight @Rs610/- or Rs.730/- was claimed.	raised bills claiming increase in the price of pig iron owing to increase in freight.	
34	AB no. CS/100/1201 dated 27.1.94 in respect of firm's bill vide which increase in the price of pig iron due to increase in freight @Rs610/- or Rs.730/- was claimed.	Also that recovery was made for the amount paid earlier at the rate of Rs.63/- or Rs34/- vide these bills by the accused Govt. Servant.	PW-2 to 5 PW-11
35	AB no. CS/100/1333 dated 24.2.94 in respect of firm's bill vide which increase in the price of pig iron due to increase in freight @Rs610/- or Rs.730/- was claimed.	Also that no CST @4% was allowed by the accused Govt. Servant	PW-2 to 5 PW-11
36	AB no. CS/100/398 dated 10.8.94 in respect of firm's bill vide which increase in the price of pig iron due to increase in freight @Rs610/- or Rs.730/- was claimed.	-do-	PW-2 to 5 PW-11
37	AB no. CS/100/1199 dated 27.1.94 in respect of firm's bill vide which increase in the price of pig iron due to increase in freight @Rs610/- or Rs.730/- was claimed.	-do-	PW-2 to 5 PW-11
38	AB no. CS/100/397 dated 10.8.94 in respect of firm's bill vide which increase in the price of pig iron due to increase in freight @Rs610/-	-do-	PW-2 to 5 PW-11
39	AB no. CS/100/396 dated 10.8.94 in respect of firm's bill vide which increase in the price of pig iron due to increase in freight @Rs610/-	-do-	PW-2 to 5 PW-11
40	AB no. CS/100/395 dated 10.8.94 in respect of firm's bill vide which increase in the price of pig iron due to increase in freight @Rs610/-	-do-	PW-2 to 5 PW-11
41	AB no. CS/100/394 dated 10.8.94 in respect of firm's bill vide which increase in the price of pig iron due to increase in freight @Rs610/-	-do-	PW-2 to 5 PW-11


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42	AB no. CS/100/393 dated 10.8.94 in respect of firm's bill vide which increase in the price of pig iron due to increase in freight @Rs610	-do-	PW-2 to 5 PW-11
43	Letter no. W/68A-7/151/91-92 /W-6(A) dated 10.8.94 MR No. 17/2001(1) Page no.397	Vide this letter the bills of the firm for increase in the freight of pig iron was forwarded by Shri D.M.Bose.	PW-2 to 5 PW-11
44	Certified copy of the customer Ledger of VSP, Kolkata MR No.	These will prove allocation and purchase of pig iron by the firm from VSP	PW-6, 7
45	Letter no. VSP/BSO/KOL/MKTG /2001-02 dated Nov.23, 2001 of Shri Sumit Deb, VSP, Kolkata MR No.	-do-	PW-6, 7
46	Duplicate copies of invoices showing Purchase of pig iron. MR No.17/2001(1) Pages 171 to 173, 224 to 229, 347 to 379 Also available duplicate copies seized vide MR No.	This will prove that the accused firm had purchased pig iron from VSP.	PW-2 PW-11, PW-6, 7
	INVOICE NO.	& DATE	Qty. in M Ts
1	MKTG/I&S/INV/	782	199.92
2	MKTG/I&S/INV/	1,328	99.92
3	MKTG/I&S/INV/	296	19.02
4	MKTG/I&S/INV/	297	200.26
5	MKTG/I&S/INV/	298	199.64
6	MKTG/I&S/INV/	299	193.02
7	MKTG/I&S/INV/	64	149.82
8	MKTG/I&S/INV/	856	95.32
9	MKTG/I&S/INV/	752	209.84
10	MKTG/I&S/INV/	639	105.16
11	MKTG/I&S/INV/	1,994	197.16
12	MKTG/I&S/INV/	1,995	200.2
13	MKTG/I&S/INV/	1,198	99.98
14	MKTG/I&S/SDO/	1,631	60
15	MKTG/I&S/DC/	3,387	17.42
16	MKTG/I&S/INV/	603	102.16
17	MKTG/I&S/INV/	2,009	60
18	MKTG/I&S/INV/	1,501	100
19	MKTG/I&S/INV/	1,538	350.34
20	MKTG/I&S/INV/	1,826	200.16
21	MKTG/I&S/INV/	1,827	199.96

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22	MKTG/I&S/INV/	1,919	23.03.92	38.9	
23	MKTG/I&S/INV/	976	30.09.92	4.58	
24	MKTG/I&S/INV/	975	-DO-	99.9	
25	MKTG/I&S/INV/	1,839	29.02.92	56.34	
26	MKTG/I&S/INV/	1,843	-DO-	52.92	
27	MKTG/I&S/INV/	2,264	31.03.92	223.32	
28	MKTG/I&S/INV/	263	31.05.92	80.68	
29	MKTG/I&S/INV/	1,425	30.11.92	75.88	
30	MKTG/I&S/INV/	1,608	31.7.92	450.96	
31	MKTG/I&S/INV/	2,001	31.3.93	200	
32	MKTG/I&S/INV/	255	31.5.92	96.5	
33	MKTG/I&S/INV/	1,102	30.10.92	99.32	
34	MKTG/I&S/INV/	1,198	31.10.92	99.98	
35	MKTG/I&S/INV/	1,275	25.11.92	100	
50	RITES Inspection Certificates	These will prove the quantity, consignees and date of inspection of CISPs by RITES.			PW-2, PW-3, PW-11
47	Letter no. Track-1/21/91 /0113/7 dated 19.8.92 MR No.17/2001 (1) Page No.125	This will prove that the bills of M/s. Calcutta Iron & Engineering Co. for difference between IISCO rates and VSP rate in respect of material supplied to NF/CON was passed by accused person as per instruction received from the Railway Board because the firm had allocation of 932 t of pig iron for this on VSP			PW-2, PW-3, PW-11
48	Dispatch Register No.2 for 1.5.91 to 31.12.98, MR. No.6/2001(277)	This will prove that A/c Payee cheques were received by hand and not sent by Rd. Post.			PW-9
49	Cash Book No.6 for 3.6.93 to 6.4.94 MR No. 6/2001(272) pages 478 & 480	-do-			PW-9
50	Cash Book No.8 for 1.7.94 to 27.9.94 MR No. 6/2001(274) pages -54	-do-			PW-9
51	Cheque Book No. 7 for 1.9.93 to 31.3.1994 MR No. 6/2001 (264) page - 391	-do-			PW-9
52	Cheque Book No. 8 for 1.4.94 to 31.10.94 MR No. 6/2001 (265) page 246	-do-			PW-9

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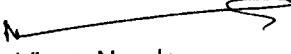
53	CO-6 register for the period from 1.4.1993 to 31.3.1994 page no. 108 MR No. 6/2001	This will prove that the firm's bills were received in the CSA (Bills), checked and passed	PW-3, PW-4, PW-5.
54	CO-7 register for the period from Dec.1993 to Dec.1994 page no. 31 MR No. 6/2001	This will prove that bills were passed and cheques were forwarded to Cash & Pay Office for despatching the same to the firm	PW-2, PW-3, PW-5.
55	Letter no.C.RBC/91/Pig iron dated 13.5.93 of M/s. Calcutta Iron & Engineering Co. MR No. 17/2001 (2)Pages 194 & 195	This will prove that the firm had sought permission for payment of differential rate of IISCO and VSP in respect of material supplied to NF / CON for which there was specific allocation of pig iron on VSP.	PW-2, PW-3, PW-11
56	Paid cheque no. 051427 dated 28.1.94 for Rs.18,18,870/- MR NO.	These will prove payment of passed amount to the firm.	PW-2, PW-3, PW-11, PW-12 to PW15
57	Paid cheque no. 051429 dated 31.1.94 for Rs.6,22,051/- MR NO.	-do-	PW-2, PW-3, PW-11, PW-12 to PW15
58	Paid cheque no. 066627 dated 11.8.94 for Rs.44,55,023/-	-do-	-do-
59	FA & CAO letter no. PNO/CON/ST/6/82 (Track) 50708 dated 4th June 1993 MR No. 17/2001(2) Page No. 176 to 179	FA & CAO/ OL was informed vide this letter that M/s. Calcutta Iron and Engineering Co. Ltd. had supplied 932 MT C.I.Sleeper plates to N.F / Con and payment was made accordingly including escalation value against IISCO vouchers instead of VSP original vouchers and allowed the payment for VSP pig iron	PW-8, PW-11
60	Certificate issued by Shri T.K.Jana, branch Manager, SBI, Bagri Market, Calcutta MR No.	This will prove the cheque no. 066627 on RBI Calcutta was lodged in the A/c. of M/s. Calcutta Iron & Engineering Co. and Rs. 44,55,023/- was credited in the A/c. on 18.8.94.	PW-12, PW-15
61	Statement of A/c. no. 2/291 of M/s. Calcutta Iron & Engineering Co. in SBI, Bagri Market, Calcutta	-do-	PW-12 PW-15

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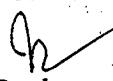
(J. Purkayastha)
Advocate

Vipan Nanda
General Manager
NF Railway, Maligaon

	MR No.		
62	Statement of A/c. No. 22 of M/s. Calcutta Iron & Engineering Co. maintained in Indian Overseas Bank, India Exchange Place, Calcutta MR No.	This will prove the cheque for Rs. 18,18,870/- and 6,22,051/- on RBI Calcutta was lodged in the A/c. of M/s. Calcutta Iron & Engineering Co.	PW-13, PW-15
63	Letter No. PAD/Rly.Pmt/ 15460 / 2002 -2003 dated May 31, 2002 of Shri C. K. Sarkar, Asstt. General Manager, RBI, 15, N.S Road, Calcutta -1 MR No.	This will prove that though payment was made to respective banks in which M/s. Calcutta Iron & Engineering Co. was having a/c. the old records of RBI has been destroyed.	PW-14, PW-15


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General Manager
NF Railway, Maligaon

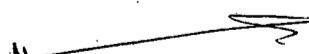
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Advocate

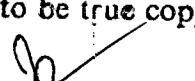
Annexure-IV

LISTS OF WITNESSES

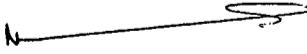
Sl. no.	Name of Witness	Gist of Evidence	Documents proved
1	Sri.H.S.Anand, Desk Officer/Track, Railway Board, new Delhi	will prove the total quantities of C.I.Sleeper Plates to be supplied to NF/OL by M/s. Calcutta Iron & Engineering Co., as per Contract Orders and its Amendments against Tender No. Track 16 of 1990, issued by the Railway Board. They will also prove the terms and conditions of the Contracts including the Special Conditions of Contract,1987, which was a part of the said Contract Orders. He will also prove the total quantities of pig iron allocated to the Firm on VSP / IISCO against Contract Order on replenishment basis and such was entitled to escalation charges due to the increase in the price of pig iron etc. of VSP to the extent of allocation as per letter dated 15.7.1992.	D-2 to D21, D-23 to 26
2	Shri Pranab Kanti Dey - Accts. Officer, O/o the FA & CAO (OL) , N.F.Railway,Maligaon.	He will prove the process involved in passing of bills and prove documents such as Accounts file of bills, bills of the contractor, signatures of the official who processed and passed the bills and state that M/s. Calcutta Iron & Engineering Co. had claimed freight increase only for pig iron allocated on VSP and that the bills were not properly checked and passed by the accused persons	D-22 to 26D-35 to 45, D-48, D-50, D-51, D-59,
3	Shri Bipul Kumar Das - Accts. Asstt., O/o the FA & CAO (OL) , N.F.Railway,Maligaon.	He will prove the process involved in passing of bills and prove documents such as Accounts file of bills, bills of the contractor, signatures of the official who processed and passed the bills and state that M/s. Calcutta Iron & Engineering Co. had claimed freight only for pig iron allocated on VSP and that the bills were checked and passed by the accused persons.	D-22 to D-26D-35 to D-45, D-48, D-50, D-51,D-57 to D-62
4	Shri Jehiscal Sangma - Accts. Asstt., O/o the FA & CAO (OL) , N.F.Railway,Maligaon.	He will prove the process involved in passing of bills and prove documents such as Accounts file of bills, bills of the contractor, signatures of the official who processed and passed the bills and	-do-


 Vipan Nanda
 General Manager
 NF Railway, Maligaon

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 Advocate

		state that M/s. Calcutta Iron & Engineering Co. had claimed freight only for pig iron allocated on VSP and that the bills were checked and passed by the accused persons.	
5	Shri Satish Das - Accts. Clerk, O/o the FA & CAO (OL), N.F.Railway, Maligaon.	He will prove the process involved in passing of bills and prove documents such as Accounts file of bills, bills of the contractor, signatures of the official who processed and passed the bills and state that M/s. Calcutta Iron & Engineering Co. had claimed freight increase only for pig iron allocated on VSP and that the bills were checked and passed by the accused persons.	D-22 to D-26D-3 5 to D-45, D-48, D-50, D-51, D-57 to D-62
6	Shri Ratnasanan Das, Manager (Marketing) Rastriya Ispat Nigam Ltd., 1 A.J.C. Bose Road, Kolkata-20	He will state that M/s. Calcutta Iron & Engineering Co. purchased pig iron from VSP and that the copies of the invoices submitted to N.F.Railway by the said firm were issued by VSP and were genuine.	D-46 to D-48
7	Shri Sumit Deb, Branch Manager, Rastriya Ispat Nigam Ltd., 1 A.J.C. Bose Road, Kolkata-20	He will state that M/s. Calcutta Iron & Engineering Co. purchased pig iron from VSP and that the copies of the invoices submitted to N.F.Railway by the said firm were issued by VSP and were genuine.	D-46 to D-48
8	Statement of Shri Biswajit Chatterjee, S/o Shri Bhanulal Chatterjee, age - 41 years, Accts. Asstt. O/o The FA & CAO (Con), N.F.Railway, Maligaon, Guwahati. R/Add. - Hill Side Colony, Gate No. 1, Maligaon, Guwahati 11.	He will prove the concerned p.O. file of NF/CON and state that the firm had submitted original invoices of IISCO against which firm's bills for escalation were checked and pass. He will further state that the firm as Rly. Board's allocation was entitled for VSP escalation and accordingly on the representation made by firm, NF/OL was advised. He will further state that the firm had not claimed double payment against IISCO vouchers.	D-3 to 14, D-23, D-24, D-63,
9	Shri Kamakhya Prasad Chakraborty S/o Late A.K. Chakraborty, aged 58 years, Sr. Asstt. Chief Cashier, Cash & Pay Office, N.F.Railway Maligaon, Guwahati. R/Add. - 298-B, Sharda Nagar,	He will prove the relevant entries in the cash book and cheque books showing delivery of the payment cheques.	


Vipan Nanda, GM
N.F.Railway, Maligaon

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Advocate

	Nambari Railway Colony, Maligaon, Guwahati.		
10	Shri Kailash Jhunjhunwala, S/o Late S. S. Jhunjhunwala, age- 48 years, Chief Accountant, M/s. Calcutta Iron & Engineering Co. Ltd. , 77 A, Benaras Road, Howrah - 711 106.	He will state that payments received against the freight bills were deposited in the Indian Overseas bank ,Bagri Market branch and SBI, India Exchange branch.	D-52 to 56
11	Shri M. C. Malakar, Sr. S.O, CSA (Bills) , Office of FA & CAO, N.F.Railway, Maligaon	He will prove the Purchase Order file, and relevant documents and state that the firm claimed bills as allowed by the Railway Board vide various orders, it had sufficient allocation of pig iron on VSP, and there was no double payment to this firm. The CISPs were manufactured and supplied after 19.5.1992. In many cases the firm claimed less bills also .	D-1 to D-45, D-48 to D-51, D-59 to D-63
12	Shri T.K.Jana, Manager, SBI, Bagri Market, Kolkata	He will prove the payment of bill amount in the bank A/c. of M/s. Calcutta Iron & Engineering Co.	D-64 & D-65
13	Shri Adarsha Pal, Asstt. General Manager, Indian Overseas Bank, India Exchange Place, Calcutta	He will prove the payment of bill amount in the bank A/c. of M/s. Calcutta Iron & Engineering Co.	D-66,
14	Shri C. K. Sarkar, Asstt. General Manager, Reserve Bank of India, 15, Netaji Subhas Road, Calcutta 700 001, West Bengal	He will prove the payment of bill amount in the bank A/c. of M/s. Calcutta Iron & Engineering Co.	D-60 to D-62, D-67
15	Shri Bhagwan Das, Inspector, CBI, ACB, Guwahati	He will prove the Part Investigation done by him and the statements recorded by him.	D-60 to D-62 , D-67
16	B. S. Jha, Inspector, CBI, ACB, Guwahati	He will prove the facts disclosed from the investigation	D-1


Vipan Nanda, GM
N.F.Railway, Maligaon

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(J. Parkayastha)
Advocate

STANDARD FORM NO.5 MEMORANDUM OF CHARGE SHEET UNDER
RULE 9 OF THE RS (D & A) RULES-1968.

NORTHEAST FRONTIER RAILWAY

OFFICE OF THE
GENERAL MANAGER
GUWAHATI-781011.

NO. PNO/AD/RC-8(A)/2000-SHG/AKS

DATE: 13.08.03

MEMORANDUM

The undersigned propose(s) to hold an inquiry against Shri A.K. Sarkar, the then AAO/CSA now DFM/RNY under Rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968. 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 imputations of misconduct or misbehaviour in support of each articles of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed. (Annexure-III & IV).

2. Shri A.K. Sarkar, the then AAO/CSA now DFM/RNY is hereby informed that if he so desires, he can inspect and take extracts from the documents mentioned in the enclosed list of documents (Annexure-III) at any time during office hours within ten days of receipt of this Memorandum. For this purpose he should contact undersigned, N.F.Railway, maligaon, immediately on receipt of this Memorandum.

3. Shri A.K. Sarkar is further informed that he may, if he so desires, take the assistance of any other Railway servant (who satisfies the requirements of Rule 9(13) of the Railway Servants (Discipline & Appeal) Rules, 1968 for inspecting the documents and assisting him in presenting his case before the Inquiring Authority in the event of an oral inquiry being held. For this purpose, he should nominate one or more persons in order of preference. Before nominating the assisting Railway Servant(s), Shri A.K. Sarkar should obtain an undertaking from the nominee(s) that he(they) is (are) willing to assist him during the disciplinary proceedings. The undertaking should also contain the particulars of other cases if any, in which the nominee(s) had already undertaken to assist and the undertaking should be furnished to the undersigned, along with the nomination.

Contd to page -2.

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Advocate

4. Shri A.K. Sarkar, the then AAO/CSA now DFM/RNY is hereby directed to submit to the undersigned a written statement of his defence within ten days of receipt of this Memorandum, if he does not desire to inspect any documents for the preparation of his defence and within ten days after completion of inspection of documents, if he desires to inspect documents, and also-

- (a) to state whether he wishes to be heard in person; and
- (b) to furnish the names and addresses of the witnesses, if any, whom he wishes to call in support of his defence.

5. Shri A.K. Sarkar 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.

6. Shri A.K. Sarkar is further informed that if he does not submit his written statement of defence within the period specified in para 4 or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of Rule 9 of the Railway servants (Discipline & Appeal) Rules, 1968, or the order/ directions issued in pursuance of the said rule, the Inquiring Authority may hold in the Inquiry ex- parte.

7. The attention of Shri A.K. Sarkar is invited to Rule 20 of the Railway services (conduct) Rules, 1966, under which no Railway Servant shall bring or attempt to bring any political or other 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 A.K. Sarkar 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 Railway Services (Conduct) Rules, 1966.

8. The receipt of this Memorandum may be acknowledged.

Enclo:- Annexures- I, II, III, & IV.


(VIPAN NANDA)
GENERAL MANAGER
NF RAILWAY : MALIGAON

To
✓ Shri/Smt. Shri A.K. Sarkar,
the then AAO/CSA now DFM/RNY.

(Through DRM/RNY)

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(J. Purkayastha)
Advocate

Annexure-I

Article of Charge framed against Shri A.K.Sarkar, DFM/RNY/NF Railway

That Shri A.K.Sarkar while functioning Asstt. Accts. Officer in CSA (Bills) in the office of the FA & CAO (Open Line), N. F. Railway during 1994 committed gross misconduct in the matter of checking and passing the bills of M/s Kona Iron & Steel Company, Howrah in respect of the Railway Board's contract No. Track/21/91/0101/ 7/ POLICY dtd. 06/06/91 for manufacture and supply of Cast Iron Sleeper Plates (CISPs) to N. F. Railway in as much as;

Article - I

Shri A. K. Sarkar failed to properly check the bills of M/s. Kona Iron and Steel Co. for freight charges on VSP pig iron as announced by the Railway Board, passed the same and also issued payment cheque for the whole quantity of 1614.611 MT CISPs supplied to N.F. Railway amounting to Rs.11,78,666.00 approx. without production of original vouchers of VSP showing purchase of pig iron.

Article - II

Shri A. K. Sarkar failed to properly check the bills of M/s. Kona Iron and Steel Co. for difference of escalations for VSP and IISCO pig iron and escalation of VSP pig iron @Rs.1,593.40 per MT for 460.611 MT amounting to Rs.. 7,63,295/-, passed and also issued payment cheque even though the Railway Board had not allocated pig iron to M/s. Kona Iron and Steel Co. for C. I. S. Ps to be supplied to N. F. Railway and neither authorised the payment of difference.

Article - III

Shri A. K. Sarkar failed to properly check the bills of M/s. Kona Iron and Steel Co. for escalation of VSP pig iron for 1154.00 MT amounting to Rs.15,65,848/-, passed and also issued payment cheque, though the Railway Board had not allocated pig iron to M/s. Kona Iron and Steel Co. for C. I. S. Ps to be supplied to N. F. Railway, without production of original vouchers for purchase of pig iron from VSP.

Thus Shri A. K. Sarkar by his above said acts of omission and commission committed gross misconduct and failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of public servant causing wrongful loss of Rs.35,07,809/- to N. F. Railway in contrvention of the provisions of Rule 3(1) (i), (ii) and (iii) of Railway Service (Conduct) Rules, 1966.


Vipan Nanda
General Manager, NF Railway

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(J. Purkayastha)
Advocate

Statement of Imputation against Sri A.K.Sarkar, DFM/RNY,NF Railway

1. Shri A.K.Sarkar functioned as Asstt. Accts. Officer in CSA (Bills) in the office of the FA & CAO, Open Line, in N. F. Railway during 1993 to December 1995. His main duties and responsibilities were to check the bills claimed by the various contractors in terms of the conditions of the contract with the relevant papers, pass such bills and also to issue cheques for payment to the contractors..
2. That M/s Kona Iron & Steel Company, Howrah, was offered by the Railway Board, to manufacture and supply 3135 tons of different types of Cast Iron Sleeper Plates (CISPs), vide counter offer No. Track/21/91/0101/ 7/ POLICY dtd. 06/06/91. The CISPs were to be manufactured both at the rate of 50% own material basis and 100% own material basis.
3. That M/s Kona Iron & Steel Company, Howrah was allocated pig iron from different steel plants including VSP for manufacturing the CISPs .
4. That IISCO revised its price of pig iron and covering circular was issued by the Railway Board allowing escalation due to increase in the price of pig iron. M/s Kona Iron & Steel Company, Howrah claimed and received the payment from N.F.Railway {the following five bills towards the escalation of price of pig iron by IISCO };

Sl.No	Bill No. & Date	Quantity of CISPs	Amount Claimed / Paid
1	2	3	4
1	KISCO/NF/60R/92/12 dtd. 03/10/92	56.12	54,551/-
2	KISCO/NF/60R/92/12 dtd. 26/10/92	89.96	85,918/-
3	KISCO/NF(S)/MG-90R/92/Esc-pig/5 dtd. 14/11/92	58.3	55,682/-
4	KISCO/NF(S)/MG-90R/92/Esc.pig/6 dtd. 21/11/92	58.5	56,012/-
5	KISCO/NF/60R/92/Esc.pig/18 dtd. 21/11/92	53.38	50,979/-

5. That VSP also revised the price of pig iron and accordingly covering circular was issued by the Railway Board vide no. Track/21/92/0103/7 dtd. 15/07/93, allowing the escalation w.e.f. 1/4/92 to 18/05/92 at the rate of Rs.63/- per MT in case the CISPs were manufactured on 100 % own material and freight at the rate of Rs.730/- per MT or the actual amount paid whichever was less, after 18/05.92.

6. That M/s Kona Iron & Steel Company, Howrah(A-6) was allocated 1154 MT of pig iron from VSP, against which, as per records of VSP, they lifted 588.920 MT only against the invoices mentioned below, in between 31/03/92 to 12/08/92.

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Vipan Nanda
General Manager, NF
Railway

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Advocate

Sl.No.	Invoice No. & Date	Quan.
1	MKTG/I&S/INV/2177 dtd. 31/03/92	100.18
2	MKTG/I&S/INV/104 dtd. 30/94/92	099.900 MT
3	MKTG/I&S/INV/253 dtd. 31/05/92	086.920 MT
4	MKTG/I&S/INV/264 dtd. 31/05/92	105.840 MT
5	MKTG/I&S/INV/876/26 dtd. 12/08/92	196.080 MT

7. That the aforesaid quantity of pig iron was allocated to the accused firm and they listed the same for manufacturing and supply the CISPs to other Railways and not for NF Railways and as such on the above quantity of pig iron the accused firm was not entitled to get the benefit of escalation charges from NF Railway in respect of the CISPs supplied to NF Railways. As per item no.6.1(a) of Special Conditions of Contract.

8. That M/s Kona Iron & Steel Company Howrah, manufactured the CISPs for NF Railways to the extent of 1607.246 MT between Dec.91 to July.92 as per inspection report of RITES and the accused firm claimed and received the payment through different supply bills from NF Railway for a total quantity of 1615.157 MT s of CISPs. The RITES inspection certificate so issued , indicate that from 1/4/92 to 18/05/92 only 13.800 MT of CISPs were inspected by RITES. Similarly after 19/05/92 i.e. during the period the escalation of freight at the rate of Rs.730/- per MT was allowed, only a quantity of 428.97 MT s was inspected. This indicates that the accused firm was entitled for escalation at the rate of Rs.63/- per MT only for 13.800 MT s and freight charges at the rate of Rs.730/- per MT only for 428.97 Mts , provided the pig iron was purchased by them from VSP within the stipulated period , subject to the production of vouchers in proof of purchase of pig iron . For the remaining quantity of CISPs supplied by the accused firm to NF Railway, prior to 1/4/92 i.e. before the increase of the price of pig iron by the VSP the accused firm was not entitled,either for escalation or freight charges,even if the escalation and freight charges were due.

9. That M/s Kona Iron & Steel Company,Howrah also claimed and received the freight charges for 1614.611 MT of pig iron of VSP without being entitled for the same since no quantity of pig iron was purchased by them from VSP for manufacturing this quantity of CISPs supplied to NF Railway and two bills for Rs.11,78,666.03 were submitted for freight charges.

Sl.No.	Bill Number & Date	Quantity of CISPs Claimed	Amount claimed / received
1	KISCO/NFR/02/93-94 dtd. 20/02/94	1154.00 MT	Rs.8,42,420.00.
2	KISCO/NFR/05/93-94 dtd.20/03/1994	460.611 MT	Rs.3,36,246.03.
			Rs.11,78,666.03

10. That M/s. Kona Iron & Steel Co. had not purchased any quantity of pig iron , for manufacturing of CISPs for N.F.Railway from VSP and was allotted pig iron from IISCO, which was within the knowledge of them (Accused firm), is evident from the letter no.KISC/RB/PIG/ALLOC/94 dtd. 17/03/94 written by the accused firm to Dy.Director TRACK,

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Vipan Nanda
General Manager,NF Rly.

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(J. Purkayastha)
Advocate

Railway Board, for transfer of 847.00 MT of pig iron from IISCO to VSP's local stockyard on the ground that the pig iron was not supplied to them by IISCO but the same was struck down vide letter no. Track/1/21/92/0112/7 dtd. 25/04/94.

11. That in addition to the above fraudulent claims, the accused firm submitted bill no. KISCO / NFR/01/93-94 dt. 20.02.1994 pertaining to escalation of C.I.S.Ps price increase on VSP pig iron and claimed escalation for 1154.00 MT @ Rs.1304.70 per MT on 100% own material basis amounting to Rs.15,65,848 including 4% CST at Rs. 60,224.92. This bill was processed checked and passed by Shri P.C.Das, Shri D.K. Barua and Shri A.K. Sarkar.

12. That the Railway Board vide letter no. Track/212/0103/7/IISCO dtd. 22/04/92, announced the escalation on pig iron of IISCO, against this, the accused firm claimed @ Rs.918.30 per MT for 316.26 MT amounting to Rs.3,03,142.00 again the accused firm claimed the difference of escalation amounting to Rs.7,63,295/- [The rate claimed for VSP escalation was @ Rs.2,511.70 per MT. Thus a difference of Rs.1,593.40 per MT]. The accused firm submitted bill No. KISCO/NFR/04 / 93-94 dated 20.3.94 for balance 460.611 MT of the earlier bill no. KISCO / NFR/02/93-94 dt. 20.02.1994 for freight of pig iron.

13. That By combining the aforesaid three defrauded amounts, fraudulently and dishonestly claimed by the accused firm in connivance with the accused railway employees, the total amount comes to Rs.35,07,809/- thus Shri A. K. Sarkar failed to maintain devotion to duty and absolute integrity and acted in a manner unbecoming of public servant and passed the firm's above said bills, in gross violation of the instructions and also made payments which resulted into wrongful loss of Rs.35,07,809/- approximately to N. F. Railway and corresponding wrongful gain to M/s Kona Iron & Steel Company.

14. Thus Shri A. K. Sarkar, due to his acts of above said omission and commission, committed gross misconduct and violated provisions of Rule 3(1) (i), (ii) and (iii) of Railway Service (Conduct) Rules, 1966.

Vipan Nanda
General Manager, NF Railway

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(J. Purkayastha)
Advocate

Annexure-III

CALENDAR OF DOCUMENTARY EVIDENCE

D. No.	Name of the documents	Gist of the documents	Proved by
1	FIR in RC.9(A) / 2000 - SHG.	This will prove the allegations upon which the investigation was carried out.	
2	Railway Board's Tender File No.TRACK-1/21/90/0101/7/Policy (Tender) relating to Tender No.Track 16 of 1990 for procurement of C.I. Sleeper plates for the year 1991-92 & 1992-93. MR No.6/2001 (167) Pages NP-1 to 5 & 24 to 37 CP-28 to 44	This will prove the issue of Limited Tender No.Track-16 of 1990 to C.I. Sleeper manufactures including M/s Kona Iron & Steel Co. for manufacture and supply of CST-9 Sleeper plates for 1991-92 & 1992-93. This will also prove the comparative charts, Minutes of the Tender Committee dtd.12.3.91 and final approval by the Minister of Railway and the counter offer made to the manufacturers including the said firm.	PW-1
3	Pig Iron Allocation File No.Track/21/91/0112/7. MR No.6/2001 (70) & MR No.6/2001 (71) No.Track/21/91/0112/7 dt.29.5.92 MR No.6/2001 (71) Page No.262,263	These will prove the issue of Pig Irons allocation orders on VSP & IISCO & SAIL against the contracts of Tender No.Track-16 of 1990 to M/s Kona Iron & Steel Co.. These will further prove that there was no allocation of pig iron to said firm on VSP in respect of quantity supplied to NF Rly., 962 t of pig iron allocated on VSP was in respect of N. Rly. and that the request of the said firm to transfer allocation of pig iron from IISCO to VSP made vide letter dated 17.3.94 was rejected by the Rly. Board.	PW-1
4	No.Track/21/91/0112/7 dt.2.6.92 MR No.6/2001 (71) Page No.59		
5	No. Track/21/91/0112/7 dt.3.6.92 MR No.6/2001 (71) Page No.-		
6	No. Track/21/91/0112/7 dt.29.9.92 MR No.6/2001 (71) Page No.159		
7	No.Track/21/91/0112/7 dt.28.10.92 MR No.6/2001 (71) Page No.193		
8	No. Track/21/91/0112/7 dt.2.11.92 MR No.6/2001 (71) Page No.186		
9	No. Track/21/91/0112/7 dt.10.5.93 MR No.6/2001 (71) Page No.399		
10	No. KISC/RB/PIG-ALL.C/94 dt.17.3.94 MR No.6/2001 (71) Page No.431		
11	No. Track/21/91/0112/7 dt.25.4.94 MR No.6/2001 (71) Page No.432		
12	Price Escalation Circular of VSP No. Track/21/92/0103/7 dtd.15.7.93	This will prove that the Rly. Board had permitted escalation of Rs.63/- and Rs.34/- on 100% & 50% own	PW-1, PW-2

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	available at Page No.142 of file No. Track/21/92/0103/7/Pig. MR No.6/2001 (69)	material basis on account of increase in freight of pig iron during the period from 1.4.92 to 17/18.5.1992 and thereafter Rs.730/- per MT in respect of pig iron purchased from VSP against proof of purchase in original.	
13	Price Escalation Circular of VSP No. Track/21/92/0103/7 dtd.26.3.93 available in file No. Track/21/92/0103/7/Pig. MR No.6/2001 (69) Page No.174	-do-	
14	Contract No.Track-1/21/91/0101/7/ 50719 dt. 19. 7.1991 in favour of M/s. Kona Iron & Steel Co. MR No.15/2001 (4) Pages 1-13 also at page 1-13 of MR No.15/2001 (3)	This will prove the ordered quantity and terms and condition of the contract.	PW-1
15	Letter No.Track-1/21/91/0101/7/ 50719 dt. 27 April 1993 in favour of M/s. Kona Iron & Steel Co. MR No.15/2001 (4) Page No. 57-58	This will prove the ordered quantity and terms and condition of the contract.	PW-1, PW-2
16	Letter no. W/68-7/160/91-92/ WC-A dated 22.8.1991 No.15/2001 (3) Page No. 14-15	This will prove the consignee details issued by Shri D.M.Bose for 780 t MG 90R and 865 t of MG 60 R CISPs	PW-2
17	KISC/RB/PIG/-Alloc/94 dated 17th March 1994 MR No.6/2001 (70) Page No.431	This will prove that M/s. Kona Iron & Steel Co. as a result of conspiracy to claim freight increase on VSP, had requested to change the allocation of 847.00 MT from IISCO to VSP.	PW-1
18	Railway Board's letter no. Track-1/21/92/0112/7 dated 25.4.1994 MR No.6/2001 (70) Page No.432	This will prove that the request of M/s. Kona Iron & Steel Co. to change the allocation from IISCO to VSP was rejected.	PW-1
19	RITES Inspection Certificates MR No.15/2001 (2) Page No.29, 30, 38, 43, 46, 53, 56, 57, 61, 68, 71-73, 80, 87-88, 93, 96, 99, 108, 133, 140, 146, 149, 156, 160, 166-167, 173, 180,	This will prove how much quantity of CISPs were inspected on which dates after the same was manufactured by RITES and for which consignee	PW-10, PW-2
1	Inspection Certificate	Quantity	Consignee
2	1 dated 31.12.1991	55.200 t	PWI, Alipurduar
3	2 dated 2.1.1992	29.325 t	
4	3 dated 9.1.1992	69.000 t	

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5	41 dated 13.1.1992	27.600 t	
6	22 dated 25.4.1992	13.800 t	
7	25 dated 28.7.1992	47.955 t	
8	17 dated 18.2.1992	48.300 t	PWI Hojai
9	19 dated 27.2.1992	86.250 t	
10	20 dated 3.3.1992	48.300 t	
11	21 dated 10.3.1992	25.012 t	
12	29 dated 31.7.1992	48.645 t	PWI Namrup
14	5 dated 16.1.1992	90.000 t	
15	7 dated 28.1.1992	20.557 t	
16	9 dated 30.1.1992	50.140 t	
17	30 dated 24.8.1992	38.505 t	
18	10 dated 1.2.1992	130.364 t	At Bardubi
19	14 dated 11.2.1992	85.228 t	
20	13 dated 9.2.1992	25.070 t	
21	6 dated 21.1.1992	84.870 t	PWI Banarhat
22	11 dated 1.2.1992	31.050 t	
23	12 dated 6.2.1992	31.050 t	
24	8 dated 28.1.1992	31.050 t	
25	15 dated 12.2.1992	46.575 t	
26	28 dated 30.7.1992	56.06	
27	16 dated 13.2.1992	87.745 t	PWI Panitola
28	18 dated 20.2.1992	87.745 t	
29	23 dated 13.7.1992	92.759 t	
30	24 dated 15.7.1992	23.816 t	
31	26 dated 28.7.1992	72.930 t	
20	Copies of letter no. KISCO / NF / (OL) / 91-93 dated 16th April 1993, KISCO/ NF(S)/MG-60R/ ESC-COAL/93 / 1-3 dated 30th July 1993, and list of 100% supply bills at page no. 209 and 219 of bills file mapassed bills showing the supply of CISPs by the accused firm to NF/ OL and date by which payment was claimed.	This will further prove the dates by which the CISPs were already supplied to consignee Railways	PW-2,10,5, 1,3,
21	Letter No. Track/21/0103/7/IISCO dt.22.4.1992 MR No.6/2001 (69) Page No.56	This will prove the escalation announced on pig iron purchased from IISCO.	PW-1, PW-10
22	Letter No. Track/21/0103/7/ dt.26.3.1993 MR No.6/2001 (69) Page No.92	-do-	PW-1,10
23	Letter No. Track/21/0112/7	This will prove that the ED and	PW-1, 10

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	dt.16.6.93 MR No.6/2001 (69) p.no. 105	freight element as announced in circular dated 26.3.93 for VSP was payable beyond 17/18.5.92	
24	Letter No. Track/21/0103/7 dated 15.7.1993 MR No.6/2001 (69) Page No.142	This will prove due to the increase in Railway freight @ Rs.55/- per MT w.e.f. 1.4.1992, the escalation on the price of CISPs will be Rs.60.50/- + 4% CST + Rs. 63/- for contracts placed on 100% pig iron basis and Rs. 33/- + 4% CST = Rs.34/- for contracts placed on 50% C.I. Scrap basis with effect from 1.4.1992 upto 17/18-5.1992. Freight was to be Rs. 730/- or actual paid whichever was less after 18/19-5-1992.	PW-1.2,10, 3,5
25	Letter no.W/68/--7/ 158/91 -92/W-6A dated 1.3.94 MR No.15/2001 (2) Page No.	This will prove that the firm's bill was forwarded by Shri D.M.Bose to FA & CAO recommending that the same appeared to be paid.	PW2,3,5,10
26	Bill no. KISCO/NFR/02/93-94 dated 20.2.94 passed vide AB no. CS/100/1350 dt.2.3.1994 MR No.15/2001(2)	This will prove that M/s. Kona Iron & Steel had preferred this bill @Rs.730/- per MT for 1154.00MT for Rs.8,76,117/- but the same was passed by the accused despite the fact that the firm had already claimed IISCO escalation as well as VSP escalation as announced by letter dated 26.3.93.	PW-3, 5, 10,
27	Letter no.W/68/--7/ 158/91 -92/W-6A dated 21.3.94 MR No.15/2001 (2) Page No.	This will prove that the firm's bill was forwarded by Shri D.M.Bose to FA & CAO recommending that the same appeared to be paid.	PW- 5, PW-3, PW- 10,
28	Bill no. KISCO/NFR/05/93-94 dated 20.3.94 passed vide AB no. CS/100/17 dt.11.4.1994 MR No.15/2001(1)	This will prove that M/s. Kona Iron & Steel had not preferred this bill @Rs.730/- per MT for 460.611MT for Rs.3,36,246/- but the same was passed by the accused despite the fact that the firm had already claimed IISCO	PW-3, PW-4, PW-5 PW-10

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		escalation as well as VSP escalation as announced by letter dated 26.3.93.	
29	Xerox copies of VSP invoice No. Mktg./I&S/INV/264 dated 31.05.92 MR No.15/2001 (2) Page No.242	This will prove that the firm had purchased 105.840 MT pig iron from VSP after 18/19.5.92	PW-3,5,10
30	Xerox copies of VSP invoice No. Mktg./I&S/INV/253 dated 31.05.92 MR No.15/2001 (3) Page No.253	This will prove that the firm had purchased 86.920 MT pig iron from VSP after 18/19.5.92	PW-3, 5, & 8 to 10
31	Xerox copies of VSP invoice No. Mktg./I&S/INV/876/26 dated 31.03.93 etc. MR No.15/2001 (3) Page No. 224 to 233		PW-3, 5, & 8 to 10
32	Xerox copies of VSP invoice No. Mktg./I&S/INV/2177 dated 31.03.92 MR No.15/2001 (3) Page No.136		PW-3, 5, & 8 to 10
33	Xerox copies of VSP invoice No. Mktg./I&S/INV/104 dated 30.04.92 MR No.15/2001 (3) Page No.135		PW-3, 5, & 8 to 10
34	C.O-6 Register for the period from April 1993 to March 1994 MR.6/2001 (218/217) , P. No. 2 & 123	This will prove that the firm's bill was processed by the accused person vide AB no. CS/100/1350 dated 2.3.94 and passed for Payment.	PW-3,5,10
35	Paid Cheque no.051734 dated 02.3.94 for Rs.24,41,966/-	This will prove that A-6 had received the payment in it's A/c. maintained in the Union Bank of India Ezra St. branch, Calcutta.	PW-3, PW-4, PW-5 PW-10,12 & 13
36	C.O-7 register for the period Dec.1993 to Dec.1994 MR No.6/2001(243)	This will prove that the firm's bill was processed by the accused person and passed vide C.O-7 no.120005 dated 2.3.94.	PW-3,5,10
37	Paid Cheque no.0666594 dated 05.8.94 for Rs.3,36,246/- MR No.	This will prove that A-6 had received the payment in it's A/c. maintained in the Union Bank of India Ezra St. branch, Calcutta	PW-3,PW-4, PW-5 PW-10,12 & 13
38	Statement of the C/Ac of M/s.	This will prove the payment	PW-13

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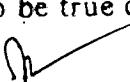
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	Kona Iron & Steel Co. in the Union Bank of India MR No.	received by A-6 from N.F.Railway.	
39	Certified copy of Customer Ledger of VSP Branch Office Calcutta in respect of M/s. Kona Iron & Steel Co, MR No.	This will prove transaction of the accused firm with VSP during the currency of the Railway Board's contract in question.	PW-8, 9
40	Copy of Paid AB no. CS/100/ 18 dt.11.4.94 for Rs.7,63,295/- MR No.15/2001 (3) Page No. 246	These will prove the multiple claims for difference of IISCO and VSP rates wrongly made by the accused firm and passed by concerned accused Govt. servants.	PW-10
41	Copy of Paid AB no. CS/100/ 486 dt.21.4.94 for Rs.14,64,874/- MR No.15/2001 (3) Page No. 249	These will prove the multiple claims for VSP rates of Rs.1207 amounting wrongly made by the accused firm and passed by concerned accused Govt. servants.	PW-10
42	Copy of Paid AB no. CS/100/ 1350 dt.2.3.94 for Rs.8,76,117/- MR No.15/2001 (3) Page No. 243	These will prove the multiple claims after paying IISCO rate @Rs.1304.70 for 1154 MT at VSP rate declared vide letter dated 15.7.1993 was wrongly made by the accused firm and passed by concerned accused Govt. servants.	PW-10
43	Copy of Paid AB no. CS/100/ 1195 dt.27.1.92 for Rs.54,551/- MR No.15/2001 (3) Page No. 153	This will prove that the accused firm had claimed IISCO escalation as announced by Track/21/91/0103/7 IISCO dated 22.4.1992 for 57.120T	PW-10
44	Copy of Paid AB no. CS/100/ 1216 dt.3.11.92 for Rs.85,918/- MR No.15/2001 (3) Page No. 163	This will prove that the accused firm had claimed IISCO escalation as announced by Track/21/91/0103/7 IISCO dated 22.4.1992 for 89.9 MT amounting to Rs.85,917/-	PW-10
45	Copy of Paid AB no. CS/100/ 1258 dt. 17.11.92 for Rs.55,682/- MR No.15/2001 (3) Page No. 170	This will prove that the accused firm had claimed IISCO escalation as announced by Track/21/91/0103/7 IISCO dated	PW-10

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		22.4.1992 for 58.304 MT amounting to Rs.55,682/-	
46	Copy of Paid AB no. CS/100/ 1342 dt.26.11.92 for Rs.56,012/- MR No.15/2001 (3) Page No. 183	This will prove that the accused firm had claimed IISCO escalation as announced by Track/21/91/0103/7 IISCO dated 22.4.1992 for 58.649 MT amounting to Rs.56,012/-	PW-10
47	Copy of Paid AB no. CS/100/ 1341 dt.26.11.92 for Rs.50,979/- MR No.15/2001 (3) Page No. 184	This will prove that the accused firm had claimed IISCO escalation as announced by Track/21/91/0103/7 IISCO dated 22.4.1992 for 53.379 MT amounting to Rs.50,979/-	PW-10
48	Transport bills of M/s. Trimurti Cargo Movers . MR No.15/2001 (3) Page No. 237 to 239184	This will prove that the accused persons with malafide intentions had enclosed these bills to justify their criminal conspiracy	PW-10
49	letter no. VSP / BSO / KOL / MKTG / 2001-02 dated Nov. 23, 2001 and enclosures regarding purchase of pig iron by M/s. Kona Iron & Steel Co. MR No.	This will prove the quantity of pig iron purchased from VSP	PW-8, 9
50	Despatch Register No. - for the period for 1993 -94-95 only the relevant dates, of the office of Cash & Pay Offie, N F Railway, Maligaon MR No. 6/2001 Page No.169, 190	This will prove that the cheques were collected by hand and it was not sent by registered post.	PW-7
51	Copy of Deed of reconstitution of partnership dated 8th Feb. 1988 MR No. 15/2001 (4) Pages 18 - 24	This will prove that Shri Pannalal Jaiswal, Sh. Ratan Prakash, Smt. Kamini Jaiswal, Sh. Sanjeev Jaiswal and Smt. Usha Jaiswal - all partners in M/s. Kona Iron & Steel Co. were holding 20% shares in the firm	PW-1
52	One bunch containing copy of seizure memo, specimen signature card, deed of retirement and partnership, A/c. opening form of M/s. Kona Iron & Steel Co.	This will prove that the amount of Rs.3,36,246/- and Rs.24,41,966/- were deposited in this A/c, used by the partners.	PW-13
53	Copy of bill encashment sheets and	This will prove the details of	PW-3, 5,

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	abstract of bills MR No.15/2001 (3) Page No. 22 to 27	bills claimed, passed and paid amount, date of payments etc.	10
54	Review Sheets MR No.15/2001 (3) Page No. 252 to 258	This will prove that Shri N. C. Ghatak-SAO had reviewed the bills of the accused firm still he will fully concealed the above facts and reported no irregularites to the then FA & CAO.	PW-3,5, & 10

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Annexure-IV

LISTS OF WITNESSE

1	Sri.H.S.Anand, Officer/Track, Board, new Delhi	Desk Railway	will prove the total quantities of C.I.Sleeper Plates to be supplied to NF/OL by M/s. Kona Iron & Steel Co., as per Contract Orders and its Amendments against Tender No. Track 16 of 1990, issued by the Railway Board. They will also prove the terms and conditions of the Contracts including the Special Conditions of Contract,1987, which was a part of the said Contract Orders. He will also prove the total quantities of pig iron allocated to the Firm on VSP / IISCO against Contract Order on replenishment basis and such was entitled to escalation charges due to the increase in the price of pig iron etc. of VSP to the extent of allocation as per letter dated 15.7.1992.	D-2, D-3 to D-15, D-17-18, D-21-24, D-51
2	Shri Pranab Kanti Dey - Accts. Officer, O/o the FA & CAO (OL) , N.F.Railway, Maligaon.		He will prove the process involved in passing of bills and prove documents such as Accounts file of bills, bills of the contractor, signatures of the official who processed and passed the bills and state that M/s. Kona Iron & Steel Co., had claimed escalations for IISCO pig iron and then difference in VSP and IISCO escalation. The accused firm M/s. Kona Iron & Steel Co., further claimed freight @730/- per MT whereas the firm was not entitled for any escalation on VSP rates.	D-12, D-15, D-16,D-19, D-20, D-24-25,
3	Shri Bipul Kumar Das - Accts. Assstt., O/o the FA & CAO (OL) , N.F.Railway, Maligaon.		As above	D-19,20, D.24-37, D.53-54
4	Shri Jehiscal Sangma - Accts. Assstt., O/o the FA & CAO (OL) , N.F.Railway, Maligaon.		He will prove paid cheques vide which M/s. Kona Iron & Steel Co., was paid the freight as claimed and passed by the accused persons.	D-35, D-37

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5	Shri Satish Das - Accts. Clerk, O/o the FA & CAO (OL), N.F.Railway, Maligaon.	He will prove the process involved in passing of bills and prove documents such as Accounts file of bills, bills of the contractor, signatures of the official who processed and passed the bills and state that M/s. Kona Iron & Steel Co., had claimed escalations for IISCO pig iron and then difference in VSP and IISCO escalation. The accused firm M/s. Kona Iron & Steel Co., further claimed freight @730/- per MT whereas the firm was not entitled for any escalation on VSP rates.	D-19,20, D.24-37, D.53-54
6	Shri Biswajit Chatterjee, S/o Shri Bhanulal Chatterjee, age - 41 years, Accts. Asstt. O/o The FA & CAO (Con), N.F.Railway, Maligaon, Guwahati. R/Add. - Hill Side Colony, Gate No. 1, Maligaon, Guwahati 11	He has stated that production of original invoices for purchase of pig iron was must and no escalation bills should have been passed by the accused persons without keeping the original invoice on record.	Nil
7	Shri Kamakhiya Prasad Chakraborty S/o Late A.K.Chakraborty, aged 58 years, Sr. Asstt. Chief Cashier, Cash & Pay Office, N.F.Railway Maligaon, Guwahati. R/Add. - 298-B, Sharda Nagar, Nambari Railway Colony, Maligaon, Guwahati.	He will prove the cash book and cheque book for relevant entries showing that payment cheques were handed over to the accused firm by hand.	D-50
8	Shri Sumit Deb S/o Shri Santosh Kumar Deb, Age-39 years, Branch Manager, Rastriya Ispat Nigam Ltd., 1, A J C Bose Road, Kolkata - 2. Rdd. Add. HA 313, Salt Lake, Kolkata - 91.	He will prove his letter no. VSP / BSO / KOL / MKTG / 2001-02 dated Nov. 23, 2001 and enclosures and state regarding purchase of pig iron by M/s. Kona Iron & Steel Co.	D-49, D.29-33
9	Shri Ratnasamu Das S/o Late Sukhendu Raman Das, Age-33 years, Manager (Marketing), Rastriya Ispat Nigam Ltd., 1, A J C Bose Road, Kolkata - 20. Rdd.	-do-	D-49, D-29-33

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	Add. AB 100, Sector - I, Salt Lake, Kolkata - 64.		
10	Sri M. C. Malakar S/o Late S.K.Malakar, Senior Section Officer, , Central Stores Accounts (Bills) O/o The FA & CAO, N.F.Railway (HQ), Maligaon R/Add.-Kamakhya Nursery, Maligaon, P/Add- Vill.+P.O - Rangamati, Azara, Dist. - Kamrup , Assam	He will prove the bills passed by the accused persons and state that the concerned accused persons wrongfully claimed, checked and passed bills for difference of VSP and IISCO rates, escalation in respect of VSP pig iron and freight increase in VSP pig iron on account of difference in VSP and IISCO rates amounting to Rs.07,63,295/-, on account of VSP escalation amounting to Rs.27,78,212/- including freight of Rs.63/- per MT and on account of freight at VSP rate of Rs.730/- per MTs. totalling to Rs. 47,20,173/- approx.	D-2 to 37, D-40 to 48 D-53 to 54
11	Shri Manish Jaiswal, 53,Abani Dutta Road, Howrah 711101	He will prove that the payment cheques for freight was deposited in the firm's account in the Union Bank of India, Ezra St. Branch, Calcutta.	D-38
12	Shri C. K. Sarkar, Asstt. General Manager, RBI, 15, N.S. Road, Kolkata -1	He will prove that the cheques issued by N.F.Railway were credited into the A/c. of M/s. Kona Iron & Steel Co.	D-35, 37
13	Shri Brotin Pramanick, ACCOUNTANT, Union Bank of Indias, Ezra Street Branch, Kolkata.	He will prove SEIZED DOCUMENTS AND STATE THAT that the cheques issued by N.F.Railway were credited into the A/c. of M/s. Kona Iron & Steel Co.	D-38
14	R. Shadap, Ex. FA & CAO, N. F. Rly. Maligaon.	He will prove that he had asked Shri N.C.Ghatak, SAO to review the bills of M/s. Kona Iron & Steel Co. but after review Shri N.C.Ghatak did not report any irregularity to him.	D-54
15	Shri B. Das, Inspector, CBI, ACB, Guwahati.	He will prove the part investigation done by him.	
16	B. S. Jha, Inspector, CBI, ACB, Guwahati.	Will prove the investigation of the case.	


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ANNEXURE-A/3

STANDARD FORM NO.5 MEMORANDUM OF CHARGE SHEET UNDER
RULE 9 OF THE RS (D & A) RULES- 1968.

NORTHEAST FRONTIER RAILWAY

OFFICE OF THE
GENERAL MANAGER
GUWAHATI-781011.

NO. BHO/AD/RC-10(A)/2000-SHG/AKS

DATE: 01-09-03

MEMORANDUM

The undersigned propose(s) to hold an inquiry against Shri A.K. Sarkar, the then
AAO/CSA now DFM/RNY under Rule 9 of the Railway Servants (Discipline and Appeal)
Rules, 1968. 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 imputations of misconduct or misbehaviour in
support of each articles of charge is enclosed (Annexure-II). A list of documents by which,
and a list of witnesses by whom, the articles of charge are proposed to be sustained are
also enclosed. (Annexure-III & IV).

2. Shri A.K. Sarkar, DFM/RNY is hereby informed that if he so desires, he can
inspect and take extracts from the documents mentioned in the enclosed list of documents
(Annexure-III) at any time during office hours within ten days of receipt of this
Memorandum. For this purpose he should contact the undersigned,
N.F.Railway, maligaon, immediately on receipt of this Memorandum.

3. Shri A.K. Sarkar, DFM/RNY is further informed that he may, if he so desires,
take the assistance of any other Railway servant (who satisfies the requirements of Rule
9(13) of the Railway servants (Discipline & Appeal) Rules, 1968 for inspecting the
documents and assisting him in presenting his case before the Inquiring Authority in the
event of an oral inquiry being held. For this purpose, he should nominate one or more
persons in order of preference. Before nominating the assisting Railway Servant(s),
Shri A.K. Sarkar should obtain an undertaking from the nominee(s) that
he(they) is (are) willing to assist him during the disciplinary proceedings. The undertaking
should also contain the particulars of other cases if any, in which the nominee(s) had
already undertaken to assist and the undertaking should be furnished to the undersigned,
along with the nomination.

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(2)

Shri A. K. Sarkar, the then AAO/CSA now DEM/RNY is hereby directed to submit to the undersigned a written statement of his defence within ten days of receipt of this Memorandum, if he does not desire to inspect any documents for the preparation of his defence and within ten days after completion of inspection of documents if he desires to inspect documents and also-

- (a) to state whether he wishes to be heard in person; and
- (b) to furnish the names and addresses of the witnesses, if any, whom he wishes to call in support of his defence.

5. Shri A.K. Sarkar, DFM/RNY 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.

6. Shri A. K. Sarkar, DFM/RNY is further informed that if he does not submit his written statement of defence within the period specified in para 4 or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of Rule 9 of the Railway servants (Discipline & Appeal) Rules, 1968, or the order/ directions issued in pursuance of the said rule, the Inquiring Authority may hold in the Inquiry ex- parte.

7. The attention of Shri A. K. Sarkar, DFM/RNY is invited to Rule 20 of the Railway services (conduct) Rules, 1966, under which no Railway Servant shall bring or attempt to bring any political or other 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 A. K. Sarkar 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 Railway Services (Conduct) Rules, 1966.

8. The receipt of this Memorandum may be acknowledged.

Enclo:- Annexures- I, II, III, & IV.

(Vipan Nanda)
General Manager
N.F. Railway/ Maligaon.

To N.F.
Shri/Smt. A. K. Sarkar, the then AAO/CSA
now DFM/RWY, N.F. Railway.

(Through DRM/RNY).

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J. Pukayastha
Advocate

Annexure-I

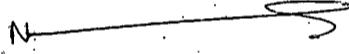
Article of charge framed against Sri A.K. Sarkar, Divisional Finance Manager, NF Railway, Rangiya

That Shri A.K.Sarkar while functioning Asstt. Accts. Officer in CSA (Bills) in the office of the FA & CAO (Open Line), N. F. Railway during 1994 committed gross misconduct in the matter of checking and passing the bills of M/s. Precision Casting & Engineering Works Howrah in respect of the Railway Board's contract No. Track - 1 / 21 / 91 / 0101 / 7 / 50762 dated 15.7.1991 for manufacture and supply of Cast Iron Sleeper Plates (CISPs) to N. F. Railway in as much as;

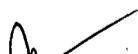
Article - I

Shri A. K. Sarkar failed to properly check the bills of M/s. Precision Casting & Engineering Works Howrah for freight charges on VSP pig iron as announced by the Railway Board, passed the same and also issued payment cheque for 796.687 MT of C.I.S.Ps. supplied to N.F. Railway amounting to Rs.5,91,922/- against forged Xerox copies of VSP invoices without production of original vouchers, even though the Railway Board had not allocated pig iron to M/s. Precision Casting & Engineering Works Howrah for C. I. S. Ps to be supplied to N. F. Railway.

Thus Shri A. K. Sarkar by his above said acts of omission and commission committed gross misconduct and failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of public servant causing wrongful loss of Rs.5,91,922/- to N. F. Railway in contrvention of the provisions of Rule 3(1) (i), (ii) and (iii) of Railway Service (Conduct) Rules, 1966.


Vipan Nanda
General Manager, NF Railway

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(J. Purkayastha)
Advocate

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Annexure-II

Statement of Imputation against Sri A.K.Sarkar, Divisional Finance Manager, NF Railway, Rangiya.

Shri A.K.Sarkar functioned as Asstt. Accts. Officer in CSA (Bills) in the office of the FA & CAO, Open Line, in N. F. Railway during 1993-95. His main duties and responsibilities were to check the bills claimed by the various contractors in terms of the conditions of the contract with the relevant papers, pass such bills and also to issue cheques for payment to the contractors.

2. That M/s Precisions Casting & Engineering Works, Howrah was ordered by the Railway Board vide contract No. Track - 1 / 21 / 91 / 0101 / 7 / 50762 dated 15.7.1991 to supply 718 Mts of Cast Iron Sleeper Plates (CISPs) to N.F.Railway (On Line) costing Rs.42,79,280/-.
3. That M/s Precisions Casting & Engineering Works, Howrah supplied the above quantity of sleeper plates and claimed and received the payment from FA & CAO, NF Railway, through different supply bills.
4. That as per clause no.6 of the Special Conditions of Contract, the Railway Board was under obligation to allow the increase / decrease in the price of sleeper plates so supplied, against a particular order, depending on the increase / decrease of the price of pig iron by the JPC (Joint Plant Committee) during the currency of contract.
5. That as per Circular no. TRACK/21/92/0103/7 dtd. 26/03/93, the escalation on account of increase in freight of pig iron purchased from VSP was allowed as per Special Clause 6(i)(A) of the Special Conditions of Contract which was amended vide number TRACK/21/92/0103/7 dtd. 15/07/93 vide which the maximum limit of freight of VSP pig iron was allowed at Rs.730/- per MT or actual freight charges which ever was less. This was applicable w.e.f. 18/19.05.92 and was made applicable only in respect of CISPs manufactured by the parties by procuring pig iron from VSP against the Railway Board's allocation, subject to production of original vouchers by the parties concerned in support of purchase of pig iron from VSP.
6. That M/s Precisions Casting & Engineering Works, Howrah did not purchase any quantity of pig iron from VSP during the period from July'91 to June'94 i.e. from the date of placement of the order in question, till the date of last supply of CISPs. This shows that the accused firm manufactured and supplied the CISPs as above, out of pig iron arranged from other sources and as such any increase / decrease in the price of pig iron of VSP was not applicable on the CISPs so supplied by the accused firm to N. F. Railway.
7. That the accused firm preferred the following bills claiming the increase in the freight charges pursuant to the circular dtd. 26/03/93 issued by the Railway Board in respect of increase in the price of pig iron of VSP;

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Sl No.	Bill Number	Weight for which freight charges claimed	Rate per MT	Amount Claimed
1	PCEW/93-94/PVC/1 dtd. 28/01/94	115.909 MT	Rs.730/-	Rs.87,998/-
2	PCEW/93-94/PVC/2 dtd. 23/01/94	238.225 MT	Rs.730/-	180,860/-
3	PCEW/94-95/PVC/1 dtd. 08/08/94	390.293 MT	Rs.730/-	284,914/-
4	PCEW/94-95/pvc/2 DTD. 08/08/94	52.260 MT	Rs.730/-	38,150/-

8. That these bills were processed and passed by Shri A. K. Sarkar and cheque issued in favour of M/s Precision Casting & Engineering Works, Howrah. The cheques covering the amount of these bills i.e. Rs.1,80,860/- & Rs. 87,998/-, Rs.2,84,914/- & Rs.38,150/- were also signed by Shri A.K. Sarkar, which was delivered to the representative of the firm on 01/02/94 & 31/01/94 respectively.

9. That the aforesaid cheques (A/c Payee) were deposited in the account of the accused firm maintained in Vaishya Bank, Calcutta and the amounts of cheque being credited after clearance, were withdrawn by the representative of M/s Precision Casting & Engineering Works, Howrah.

10. That M/s. Precision Casting & Engineering Co. had submitted the photocopies of following invoices to the N. F. Railway in token of having purchased of pig iron from VSP to support of the above said claims:-

Sl.No.	Invoice Number and Date	Quantity
1	MKTG/1 & S/INV/64 dtd. 29/06/92	87.790 MT
2	MKTG/1 & S/INV/77 dtd. 29/07/92	299.400 MT
3	MKTG/1 & 7/INV/281 dtd. 30/12/92	99.760 MT
4	MKTG/1 & S/INV/57 dtd. 07/06/93	158.200 MT
5	MKTG/1 & S/INV/61 dtd. 19/06/93	144.800 MT

11. That Shri Sumit Deb Branch Manager, VSP / Kolkata, vide letter no.VSP/VSO/KOL/MKTG/2001-02 dtd. 23/11/01 has proved that invoice no.MKTG/1 & S/INV/64 dtd. 29/06/92 for 87.790 MT of pig iron (sl.no.1 above), was in fact issued in the name of M/s Calcutta Iron & Engineering Company Limited, on 30/04/92 in proof of lifting of pig iron by them from VSP and not in favour of M/s Prccisions Casting & Engineering Works, Howrah on 29/06/92. In respect of remaining four invoices Shri Deb has stated that these are not genuine and not issued from VSP. The photocopies of the aforesaid invoices submitted by the accused firm are not the xerox copy of the original invoices of VSP since these differ in number of material points.

N
Vipan Nanda
General Manager, NF Railway

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(J. Pukkayastha)

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12. That the "Customer Ledger" of the VSP Stockyard showing the name of the customer , receipt number , amount paid ; invoices issued , in respect of purchase of pig iron by the parties from VSP is maintained. The said customer ledger of VSP, contains the name of M/s Precisions Casting & Engineering Works, Howrah at its page 85. The concerned page of the ledger shows that after 25/10/90 M/s Precisions Casting & Engineering Works, Howrah had not purchased any quantity of pig iron from VSP.

13. That this clearly shows that the accused firm submitted forged and fictitious invoices to the railways showing the purchase of pig iron from VSP in support of their claim and the same was entertained by Shri A.K. Sarkar and used by him for passing the aforesaid bills.

14. That Shri A. K. Sarkar, also failed to check the above said bills properly. The freight of pig iron was to be paid on the quantity of pig iron purchased from VSP against the Railway Board's allocation for the contract in question from VSP and not on the quantity of C.I.S.Ps manufactured and supplied . He did not checked the quantity of pig iron and facilitated passing of the bills @Rs.730/- per MT for the quantity of C.I.S.Ps supplied by M/s. Precision Casting and Engineering Works.

15. That due to the above acts of omission and commission on the part of Shri A.K. Sarkar an amount of Rs.5,91,922/- was wrongfully paid to the M/s. Precision Casting & Engineering Works on the basis of the forged and fake invoices in proof of purchase of pig iron from VSP.

16. Thus Shri A. K. Sarkar, due to his acts of above said omission and commission, committed gross misconduct and violated provisions of Rule 3(1) (i), (ii) and (iii) of Railway Service (Conduct) Rules, 1966.

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Vipan Nanda
General Manager/NF Railway

Certified to be true copy

(J. Purkayastha)
A. v. v. v.

Annexure-III

CALENDAR OF EVIDENCE(DOCUMENTARY)

Sl. No.	Name of the documents	List of the documents	proved by
1	FIR in RC.10(A) / 2000 - SHG.	This will prove the allegations upon which the investigation was carried out.	PW-14
2	Railway Board's Tender File No.TRACK-1/21/90/0101/7/Policy (Tender) relating to Tender No.Track 16 of 1990 for procurement of C.I. Sleeper plates for the year 1991-92 & 1992-93. MR No. 6/2001 (167) N/Pages 1 to 5, 24 to 37, C/Pages 28-44	This will prove the issue of Limited Tender No.Track-16 of 1990 to the established C.I. Sleeper manufactures including M/s Precision Casting & Engineering Works for manufacture and supply of CST-9 Sleeper plates for 1991-92 & 1992-93. This will also prove the comparative charts, Minutes of the Tender Committee dtd.12.3.91 and final approval by the Minister of Railway and the counter offer made to the manufacturers including the said four firms.	PW-1
3	Pig Iron Allocation File No.Track-1/21/92/0112/7. MR No.6/2001 (71) Pages 261, 263, 387 and 428	The documents at page no. 262,263, 387 and 428 will prove the issue of Pig Irons allocation orders on VSP & IISCO against the contracts of Tender No.Track-16 of 1990 to M/s Precision Casting & Engineering Works for total quantities of 2357 t	PW-1
4	Price Escalation Circular of VSP No. Track/21/92/0103/7 dtd.15.7.93 available at Page No.142 of file No. Track/21/92/0103/7/Pig. MR No.6/2001 (69) Pages 142, 174	This will prove the price increase of C.I. Sleeper plates of Rs. 730/- per MT due to the increase in the price of Pig Iron owing to increase in the freight of pig iron on VSP & IISCO which allowed the C.I. Sleeper manufacturers to claim for price escalation on submission of Pig Iron vouchers in support of the claim. The note sheets of the file will also prove that the above said price circulars were issued after the approval by the competent authority of Railway Board. This will prove that escalation of Rs.64/- per MT on order placed on 100% own material basis and Rs.34/- per MT on order placed on 50% C.I.Scrap basis was allowed for pig iron purchased from VSP during the period from 1.4.1992 to 17/18.5.1992, due to increase in the freight of pig iron.	PW-1, 2,8
6	Contract No.Track-1/21/91/0101/ 7/ 50762 dt. 15. 7.1991 in favour of	This will prove the contract placed on and accepted by the accused firm ordered	PW-1, 2,8

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General Manager, NF Railway

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M/S. Precision Casting & Engineering Works. quantity and terms and condition of the contract and correspondence.

6 MR No.16/2001 (75) Pages 1 to 15 Income Tax Clearance Certificate in favour of Shri Pradip Kumar Churiwala, Director, M/s. Pearl Projects & Steel Ltd. This will prove that Shri Pradip Kumar Churiwala, was the contractor as M/s. Precision Casting & Engineering Works PW-1

7 Letter No. Track-1/21/91/0101/ 7/ 50762 dt. 24/29. 6.1.1992 in favour of M/s. Precision Casting & Engineering Works and letter dated 27th April, 1993. MR No.16/2001(75).pages - 62,73, 74. This will prove the ordered quantity and terms and condition of the contract. PW-1, 2,8

8 Letter No. Track-1/21/91/0101/ 7/ 50762 dt. 30. 3.1994 in favour of M/s. Precision Casting & Engineering Works. MR No.16/2001(75) pages 129 - 130 This will prove the ordered quantity and terms and condition of the contract. PW-1, 2,8

9 Letter no. W/68-7/160/91-92/ WC-A dated 28.8.1991. MR No. 16/2001 (74) page - 15 This will prove the consignee details issued by Shri D.M.Bose PW-2, 8

10 Letter no. W/68-7/160/91-92/ W-6A dated 25.5.1994. MR No. 16/2001 (74) page - 162 This will prove the consignee details issued by Shri D.M.Bose PW-1, 2,8

11 Original bill No. PCEW/93-94/PVC/1 dt.28.1.1994 of M/s. Precision Casting & Engineering Works. MR No.16/2001 (35) two sheets This will prove the bill for Rs.87,998.00 raised by M/s. Precision Casting And Engineering Works in respect of increase in the price of CISPs due to freight increase of pig iron allocated on VSP by letter dated 15.7.1993 PW-3,4,5 &8

12 Original bill No. PCEW/93-94/PVC/2 dt.23.1.1994 of M/s. Precision Casting & Engineering Works. MR No.16/2001 (38) two sheets This will prove the bill for Rs.1,80,860.00 raised by M/s. Precision Casting And Engineering Works in respect of increase in the price of CISPs due to freight increase of pig iron allocated on VSP by letter dated 15.7.1993 PW-3,4,5 &8

13 Original bill No. PCEW/94-95/PVC/1 dt.8.8.1994 of M/s. Precision Casting & Engineering Works. MR No. 16/2001 (12) This will prove the bill for Rs.2,84,914.00 raised by M/s. Precision Casting And Engineering Works in respect of increase in the price of CISPs due to freight increase of pig iron allocated on VSP by letter dated 15.7.1993 PW-3,4,5 &8

14 Original bill No. PCEW/94-95/PVC/2 dt.8.8.1994 of M/s. Precision Casting & Engineering Works. This will prove the bill for Rs.38,150.00 raised by M/s. Precision Casting And Engineering Works in respect PW-3,4,5 &8

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MR No. 16/2001 (11)

of increase in the price of CISPs due to freight increase of pig iron allocated on VSP by letter dated 15.7.1993

15 Copies of Invoice No. Mktg./ I&S/INV/61 dated 9.6.93 for 144.800 M Ts of pig iron purchased from VSP. This copies of vouchers showing purchase of pig iron from VSP will prove that the firm claimed freight fraudulently against fake and forged Xerox copies of invoices of VSP. PW-2, 6 to 8

16 MR No. 16/2001 (74) Page No.45 Copies of Invoice No. Mktg./ I&S/INV/ 57 dated 7.6.93 for 158.200 M Ts of pig iron purchased from VSP. This copies of vouchers showing purchase of pig iron from VSP will prove that the firm claimed freight fraudulently against fake and forged Xerox copies of invoices of VSP. PW-2, 6 to 8

17 MR No. 16/2001 (74) Page No.46 Copies of Invoice No. Mktg./ I&S/INV/ 77 dated 29 th July 92 for 299400 M Ts of pig iron purchased from VSP. This copies of vouchers showing purchase of pig iron from VSP will prove that the firm claimed freight fraudulently against fake and forged Xerox copies of invoices of VSP. PW-2, 6 to 8

18 MR No. 16/2001 (74) Page No.47 Copies of Invoice No. Mktg./ I&S/INV/ 64 dated 29 th July 92 for 87.970 M Ts of pig iron purchased from VSP. This copies of vouchers showing purchase of pig iron from VSP will prove that the firm claimed freight fraudulently against fake and forged Xerox copies of invoices of VSP. PW-2, 6 to 8

19 MR No. 16/2001 (74) Page No. 48 Copies of Invoice No. Mktg./ I&S/INV/ 281 dated 30.12.92 for 99.770 M Ts of pig iron purchased from VSP. This copies of vouchers showing purchase of pig iron from VSP will prove that the firm claimed freight fraudulently against fake and forged Xerox copies of invoices of VSP. PW-2, 6 to 8

20 MR No. 16/2001 (75) Page No. 49 and 50. Letter no. W/68-7/160/91-92/ W-6A dated 11.8.94 This will prove that the claim of the contractor was forwarded by Shri D.M.Bose to FA & CAO for processing, checking and passing. PW-2, 8

21 MR No. 16/2001 (75) Page No.112 Letter no. W/68-7/160/91-92/ W-6A dated 31.1.94 This will prove that the claim of the contractor was forwarded by Shri D.M.Bose to FA & CAO for processing, checking and passing. PW-2, 8

22 MR No. 16/2001 (75) Page No. 65 Cheque Forwarding Memo No. C/B CHR dated 1.02.94 in respect of Cheque no. 051437 dated 1.2.1994 for Rs.1,80,860/- This will prove payment of bill to the contract. PW-10,

23 MR No. 16/2001(37) Paid Cheque no. 066643 dated 12.8.1994 for Rs.3,36,350/- in favour of M/s. Precision Casting & Engineering Works. This will prove payment of bill amount to the contractor. PW-4, 10 to 12

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24 MR No. 16/2001 (70)
Paid Cheque no. 051430 dated 3.2.1994 for Rs. 87,998/- in favour of M/s. Precision Casting & Engineering Works
MR No. 16/2001 (62)

25 RITES Inspection
MR No. 16/2001 (75) pages 53 to 58, 65, 66, 95 to 99 also as per
MR No. 16/2001 (74) pages 40 - 44, 71, 91

26 Duplicate Invoice No. Mktg./ I&S/INV/ 64 dated 30.12. 92 for purchase of pig iron purchased from VSP.

27 Certified copy of Customer Ledger of VSP Branch Office Calcutta in respect of M/s. Precision Casting & Engineering

28 Letter No. VSP/BSO/KOL/MKTG /2001-02 dated Nov. 23, 2001 of Branch Manager, Rashtriya Ispat Nigam, Kolkata

29 Seizure Memo in respect of Duplicate Invoice No. Mktg./ I&S/INV/ 64 dated 30.04.92 for

This will prove payment of bill amount to the contractor. PW-4, 10 to 12

This will prove that the accused public servants abused their official positions and checked and passed the bills as claimed by the accused firm for 210.738 M Ts CISPs manufactured and supplied after Inspection well before 1.4.1992 in violation of the instructions contained in Railway Board's letter dated 15.7.1993 @ Rs. 730/- per M T. PW-2, 8

Book No.	Set No.	Certificate No.	Date	Consignee
8,068	45	NF/91/18579/SKS	23.9.1991	PWI / Jagi Road
8,251	13	NF/91/18579/SSP	13.2.1991	PWI / Jagi Road
8,251	13	NF/91/18579/SSP	13.2.1991	PWI / Karimganj
8,251	24	NF/91/18579/SSP	26.2.1992	PWI / Jagi Road
8,251	23	NF/91/18579/SSP	26.2.1992	PWI / Karimganj
8,813	34	NF/91/18579/DSB	1.4.1993	Transferred from
8,751	50	NF/91/18579/PKS	16.2.1993	N/ CON
8,068	45	NF/91/18579/SKS	23.9.1991	PWI / Jagi Road
8,251	12	NF/91/18579/SSP	13.2.1991	PWI / Karimganj

This will prove that the accused firm could not have purchased pig iron from VSP against Invoice No. Mktg./ I&S/INV/ 64 dated 29th July 92 as this number was issued to different firm in Dec. 1992. PW-6, 7

This will prove that there was no transaction of the accused firm with VSP during the currency of the Railway Board's contract in question. PW-6, 7

This will prove that there was no transaction of the accused firm with VSP during the currency of the Railway Board's contract in question also that the accused firm could not have purchased pig iron from VSP against Invoice No. Mktg./ I&S/INV/ 64 dated 29th July 92 as this number was issued to different firm in Dec. 1992. PW-6, 7

PW-7

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Vipan Nanda
General Manager, NF Railway.

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purchase of pig iron purchased from VSP. This will prove that the pricing of pig iron was taken out of the purview of JPC and the Steel Plants were made free to fix up their own price. PW-1

30 D.O.No. DRS/Steel/Policy dated 20.01.1992 in respect of Notification no. SC/1/6/91 dated 16.1.1992 of the Railway Board. MR No.6 / 01 (67) page no. 224. CO-6 Register for the period from April 1993 to March 1994. MR No.6 / 2001 (217) Page No.109 This will prove receipt of the firm's bill PCEW/93-94/PVC/2 dated 23.1.94 for Rs.1,80,860/- vide AB No. CS/100/1211 dated 31.1.1994 and PCEW/93-94/PVC/1 dated 20.1.94 for Rs.87,998/- were received in CSA and checked and passed. PW-3 to PW-5

31 CO-7 Register for the period from Dec. 1993 to March Dec 1994. MR No. 6 / 01 (243) Page No.32 and 168 This will prove that the firm's bill PCEW/93-94/PVC/2 dated 23.1.94 for Rs.1,80,880/- and PCEW/93-94/PVC/1 dated 20.1.94 for Rs.87,998/- were checked by the accused persons vide AB No. CS/100/1211 dated 31.1.1994 and passed. This will further prove the above facts in respect of AB No. CS/100/410 dated 11.8.934 and CS/100/409 dated 11.8.94 PW-3 to PW-5

32 CO-6 Register for the period from April 1994 to March 1995. MR No. 6 / 01 (218) Page No.40 This will prove the firm's bill no. PCEW/94-95/PVC/2 dated 8.8.94 for Rs.38,150 and PCEW/94-95/PVC/1 dated 8.8.94 for Rs.2,84,914/- were received in CSA (Bills) vide AB No. CS/100/410 dated 11.8.934 and CS/100/409 dated 11.8.94 PW-3 to PW-5

33 Cheque despatch register No.2 for the period from 1.5.1991 to 31.12.98. MR No. 6/2001 (277) page no. 169, 191 This will prove that the bill passed vide AB No. CS/100/1211 dated 31.1.94 & CS/100/1202 dated 31.1.94 alongwith cheques were received in Cash & Pay Office for sending the same to the firm PW-10

34 Cash Book No.8 for the period from 1.7.1994 to 27.9.94. MR No.6/2001(272) Page-486 & 480, This will prove that the bill passed vide AB No. CS/100/409 dated 11.8.94, CS/100/410 dated 11.8.94 & CS/100/411 dated 11.8.94 alongwith cheques were received in Cash & Pay Office for sending the same to the firm PW-10

35 Cheque Book No.7 for the period from 1.9.1993 to 31.3.94. MR No.6/2001(284), Page-403 & 398, This will prove that the bill passed vide AB No. CS/100/1211 dated 31.1.94 & CS/100/1202 dated 31.1.94 alongwith cheques were received in Cash & Pay Office for sending the same to the firm PW-10

36 Cheque Book No.8 for the period from 1.4.1994 to 31.10.94. MR No.6/2001(265), Page- 252, This will prove that the bill passed vide AB No. CS/100/1211 dated 31.1.94 & CS/100/1202 dated 31.1.94 alongwith cheques were received in Cash & Pay Office for sending the same to the firm PW-10

Vipan Nanda
General Manager, NF Railway

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39 Letter dated 31.12.02 of Asstt. Vice President, The Vysya Bank Ltd., H. B. Sarani, Calcutta - 1 and enclosures, correspondences. This will prove that Shri P.K.Churiwala was Director of M/s. Precision Casting & Engineering Works., Howrah PW-16, 11

40 Railway Board's letter no. Track-1/21/91/0101/7 / 50762 dated 30.3.1994. These will prove the final ordered quantity to the firm which was to be manufactured and supplied to N.F.Rly., PW-1,

41 MR No.16/2001(74) page no. 94 letter no. W/68-7/160/91-92/W 6A dated 27.4.1994. Shri D.M.Bose(A-1) had informed M/s. Precision Casting and Engineering Works. (A-6) about the consignees details in respect of 428 MT BG CST allotted to NF / OL which was further amended PW-2,3,5,8 & 9

42 MR No.16/2001(74) page no. 69 letter no. W/68-7/160/91-92/W 6A dated 25.5.1994. -do- -do-

43 Letter No. HBS:GEN/1750:02 dated 01.06.02 of the Asstt. Vice President (Operation), The Vysya Bank Ltd. H. B.Sarani Branch, Calcutta - 1. This will prove that though the firm maintained A/c. in the bank records could not be made available and the same has been destroyed. PW-11, PW-13,

44 Letter No. PAD/Rly.Pml/15460/2002-2003 dated May 31, 2002 of Shri C. K. Sarkar, Asstt. General Manager, RBI, 15, N.S Road, Calcutta - 1. -do- PW-12, PW-13

45 Bill enforcement sheets and abstract of bill passed. MR No.16/2001 (74) Page No. 16 to 21. This will prove details of bills preferred, checked and passed by the accused persons, dates of passing of bills , quantity supplied and escalations and freight claims. PW-2,3,5,8 & 9

46 Railway Board letter No.Track/21/91/0101/7/50708 dtd.19/7/94 of Sri.B.Mazumdar, Dy.Director/Track. MR No.21/01(36) page no. 50 Letter No.SA/BILL/PWF/94-95 dtd.30/9/94 alongwith enclosures of Sri.A.K.Sarker, the then AAO/CSA, NF.Railway, Mailgaon. MR No.21/01(36) page no. 61 This will prove that freight charges will be paid on the basis of pig iron vouchers of SAIL/VSP subject to maximum of Rs.730/- per Mt. PW-15

47 This will prove that one Invoice No.Mktg/l & S/INV/281 dtd.30/12/92 for 99.760 Mts. of pig iron of M/S Precision Casting and Engg. Works, one of M/S Calcutta Iron and Engg. Co.Ltd. and 03 Invoices oof other parties were sent to the Branch Manager, VSP, Vishakapatnam to verify the genuiness of the invoices and that the said letter was issued after making payment of the freight bills. PW-15

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General Manager, NF Railway

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A. V. D. C. G.

Annexure-IV

CALENDER OF WITNESSES

	Gist of Evidence	Documents	
1	Sri H.S.Anand, Desk Officer/Track, Railway Board, new Delhi	will prove the total quantities of C.I.Sleeper Plates to be supplied to NF/OL by M/s. Precision Casting & Engineering Works, as per Contract Orders and its Amendments against Tender No. Track 16 of 1990, issued by the Railway Board. They will also prove the terms and conditions of the Contracts including the Special Conditions of Contract, 1987, which was a part of the said Contract Orders. He will also prove the total quantities of pig iron allocated to the Firm on VSP / IISCO against Contract Order on replenishment basis and such was entitled to escalation charges due to the increase in the price of pig iron etc. of VSP to the extent of allocation as per letter dated 15.7.1992.	D-2 to D-8, D-30
2	Shri Pranab Kanti Dey - Accts. Officer, O/o the FA & CAO (OL), N.F.Railway, Mallgaon.	He will prove the process involved in passing of bills and prove documents such as Accounts file of bills, bills of the contractor, signatures of the official who processed and passed the bills and state that M/s. Precision Casting and Engineering Works had claimed freight increase only for pig iron allocated on VSP and that the bills were not properly checked and passed by the accused persons	D-4, D-5, D-7 to D-10, D-15 to D21, D-25
3	Shri Bipul Kumar Das - Accts. Asstt., O/o the FA & CAO (OL), N.F.Railway, Mallgaon.	He will prove the process involved in passing of bills and prove documents such as Accounts file of bills, bills of the contractor, signatures of the official who processed and passed the bills and state that M/s. Precision Casting and Engineering Works had claimed freight only for pig iron allocated on VSP and that the bills were checked and passed by the accused persons.	D-11 to D-14 D-31 to D-33,D-8,D-10 , D-20, D-21,D-23, D-24
4	Shri Jeetscal Sangma - Accts. Asstt., O/o the FA	He will prove the process involved in passing of bills and prove documents such as Accounts file of	D-23, D-24, D-11 to 14,

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Vipan Nanda
General Manager, NF Railway

Certified to be true


(J. Purkayya (L.L.B))
Advocate

& CAO (OL),
N.F.Railway, Maligaon.

bills, bills of the contractor, signatures of the official who processed and passed the bills and state that M/s. Precision Casting and Engineering Works had claimed freight only for pig iron allocated on VSP and that the bills were checked and passed by the accused persons.

D-31 to D-33

5 Shri Satish Das - Accts. Clerk, O/o the FA & CAO (OL), N.F.Railway, Maligaon. He will prove the process involved in passing of bills and prove documents such as Accounts file of bills, bills of the contractor, signatures of the official who processed and passed the bills and state that M/s. Precision Casting and Engineering Works had claimed freight increase only for pig iron allocated on VSP and that the bills were checked and passed by the accused persons.

D-11 to D-14
D-31 to
D-33, D-9, D-10
D-20,
D-21, D-23,
D-24

6 Shri. Ratnasaran Das, Manager (Marketing) Rastriya Ispat Nigam Ltd., 1 A.J.C Bose Road, Kolkata-20 He will state that M/s. Precision Casting & Engineering Works, Howrah did not purchase pig iron from VSP and that the copies of the invoices submitted to N.F.Railway by the said firm were not issued by VSP rather these were fake and forged.

D-15 to D-19
D-26 to D-29

7 Shri Sumit Deb, Branch Manager, Rastriya Ispat Nigam Ltd., 1 A.J.C Bose Road, Kolkata-20 He will state that M/s. Precision Casting & Engineering Works, Howrah did not purchase pig iron from VSP and that the copies of the invoices submitted to N.F.Railway by the said firm were not issued by VSP rather these were fake and forged.

D-15 to D-19
D-26 to D-29

8 Shri M.C. Malakar, Senior Section Officer, Central Stores Accounts (Bills), O/o The FA & CAO, N.F.Rly., Maligaon. He will prove the bill file of M/s. Precision Casting & Engineering and state that the accused person did not check the bills properly and passed the bills which was not due.

D-4, D-5, D-7 to D-21, D-25

9 Shri A. Rabha, Accts. Asstt. CSA (Bills), N.F. Railway, Maligaon He has proved the bills in question and the writings of the individuals and their acts in detail.

D-11 to D-14
D-31 to
D-33, D-9,
D-10, D-20,
D-21, D-23,
D-24
D-34 to D-38

10 Shri Kamakhya Prasad Chakraborty, Sr. Asstt. Chief Cashier, Cash & Pay Office, N.F.Rly. He will prove the entries showing the cheques received from CSA (Bills) were received in the Cash & Pay Office and state that the cheques were collected by hand. On the basis of paid A/c payee cheques he also stated that the cheques were encashed by the accused firm in their A/c.

11 Shri K. Satish Babu, Asstt. Vice President He will prove the payment of bill amount in the

D-23, D-24,
D-43

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Vipan Nanda
General Manager, NF Railway.

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(J. Pukayastha)
Advocate

(Operation), H. B. Sarani
Branch, The Vysya Bank
Ltd., Calcutta -1, West
Bengal

12 Shri C. K. Sarkar, Asstt.
General Manager,
Reserve Bank of India,
15, Netaji Subhas Road,
Calcutta -700 001, West
Bengal

13 Sri.Robin Deka,
Dy.CAO/T, NF.Railway,
Malligaon.

14 Shri Bhagwan Das,
Inspector, CBI,
ACB, Guwahati

15 B. S. Jha, Inspector, CBI,
ACB, Guwahati

16 Shri Ramesh Kr.
Churiwal, Utkalmani
Gopa, Bondhy Sarani,
Burabazar, Kolkata

bank A/c. of M/s. Precision Casting and
Engineering Works.

He will prove the payment of bill amount in the
bank A/c. of M/s. Precision Casting and
Engineering Works. D-23, D-24,
D-44

He will prove sending of letter D-46, D-47.
No.PNO/SA/Bill/PWF/94-95 dtd.21/6/94 to
G.M(Track), NF.Railway on being put up by
S/Sri.A.K.Sarkar, AAO/CSA and D.K.Baruah,
Sr.SO requesting to obtain clarification from
Railway Board the type of documentary evidence
desired to be submitted by the party in original for
making payment of freight bills, and whether the
freight bills submitted by the party could at all be
admissible for payment since it was felt to be
abnormally high. He will prove that one Invoice of
M/S Precision Casting was sent to VSP for
verification after passing and payment of the freight
bills.

He will prove the Part Investigation done by him
and the statements recorded by him.

He will prove the facts disclosed from the
investigation

He will prove the initials and photograph on bank D-6, 39
A/c. opening form and state that Shri Pradip Kr.
Churiwal was the Mof M/s. Precision Casting &
Engineering Works.

Signature

Vipan Nanda
General Manager, NF Railway.

Certified to be true copy


(J. Purkayastha)
Advocate

STANDARD FORM NO.5 MEMORANDUM OF CHARGE SHEET UNDER
RULE 9 OF THE RS (D & A) RULES- 1968.

NORTHEAST FRONTIER RAILWAY

OFFICE OF THE
GENERAL MANAGER
GUWAHATI-781011.

NO. PNO/AD/RC-20,21,23 & 24(A)/
/97-SHG/AKS

DATE: 5 - 11 - 2003

MEMORANDUM

The undersigned propose(s) to hold an inquiry against Shri A.K. Sarkar, the then AAO/CSA, now DFM/RNY under Rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968. 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 imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed. (Annexure-III & IV).

2. Shri A.K. Sarkar, DFM/RNY is hereby informed that if he so desires, he can inspect and take extracts from the documents mentioned in the enclosed list of documents (Annexure-III) at any time during office hours within ten days of receipt of this Memorandum. For this purpose he should contact the undersigned, N.F.Railway, maligaon, immediately on receipt of this Memorandum.

3. Shri A.K. Sarkar is further informed that he may, if he so desires, take the assistance of any other Railway servant (who satisfies the requirements of Rule 9(13) of the Railway Servants (Discipline & Appeal) Rules, 1968 for inspecting the documents and assisting him in presenting his case before the Inquiring Authority in the event of an oral inquiry being held. For this purpose, he should nominate one or more persons in order of preference. Before nominating the assisting Railway Servant(s), Shri A.K. Sarkar should obtain an undertaking from the nominee(s) that he(they) is (are) willing to assist him during the disciplinary proceedings. The undertaking should also contain the particulars of other cases if any, in which the nominee(s) had already undertaken to assist and the undertaking should be furnished to the undersigned, along with the nomination.

1) Morandy Pd. Radha Krishna Pd. Pdt. dd.
2) J.D. Lassing & posing Pd. dd.
3) Bokash long works.
4) Bege Lassing long. works.

Contd to page -2.

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4. Shri A.K. Sarkar, is hereby directed to submit to the undersigned a written statement of his defence within ten days of receipt of this Memorandum, if he does not desire to inspect any documents for the preparation of his defence and within ten days after completion of inspection of documents, if he desires to inspect documents, and also-

(a) to state whether he wishes to be heard in person; and

(b) to furnish the names and addresses of the witnesses, if any, whom he wishes to call in support of his defence.

5. Shri A.K. Sarkar, DFM/RNY 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.

6. Shri A.K. Sarkar, is further informed that if he does not submit his written statement of defence within the period specified in para 4 or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of Rule 9 of the Railway servants (Discipline & Appeal) Rules, 1968, or the order/ directions issued in pursuance of the said rule, the Inquiring Authority may hold in the Inquiry ex- parte.

7. The attention of Shri A.K. Sarkar, DFM/RNY is invited to Rule 20 of the Railway services (conduct) Rules, 1966, under which no Railway Servant shall bring or attempt to bring any political or other 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 A.K. Sarkar 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 Railway Services (Conduct) Rules, 1966.

8. The receipt of this Memorandum may be acknowledged.

Enclo:- Annexures- I, II, III, & IV.

(Vipan Nanda)
General Manager
N. F. Railway/Maligaon

To
Shri/Smt. A.K. Sarkar, the then AAO/CSA
now DFM/RNY, N. F. Railway

(Through DRM/Rangia).

Certified to be true copy

(J. Parkayartha
Advocate)

Annexure-I

ARTICLE OF CHARGE AGAINST SHRI A.K. SARKAR, THE THEN ASSISTANT ACCOUNTS OFFICER/ CENTRAL STORES ACCOUNTS IN THE OFFICE OF THE FA&CAO, N.F. RLY, MALIGAON, NOW DIVISIONAL FINANCE MANAGER / RNY/ N.F. RLY.

Article of charge:

Sri A.K. Sarkar, while posted and functioning as Asstt. Accounts Officer/ Central Stores Accounts, during the period 1993-95, in the office of the FA&CAO, NF RLY, Maligaon committed gross misconduct and failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of his position, in as much as he passed fraudulently 07,13,11 & 04 Nos. of escalation Bills based on increase of price of pig iron by Vizag Steel Plant (VSP) preferred by M/S. Marcandy Prasad Radha Krishna Prasad Pvt. Ltd. (M/S MPRP) M/S J.D. Casting and Forging Pvt. Ltd. (M/S JDCF) M/S Prakash Engineering Works (M/S PEW) and M/S Beget Casting and Engineering Co. (M/S BCEC) in terms of Railway Board's price Circulars Nos. Track/21/92/0103/7 dtd. 15.7.93, Track/21/92/0103/7-pig dtd. 29.9.93 and Track/21/92/0103/7 dtd. 20.4.95, for supply of C.I. Sleeper Plates to NF Railway against their respective Contracts of Tender No. Track 16 of 1990, even though relevant pig iron invoices of VSP were not attached/submitted alongwith the said Bills in support of the claim, which were a must as per the conditions of the said Circulars and thereby making fraudulent payments to the said Firms M/S. MPRP, M/S JDCF, M/S. PEW and M/S. BCEC for a total amount of Rs. 1,08,02,235.00, Rs. 75,34,886.00, Rs. 37,76,853.00 and Rs. 11,32,785.00 respectively.

Thus by the aforesaid acts of omissions and commissions, Sri A.K. Sarkar failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of his position and thereby contravened the provisions of Rule 3(1) (i) (ii) & (iii) of the Railway Services (Conduct) Rules, 1966.

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(V. Nanda)

Tfm / N.F.Rly

Certified to be true

(J. Parkayam)

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Annexure-II

STATEMENT OF IMPUTATION IN SUPPORT OF ARTICLES OF CHARGE AGAINST SHRI A.K. SARKAR, THE THEN ASSTT. ACCOUNTS OFFICER/CENTRAL STORES ACCOUNTS, IN THE OFFICE OF FA & CAO, NF RAILWAY, MALIGAON, NOW DIVISIONAL FINANCE MANAGER, RNY, NF RAILWAY.

1. Whereas, it is alleged that Sri A.K. Sarkar, was posted and functioning as Asstt. Accounts Officer/Central Stores Accounts during the period 1993-95, in the Office of the FA & CAO, NF Railway/Maligaon.

2. Whereas, it is alleged as under:

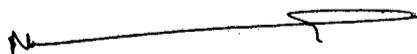
i) That, Contract/Supply order Nos. Track-1/21/91/0101/7/50747 dtd. 19.7.91, Track-1/21/91/0101/7/50702 dtd. 22.7.91, Track-1/21/91/0101/7/50720 dtd. 19.7.91 and Track-1/21/91/0101/7/50742 dtd. 16.7.91 were placed on M/S Marcandy Prasad Radha Krishna Prasad Pvt. Ltd. (M/S. MPRP), M/S. J.D. Casting and Forging Pvt. Ltd. (M/S. JDCF), M/S Prakash Engineering Works (M/S. PEW) and M/S Beget Casting and Engineering Co. (M/S BCEC) for manufacture and supply (MG for NF Railway), against Tender No. Track 16 of 1990.

ii) That the Contract Orders placed on M/S. MPRP and M/S JDCF Ltd. were amended vide Amendment No.3 dtd. 18.5.92 and 30.1.92 respectively and an Additional Order dtd. 21.3.94 was placed on M/S PEW.

iii) That, by combining the Orders, Amendments and the Additional Orders, M/S. MPRP was to manufacture and supply 4440 Mts. (i.e., MG-2325 Mts, & BG-2115 Mts.) M/S JDCF, 2885 Mts. (i.e. MG-1060 Mts. & BG-1825 Mts.) M/S PEW, 1364 Mts. (i.e. MG-560 Mts. & BG-714 Mts.) and M/S. BCEC was to manufacture and supply 595 Mts. of MG to NF Railway.

iv) That, for manufacturing the C.I. Sleeper Plates against the aforesaid Orders, the allocations of pig iron was made to the said 4 Firms on IISCO.

v) That, against the aforesaid Orders, M/S MPRP manufactured and supplied 2260.556 Mts. of MG and 2102.222 Mts. of BG C.I. Sleeper Plates and preferred 72 Nos. of


(V. Nanda)

LGM / N.F.Rly.

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(J. Parkayasingh)
Advocate

Com/W.Pro/Npk/RCs-1.3-16/99.

Supply Bills. M/S JDCE, M/S PEW and M/S BCEC also manufactured and supplied 2868.572 Mts., 1360.264 Mts. and 519.151 Mts. of C.I.Sleeper Plates and preferred 45, 21 and 11 Nos. of Supply Bills respectively.

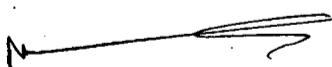
vi) That, as per Clause 6 of the Special Condition of the Contracts, the said firms were entitled to get the benifit of increase and decrease of price in respect of the C.I.Sleeper Plates manufactured and supplied by them depending on the increase and decrease of the pig iron, provided the C.I.Sleeper Plates manufactured by the party concerned were inspected by RITES, after 15 days from the date of revised price of pig iron came into effect.

vii) That, HSCO, Burnpur increased the price of its pig iron and accordingly the Railway Board issued price Circular Nos. Track/21/92/0103/7/HSCO dtd.22/4/92 and Track/21/92/0103/7 dtd.26/3/93.

viii) That, in terms of the said price Circulars of HSCO, issued by the Railway Board, M/S MPPR, M/S JDCE, M/S PEW and M/S BCEC preferred 63, 30, 9, and 13 Bills on account of escalation of price of pig iron of HSCO and were accordingly paid Rs.48,16,244.07, Rs.20,76,385.61, Rs.13,58,377.18 and Rs.7,14,098.49 respectively.

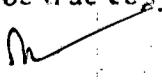
ix) That, the price of the pig iron of VSP being increased, the Railway Board issued price Circular Nos. Track/21/92/0103/7 dtd.15/7/93, Track/21/92/0103/7-pig dtd. 29/9/93 and Track/21/92/0103/7 dtd. 20/4/95. This increase of price was to be applicable to the manufacturers of C.I.Sleeper Plates, which were allocated pig iron on VSP and on production of invoices in support of such supply/claim.

x) That, in terms of the said price Circulars of VSP, issued by the Railway Board, M/S MPPR, M/S JDCE, M/S PEW and M/S BCEC preferred 9, 15, 12, and 4 escalation Bills amounting to Rs.1,24,65,943.00, Rs.81,23,373.00, Rs.39,00,658.00 and Rs.11,32,785.00 respectively on account of the difference of escalated price of pig iron of M/S HSCO and that of M/S VSP, since the increase in the price of pig iron of VSP was more in comparision to the increase of price of pig iron of HSCO, eventhough the said firms had not taken delivery of pig iron from VSP for manufacturing of C.I.Sleeper Plates against the Contracts in question, and were not entitled for VSP escalation.


(V. Nanda)

Em / N.P.R.I.

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(J. Purkayastha)
Advocate

xi) That, none of the said bills contained supporting invoices to prove the supply of pig iron from VSP and as such the bills in question, should have been held up/returned to the said Firms.

xii) That, the C.I.Sleeper Plates manufactured and supplied by the said Firms against their Contracts in question, were inspected by RTES prior to the dates the increase of price of the pig iron of VSP was made effective.

xiii) That, Sri.A.K.Sarkar dishonestly and with malafide intention finally passed 7 Nos. of bills amounting to Rs.1,08,02,235.00 of M/S MPRP; 13 Nos. of bills amounting to Rs.75,34,886.00 of M/S JDCE; 11 Nos. of bills amounting to Rs.37,76,853.00 of M/S PEW and 04 Nos. of bills amounting to Rs.11,32,785.00 of M/S BCEC after the said bills were processed and passed by Sri.Dherendra Kumar Baruah, the then Sr.SO/CSA and in two instances in respect of M/S MPRP by Sri.Narayan Sengupta, the then Sr.SO/CSA, knowing fully well that the covering invoices in token of having purchased the pig iron from VSP were not attached/submitted, the details of the bills finally passed by him are as under :

a. M/S MPRP

Sl.No.	VSP's escalation Bill Nos.	Amount
1	1. MPRP/NFR/ESC/03/94-95 dtd.26/5/94.	Rs.8,47,603/-
2	2. MPRP/NFR/ESC/04/94-95 dtd.26/5/94.	Rs.14,35,154/-
3	3. MPRP/NFR/ESC/05/94-95 dtd.26/5/94.	Rs.5,98,995/-
4	MPRP/NFR/OL/PI/91/94-95/2 dtd.25/3/94.	Rs.5,20,071/-
5	MPRP/NFR/91/ESC/95-96 dtd.22/6/95.	Rs.19,12,568/-
6	MPRP/NFR/94-95/ESC/01 dtd.14/4/94.	Rs.37,09,236/-
7	MPRP/NFR/91/ESC/02/95-96 dtd.4/12/95.	Rs.17,78,608/-
Total		Rs.1,08,02,235.00

b. M/S JDCE

Sl.No	VSP's escalation Bill Nos.	Amount
1	1. JDCE/NFR/ESC/01/93-94 dtd.20/3/94	Rs.14,23,167.00
2	2. JDCE/NFR/ESC/02/93-94 dtd.20/3/94	Rs.5,62,339.00
3	3. JDCE/NFR/ESC/03/93-94 dtd.20/3/94	Rs.1,04,172.00
4	JDCE/NFR/OL/01/95-96/2 dtd.21/4/95	Rs.6,44,789.00
5	JDCE/NFR/91/OL/03/95-96 dtd.21/4/95	Rs.7,51,207.00
6	JDCE/NFR/91/ESC/95-96 dtd.22/6/95	Rs.19,47,233.00
7	JDCE/NFR/ESC/95-96/01 dtd.2/6/95	Rs.1,33,053.00
8	JDCE/NFR/ESC/07/94-95 dtd.28/3/94	Rs.4,75,598.00
9	JDCE/NFR/ESC/06/94-95 dtd.28/3/94	Rs.4,36,932.00

(V. Nanda)

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Advocate

10	JDCE/NFR/ESC/05/94 dtd.28/3/94	Rs.5,62,690.00
11	JDCE/NFR/BG/92/ESC/VSP/3 dtd.19/11/93	Rs.2,10,447.00
12	JDCE/NFR/BG/92/ESC/VSP/4 dtd.25/11/93	Rs.1,87,252.00
13	JDCE/NFR/BG/92/ESC/VSP/5 dtd.30/11/93	Rs.96,007.00
	Total	Rs. 75,34,886.00

c. M/S PEW

Sl.No	VSP's escalation Bill Nos.	Amount
1	PEW/BG/Addl/94/ESC/Pig//IIC/07 dtd.24/9/94	Rs.1,67,908.00
2	PEW/BG/Addl/94/ESC/Pig//IIC/SC/05 dtd.24/9/94	Rs.1,67,908.00
3	PEW/NFR/Addl/ESC/8 dtd.20/10/94	Rs.1,79,901.00
4	PEW/BG/Addl/94/ESC/Pig//IIC/SC/09 dtd.31/10/94	Rs.2,51,862.00
5	PEW/NFR/ESC/94-95 dtd.20/3/95	Rs.17,38,982.00
6	PEW/NFR/ESC/91/04 dtd.29/5/95	Rs.4,13,205.00
7	PEW/NFR/Addl/94/ESC/Pig//IIC-SC/1 dtd.23/6/94	Rs.1,27,130.00
8	PEW/IIC/Addl/94/3 dtd.4/6/94	Rs.1,97,500.00
9	PEW/BG/Addl/94/2 dtd.4/6/94	Rs.2,22,424.00
10	PEW/BG/Addl/94/ESC/Pig//IIC/SC/3 dtd.6/7/94	Rs.1,89,975.00
11	PEW/BG/Addl/94/01 dtd.16/5/94	Rs.1,19,959.00
	Total	Rs. 37,76,853.00

d. M/S BCEC

Sl.No	VSP's escalation Bill Nos.	Amount
1	BCEC/NFR/ESC/93-94 dtd.16/2/94	Rs.4,89,882.00
2	BCEC/NFR/ESC/04/94-95 dtd.16/5/94	Rs.1,01,835.00
3	BCEC/NFR/94-95/ESC/01 dtd.16/4/94	Rs.1,01,835.00
4	BCEC/NFR/91/ESC/95-96 dtd.2/6/95	Rs.4,39,233.00
	Total	Rs. 11,32,785.00

(iv) That, Sri.A.K.Sarkar dishonestly to justify his passing of the said bills in respect of M/S MPRP, subsequently after passing/payment entertained but without acknowledgement one bogus letter No.Track-1/21/91/0101/7/50747 dtd.11/3/94, under the signature of Late Bhopal Singh, the then Desk Officer, Railway Board, which certified to the effect that certain quantity of pig iron consumed by M/S MPRP was procured from VSP against allegations and another bogus letter No. Track-1/21/91/0101/7/50747 dtd.29/9/95 forwarded by D.M.Bose, the then Track Supply Officer, also under the signature of Late Bhopal Singh mentioning that the escalation should be paid to M/S MPRP irrespective of the fact that the C.I.Sleeper Plates were inspected before or after the receipt of the pig iron.

W
 (V. Nanda)
 Epm | N.F.R.I.

Classified to : *M*

(J. Pukay)

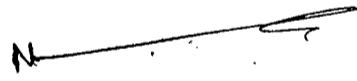
SA/AV/SC

Com/W.Pk/Npk/RC/13.10/99.

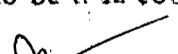
xvi) That, Smt.A.K.Sarkar also to justify his passing of the bills in respect of M/S JDCP and M/S PIW subsequently entertained some bogus/forged pig iron invoices of VSP which were not issued from VSP nor against Railway Board allocations and in respect of M/S BCBC also subsequently entertained some pig iron invoices of VSP, which were not issued against Railway Board allocations.

xvii) That, payments of the said bills had been made by Smt.A.K.Sarkar vide A/C Payee RDI,Kolkata cheque Nos.066256 dtd.3/6/94, 030492 dtd.14/12/95, 066181 dtd.6/5/94 and 050022 dtd.27/6/95 to M/S KPRP, cheque Nos.051276 dtd.26/11/93, 051321 dtd.9/12/93, 066195 dtd.13/5/94, 049338 dtd.28/4/95, 049445 dtd.7/6/95, 066054 dtd.13/4/94, 049358 dtd.9/5/95 and 050021 dtd.27/7/95 to M/S JDCP, cheque Nos.066348 dtd.17/7/94, 066927 dtd.21/10/94, 066376 dtd.8/7/94, 066853 dtd.28/9/94, 066993 dtd.15/11/94, 049428 dtd.1/6/95 and 049165 dtd.24/3/95 to M/S PIW and cheques Nos.051704 dtd.18/2/94, 066179 dtd.6/5/94, 066211 dtd.18/5/94 and 049455 dtd.8/6/95 to M/S BCBC.

Thus, by the aforesaid acts of omissions and commissions on the part of Smt.A.K.Sarkar, he had failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of his position and thereby contravened the provisions of Rule 3(1) (i) (ii) & (iii) of the Railway Services (Conduct) Rules, 1966.


(V. Nanda)
Tcm / N.F.Rly.

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(J. Purnayestha)
Advocate

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ANNEXURE-III

List of evidence-documentary in RDA against Sri.A.K.Sarkar		List of the evidence
Sl. No.	Name of the documents	
1	Allocation order no. Track/21/91/0112/7 dtd.17/12/91 at page nos 180 & 181 of Allocation File no. Track/21/91/0112/7 MR.no.6/01(71)	This will prove the allocation of 990 Mts. of pig iron on HESCO to M/S MPRP against their Contract of Tender no. Track 16 of 1990 for the quarter Jan. to March'92 signed by Sri.S.M.Choudhury, the then Desk Officer/track,Railway Board.
2	Allocation order no. Track-1/2/92/0112/7 dtd.2/11/92 at page no. 185 of the same Allocation File no. Track-1/2/92/0112/7 MR.no.6/01(70)	This will prove the allocation of 693 Mts. of pig iron to M/S MPRP against their contract of tender no.16 of 1990 for the quarter April to June'92 and July to Sept.'92 for 693 Mts. signed by Sri.S.M.Choudhury.
3	Allocation order no. Track-1/2/92/0112/7 dtd.1/10/92 at page no. 154 of the same Allocation file mentioned at sl.no.4 above.	This will prove the allocation of 3807 Mts. of pig iron to M/S MPRP against their contract of tender no.16 of 1990 for the quarter upto March,1993, signed by Sri.S.M.Choudhury.
4	Allocation order no. Track-1/2/92/0112/7 dtd.11/5/93 at page no.396 of the same Allocation file mentioned at Sl.no.4 above.	This will prove the allocation of 2,284 Mts. of pig iron to M/S MPRP against their contract of tender no.16 of 1990, for the quarter upto Sept.'93,signed by Sri.S.M.Choudhury.
5	Allocation order no. Track-1/2/91/0112/7 dtd.24/7/91,sealed from the representative of M/S JDCE MR.no.	This will prove the allocation of 1415 Mts. of pig iron on HESCO to M/S JDCE against their contract of tender no.16 of 1990 for the quarter July,Sept.'91 and Oct. Dec.'91,signed by Sri.S.M.Choudhury, the then Desk Officer/track, Railway Board.
6	Allocation order no. Track/21/91/0112/7 dtd.17/12/91 at page nos. 180 & 181 of Allocation File no. Track/21/91/0112/7 MR.no.6/01(71).	This will prove the allocation of 440 Mts. of pig iron on HESCO to M/S JDCE against their contract of tender no.16 of 1990 for the quarter Jan to March,1992,signed by Sri.S.M.Choudhury.
7	Allocation order no. Track-1/2/92/0112/7 dtd.2/11/92 at page no. 195 of Allocation file no. Track-1/2/92/0112/7 MR.no.6/01(70).	This will prove the allocation of 1180 Mts. of pig iron on HESCO to M/S JDCE against their contract of tender no.16 of 1990 for the quarter April-June,1992 and July -Sept.'92,signed by Sri.S.M.Choudhury.
8	Allocation order no. Track-1/2/92/0112/7 dtd.28/7/92 at page no.80 of same Allocation file mentioned at Sl.no.9 above MR.no.6/01(70).	This will prove the allocation of 865 Mts. of pig iron on HESCO to M/S JDCE against their contract of tender no.16 of 1990 for the quarter upto March,1993, signed by Sri.S.M.Choudhury.
9	Allocation order no. Track-1/2/92/0112/7 dtd.21/1/93 at page no.279 of the same Allocation file mentioned at Sl.no.9 above MR.no.6/01(70).	This will prove the allocation of 1038 Mts. of pig iron on HESCO to M/S JDCE against their contract of tender no.16 of 1990 for the quarter upto Sept.'93, signed by Sri.S.M.Choudhury.

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10 Allocation order no. Track/21/91/0112/7 dtd.17/12/91 at page nos. 180 & 181 of Allocation file no. Track/21/91/0112/7.MR.no.6/01(71). This will prove the allocation of 275 Mts. of pig iron on IISCO to M/S PEW against thier contract of tender no.16 of 1990 for the quarter Jan. to March, 1992, signed by Sri.S.M.Choudhury, the then Desk Officer /Track,Railway Board,New Delhi.

11 Allocation order no. Track-1/21/92/0112/7 dtd.24/12/92 at page no.256 of Allocation File no. Track-1/21/92/0112/7.MR.no.6/01(70). This will prove the allocation of 1071 Mts. of pig iron on IISCO to M/S PEW against thier contract of tender no.16 of 1990 for the quarter upto March'93, signed by Sri.S.M.Choudhury.

12 Allocation order no. Track-1/21/92/0112/7 dtd.2/6/92 at page no.59 of same Allocation file at Sl.no.13 above.MR.no.6/01(70). This will prove the allocation of 195 Mts. of pig iron on SAIL to M/S PEW against thier contract of tender no.16 of 1990 for the quarter April-June, '92 and July -Sept.'92, signed by Sri.S.M.Choudhury.

13 Allocation order no. Track-1/21/0101/50720 dtd.25/3/94 at page. no.85 of Contract file no. Track-1/21/0101/50720.MR.no.9/01(5). This will prove the allocation of 642 Mts. of pig iron on VSP to M/S PEW against thier contract of tender no.16 of 1990 for the quarter upto June ,1994, purportedly issued by Sri.B.Mazumdar,Dy,Director/Track/Railway,Boar

14 Letter no.IIS/pig/Railway Board/6567 dtd.7/12/91 of Sri.S.B.Basu,Dy.GM(Marketing)IISCO,Kol kata at page nos. 171,172 & 173 of Allocation file no. Track/21/91/0112/7.MR.no.6/01(71). This will prove the allocation of 3114 Mts, 1415 Mts. and 876 Mts. to M/S MPRP, M/S JDCF and M/S PEW against thier contracts of tender no.16 of 1990 for the quarter July-Sept'91 & Oct-Dec'91.

15 Allocation order no. Track/21/91/0112/7 dtd.17/12/91 at page nos. 180 & 181 of Allocation file no. Track/21/91/0112/7.MR.no.6/01(71). This will prove the allocation of 116 Mts. of pig iron on IISCO to M/S BCEC against thier contract of tender no.16 of 1990 for the quarter Jan- March,1992, signed by Sri.S.M.Choudhury, the then Desk Officer/Track,Railway Board,New Delhi.

16 Allocation order no. Track-1/21/92/0112/7 dtd.2/6/92 at page no.59 of Allocation file no. Track-1/21/92/0112/7.MR.no.6/01(70). This will prove the allocation of 174 Mts. of pig iron on SAIL to M/S BCEC against thier contract of tender no.16 of 1990 for the quarter April-June,1992 and July-Sept.'92, signed by Sri.S.M.Choudhury.

17 Allocation order no. Track-1/21/92/0112/7 dtd.2/11/92 at page no.189 of Allocation file no. Track-1/21/92/0112/7.MR.no.6/01(70). This will prove the allocation of 174 Mts. of pig iron on IISCO to M/S BCEC against thier contract of tender no.16 of 1990 for the quarter April-June,1992 and July-Sept.'92, signed by Sri.S.M.Choudhury.

18 Allocation order no. Track-1/21/92/0112/7 dtd.1/10/92 at page no.154 of Allocation

This will prove the allocation of 255 Mts. of pig iron on IISCO to M/S BCEC against thier

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file no. Track-1/21/92/0112/7
MR.no.6/01(70).

19 Allocation order no. Track-1/21/92/0112/7
dtd.11/5/93 at page no.396 of Allocation
file no. Track-1/21/92/0112/7
MR.no.6/01(70).

20 Price Escalation Circular of IISCO
No. Track/21/91/0103/7/IISCO
dtd.22/4/92, signed by Sri.M.Hingorani, the
then Dy. Director/Track, Railway Board
available at page Nos.01 to 04 of the file
No. Track/21/91/0103/7/IISCO.
MR.no.6/01(68)

21 Price Escalation Circular of VSP No.
Track/21/92/0103/7 dtd.15.7.93, signed
by Sri.H.S.Raihi, the then
Dy.Director/Track,Railway Board available
at Page No.142 of file No.
Track/21/92/0103/7/Pig. MR.no.6/01(69).

22 Price Escalation Circular of IISCO No.
Track/21/92/0103/7 dtd.26.3.93, signed
by Sri.H.S Raihi, the then
Dy.Director/Track available at Page No.92
of file No. Track/21/92/0103/7/Pig.
MR.no.6/01(69)

23 Price Escalation Circular of VSP No.
Track/21/92/0103/7 dtd 29.8.93, signed
by Sri.B.Mazumdar, the then
Dy.Director/Track available at Page
No.174 of file No. Track/21/92/0103/7/Pig.
MR.no.6/01(69).

24 Price Escalation Circular of VSP No.
Track/21/92/0103/7 dtd.20.4.95, signed
by Sri.B.Mazumdar, the then
Dy.Director/Track available at Page
No.276 of file No. Track/21/92/0103/7/Pig.
MR.no.6/01(69).

25 Register of Bill (CO-6) w.e.f. 2.9.91 to
28.2.92.

contract of tender no.16 of 1990 for the
quarter upto March'93, signed by
Sri.S.M.Choudhury.
This will prove the allocation of 308 Mts. of pig
iron on IISCO to M/S BCEC against their
contract of tender no.16 of 1990 for the quarter
upto Sept.'93, signed by Sri.S.M.Choudhury.
This will prove the price escalation of C.I.
Sleeper plates due to the increase in the price of
Pig Iron of IISCO which allowed the C.I. Sleeper
manufactures to claim for price escalation on
submission of original purchase vouchers of Pig
Iron from IISCO against Railway Board's
allocation. This will also prove the effective dates
of the escalation of price comes into effect.
This will prove the price escalation of C.I.
Sleeper plates due to the increase in the price of
Pig Iron etc. of VSP which allowed the C.I.
Sleeper manufacturers to claim for price
escalation on submission of Pig Iron vouchers in
support of the claim. This will also prove the
effective dates of the escalation of price comes
into effect.
This will prove the price escalation of C.I.
Sleeper plates due to the increase in the price of
Pig Iron etc. of IISCO which allowed the C.I.
Sleeper manufacturers to claim for price
escalation on submission of Pig Iron vouchers in
support of the claim. This will also prove the
effective dates of the escalation of price comes
into effect.
This will prove the price escalation of C.I.
Sleeper plates due to the increase in the price of
Pig Iron etc. of VSP which allowed the C.I.
Sleeper manufacturers to claim for price
escalation on submission of Pig Iron vouchers in
support of the claim. This will also prove the
effective dates of the escalation of price comes
into effect.
This will prove the price escalation of C.I.
Sleeper plates due to the increase in the price of
Pig Iron etc. of VSP which allowed the C.I.
Sleeper manufacturers to claim for price
escalation on submission of Pig Iron vouchers in
support of the claim. This will also prove the
effective dates of the escalation of price comes
into effect.
Documents at Sl. Nos. 25 to 36 will prove the
receipt, checking and passing for payments of
all the Escalation Bills of both IISCO & VSP to

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(J. Purkey)
Advocate

		the said firm M/s Marcandy Prasad Radha Krishna Prasad Pvt. Ltd.(M/S MPRP), M/s J.D. Casting & Engineering Pvt. Ltd.(M/S JDCE), M/s Prakash Engineering Works(M/S PEW) and M/s Beget Casting & Engineering Co.(M/S BCEC)								
26	Register of Bill (CO-6) w.e.f. 1.4.92 to 31.3.93.									
27	Register of Bill (CO-6) w.e.f 1.4.93 to 31.3.94.									
28	Register of Bill (CO-6) w.e.f. 2.3.92 to 31.3.92.									
29	Register of Bill (CO-6) w.e.f. 1.4.94 to 31.3.95.									
30	Register of Bill (CO-6) w.e.f. 1.4.95 to 31.3.96.									
31	Register of Bill (CO-6) w.e.f. April'96 to March'97.									
32	CO-7 Register w.e.f. Dec/93 to Dec/94.									
33	CO-7 Register w.e.f. Jan/95 to Dec/95.									
34	CO-7 Register w.e.f. Oct. 95 to March'96.									
35	CO-7 Register w.e.f Dec. 92 to March'93.									
36	CO-7 Register w.e.f. April'96 to March'97.									
37	Letter No.IIS/GM(S)/Vig/2640 dtd.12/09/2001 of Sri. G. Ghosh, General Manager, IISCO House,50,Chowringhee Road,Kolkata - 700 071.	Documents at Sl.Nos.40 to 42 will prove that during the period 1991-92, 1992-93 and 1993-94, the following quantities of pig iron had been supplied to the 4 Firms mentioned as under : <table><tr><td>1. M/s MPRP</td><td>- 11,404 Mts.</td></tr><tr><td>2. M/s JDCE</td><td>- 3,767.25 Mts.</td></tr><tr><td>3. M/s PEW</td><td>- 1,275.04 Mts.</td></tr><tr><td>4. M/s BCEC</td><td>- 173.48 Mts.</td></tr></table>	1. M/s MPRP	- 11,404 Mts.	2. M/s JDCE	- 3,767.25 Mts.	3. M/s PEW	- 1,275.04 Mts.	4. M/s BCEC	- 173.48 Mts.
1. M/s MPRP	- 11,404 Mts.									
2. M/s JDCE	- 3,767.25 Mts.									
3. M/s PEW	- 1,275.04 Mts.									
4. M/s BCEC	- 173.48 Mts.									
38	One Work Order Register(numbering Book) relating to Steel & Pig Iron, maintained by Sales Division of IICO,IISCO House, Kolkata.									
39	Bill Forwarding Statements of Run Dates 5/11/91, 28/12/91, 22/01/92, 23/01/92, 30/01/92, 20/02/92, 27/02/92, 11/3/92, 13/3/92, 26/3/92, 18/4/92, 28/4/92, 6/4/92, 15/5/92, 25/5/92, 23/6/92, 21/6/92, 29/7/92, 20/8/92, 14/9/92, 24/9/92, 3/10/92, 22/10/92, 13/11/92, 11/12/92, 03/12/92, 28/12/92, 03/2/93, 19/2/93, 22/3/93, 23/3/93, 25/5/93, 3/6/93, 3/8/93,									

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(J. Pukkayathu)
Advocate

14/9/93, 4/11/93, 5/11/93, 6/11/93,
8/11/93, 12/2/94, 28/2/94, 8/3/94, 17/3/94,
23/3/94, 4/4/94, 6/4/94 & 7/4/94 (60
sheets) of Finance Division, IISCO, IISCO
House, Kolkala.

40 Letter No.BSO/CAL/MKTG/3699
dtd.15.11.99 of Sh. Sumit Deb, Branch
Manager, VSP, Calcutta along with
Annexures-I to V forwarded by Sh. C. D.
Malhew, General Manager (MKTG), VSP.

41 Letter No.VSP/KOL/MKTG/2001-02/ 3124
dtd.15/09/2001 of Sri. Sumit Deb, Branch
Manager, VSP, Kolkala.

42 File no.1/4 consisting invoices, delivery
challans, delivery orders, weighment
cards etc relating to supply of pig iron to
M/S MPRP by VSP.

43 File no.2/4 consisting of invoices, delivery
challans, delivery orders, weighment
cards etc relating to supply of pig iron to
M/S MPRP by VSP.

44 File no.3/4 consisting of invoices, delivery
challans, delivery orders, weighment
cards etc relating to supply of pig iron to
M/S MPRP by VSP.

45 File no.4/4 consisting invoices, delivery
challans, delivery orders, weighment
cards, demand of registration form, party's

Documents at Sl.Nos.43 to 52 will prove the following :-

- (i) That no allocation of Pig Iron was made for VSP to M/s Marcandy Prasad Radha Krishna Prasad Pvt. Ltd. & M/s J.D. Casting & Forging Pvt. Ltd. against the Rly. Board contract nos. Track-1/21/91/0101/50747 dtd.19.7.91 and Track-1/21/91/0101/7/50702 dated 17.7.91 respectively.
- (ii) No registration of demands on allocation from VSP for supply of Pig Iron to M/s Prakash Engineering Works against the Rly. Board allocation Order No. Track-1/21/91/0101/50720 dtd.25.3.94 & Track-1/21/91/0112/7 dtd.13/15/06/94.
- (iii) M/s Begel Casting & Engineering Co. had registered their demand with VSP, Calcutta against Rly. Board allocation No. Track-1/21/91/0112/7 dtd.24.7.91.
- (iv) This will also prove that the Pig Iron invoices of VSP submitted by the said firms M/s J.D. Casting & Engineering Pvt. Ltd., M/s Prakash Engineering Works and M/s Begel Casting & Engineering Co. were not issued against Railway Board allocations and in respect of M/S MPRP & M/S JDGF, the invoices were not issued from VSP Office.

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	letter etc. relating to supply of pig iron to M/S MPRP by VSP.	
46	One File consisting of invoices, delivery challans, delivery orders, weighment cards etc. relating to supply of pig iron to M/S JDCF by VSP.	
47	One File consisting of invoices, delivery challans, delivery orders, weighment cards etc. relating to supply of pig iron to M/S PEW by VSP.	
48	One File consisting of invoices, delivery challans, delivery orders etc. relating to supply of pig iron to M/S BCEC by VSP.	
49	Counterfoil of cheque book(RBI Calcutta) of ch.nos. 047201 to 047250	Documents at Sl.Nos.49 to 95 will prove the informations on the basis of which the certified copies of Cheque Sheets / Abstract of Bill Passed are given by Sri. G. C. Acharjee, AAO / Book, NF, Railway, Maligaon.
50	-do- 047251 to 047300.	
51	-do- 047401 to 047450.	
52	-do- 047451 to 047500	
53	-do- 047501 to 047550	
54	-do- 047651 to 047700	
55	-do- 047701 to 047750	
56	-do- 047751 to 047800	
57	-do- 047801 to 047850	
58	-do- 048201 to 048250.	
59	-do- 048251 to 048300	
60	-do- 048351 to 048400	
61	-do- 048501 to 048550	
62	-do- 048551 to 048600	
63	-do- 048601 to 048650	
64	-do- 048651 to 048700	
65	-do- 047851 to 047900	
66	-do- 049301 to 049350	
67	-do- 051301 to 051350.	
68	Allocation Sheet of CO-7 No. 12006 dtd. 1/9/92	
69	-do- 120027 dtd. 5/11/92	
70	-do- 120027 dtd. 5/11/92	
71	-do- 120061 dtd. 15/10/92	
72	-do- 120086 dtd. 21/10/92	
73	-do- 120026 dtd. 1/10/92	
74	-do- 120066 dtd. 16/10/92	
75	-do- 120109 dtd. 28/9/92	
76	-do- 120129 dtd. 27/7/92	
77	-do- 120056 dtd. 10/9/92	

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78	- do - 120124 dtd.24/7/92	
79	- do - 120070 dtd.13/7/92	
80	- do - 120115 dtd.22/7/92	
81	- do - 120074 dtd.31/3/93	
82	- do - 120061 dtd.14/6/93	
83	- do - 120022 dtd.2/7/93	
84	- do - 120022 dtd.3/3/93	
85	- do - 120034 dtd.6/7/93	
86	- do - 120057 dtd.13/12/93	
87	- do - 120129 dtd.22/4/93	
88	- do - 120082 dtd.19/5/93	
89	- do - 120046 dtd.10/6/93	
90	- do - 12/83 dtd.19/5/92	
91	- do - 12/09 dtd.1/5/92	
92	- do - 12/77 dtd.18/5/92	
93	- do - 12/15 dtd.4/5/92	
94	- do - 12/104 dtd.27/5/92	
95	- do - 12/54 dtd.12/5/92	
96	Railway Board, New Delhi Letter no. Track-1/21/91/0101/7/50747 dtd. 19/7/91 alongwith Contract no. Track-1/21/91/0101/7/50747 dtd. 19/7/91 at page nos. 36 to 42 of Contract file no. 1 track-1/21/91/0101/7/50747.	<p>This will prove the issue of said Contract order no. Track-1/21/91/0101/7/50747 dtd.19/7/91 to M/S MPRP, signed by Sri.M.Hingorani, the then Dy. Director/Track for and on behalf of the President, for manufacture and supply of 8460 Mts. of C.I. Sleeper Plates to different Railways including NF/OL for 2325 Mts. of MG. Sleeper Plates.</p>
97	MR.no.6/01(65) Amendment no.3 dtd. 18/5/92 of the said contract dtd. 19/7/91 available at page no. 56 of the same said Contract file mentioned at Sl.no. 104 above.	<p>This will prove the amendment of clause 6 of the contract, signed by Sri.M.Hingorani, the then Dy. Director/Track for and on behalf of the President amending to the effect that M/S MPRP to manufacture and supply 2115 Mts. of BG and 2325 Mts. of MG to NF/OL.</p>
98	Contract file no. Track-1/21/91/0101/7/50747 alongwith Note Sheets. MR.no.6/01(65).	<p>This will prove the non-availability of letter no. Track-1/21/91/0101/7/50747 dtd.11/3/94 and dtd.29/9/95, signed by late Bhopal Singh, the then Desk Officer/Track nor making any reference in the Note Sheets.</p>
99	Letter no. MR.Rtr/NFR(OL)/91-95 dtd.22/6/95 (photo copy) of M/S MPRP signed by Sri.Jal Prakash Jaiswal, one of the Directors available at page no. 106 of the said file no. W/GR-7/153/91-92/WG A. MR.no.6/01(72)	<p>This will prove the intimation given by M/S MPRP to the FA & CAO, NF.Railway, Maligaon through G.M(W), NF.Railway, Maligaon their inability to submit the pig iron invoices since the same had been supplied to Excise Authority and to submit the same as and when received from Excise Authority.</p>
100	BG C.I. Sleepers Supply No. MPRP/NF/BG/92/1 dtd.5.6.92	<p>Documents at Sl. No.100 to 137 will prove the supply of total 2102.222 Mts of BG C.I. Sleeper to NF Rly/OL by M/S MPRP.</p>
101	- do - MPRP/NF/BG/92/2 dtd.12.6.92	

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102	-do- MPRP/NF/BG/92/3 dtd.18.6.92.
103	-do- MPRP/NF/BG/92/4 dtd.22.6.92.
104	-do- MPRP/NF/BG/92/5 dtd.27.6.92.
105	-do- MPRP/NF/BG/92/26 dtd.15.9.92.
106	-do- MPRP/NF/BG/92/27 dtd.17.9.92
107	-do- MPRP/NF/BG/92/28 dtd.25.9.92
108	-do- MPRP/NF/BG/92/29 dtd.7.10.92.
109	-do- MPRP/NF/BG/92/37 dtd.28.1.93.
110	-do- MPRP/NF/BG/92/6 dtd.27.6.92.
111	-do- MPRP/NF/BG/92/7 dtd.11.7.92.
112	-do- MPRP/NF/BG/92/8 dtd.15.7.92.
113	-do- MPRP/NF/BG/92/9 dtd.20.7.92.
114	-do- MPRP/NF/BG/92/10 dtd.31.7.92.
115	-do- MPRP/NF/BG/92/11 dtd.4.8.92.
116	-do- MPRP/NF/BG/92/12 dtd.10.8.92.
117	-do- MPRP/NF/BG/92/13 dtd.14.8.92.
118	-do- MPRP/NF/BG/92/14 dtd.16.8.92
119	-do- MPRP/NF/BG/92/15 dtd.19.8.92
120	-do- MPRP/NF/BG/92/23 dtd.12.9.92 (Office Copy).
121	-do- MPRP/NF/BG/92/30 dtd.12.10.92. (do).
122	-do- MPRP/NF/BG/92/34 dtd.12.1.93. (do).
123	-do- MPRP/NF/BG/92/36 dtd.15.1.93. (do).
124	-do- MPRP/NF/BG/92/38 dtd.31.5.93. (do).
125	-do- MPRP/NF/BG/92/16 dtd.22.8.92. (do).
126	-do- MPRP/NF/BG/92/17 dtd.27.8.92. (do).
127	-do- MPRP/NF/BG/92/18 dtd.31.8.93. (do).
128	-do- MPRP/NF/BG/92/24 dtd.12.9.92.
129	-do- MPRP/NF/BG/92/25 dtd.14.9.92.
130	-do- MPRP/NF/BG/92/31 dtd.6.1.92 (office copy).
131	-do- MPRP/NF/BG/92/35 dtd.14.1.93 (do)
132	-do- MPRP/NF/BG/92/19 dtd.1.9.92 (do)
133	-do- MPRP/NF/BG/92/20 dtd.5.9.92 (do)
134	-do- MPRP/NF/BG/92/21 dtd.7.9.92 (do)
135	-do- MPRP/NF/BG/92/22 dtd.8.9.92 (do)
136	-do- MPRP/NF/BG/92/32 dtd.7.1.93 (do).
137	-do- MPRP/NF/BG/92/33 dtd.12.1.93 (do)
138	MG C.I. Sleeper Supply Bill No. MPRP/NF/60R/92/1 dtd.29.2.92.
139	-do- MPRP/NF/60R/92/2 dtd.6.3.92.
140	-do- MPRP/NF/60R/92/34 dtd.20.10.92.
141	-do- MPRP/NF/60R/92/35 dtd.26.10.92.
142	-do- MPRP/NF/60R/92/3 dtd.12.3.92.
143	-do- MPRP/NF/60R/92/7 dtd.30.3.92.
144	-do- MPRP/NF/60R/92/9 dtd.5.4.92.

Documents at Sl. No.138 to 171 will prove the supply of total 2250.556 MTs of MG CI Sleepers to NF Rly./ OT by M/s MPRP.

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(J. Purkayastha)
Advocate

(V. Nanda)
Tm / N. P. Rly.

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145	-do- MPRP/NF/60R/92/14 dtd.28.4.92.
146	-do- MPRP/NF/60R/92/15 dtd.4.5.92.
147	-do- MPRP/NF/60R/92/20 dtd.25.5.92.
148	-do- MPRP/NF/60R/92/31 dtd.10.9.92.
149	-do- MPRP/NF/60R/92/4 dtd.17.3.92.
150	-do- MPRP/NF/60R/92/5 dtd.26.3.92.
151	-do- MPRP/NF/60R/92/6 dtd.28.3.92 (Office copy)
152	-do- MPRP/NF/60R/92/22 dtd.2.6.92.
153	-do- MPRP/NF/60R/92/26 dtd.23.5.92.
154	-do- MPRP/NF/60R/92/10 dtd.13.4.92.
155	-do- MPRP/NF/60R/92/12 dtd.18.4.92.
156	-do- MPRP/NF/60R/92/13 dtd.20.4.92.
157	-do- MPRP/NF/60R/92/17 dtd.4.5.92.
158	-do- MPRP/NF/60R/92/21 dtd.25.5.92.
159	-do- MPRP/NF/60R/92/28 dtd.23.7.92.
160	-do- MPRP/NF/60R/92/29 dtd.4.8.92.
161	-do- MPRP/NF/60R/92/32 dtd.22.9.92.
162	-do- MPRP/NF/60R/92/33 dtd.7.10.92.
163	-do- MPRP/NF/60R/92/11 dtd.18.4.92.
164	-do- MPRP/NF/60R/92/18 dtd.11.5.92.
165	-do- MPRP/NF/60R/92/19 dtd.20.5.92.
166	-do- MPRP/NF/60R/92/30 dtd.31.8.92.
167	-do- MPRP/NF/60R/92/16 dtd.4.5.92.
168	-do- MPRP/NF/60R/92/23 dtd.9.6.92.
169	-do- MPRP/NF/60R/92/24 dtd.13.6.92.
170	-do- MPRP/NF/60R/92/25 dtd.18.6.92.
171	-do- MPRP/NF/60R/92/27 dtd.30.6.92.
172	RITE's Inspection Certificate 1st & Part dtd.25.2.92,page no.41 of the Account Bill File.MR.no.6/01(4).
173	-do- 2nd & Part dtd.27.2.92,page no.42.
174	-do- 5 1st & Part dtd.12.8.92,page no.362.
175	-do- 8th & Part dtd.24.3.92,page no.56.
176	-do- 5th & Part dtd.10.3.92,page no.46.
177	-do- 10th & Part dtd.26.3.92,page no.63.
178	-do- 13th & Part dtd.31.3.92,page no.65.
179	-do- 19th & Part dtd.21.4.92,page no.98
180	-do- 14th & Part dtd.31.3.92,page no.99.
181	-do- 9th & Part dtd.26.3.92,page no.59.
182	-do- 7th & Part dtd.12.3.92,page no.51.
183	-do- 10th & Part dtd.26.3.92,page no.63.
184	-do- 24th & Part dtd.27.5.92,page no.132.
185	-do- 25th & Part dtd.3.6.92,page no.131.
186	-do- 11th & Part dtd.31.3.92,page no.84.
187	-do- 16th & Part dtd.16.4.92,page no.73.

Documents at Sl. No.172 to 221 will prove the date of inspection of the C.I. Sleeper Plates of both MG & BG manufactured and supplied to NE Rly./OL by M/S MPRP.

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(J. Pukkayya
A. V. S. S. S. S.)

N
(C. V. Nanda)
Gm / N-F-Rly

188	-do- 21st & Part dtd.30.4.92,page no. 113.
189	-do- 33rd & Part dtd.17.6.92,page no.347.
190	-do- 42nd & Part dtd.20.7.92, page no.348.
191	-do- 12th & Part dtd.31.3.92,page no.72.
192	-do- 15th & Part dtd.9.4.92,page no.74.
193	-do- 23rd & Part dtd.9.5.92,page no.130.
194	-do- 18th & Part dtd.21.4.92,page no.97.
195	-do- 26th & Part dtd.3.6.92,page no.128.
196	-do- 29th & Part dtd.8.6.92,page no.129.
197	-do- 20nd & Part dtd.25.4.92,page no.100.
198	-do- 27th & Part dtd.3.6.92,page no.136.
199	-do- 28th & Part dtd.8.6.92,page no.154.
200	-do- 31st & Part dtd.15.6.92,page no.172.
201	-do- 36th & Part dtd.22.6.92,page no.174.
202	-do- 59th & Part dtd.28.8.92,page no.318.
203	-do- 60th & Part dtd.28.8.92,page no.321.
204	-do- 63rd & Part dtd.31.8.92,page no.340.
205	-do- 65th & Part dtd.11.9.92,page no.341.
206	-do- 37th & Part dtd.26.6.92,page no.188.
207	-do- 38th & Part dtd.29.6.92,page no.201.
208	-do- 39th & Part dtd.13.7.92,page no.212.
209	-do- 41st & Part dtd.17.7.92,page no.217.
210	-do- 44th & Part dtd.31.7.92,page no.234.
211	-do- 48th & Part dtd.7.8.92,page no.261.
212	-do- 50th & Part dtd.10.8.92,page no.270.
213	-do- 53rd & Part dtd.14.8.92,page no.281.
214	-do- 62nd & Part dtd.31.8.92,page no.357.
215	-do- 64th & Part dtd.7.9.92,page no.385.
216	-do- 54th & Part dtd.21.8.92,page no.282.
217	-do- 55th & Part dtd.21.8.92,page no.290.
218	-do- 79th & Part dtd.4.1.93,page no.380.
219	-do- 56th & Part dtd.24.8.92,page no.295.
220	-do- 57th & Part dtd.24.8.92,page no.301.
221	-do- 58th & Part dtd.28.8.92,page no.300.
222	IISCO's Pig Iron Escalation Bill No. CS/100/476 dtd.19.6.92
223	-do- 100/495 dtd.30.6.92
224	-do- 100/644 dtd.13.7.92
225	-do- 100/1087 dtd.1.10.92
226	-do- 100/1144 dtd.16.10.92
227	-do- 100/1818 dtd.31.3.92
228	-do- 100/1674 dtd.18.2.93 (Office Copy)

Documents at Sl.nos. 222 to 293 will prove the claiming of IISCO's escalation bills due to the increase in the price of pig iron etc.against the supply of both MG & BG Sleeper Plates to NF/OL by M/S. MPRP and payments of the same for total Rs.69,27,946.84. These will prove that all the said bills were checked and passed by Sri.Dharendra Kumar Baruah except at Sl.nos.265 & 291.

(V. Nanda)

Em / N. P. Rly.

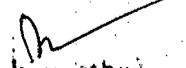
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M
(J. Pukkayash)
Advocate

229 -do-/100/637 dtd. 10.7.92 (-do)
230 -do-/100/717 dtd. 20.7.92 (-do)
231 -do-/100/789 dtd. 24.7.92
232 -do-/100/783 dtd. 27.7.92
233 -do-/100/838 dtd. 7.8.92
234 -do-/100/861 dtd. 17.8.92
235 -do-/100/891 dtd. 24.8.92
236 -do-/100/954 dtd. 31.8.92 (Office copy)
237 -do-/100/1035 dtd. 21.9.92 (-do)
238 -do-/100/1200 dtd. 28.10.92
239 -do-/100/1518 dtd. 21.1.93 (-do)
240 -do-/100/1545 dtd. 2.2.93 (-do)
241 -do-/100/270 dtd. 14.6.93
242 -do-/100/1817 dtd. 31.3.93
243 -do-/100/276 dtd. 14.6.93
244 -do-/100/1059 dtd. 22.9.92
245 -do-/100/958 dtd. 31.8.92 (Office Copy)
246 -do-/100/974 dtd. 4.9.92
247 -do-/100/1037 dtd. 21.1.92
248 -do-/100/1519 dtd. 21.1.93 (Office copy)
249 -do-/100/1790 dtd. 22.3.93 (-do)
250 -do-/100/1816 dtd. 31.3.93
251 -do-/100/1066 dtd. 25.9.92
252 -do-/100/1013 dtd. 16.9.92 (Office copy)
253 -do-/100/1022 dtd. 18.9.92
254 -do-/100/1024 dtd. 18.9.92
255 -do-/100/1023 dtd. 18.9.92 (Office copy)
256 -do-/100/1503 dtd. 18.1.93 (-do)
257 -do-/100/1546 dtd. 2.2.93
258 -do-/100/1819 dtd. 31.3.93
259 -do-/100/172 dtd. 4.5.92 (Office Copy)
260 -do-/100/177 dtd. 4.5.92
261 -do-/100/1232 dtd. 5.11.92
262 -do-/100/1820 dtd. 31.3.93
263 -do-/100/173 dtd. 4.5.92
264 -do-/100/178 dtd. 4.5.92
265 -do-/100/247 dtd. 18.5.92
266 -do-/100/465 dtd. 18.6.92 (Office. Copy)
267 -do-/100/1227 dtd. 5.11.92
268 -do-/100/171 dtd. 4.5.92 (Office Copy)
269 -do-/100/467 dtd. 18.6.92 (-do)
270 -do-/100/1083 dtd. 1.10.92
271 -do-/100/175 dtd. 4.5.92
272 -do-/100/294 dtd. 27.5.92
273 -do-/100/641 dtd. 13.7.92
274 -do-/100/807 dtd. 3.6.92

N
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Ern | N. F. R/

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Advocate

275	-do- /100/862 dtd.17.8.92	
276	-do- /100/1173 dtd.21.10.92	
277	-do- /100/1821 dtd.31.3.93	
278	-do- /100/176 dtd.4.5.92	
279	-do- /100/321 dtd.4.6.92	
280	-do- /100/473 dtd.18.6.92	
290	-do- /100/1230 dtd.5.11.92	
291	-do- /100/246 dtd.18.5.92	
292	-do- /100/490 dtd.25.6.92	
293	-do- /100/731 dtd.22.7.92	
294	RBI, Calcutta cheque No.047368 dtd.19.6.92	Documents at Sl.nos.294 to 310 will prove the payment made against the above said HSCO's escalation bills of pig iron etc. to M/S MPRP.
295	-do- 047402 dtd.30.6.92	
296	-do- 047454 dtd.13.7.92	
297	-do- 047759 dtd.8.10.92	
298	-do- 047800 dtd.15.10.92	
299	-do- 048264 dtd.31.3.93	
300	-do- 047418 dtd.10.7.92	
301	-do- 047483 dtd.20.7.92	
302	-do- 047510 dtd.24.7.92	
303	-do- 047517 dtd.27.7.92	
304	-do- 047566 dtd.7.8.92	
305	-do- 047597 dtd.17.8.92	
306	-do- 047623 dtd.24.8.92	
307	-do- 047731 dtd.28.9.92	
308	-do- 047219 dtd.4.5.92	
309	-do- 047862 dtd.5.11.92	
310	-do- 047250 dtd.12.5.92	
311	-do- 047269 dtd.18.5.92	
312	-do- 047365 dtd.18.6.92	
313	-do- 047292 dtd.27.5.92	
314	-do- 047540 dtd.3.8.92	
315	-do- 047597 dtd.17.8.92	
316	-do- 047813 dtd.21.10.92	
317	-do- 047320 dtd.4.6.92	
318	-do- 047379 dtd.25.6.92	
319	-do- 047501 dtd.22.7.92	
320	ABSTRACTS OF BILLS PASSED No.C07-120080 dtd 19.6.92	Documents at Sl.nos.320 to 346 will prove the payments of the above said HSCO's pig iron escalation bills vide the above said RBI cheques.
321	-do- 126127 dtd.30.6.92	
322	-do- 1270 dtd.13.7.92 (alleged)	
323	-do- 12/26 dtd.1.10.92 -do-	

(V. Nanda)
Tm / N.P.R.I.

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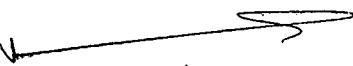
Om
(J. Pukka, Esq.)
Advocate

324	-do- 12/61 dtd.15.10.92 -do-
325	-do- 12/74 dtd.31.3.93 -do-
326	-do- 12/60 dtd.10.7.92 -do-
327	-do- 12/102 dtd.20.7.92 -do-
328	-do- 12/124 dtd.24.7.92 -do-
329	-do- 12/129 dtd.27.7.92 -do-
330	-do- 120030 dtd.7.8.92
331	-do- 120066 dtd.17.8.92
332	-do- 120098 dtd.24.8.92
333	-do- 12/109 dtd.28.9.92 (alleged)
334	-do- 12/74 dtd.31.3.93 -do-
335	-do- 12/15 dtd.4.5.92 -do-
336	-do- 12/27 dtd.5.11.92 -do-
337	-do- 12/54 dtd.12.5.92 -do-
338	-do- 12/77 dtd.18.5.92 -do-
339	-do- 120078 dtd.18.6.92
340	-do- 12/104 dtd.27.5.92
341	-do- 12/70 dtd.13.7.92
342	-do- 12/06 dtd.3.8.92
343	-do- 12/86 dtd.21.10.92
344	-do- 120024 dtd.4.6.92
345	-do- 120108 dtd.25.6.92
346	-do- 12115 dtd.22.7.92 (alleged)
347	VSP's Escalation bill No.CS/100/224 dtd.3/6/94

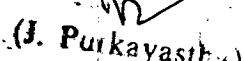
Documents at sl. no.347 to 353 will prove the subsequent claimed by M/S MPRP on the difference between the higher rates of VSP and the already claimed amount of IISCO due to the increase in the price of Pig Iron etc of VSP and finally passed/paid the same accordingly by Sri.A.K.Sarkar,after the same were checked and passed by Sri.Dhirendra Kumar Baruah and in respect of CS/100/ by Sri.N.Sengupta for total amounting to Rs.1,08,02,235/. Documents at Sl.Nos.354 & 355 will prove that the same were checked and passed by Sri.Dhirendra Kumar Baruah.These will also prove that M/S MPRP had not attached / submitted any pig iron invoices of VSP while preferring the said VSP's escalation Bills in support of their claimed.

348	-do- 1223 dtd.3/6/92
349	-do- 1222 dtd.3/6/94
350	-do- 1800 dtd.30/3/95
351	-do- 1254 dtd.7/12/95
352	-do- 1112 dtd.5/5/94
353	-do- 129 dtd.26/6/95 (O/c)
354	-do- 12 dtd.9/4/96
355	-do- 121 dtd.9/4/96
356	RBI Calculations slip No.060256 dtd.3/6/94

The documents at sl. no. 356 to 358 will prove the payments made to the said firm against the above said VSP's Pig iron escalation bills by Sri.A.K.Sarkar.


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Advocate

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357	-do- No.050492 dtd.18/12/95	
358	-do- No.066181 dtd.06/5/94	
359	Abstracts of bills passed No. CO.71/20015 dtd. 3/6/94	Documents at Sl. No.359 to 363 will prove the payments made to the said firm against the above said VSP's Pig Iron escalation bills vide the said RBI cheque Nos.
360	-do-/120058 dtd.14/12/95	
361	-do-/120067 dtd.12/4/96	
362	-do-/120026 dtd.6/5/94	
363	-do-/120103 dtd.27/6/95	
364	The purchase Account file No. Track-1/21/91/0101/7/507470 of M/s Marcandy Prasad Radha Krishna Prasad Pvt. Ltd. maintained at FA&CAO office, NF Rly. Maligaon.	<p>This will prove the following :</p> <ol style="list-style-type: none"> (1) Receipt of contract No. Track-1/21/91/0101/7/507470 dtd. 19/7/91 along with Annexures(including Special Condition of the Contract) and Amendments, available at page Nos.01 to 15, duly executed and initialled by the Director of the said firm Sri.Ratan Prakash Jaiswal. (2) Enforcement statements of the particulars of the supply bills and the escalation bills of both IISCO & VSP passed being signed by the Dealer and the Sr.S.O./CSA., available at page nos.18 to 33. (3) Letter No.CHQ/AC/XB/ Marcandy/50747 dtd.8/1/96 of FA&CAO/Con., Central Railway Board, Mumbai available at page no.501 furnishing the supply position and the payments made to M/S MPRP of escalation bills against thier supply of C.I.Sleepers to Central/CON. (4) Letter no.PNO/CON/ST/6/82/50747(Track) dtd.8/1/96 of FA & CAO,NF.Railway/CON, furnishing the supply and payment position in respect of M/S MPRP against thier supply of C.I.Sleepers to NF.Railway/CON, available at page no509. (5) Receipt of the bogus letter no.Track-1/21/91/0101/7/50747 dtd.29/9/95 and dtd.11/3/94,Issued by late Bhopal Singh, the then Desk Officer/Track,Railway Board,available at page nos.495 and 474 respectively. (6) Office copies of IISCO escalation bills claimed and passed. (6) Non- submission of Pig Iron Invoices of VSP by the said firm.

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		(7) Pig Iron Invoices of IISCO submitted by the firm for total 1736.00 Mts. available at page nos.240 to 250.
365	Railway Board letter No. Track-1/21/91/0101/7/50702 dtd.22/7/91 alongwith Contract order no. Track-1/21/91/0101/7/50702 dtd.22/7/91 available at page nos.27 to 30 of the Contract file no. Track-1/21/91/0101/7/50702. MR.no.7/01(55).	This will prove the issue of the said Contract no. Track-1/21/91/0101/7/50702 dtd.22/7/91 to M/S JDCE, signed by Sri.M.Hingorani, the then Dy. Director/Track, for and on behalf of the President for manufacture and supply of 3845 Mts. of C.I.Sleeper Plates to different Railways including NF/OL for 1060 Mts. of MG.
366	Amendment no. 3 dtd.30/1/92 of the said Contract dtd.22/7/91 available at page no. 36 of the said Contract file MR no.7/01(55).	This will prove the amendment of clause 6 of the said contract, signed by Sri.M.Hingorani, the then Dy. Director/Track, for and on behalf of the President amending to the effect that M/S JDCE to supply 1825 Mts. of BG and 1060 Mts. of MG to NF/OL.
367	Letter no.JDCF/NF(OL)/91-95 dtd.22/6/95(photo copy) of M/S JDCE signed by Sri.Jai Prakash Jaiswal, one of the Directors available at page no.94 of the said file no. W/68-7/152/91-92/W6-A.	This will prove the intimation given by M/S JDCE for their inability to submit the pig iron invoices stating that the same had been given to the Excise Authority and to submit the same as and when received it back.
368	The purchase Account bills File No. Track-1/21/91/0101/7/50702 of M/s J.D. Casting & Engineering Pvt. Ltd. maintained at FA&CAO Office, NF Rly Malgaon.	<p>This will prove the following :-</p> <ul style="list-style-type: none">(1) Receipt of Contract No. Track-1/21/91/0101/7/50702 along with its amendments duly executed and Initiated by the Director of the said firm Sri. Om Prakash Jaiswal, available at page Nos.01 to 04.(2) Enforcement Statements of the particulars of the supply bills and the escalations bills of both IISCO & VSP passed, being signed by the Dealer and the Sr.SO/CSA, available at page Nos.07 to 16.(3) Office copies of IISCO's escalation Bills claimed and passed. <p>(3) Subsequent submission of the following bogus / false Pig Iron Invoices of VSP for total 1249.380. Mts to Justify the false claimed/payment of VSP's escalation bills, available at page nos.319337 to 339346 & 349</p> <ul style="list-style-type: none">(i) Invoice no.Mkg/& S/INV/1643 dtd.30/1/93 for 100 Mts.(ii) Invoice no.Mkg/& S/INV/1947 dtd.29/3/93 for 100 Mts.(iii) Invoice no.Mkg/& S/INV/1272 dtd.25/11/92 for 100 Mts.

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369	BG.CI	Sleepers Supply	Bill	(iv)	Invoice no.MkIg& S/INV/1195 dtd.31/10/92 for 100 Mts.
	No.JDCF/NFR/84/92/1	dtd.8/4/92		(v)	Invoice no.MkIg& S /INV/1644 dtd.30/1/93 for 100 Mts.
370	do	do	/2 dtd.16/4/92	(vi)	Invoice no.MkIg& S/INV/1978 dtd.31/3/93 for 280.280 Mts.
371	do	do	/12 dtd.8/2/93 (office copy)	(vi)	Invoice no.MkIg& S/INV/1978 dtd.31/3/93 for 649.280 Mts.
372	do	do	/10 dtd.5/2/93-do		
373	do	do	/17 dtd.31/5/93-do		
374	do	do	/18 dtd.31/5/93-do		
375	do	do	/4 dtd.28/4/92		
376	do	do	/5 dtd.7/5/92		
377	do	do	/6 dtd.14/5/92 (office copy)		
378	do	do	/13 dtd.8/2/93		
379	do	do	/11 dtd.5/2/93 (O.C.)		
380	do	do	/3 dtd.28/4/92		
381	do	do	/7 dtd.16/5/92(O.C.)		
382	do	do	/9 dtd.2/6/92 -do-		
383	do	do	/8 dtd.25/5/92-do		
384	do	do	/19 dtd.31/5/93-do		
385	do	do	/14 dtd.8/2/93-do		
386	do	do	/15 dtd.24/2/93		
387	do	do	/16 dtd.5/3/93		
388	do	do	/20 dtd.14/6/93		
389	do	do	/21 dtd.16/6/93		
390	do	do	/22 dtd.19/6/93		
391	do	do	/24 dtd.14/10/93		
392	do	do	/23 dtd.4/10/93		
393	do	do	/25 dtd.9/11/93		
394	do	do	/26 dtd.25/11/93		
395	do	do	/27 dtd.30/11/93		
396	M.G. CI Sleepers Plates Supply		Bills		Documents at sl. nos. 396 to 413 will prove the supply of total 1059.999 mts. of MG.CI Sleepers Plates to NF Rly./ OL.
	No.JDCF/NFR/91/1	dtd.7/10/91			
397	do	do	/5 dtd.10/12/91		
398	do	do	/6 dtd.31/12/91		
399	do	do	/7 dtd.2/1/92		
400	do	do	/8 dtd.4/1/92		
401	do	do	/2 dtd.19/10/91		
402	do	do	/3 dtd.28/10/91		

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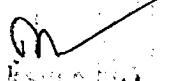
- 1 -

403	-do-	-do- /4dtd.2/11/91
404	-do-	-do- /9dtd.7/1/92
405	-do-	-do- /10dtd.9/1/92
406	-do-	-do- /12dtd.17/1/92
407	-do-	-do- /11dtd.17/1/92
408	-do-	-do- /14dtd.22/1/92
409	-do-	-do- /15dtd.29/1/92
410	-do-	-do- /16dtd.28/2/92
411	-do-	-do- /17dtd.5/9/92
412	-do-	-do- /18dtd.10/9/92
413	-do-	-do- /19dtd.12/10/92 (O. C.)
414	RITE's	Calcutta Inspection Certificates 16th & part dtd.30/3/92, page no.123 of Accounts Bill File of MR no.7/01(05)
415	-do-	17th & part dtd.31/3/92, page no.122.
416	-do-	18th & part dtd.9/4/92, page no.139.
417	-do-	50th & part dtd.3/2/93, page no.210.
418	-do-	46th & part dtd.29/1/93, page no.213.
419	-do-	56th & part dtd.29/3/93, page no.235.
420	-do-	20th & part dtd.21/4/92, page no.147.
421	-do-	19th & part dtd.18/4/92, page no.148.
422	-do-	21st & part dtd.25/4/92, page no.157.
423	-do-	22nd & part dtd.30/4/92, page no.177.
424	-do-	59th & part dtd.29/3/93, page no.234.
425	-do-	51st & part dtd.3/2/93, page no.200.
426	-do-	47th & part dtd.29/1/93, page no.196.
427	-do-	49th & part dtd.1/2/93, page no.197.
428	-do-	23rd & part dtd.9/5/92, page no.179.
429	-do-	24th & part dtd.27/5/92, page no.178.
430	-do-	55th & part dtd.26/3/93, page no.242.
431	-do-	58th & part dtd.28/5/93, page no.246.
432	-do-	59th & part dtd.4/6/93, page no.247.
433	-do-	60th & part dtd.9/6/93, page no.248.
434	-do-	61st & part dtd.11/6/93, page no.249.
435	-do-	62nd & part dtd.14/6/93, page no.250.
436	-do-	65th & part dtd.27/8/93, page no.287.
437	-do-	69th & part dtd.15/9/93, page no.279.
438	-do-	66th & part dtd.30/8/93, page no.282.
439	-do-	67th & part dtd.10/9/93, page no.281.

The above documents at sl. no.414 to 462 will
prove the dates of Inspection of the CI Sleeper
Plates of both BG & MG manufactured and
supplied to NF Rly/ OL.

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440	-do- 68th & part dtd.13/9/93,page no.280.
441	-do- 63rd & part dtd.16/6/93,page no.285.
442	-do- 64th & part dtd.20/6/93,page no.286.
443	-do- 70th & part dtd.3/11/93,page no.296.
444	-do- 71st & part dtd.5/11/93,page no.297.
445	-do- 72nd & part dtd.19/11/93,page no.306.
446	-do- 73rd & part dtd.22/11/93,page no.312.
447	-do- 1st & part dtd.3/10/91,page no.32.
448	-do- 3rd & part dtd.8/10/91,page no.63.
449	-do- 7th & part dtd.21/12/91,page no.61.
450	-do- 8th & part dtd.26/12/91,page no.62.
451	-do- 2nd & part dtd.8/10/91,page no.21.
452	-do- 4th & part dtd.24/10/91,page no.42.
453	-do- 5th & part dtd.29/10/91,page no.41.
454	-do- 6th & part dtd.31/10/91,page no.40.
455	-do- 9th & part dtd.31/12/91,page no.60.
456	-do- 11th & part dtd.13/1/92,page no.96.
457	-do- 10th & part dtd.9/1/92,page no.101.
458	-do- 12th & part dtd.28/1/92,page no.102.
459	-do- 13th & part dtd.6/2/92,page no.116.
460	-do- 14th & part dtd.8/12/92,page no.118.
461	-do- 15th & part dtd.25/2/92,page no.117.
462	-do- 29th & part dtd.24/8/92,page no.187.
463	IISCO's Pig Iron Escalation Bill No:CS/100/167 dtd.1/5/92
464	-do- /266 dtd.10/6/93
465	-do- /274 dtd.14/6/93
466	-do- /1723 dtd.3/3/93
467	-do- /1722 dtd.3/3/93
468	-do- /1812 dtd.31/3/93
469	-do- /244 dtd.18/5/92
470	-do- /253 dtd.19/5/92
471	-do- /283 dtd.27/5/92

The above documents at sl. no.463 to 492 will prove the claiming of IISCO's escalation bills due to the increase in the price of pig iron etc. against the supply of both MG & BG Sleeper Plates to NF/OL by M/S JDCE and payments of the same by Accounts Officials of NF.Railway for total amounting to Rs.20,76,385.61. These will prove all the said bills were checked and passed by Sri.Dhirendra Kumar Baruah except at Sl.nos.469 & 475.

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472	-do-	/1701 dtd.29/2/93(O.C.)
473	-do-	/1672 dtd.10/2/93
474	-do-	/1813 dtd.31/3/93
475	-do-	/245 dtd.18/5/92
476	-do-	/284 dtd.27/5/92
477	-do-	/351 dtd.10/6/92
478	-do-	/350 dtd.10/6/92
479	-do-	/327 dtd.2/7/93
480	-do-	/1700 dtd.24/2/93
481	-do-	/1742 dtd.12/3/93
482	-do-	/1788 dtd.22/3/93
483	-do-	/375 dtd.6/7/93
484	-do-	/374 dtd.6/7/93
485	-do-	/373 dtd.6/7/93
486	-do-	/166 dtd.1/5/92
487	-do-	/168 dtd.1/5/92
488	-do-	/169 dtd.1/5/92
489	-do-	/1190 dtd.27/10/92
490	-do-	/1811 dtd.31/3/93
491	-do-	/1051 dtd.22/9/92
492	-do-	/1050 dtd.22/9/92 (O.C.)
493	RBI, Calcutta	cheque No.047213 dtd.1/5/92
494	-do-	048587 dtd.10/6/93
495	-do-	048605 dtd.14/6/93
496	-do-	048220 dtd.3/3/93
497	-do-	047270 dtd.10/5/92
498	-do-	047247 dtd.19/5/92
499	-do-	047293 dtd.27/5/92
500	-do-	047344 dtd.11/6/92
501	-do-	048661 dtd.2/7/93
502	-do-	048196 dtd.25/2/93
503	-do-	048242 dtd.24/3/93
504	-do-	048685 dtd.6/7/93
505	-do-	047830 dtd.27/10/92
506	-do-	048262 dtd.31/3/93.
507	Abstract of bills passed No. C/07-12/09 dtd.1/5/92 (Attested)	
508	-do-	12/46 dtd.10/6/93 -do-
509	-do-	12/61 dtd.14/6/93 -do-
510	-do-	12/22 dtd.3/3/93 -do-
511	-do-	12/74 dtd.31/3/93 -do-
512	-do-	12/77 dtd.19/5/92 -do-

The above documents at sl.no.493 to 506 will prove the payments made against the above said IISCO's escalation Bills of Pig Iron to the said Firm.

Documents at Sl.nos.507 to 521 will prove the payments of the above said IISCO's pig iron escalation bills to M/S. IDCF v/s the above said Firm cheques.

(V. Nanda)

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Advocate

513 -do- 12/83 dtd. 19/5/92 -do-
 514 -do- 12/104 dtd. 27/5/92 -do-
 515 -do- 120049 dtd. 10/6/92
 516 -do- 12/22 dtd. 2/7/93 (Attested)
 517 -do- 120125 dtd. 25/2/93
 518 -do- 12/57 dtd. 24/3/93 (Attested)
 519 -do- 12/34 dtd. 6/7/93 -do-
 520 -do- 12/106 dtd. 27/10/92 -do-
 521 -do- 12/109 dtd. 28/9/92 -do-
 523 VSP's Escalation Bill Nos. CS/100/19
 dtd. 11/4/94

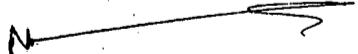
The above documents at sl. nos. 523 to 535 will prove the subsequent claimed by M/S JDCF on the differences between the higher rate of VSP and the already claimed amount of IISCO on the escalation of the price of Pig Iron etc. and finally passed paid the same by Sri.A.K.Sarkar, after the same were checked and passed by Sri.Dhirendra Kumar Baruah for total amount of Rs.75,34,886/- Documents at Sl.Nos.536 & 537 will prove that the same were also checked and passed by Sri.Dhirendra Kumar Baruah. These will also prove that no pig iron invoices of VSP was attached/submitted alongwith the said VSP's escalation bills in support of the claimed.

524 -do- 1/20 dtd. 11/1/94
 525 -do- 1/21 dtd. 11/1/94
 526 -do- 1/53 dtd. 28/4/95
 527 -do- 1/128 dtd. 26/6/95
 528 -do- 1/997 dtd. 26/11/93
 529 -do- 1/1816 dtd. 6/12/93
 530 -do- 1/1030 dtd. 9/12/93
 531 -do- 1/172 dtd. 13/5/94
 532 -do- 1/173 dtd. 13/5/94
 533 -do- 1/174 dtd. 13/5/94
 534 -do- 1/54 dtd. 28/4/95
 535 -do- 1/95 dtd. 6/6/95
 536 -do- 1/960 dtd. 22/11/93
 537 -do- 1/961 dtd. 22/11/93
 538 RBI, Calcutta
 051276 dtd. 26/11/93

chequeNo.

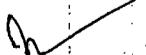
The above documents at sl.nos.538 to 545 will prove the payments made to M/S JDCF against the above said VSP's Pig Iron escalation bills by Sri.A.K.Sarkar.

539 -do- 051321 dtd. 9/12/93
 540 -do- 066195 dtd. 13/5/94
 541 -do- 049338 dtd. 28/4/95
 542 -do-


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 (J. Parkash Singh)
 Advocate

	049445 dtd. 7/6/95
543	-do-
	066054 dtd. 13/4/94
544	-do-
	049358 dtd. 9/5/95
545	-do-
	050021 dtd. 27/6/952
546	Abstract of bills passed No.CQ7-120102 dtd. 13/4/94
547	-do- 120045 dtd. 8/5/95
548	-do- 120103 dtd. 27/6/95
549	-do- 120098 dtd. 23/11/93
550	-do- 120113 dtd. 26/11/93
551	-do- 12/41 dtd. 8/12/93 (Attested)
552	-do- 12/112 dtd. 28/4/95 -do-
553	-do- 120029 dtd. 7/6/95
554	Railway Board letter no. Track-1/21/91/0101/7/50720 dtd. 19/7/91 alongwith Contract no. Track-1/21/91/0101/7/50720 dtd. 19/7/91 available at page nos. 34 to 37 of Contract file no. Track-1/21/91/0101/7/50720 MR.no.9/01(5).
555	Letter no. PEW/NFR/(OL)/Addl/94 dtd. 25/3/94 of M/S PEW, signed by Smt. Kiran Jaiswal, one of the Partners alongwith the Additional order dtd. 21/3/94 available at page nos. 86 & 87 of the said Contract file. MR.no.9/01(5).
556	The purchase account file No. Track-1/21/91/0101/7/50720 of M/s Prakash Engineering Works maintained at FA&CAO Office, NF Rly., Malyaon

Documents at sl. no. 546 to 553 will prove the payments made to the said M/S JDCF against the above said VSP's Pig Iron escalation bills vide the above said RBI Calcutta Cheques.

This will prove the issue of Contract no. Track-1/21/91/0101/7/50720 dtd. 19/7/91, signed by Sri.M.Hingorani, the then Dy. Director/Track for and on behalf of the President in favour of M/S PEW for manufacture and supply of 2380 Mts. C.I. Sleeper Plates to different Railways including NF/OL for 650 Mts. of MG.

This will prove the acceptance of the Additional order against the initial Contract dtd. 19/7/91 for additional placement of 714 Mts. of BG to be supplied to NF/OL by M/S PEW, duly executed and initialled by Smt.Kiran Jaiswal, one of the Partners.

This will prove the following :

(i) Receipt of a copy of the contract No. Track-1/21/91/0101/7/50720 dtd. 19.7.91, duly executed and signed by one of the partners of M/S PEW, Sri.Jai Prakash Jaiswal, available at page nos. 01 to 03 and the Additional Order dtd. 21/3/94 at page no. 80.

(ii) Enforcement statement of the particulars of the supply bills and the escalation bills of IISCO and VSP passed, which were signed by the dealer and the Sr.SO/CSA, available at page Nos. 07 to 12.

(iii) Office copies of IISCO's escalation bills claimed and paid.

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Adv.

557	MG C.I. Sleeper supply bills No P.E.W/NFR/75R/92/1	dtd.31/7/92			(iv) Submission of pig iron invoices of IISCO for total quantities of 288.600 Mts,available at page No.35.
558	-do- /2	dtd.4/8/92			(v) Subsequently submission o the following bogus/forged Pig Iron invoices of VSP for total 1424.220 Mts.,available at page nos.182 to 192.
559	-do- /3	dtd.11/8/92			(a) Mktg/I & S/I NV/1539 dtd.31/3/93 for 139.860 Mts.
560	-do- /7	dtd.10/9/92 (office copy)			(b) Mktg/I & S/INV/127 dtd.21/8/92 for 165.100 Mts.
561	-do- /8	dtd.25/9/92			(c) Mktg/I & S/INV/862 dtd.27/9/92 for 100.080 Mts.
562	-do- /4	dtd.17/8/92			(d) Mktg/I & S/INV/88 dtd.10/5/92 for 68.420 Mts.
563	-do- /5	dtd.22/8/92			(e) Mktg/I & S/INV/63 dtd.30/4/92 for 90.420 Mts.
564	-do- /6	dtd.4/9/92			(f) Mktg/I & S/INV/1473 dtd.16/10/92 for 149.780 Mts.
565	-do- /9	dtd.25/9/92			(g) Mktg/I & S/INV/64 dtd.30/4/92 for 36.040 Mts.
566	-do- /10	dtd.7/10/92			(h) Mktg/I & S/INV/87 dtd.10/5/92 for 109.480 Mts.
567	BG C.I. Sleeper supply	bills			(i) Mktg/I & S/INV/1917 dtd.23/8/92 for 200.080 Mts.
	No.P.E.W/BG/ Addl/94/3	dtd.4/6/94			(j) Mktg/I & S/INV/302 dtd.29/6/92 for 249.840 Mts.
568	-do- /4	dtd.11/6/94			(k) Mktg/I & S/INV/306 dtd.29/6/92 for 115.120 Mts.
569	-do- /8	dtd.3/8/94			Documents at sl. no.557 to 566 will prove the supply of total 469.298MTs of MG C.I. Sleeper plates to NFRly / OL.
570	-do- /11	dtd.31/10/94 (office copy)			
571	-do- /01	dtd.16/5/94			
572	-do- /02	dtd.4/6/94			
					Documents at sl. no. 567 to 577 will prove the supply of total 710.996 Mts of BG C.I. Sleeper plates to NFRly / OL.

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573	-do- /6 dtd.30/6/94
574	-do- /7 dtd.29/7/94
575	-do- /9 dtd.21/10/94
576	-do- /10 dtd.31/10/94
577	-do- /5 dtd.11/6/94
578	RITES's Calcutta Inspection Certificates 24th and part dtd.23/5/94,page no.95 of Accounts Bill File.MR.no.9/01(4).
579	-do- 27th& part dtd.27/5/94,page no.97.
580	-do- 29th& part dtd.3/6/94,page no.98.
581	-do- 31st& part dtd.8/6/94,page no.96.
582	-do- 33rd& part dtd.8/6/94,page no.138.
583	-do- 34th& part dtd.22/6/94,page no.137.
584	-do- 19th& part dtd.4/5/94,page no.86.
585	-do- 20th& part dtd.9/5/94,page no.85.
586	-do- 21st& part dtd.13/5/94,page no.84.
587	-do- 28nd & part dtd.30/5/94,page no.90.
588	-do- 25th & part dtd.23/5/94,page no.92.
589	-do- 26th & part dtd.25/5/94,page no.91.
590	-do- 22nd & part dtd.16/5/94,page no.124.
591	-do- 35th & part dtd.20/7/94,page no.123.
592	-do- 36rd & part dtd.20/7/94,page no.149.
593	-do- 23rd & part dtd.16/5/94,page no.122.
594	-do- 1st & part dtd.27/7/92,page no.16.
595	-do- 2nd & part dtd.29/7/92,page no.15.
596	-do- 3rd & part dtd.31/7/92,page no.22.
597	-do- 4th & part dtd.3/8/92,page no.23.
598	-do- 5th & part dtd.7/8/92,page no.27.
599	-do- 6th & part dtd.7/8/92,page no.28.
600	-do- 12th & part dtd.24/8/92,page no.48.
601	-do- 7th & part dtd.10/8/92,page no.38.
602	-do- 8th & part dtd.14/8/92,page no.37.
603	-do- 9th & part dtd.17/8/92,page no.36.
604	-do- 10th & part dtd.17/8/92,page no.39.
605	-do- 11th & part dtd.24/8/92,page no.47.
606	IISCO's Pig Iron Escalation Bills No.CS/100/072 dtd.18/8/92
607	-do- /899 dtd.27/8/92
608	-do- /1054 dtd.22/9/92 (o/c)

Documents at sl. no.578 to 605 will prove the dates of Inspection of the C.I. Sleeper plates of MG and BG manufactured and supplied to NF Railway/ OL.

Documents at sl. nos. 606 to 614 will prove the claiming of IISCO's escalation bills due to the increase in the price of pig iron etc.against the supply of MG Sleeper Plates to NF/OL by M/S BGECL and payments of the same by Accounts (Minals) of N.R. Railway for total amounting to Rs.1,50,377/10. These will prove that all the said bills were checked and passed by Sri.Dhirendra Kumar Baruall except at Sl.no.614.

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(J. Purkayastha)
Advocate

609	-do- /1225 dtd.5/11/92	
610	-do- /1815 dtd.31/3/93	
611	-do- /967 dtd.1/9/92	
612	-do- /998 dtd.10/9/92	
613	-do- /1814 dtd.31/3/93	
614	-do- /1148 dtd.16/10/92	
615	RBI Calcutta Cheque No 047605 dtd.18/8/92	Documents at sl. nos. 615 to 623 will prove the payments made to the said firm against the above said IISCO's Pig Iron Escalation Bills.
616	-do- 047643 dtd.27/8/92	
617	-do- 047729 dtd.28/9/92	
618	-do- 047861 dtd.5/11/92	
619	-do- 048263 dtd.31/3/93	
620	-do- 047667 dtd.1/9/92	
621	-do- 047693 dtd.10/9/92	
623	-do- 047802 dtd.16/10/92	
624	Abstract of bills passed No.Co7-120078 dtd.18/8/92	Documents at sl. nos.624 to 631 will prove the payments of the above said IISCO's Pig Iron Escalation Bills vide the above said RBI, Calcutta Cheques.
625	-do- 120117 dtd.27/8/92	
626	-do- 12/109 dtd.28/9/92 - attested	
627	-do- 12/27 dtd.5/11/92 -do-	
628	-do- 12/74 dtd.31/3/93 -do-	
629	-do- 12/06 dtd.1/9/92 -do-	
630	-do- 12/56 dtd.10/9/92 -do-	
631	-do- 12/66 dtd.16/10/92 -do-	
634	VSP escalation bill No.CS/100/269 dtd.01/7/94	Documents at sl. nos.634 to 644 will prove the subsequent claimed by the said firm on the difference between the higher rates of VSP and the already claimed amount of IISCO of the escalation of Pig Iron etc and finally passed/paid the same by Sri.A.K.Sarkar, after the same were checked and passed by Sri.Dhirendra Kumar Baruah for a total amount of Rs.37,76,853/- Document at Sl.no.645 will also prove that the same was checked and passed by Sri.Dhirendra Kumar Baruah. All the said bills will also prove that no pig iron invoices of VSP were attached/submitted with the said bills in support of the claimed.
635	-do- /522 dtd.2/10/94	
636	-do- /245 dtd.28/6/94 (O.C.)	
637	-do- /209 dtd.30/5/94	
638	-do- /232 dtd.10/6/94	
639	-do- /341 dtd.8/7/94	
640	-do- /495 dtd.27/9/94	
641	-do- /494 dtd.29/9/94	

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642	-do- /566 dtd. 14/11/94	
643	-do- /85 dtd. 31/5/95	
644	-do- /750 dtd. 23/3/95 (o/c)	
645	-do- /145 dtd. 11/7/95	
646	RBI Calcutta Cheque No. 066348 dtd. 1/7/94	Documents at sl. no. 646 to 652 will prove the payments made to the said firm against the above said VSP's Pig Iron escalation bills.
647	-do- 066927 dtd. 21/10/94	
648	-do- 066376 dtd. 8/7/94	
649	-do- 066853 dtd. 28/9/94	
650	-do- 066993 dtd. 15/11/94	
651	-do- 049428 dtd. 1/6/95	
652	-do- 049165 dtd. 24/3/95	
653	Abstract of Bill passed no. CO-7 120006 dtd. 1/7/94	Documents at sl. no. 653 to 660 will prove the payments made to the said firm against the above said VSP escalation bills of Pig Iron vide the above said RBI Cheques.
654	-do- 120061 dtd. 21/10/94	
655	-do- 120037 dtd. 11/7/95	
656	-do- 120031 dtd. 8/7/94	
657	-do- 120106 dtd. 28/9/94	
658	-do- 120042 dtd. 15/11/94	
659	-do- 120003 dtd. 1/6/95	
660	-do- 120067 dtd. 24/3/95	
661	Railway Board letter no. Track-1/21/91/0101/7/50742 dtd. 16/7/91 alongwith Contract order no. Track-1/21/91/0101/7/50742 dtd. 16/7/91 available at page nos. 23 to 26 of the Contract file no. Track-1/21/91/0101/7/50742 MR.no.8/01(25).	This will prove the issue of Contract no. Track-1/21/91/0101/7/50742 dtd. 16/7/91, signed by Sri. M. I. Ingurani, the then Dy. Director/Track for and on behalf of the President to M/S BCEC for manufacture and supply of 1135 Mts. of C.I. Sleeper Plates to different Railways including NF/OL for 310 Mts. of MG 60/75 R and 285 Mts of MG 90/R. This will prove the following :- (i) Receipt of Contract No. Track-1/21/91/0101/7/50742 dtd. 16/7/91 along with its amendments (photo copies) duly executed and signed by one of the partners Sri. Chandyam, available at page nos. 01 to 04. (ii) Settlement Settlement of the particulars of the supply bills and the escalation bills of both IISCO and VSP passed, which were signed by the dealer and the Sr. SO/CSA, available at page nos. 07 to 10. (iii) Submission of pig iron invoices of IISCO for total quantities of 232.200 Mts., available at page nos. 39 and 56.
662	The purchase account bill file No. Track-1/21/91/0101/7/50742 maintained at FA&CAO Office NF Rly. Malgund.	

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663	M.G. C.I. Sleeper Supply No.BCEC/02/NF/92-93 dtd.18/5/92	Bill	(iv) Subsequently submission of pig iron invoices of VSP for total quantities of 372.720 Mts. all on different dates of 1994, available at page nos.87 to 108. Documents at sl. nos.663 to 673 will prove the supply of MG C.I. Sleeper plates total 519.151 Mts. to NF Railway / OL.
664	-do- /06 dtd.30/7/92		
665	-do- /01 dtd.11/5/93		
666	-do- /02 dtd.10/7/93		
667	-do- /01 dtd.16/5/92		
668	-do- /04 dtd.5/6/92		
669	-do- /06 dtd.30/7/92		
670	-do- /08 dtd.12/9/92 (o/c)		
671	-do- /10 dtd.15/1/93 -do-		
672	-do- /01 dtd.16/4/94		
673	-do- /03 dtd.28/4/94		
674	RITES Calcutta Inspection Certificates 4th and 1 part dtd.29/4/92,page no.18 of Accounts Bill File.MR.no.8/01(2).		Documents at sl. nos. 674 to 680 will prove the dates of inspection of the C.I.Sleeper Plates of MG & BG manufactured and supplied to NF/OL.
675	-do- 8th and part dtd.23/7/92,page no.31.		
676	-do- 6th and part dtd.12/5/92,page no.49.		
677	-do- 7th and part dtd.22/7/92,page no.48.		
678	-do- 1st and part dtd.27/4/92,page no.17.		
679	-do- 2nd and part dtd.27/4/92,page no.20.		
680	-do- 5th and part dtd.1/5/92,page no.26.		
681	IISCO's Pig Iron Escalation Bill No.CS100 /315 dtd.3/6/92		Documents at sl. no.681 to 693 will prove the payment made to the said firm on the price escalation of Pig Iron etc. of IISCO total amounting to Rs.7,14,098.49.These will prove that the said bills were checked and passed by Sri.Dhirendra Kumar Baruah.
682	-do- /91 dtd.21/4/93		
683	-do- /71 dtd.19/4/93		
684	-do- /219 dtd.19/5/93		
685	-do- /515 dtd.16/6/93		
686	-do- /516 dtd.16/6/93		
687	-do- /316 dtd.3/6/92 (o/c)		
688	-do- /590 dtd.8/7/92 (o/c)		
689	-do- /853 dtd.13/8/92 -do-		
690	-do- /1070 dtd.28/9/92 -do-		
691	-do- /1538 dtd.28/1/93 -do-		
692	-do- /67 dtd.19/4/93		
693	-do- /184 dtd.17/5/94		
694	RBI, Calcutta Cheques No.048394 dtd.22/4/93		Documents at sl. no. 694 to 699 will prove the payments made to the said firm against the above said IISCO's Pig Iron escalations bills.

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695	-do- 048505 dtd.19/5/93	
696	-do- 066211 dtd.18/5/94	
697	Abstract of Bill passed No.C07-12/129 dtd.22/4/93(allesled)	Documents at sl. no. 697 to 699 will prove the payments of the above said IISCO's Pig Iron escalation bills to the said firm vide the above said RBI Calcutta cheque.
698	-do- C07-12/82 dtd.19/5/93 -do-	
699	-do- C07-12/056 dtd.18/5/94	
700	VSP's Escalation bill No.CS100/1286 dtd.18/2/94	Documents at Sl. No.700 to 703 will prove the subsequent claimed by the said firm on the difference between the higher rate of VSP and the already claimed amount of Pig Iron etc. and finally passed/paid the same to the said firm by Sri.A.K.Sarkar,after the same were checked and passed by Sri.Dhirendra Kumar Baruah for total Rs.11,32,785. This will also prove that no pig iron invoices of VSP was attached / submitted with the bills.
701	-do-118 dtd.6/5/94	
702	-do-182 dtd.17/5/94	
703	-do-799 dtd.8/6/95	
704	RBI, Calcutta Cheque No.051704 dtd.18/2/94	Documents at sl. no. 704 to 711 will prove the payments made to the said firm against the above said VSP Pig iron escalation bills by Sri.A.K.Sarkar.
705	-do-066179 dtd.6/5/94	
706	-do-066211 dtd.18/5/94	
707	-do-049455 dtd.8/6/95	
708	Abstract of Bill Passed CO 7 No 120018 dtd.18/2/94	
709	-do-120025 dtd.6/5/94	
710	-do-120056 dtd.18/5/94	
711	-do-120034 dtd.8/6/95	

712. Tender No Track 16 of 1990.

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**LIST OF EVIDENCE-ORAL FOR RDA AGAINST
SRI A.K.SARKAR**

Sl. No.	Name of the Witnesses	Gist of the evidence
1	Sri.K.R.Mehra, the then ED/Track, Railway Board, New Delhi.	He will also prove the total quantities of C.I.Sleeper Plates to be supplied to NE/OL by the 4 Firms (1) M/S Marcandy Prasad Radha Krishna Prasad Pvt.Ltd.(M/S MPRP); (2) M/S J.D.Casting and Forging Pvt.Ltd.(M/S JDCE) (3) M/S Prakash Engineering Works(PEW) & (4) M/S Beget Casting and Engineering Co.(M/S BCEC) as per their respective Contract Orders and its Amendments against Tender No.Track 16 of 1990, issued by the Railway Board. He will also prove the terms and conditions of the Contracts including the Special Conditions of Contract 1987, which formed a part of the said Contract Orders. He will also prove the total quantities of pig iron allocated to the said 4 Firms on HSCO against their respective Contract Orders. He will also prove that since allocation of pig iron had been made on HSCO only, the said 4 Firms could not claim under any circumstances the escalation charges due to the increase in the price of pig iron etc. of VSP. Further, he will also prove the price escalation Circulars of HSCO dtd.22/4/92, 26/3/93 and in respect of VSP dtd.15/7/93, 29/9/93 and 20/1/95. He will also prove that is not the condition laid down in the said Circulars, claiming of price escalation due to the increase in the price of pig iron etc. of VSP will be allowed/entitled on production of pig iron vouchers/Invoices of VSP in support of the claimed. He will also prove the same as Sri.K.R.Mehra above.
2	Sri.R.K.Sarkar, the then ED/Track, Railway Board, New Delhi.	
3	Sri.M.Hingorani, the then Dy.Director/Track, Railway	He will prove the issue of Limited tender no.Track 16 of 1990 to 71 tenderers including M/S MPRP,(2) M/S JDCE, (3)

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Advocate

Board, New Delhi

4 Sri H.S. Rathi, the
then Dy. Director/Track, Railway
Board, New Delhi

5 Sri B. Majumdar,
Dy. Director/Track, Railway Board,
New Delhi

6 Sri S.M. Choudhury, the then Desk
Officer/Track, Railway Board, New
Delhi

M/S PEW & (4) M/S BCEC. He will prove
the issue of Contracts to M/S MPRP, (2) M/S
JDCE, (3) M/S PEW & (4) M/S
BCEC signed by him for and on behalf of the
President against Tender no. 16 of 1990. He
will also prove the Special Condition of the
Contracts. He will prove the issue of the
price escalation circular dtd. 22/4/92 in
respect of USCO under his signature and
will prove the terms and conditions, effective
dates etc. of the said Circulars.
He will prove the price circulars dtd. 15/7/93
in respect of VSP and dtd. 26/3/93 in respect
of USCO, issued under his signature and will
prove the terms and conditions, effective
dates etc. of the said circulars. He will also
prove the total quantities of C.I. Sleepers to be
supplied to NE/OL by M/S MPRP, M/S
JDCE, M/S PEW & M/S BCEC against their
respective Contracts and will also prove the
Special Condition of the Contracts.
He will prove the price circulars
dtd. 29/3/93 and dtd. 20/4/95 in respect of
VSP, issued under his signature and will
prove the terms and conditions and effective
dates etc. of the said Circulars. He will also
prove the total quantities of C.I. Sleepers to be
supplied to NE/OL by M/S MPRP, M/S
JDCE, M/S PEW & M/S BCEC and will also
prove the Special Condition of Contract. He
will also prove that letter
nos. Track 4/21/91/0101/7/50747 dtd. 11/3/94
and dtd. 29/9/95, issued by late Bhopal Singh
are nothing but bogus/false one and will also
prove that no Part File was/is maintained in
respect of Contract File no. Track 4/21/91/0101/7/50747 relating to
M/S MPRP.
He will prove the total quantities of pig iron
allocated on USCO by M/S MPRP, M/S
JDCE, M/S PEW & M/S BCEC against their
respective Contracts. He will prove that since
the total 4 Tuns had been allocated pig iron
only on USCO, the said Tuns were not
entitled for the escalation price of pig iron
etc. of VSP against Railway Board price
Circulars in respect of VSP. He will also
prove the Special Condition of the Contracts
and the total quantities of C.I. Sleepers to be
supplied to NE/OL by M/S MPRP, M/S
JDCE, M/S PEW & M/S BCEC.

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5. Sri. H.S. Anand, Desk Officer/Track,
Railway Board, new
Delhi.

He will prove the same as
Sri. S.M. Choudhury at Sl.no.6. He will also
prove the Special Condition of the Contract
and the total quantities of C.I. Sleepers to be
supplied to NE/OL by M/S MPRP, M/S
JDCE, M/S PEW & M/S BCEC. Further, he
will also prove that letter
nos. Track-1/21/91/0101/7/50747 dtd.11/3/94
and dtd.29/9/95, issued by late Bhopal Singh
are nothing but bogus/false one and will also
prove that no part file was/is maintained in
respect of Contract no. Track-1/21/91/0101/7/50747 relating to
M/S MPRP.

8. Sri. Sumit Deb, Branch Manager (Marketing), VSP,
Kolkata

He will prove the contents of Letter
No. BSO/Cal/Mktg/3699 dtd.15/11/99
alongwith enclosures. He will prove that no
pig iron had been issued from VSP against
the Contract Orders in question to M/S
MPRP, M/S JDCE & M/S PEW. He will
prove that in respect of M/S PEW, there was
no registration of Demand against Railway
Board Allocation Order
No. Track 1/21/91/0101/50720 dtd.25/3/94
and Track-1/21/94/0112/7 dtd.13/15-6-94. He
will also prove that the pig iron invoices
submitted by M/S JDCE and M/S PEW to
NE/Railway are false/bogus, not issued from
VSP Office nor against Railway Board's
allocations. He will also prove that the pig
iron invoices submitted by M/S BCEC were
not issued against Railway Board's
allocation.

9. Sri. Gautam Das, Manager (Manager
I), VSP, Kolkata

He will also prove the same as Sri. Sumit
Deb.

10. Sri. G. Ghosh,
General Manager (Sales), HSCO, 50,
Chowringhee

He will prove the contents of Letter
no. HS/GM(S)/Vig/2640 dtd.12/9/2001. He
will prove that during the period 1991-92,
92-93 and 93-94, M/S MPRP, M/S JDCE,
M/S PEW and M/S BCEC had been supplied
total quantities of pig iron as 104.74, M/S
170.92, M/S PEW 175.00 and M/S BCEC 173.48 M/S
respectively.

11. Sri. S. B. Basu, DGM (Sales), HSCO,
50,
Road, Kolkata

He will also prove the same as Sri. G. Ghosh
above.

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12 Sri.A.K.Nandi, the then
AAO/CSA,NE,Railway,maligaon

He will prove the Departmental procedures for passing of bills. He will prove that the subsequent claimed by the said 4 aecd.Firms M/S MPRP, M/S JDCE, M/S PEW & M/S BCEC of escalation price of pig iron of VSP on the difference between the higher price of VSP and the already claimed amount of HSCO and payment made thereof by the aecd.Accounts Officials of NE,Railway could not be actually passed/paid since the said 4 Firms had already claimed on HSCO's escalation price of pig iron and such payment could be made only if approved by Railway Board,New Delhi. He will also prove that there was/is no such provision for passing the bills on temporary basis. He will also prove that the C.I.Sleepers inspected before the effective date mentioned in the price circulars of VSP will not be applicable for claiming the escalation as per the Special Conditions of Contract. He will also prove that as per the Price circulars of VSP, production of invoices was a must in support of the claimed of escalation. He will identify the signatures of Sri.D.K.Baruah,Sr.SO/CSA, Sri.N.Sengupta and Sri.A.K.Sarkar,AAO/CSA.

He will also prove the same as Sri.A.K.Nandi above.

13 M.DuttaPurkayasha, the then
AAO/Inventory
Control

He will also prove the same as Sri.A.K.Nandi above

14 Sri.A.K.Hazowary, the then AAO/Inve
nventory Control

15 Sri.BipulKumar Das, the then
AA/CSA,NE, Railway,
Malgao

He will prove the Departmental procedures for passing of the bills. He will also prove that the subsequent claimed of the escalation price of pig iron etc of VSP by M/S MPRP, M/S JDCE, M/S PEW and M/S BCEC on the difference between the higher price of VSP and the already claimed amount of HSCO could not be passed/paid since the said 4 Firms had already claimed the escalation price of HSCO and such payment could be made only if approved by Railway Board,New Delhi. He will also prove that there was/is no such provision for passing the bills on temporary basis. He will also prove that the C.I.Sleepers inspected before the effective date mentioned in the price circulars of VSP will not be applicable for claiming

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the escalation as per the Special Conditions of Contract and that as per the Price circulars of VSP, production of invoices was a must in support of the claimed of escalation. He will identify the signatures of Sri.D.K.Baruah,Sr.SO/CSA, Sri.N.Sengupta,Sr.SO/CSA, Sri.N.C.Ghatak,AAO/Inventory Control and Sri.A.K.Sarkar,AAO/CSA.

16 Sri.P.K.Dey,AAO/CSA,NE,Railway, Maligaon

He prove the Departmental procedures for passing of the bills. He will prove that the subsequent claimed of escalation price of pig iron etc. of VSP by the said 4 Firms on the difference between the higher price of VSP and the already claimed amount of HSCO could not be passed/paid untill and unless approved by railway Board, New Delhi since they had already claimed on the escalation price of HSCO. He will also prove that there was/is no such provision for passing the bills on temporary basis. He will also prove that the C.I.Sleepers inspected prior to the effective date mentioned in the price circulars of VSP will not be applicable for claiming the escalation as per the Special Conditions of Contract. He will also prove that as per the Price circulars of VSP, production of invoices was a must in support of the claimed of the escalation.

17 Sri.M.C.Malakar,Sr.SO/CSA,NE,Railway, Maligaon.

He will also prove the same as Sri.P.K.Dey above. In addition, he will prove the signature of Sri.D.K.Baruah,Sr.SO/CSA. He will also prove the same as Sri.P.K.Dey above. In addition, he will prove the signatures of Sri.D.K.Baruah, Sri.N.Sengupta, Sri.N.C.Ghatak and Sri.A.K.Sarkar.

18 Sri.J.Sangma, the then AAO/CSA,NE,Railway, Maligaon

He will prove his writings in the cheques issued by NE Railway against the payments of the VSP's escalation bills. Sri.J.Sangma will prove the signatures of Sri.D.K.Baruah,Sri.N.Sengupta,Sri.N.C.Ghatak,Sri.A.K.Sarkar.

20 Sri.S.Tarafdar, the then AAO/Cheque Writer of CSA,NE,Railway, Maligaon

He will also prove the same as Sri.J.Sangma above. In addition, he will prove the signature of Sri.N.C.Ghatak.

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21	Sri.Satish Chandra Das, C.O.6 Clerk/CSA,NE,Railway, Maligaon	He will prove that all the VSP's escalation bills claimed by the said 4 Firms were entered in the C.O.6 Registers and will prove that payments had been made. He will prove the signatures of Sri.D.K.Baruah, Sri.N.Sengupta, Sri.N.C.Ghatak, Sri.A.K.Sarkar and Sri.B.K.Ghosh.
22	Sri.G.C.Acharjee AAO/Books,NE,Railway, Maligaon	He will prove that the certified copies of cheques Sheets given by him were made on the basis of the information available in the counterfoil of Cheques and the Allocation Sheets and will prove that the same are authentic documents and as good as original.
23	Sri.K.Prasad,Sr.Cashier,Cash Office NE,Railway, Maligaon	He will prove the Departmental procedures for issue of the Cheques from the Cash Office after passing and received from the Accounts Office. He will also prove that all the A/C Payee's RRI Calcutta Cheques passed and received from the Accounts Office against the payments of VSP's escalation bills had been entered in the Cash Books and duly handed over to the representatives of the said 4 Firms M/S MPRP, M/S JDCE, M/S PEW and M/S BCBC.
24	Sri.K.P.Chakraborty,Asstt.Chief Cashier,Cash Office of NE,Railway, Maligaon.	He will prove the same as Sri.K.Prasad above
25	Sri.Ng.Khamrang,Inspc.CRI, ACRB Guwahati.	He will prove the investigation of the said 4 Cases.

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xv) That, Sri A.K.Sarkar also to justify his passing of the bills in respect of M/S JDCP and M/S PEW subsequently entertained some bogus/forged pig iron invoices of VSP which were not issued from VSP nor against Railway Board allocations and in respect of M/S BCBC also subsequently entertained some pig iron invoices of VSP, which were not issued against Railway Board allocations.

xvi) That, payments of the said bills had been made by Sri A.K.Sarkar vide A/C Payees RBL,Kolkata cheque Nos.0661250 dtd.3/6/94, 050492 dtd.14/12/95, 066181 dtd.6/5/94 and 056022 dtd.27/6/95 to M/S NIPRP, cheque Nos.051276 dtd.26/11/93, 051321 dtd.9/12/93, 066195 dtd.13/5/94, 049338 dtd.28/4/95, 049445 dtd.7/6/95, 066054 dtd.13/4/94, 049358 dtd.9/5/95 and 050021 dtd.27/7/95 to M/S JDCP, cheque Nos.066348 dtd.17/7/94, 066927 dtd.21/10/94, 066376 dtd.8/7/94, 066853 dtd.28/9/94, 066991 dtd.15/11/94, 049428 dtd.1/6/95 and 049165 dtd.24/3/95 to M/S PEW and cheque Nos.051704 dtd.18/2/94, 066179 dtd.6/5/94, 066211 dtd.18/5/94 and 049455 dtd.8/6/95 to M/S BCBC.

Thus, by the aforesaid acts of commissions and commissions on the part of Sri A.K.Sarkar reverted that he had failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of his position and thereby contravened the provisions of Rule 3(1) (i) (ii) & (iii) of the Railway Services (Conduct) Rules, 1966.

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STANDARD FORM NO. 7

Standard form of order Relating of Appointment of Inquiry Officer/Board of Inquiry

(Rule 9 (2) of RS (D&A) Rules 1968)

No. PNO/AD/RC-8(A)/2000-SHG/AKS

Railway : Northeast Frontier Railway

Place of issue : Maligaon

Date : 04.08.04

ORDER

WHEREAS an inquiry under Rules 9 of the Railway Servants (Discipline & Appeal Rules 1968) is being held against Shri A. K. Sarkar, DFM/RNY, N.F.Railway (now S&AO/Maligaon)

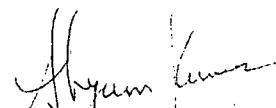
AND WHEREAS the undersigned considers that an inquiry officer should be appointed to enquire into the charges framed against him.

Now therefore, the undersigned in exercise of powers conferred by sub-rule (2) of the said rule, hereby appoints Shri K. K. Mitra, Retd. FA&CAO, S.E. Rly.
As Inquiry Officer to enquire into the charges against the said Shri A. K. Sarkar

Signature

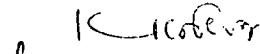
Name

Designation of the
Disciplinary Authority

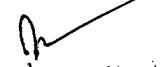

(Shyam Kumar)
General Manager
N.F. Railway/Maligaon

Copy to:

- 1) Shri K. K. Mitra, Retd. FA&CAO, S.E. Railway. (L.O)
15/2, Sarat Bose Road, Kolkata-700 020
- 2) Shri C. Mitra, Sr. Vigilance Inspector/S&T (P.O), N.F.Rly./Maligaon
- 3) Shri A. K. Sarkar, DFM/RNY, N.F.Railway (now S&AO/MLG), (C.O)
- 4) Dy. CVO/Engg., N.F.Railway/Maligaon.


for General Manager
N.F.Railway/Maligaon

Certified to be true copy


(J. Purkayash)
Advocate

STANDARD FORM NO. 8

Form of nomination of Presenting Officer (Sub-rule (9) (IV)(C) of Rule of RS (D&A) Rules, 1968.

No. PNO/AD/RC-8(A)/2000-SGH/AKS

Railway : Northeast Frontier Railway

Place of issue : Maligaon

Date 04.08.04

O R D E R

WHEREAS an inquiry under rule 9 of the Railway Servants (Discipline And Appeal Rules 1968) is being held against Shri A.K. Sarkar, DFM/RNY
N.F.Railway(now S&AO/MLG)

AND WHEREAS the undersigned, in exercise of the powers conferred by sub-rule 9 (C) of rule 9 of the RS (D&A) Rules, 1968, hereby appoints Shri C. Mitra, Sr. Vigilance Inspector/S&T as Presenting Officer to present the case in support of the charges before the inquiring authority.

Shri C. Mitra, Sr. Vigilance Inspector/S&T is also authorized to appoint during his temporary non-availability any other CBI/Railway official not below his rank for representing the case before the Inquiry Officer on his behalf and on behalf of the Disciplinary Authority for examination as well as for arguments etc.

Signature:

Name :

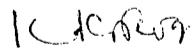
(Designation of the
Disciplinary authority)


(Shyam Kumar)

General Manager
N.F.Railway/Maligaon.

Copy to:

- 1) Shri C. Mitra, Sr. Vigilance Inspector/S&T, (P.O) N.F.Railway, Maligaon.
- 2) Shri K. K. Mitra, Retd. FA&CAO, S.E. Rly. (IO), 15/2, Sarat Bose Road, Kolkata - 700 020.
- 3) Shri A. K. Sarkar, DFM/RNY, N.F. Rly. (now S7AO/MLG), (C.O)
- 4) Dy. CVO/Engg., N.F.Railway/Maligaon.


for General Manager
N.F.Railway/Maligaon

Certified to be true


(J. Purkayastha)

Asst. Manager

K.K. Mitra, IRAS (Rets.)
Retd. FA & CAO/ S.E. Rly & RIO

15/2 Sarat Bose Road
Kolkata - 700 020
Ph : (033) 22207877 (R)
09831032729 (M)

No. Inquiry/ N.F. Rly/ AKS/ 1

NOTICE OF PRELIMINARY HEARING

Sri A. K. Sarkar
Ex. AAO/ CSA
Now DFM/ N.F. Railway
Rangia

(Through Dy. CAO (G) N.F. Rly/ MLG)

Sub:- Departmental inquiry into the charges framed against Shri A.K. Sarkar, Ex. AAO/ CSA now DFM/ N.F.Rly. RNY vide GM/ N.F.Rly.'s Memorandum No. PNO/ AD/ RC-8 (A)/ 2000-SHG- AKS dated 13.8.03.

I have been appointed as inquiring authority to conduct inquiry against you vide GM/ N.F. Rly.'s Order No. PNO/ AD/ RC-8 (A)/ 2000-SHG/ AKS dated 4.8.2004 a copy of which has been enclosed to you.

2. Accordingly a preliminary hearing of the case will be held by me on 6th November, 2004 at 10.00 hrs. in the office of FA & CAO/ S.E. Rly/ Garden Reach, Kolkata - 43. You are required to attend the hearing along with your defence assistant, if any, and wait until further directions. In case you fail to appear at the appointment date and time, proceedings will be taken ex-parte.
3. It may be noted that no witness will be examined on the said date. The purpose of the preliminary hearing is to sort out the preliminaries and to lay down a time schedule for inspection of the list documents and submission of the lists of additional documents and defence witnesses.
4. Receipt of this notice may please be acknowledged.

(K.K. Mitra)
Inquiry Officer.

Copy to :-

- 1) Dy. Chief Accountants Officer (G)/ N.F. Railway/ Maligaon - This has reference to his letter No. PNO/ AD/ RC - 8 (A)/ 2000- SHG/ AKS dated 25.8.04. Two copies of this notice are enclosed. He is requested to serve this notice to Sri A.K. Sarkar DFM/RNY under a written acknowledgement which may please be sent to the undersigned for record. He is requested to issue necessary passes in favour of Shri Sarkar and his defence counsel, if any for attending the above inquiry. He is also requested to send legible copies of charge memorandum alongwith its Annexures, acknowledgement of CO thereof, defence statement of CO to the undersigned on or before the above preliminary hearing.
- 2) Sri. C. Mitra, Sr. Vengeance inspector (S & T) N.F. Rly/ Maligaon & presenting Officer - He is requested to attend the preliminary hearing at the appointed date and time alongwith all relied upon documents listed in Annexure - III of the charge memorandum in original and also a set of photocopy.

(K.K. Mitra)
Inquiry Officer.

Certified to be true copy

(J. Purkayastha)
Advocate

STANDARD FORM NO. 7

Standard form of order Relating of Appointment of Inquiry Officer/Board of Inquiry

(Rule 9 (2) of RS (D&A) Rules 1968)

No. PNO/AD/RC-9(A)/2000-SHG/AKS

Railway : Northeast Frontier Railway

Place of issue : Maligaon

Date : 17.9.04

O R D E R

WHEREAS an inquiry under Rules 9 of the Railway Servants (Discipline & Appeal Rules 1968) is being held against Shri A. K. Sarkar, DFM/RNY, N.F.Railway (now S&AO/Maligaon)

AND WHEREAS the undersigned considers that an inquiry officer should be appointed to enquire into the charges framed against him.

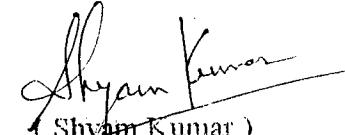
Now therefore, the undersigned in exercise of powers conferred by sub-rule (2) of the said rule, hereby appoints Smt. Punam Pandey, CDI/CVC as Inquiry Officer to enquire into the charges against the said Shri A. K. Sarkar

Signature

Name

Designation of the

Disciplinary Authority


Shyam Kumar)

General Manager

N.F. Railway/Maligaon

Copy to:

- 1) Smt. Punam Pandey, CDI/CVC (I.O)
- 2) Shri R. P. Chaturvedi, CVI/Engg. (P.O), N.F.Rly. Maligaon
- 3) Shri A. K. Sarkar, DFM/RNY, N.F.Railway (now S&AO/MLG), (C.O)
- 4) Dy. CVO/Engg., N.F.Railway/Maligaon.


for General Manager
N.F.Railway/Maligaon

Certified to be true copy


(J. Purkayastha)
Advocate

STANDARD FORM NO. 8

Form of nomination of Presenting Officer (Sub-rule (9) (IV) (C) of Rule of RS (D&A) Rules, 1968.

No. PNO/AD/RC-9(A)/2000-SGH/AKS

Railway : Northeast Frontier Railway

Place of issue Maligaon

Date 17.9.04

O R D E R

WHEREAS an inquiry under rule 9 of the Railway Servants (Discipline And Appeal Rules 1968) is being held against Shri A.K. Sarkar, DFM/RNY
N.F.Railway(now S&AO/MLG)

AND WHEREAS the undersigned in exercise of the powers conferred by sub-rule 9 (C) of rule 9 of the RS (D&A) Rules, 1968, hereby appoints Shri R. P. Chaturvedi, CVI/Engg. as Presenting Officer to present the case in support of the charges before the inquiring authority.

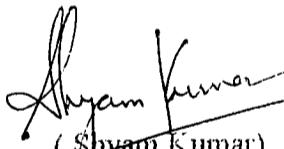
etc. Shri R. P. Chaturvedi, CVI/Engg. is also authorized to appoint during temporary non-availability any other CBI/Railway official not below his rank for representing the case before the Inquiry Officer on his behalf and on behalf of the Disciplinary Authority for examination as well as for arguments

Signature:

Name :

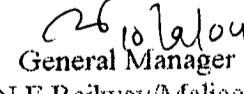
(Designation of the

Disciplinary authority)


(Shyam Kumar)
General Manager
N.F.Railway/Maligaon.

Copy to:

- 1) Shri R. P. Chaturvedi, CVI/Engg. (P.O), N.F. Rly./Maligaon.
- 2) Smt. Punam Pandey, CDI/CVC (I.O)
- 3) Shri A. K. Sarkar, DFM/RNY, N.F. Rly.(now S&AO/MLG), (C.O)
- 4) Dy. CVO/Engg., N.F.Railway/Maligaon.


General Manager
N.F.Railway/Maligaon

Certified to be true copy


(J. Purkayastha)
Advocate

Most Immediate
By Speed Post

No. O4/PP/37 - 6933
Government of India
Central Vigilance Commission

Satarkta Bhawan, (Room No. 304)
Near Vikas Sadan, INA,
New Delhi - 110 023
Date: 5.10.2004

Office Memorandum

Sub: Departmental Inquiry against Sh. A.K. Sarkar, DFM/RNY, N.F. Railway (now S&AO) : Notice for Preliminary Hearing.

Ref: RC-9(A)/2000-SHG/AKS

The undersigned has been appointed as Inquiry Officer in the subject case vide order No. PNO/AD/RC-9(A)/2000-SHG/AKS dated 17.9.2004 (received on 28.9.2004) issued by Sh. Shyam Kumar, General Manager, N.F. Railway & the Disciplinary Authority

The undersigned will hold a Preliminary Hearing (PH) in this case on 18th October, 2004 at 11:00 a.m. in her office at New Delhi, to chalk out further course of action. Accordingly, PO/CO are directed to attend the same, failing which proceedings will be held *ex parte*. PO should bring all the listed documents. CO should intimate the name of the Defence Assistant (DA) with complete details such as Designation, department, address and his consent to work as Defence Assistant alongwith the approval from the Disciplinary Authority. The DA nominated by the CO should be strictly in accordance with the norms and conditions laid down. PO/CO should note that no witness would be examined on 18.10.2004.

3. Its receipt may please be acknowledged.


[PUNAM PANDEY]
Commissioner for Departmental Inquiries
&
Inquiry Officer
Tel. 24618223

Sh. R.P. Chaturvedi, Chief Vigilance Inspector/Engineering, N.F. Railway, Maligaon, Guwahati - 781 011.

Sh. A.K. Sarkar, S&AO, N.F. Railway, Maligaon, Guwahati - 781 011.

Certified to be true copy


(J. Purkayastha)
Advocate

STANDARD FORM NO. 7

Standard form of order Relating of Appointment of Inquiry Officer/Board of Inquiry

(Rule 9 (2) of RS (D&A) Rules 1968)

No. PNO/AD/RC-10(A)/2000-SHG/AKS

Railway : Northeast Frontier Railway

Place of issue : Maligaon

Date : 17.09.04

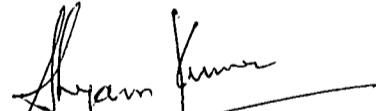
OR D E R

WHEREAS an inquiry under Rules 9 of the Railway Servants (Discipline & Appeal Rules 1968) is being held against Shri A. K. Sarkar, DFM/RNY, N.F.Railway (now S&AO/Maligaon)

AND WHEREAS the undersigned considers that an inquiry officer should be appointed to enquire into the charges framed against him.

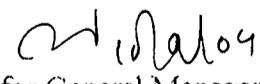
Now therefore, the undersigned in exercise of powers conferred by sub-rule (2) of the said rule, hereby appoints Smt. Punam Pandey, CDI/CVC as Inquiry Officer to enquire into the charges against the said Shri A. K. Sarkar

Signature
Name
Designation of the
Disciplinary Authority


(Shyam Kumar)
General Manager
N.F. Railway/Maligaon

Copy to:

- 1) Smt. Punam Pandey, CDI/CVC (I.O)
- 2) Shri C. Mitra, Sr. Vigilance Inspector/S&T, (P.O), N.F.Rly. Maligaon
- 3) Shri A. K. Sarkar, DFM/RNY, N.F.Railway (now S&AO/ML.G), (C.O)
- 4) Dy. CVO/Engg., N.F.Railway/Maligaon.


for General Manager
N.F.Railway/Maligaon

Certified to be true copy


(J. Purkayastha)
Advocate

STANDARD FORM NO. 8

Form of nomination of Presenting Officer (Sub-rule (9) (IV)(C) of Rule of RS (D&A) Rules, 1968.

No. PNO/AD/RC-10(A)/2000-SGH/AKS

Railway : Northeast Frontier Railway

Place of issue Maligaon

Date 17.09.04

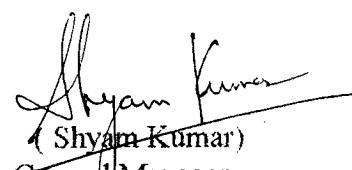
O R D E R

WHEREAS an inquiry under rule 9 of the Railway Servants (Discipline And Appeal Rules 1968) is being held against Shri A.K. Sarkar, DFM/RNY N.F.Railway(now S&AO/MLG)

AND WHEREAS the undersigned in exercise of the powers conferred by sub-rule 9 (C) of rule 9 of the RS (D&A) Rules, 1968, hereby appoints Shri C. Mitra, Sr. Vigilance Inspector/S&T as Presenting Officer to present the case in support of the charges before the inquiring authority.

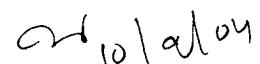
Shri C. Mitra, Sr.Vigilance Inspector/S&T is also authorized to appoint during his temporary non-availability any other CBI/Railway official not below his rank for representing the case before the Inquiry Officer on his behalf and on behalf of the Disciplinary Authority for examination as well as for arguments

Signature:
Name :
(Designation of the
Disciplinary authority)


(Shyam Kumar)
General Manager
N.F.Railway/Maligaon.

Copy to:

- 1) Shri C. Mitra, Sr. Vigilance Inspector/S&T, (P.O), N.F. Rly. Maligaon
- 2) Smt. Punam Pandey, CDI/CVC (I.O)
- 3) Shri A. K. Sarkar, DFM/RNY, N.F. Rly.(now S&AO/MLG), (C.O)
- 4) Dy. CVO/Engg., N.F.Railway/Maligaon.


for General Manager
N.F.Railway/Maligaon

Certified to be true copy


(J. Purkayastha)
Advocate

Most Immediate
By Speed Post

No.O4/PP/35 -6931
Government of India
Central Vigilance Commission

Satarkta Bhawan, (Room No. 304)
Near Vikas Sadan, INA,
New Delhi - 110 023
Date: 5.10.2004

Office Memorandum

Sub: **Departmental Inquiry against Sh. A.K. Sarkar, DFM/RNY, N.F. Railway (now S&AO) : Notice for Preliminary Hearing.**

Ref: **RC-10(A)/2000-SHG/AKS**

The undersigned has been appointed as Inquiry Officer in the subject case vide order No. PNO/AD/RC-10(A)/2000-SHG/AKS dated 17.9.2004 (recd on 28.9.2004) issued by Sh. Shyam Kumar, General Manager, N.F. Railway & the Disciplinary Authority

The undersigned will hold a Preliminary Hearing (PH) in this case on **18th October, 2004** at **10:30 a.m.** in her office at New Delhi, to chalk out further course of action. Accordingly, PO/CO are directed to attend the same, failing which proceedings will be held *ex parte*. PO should bring all the listed documents. CO should intimate the name of the Defence Assistant (DA) with complete details such as Designation, department, address and his consent to work as Defence Assistant alongwith the approval from the Disciplinary Authority. The DA nominated by the CO should be strictly in accordance with the norms and conditions laid down. PO/CO should note that no witness would be examined on 18.10.2004.

3. Its receipt may please be acknowledged.


[PUNAM PANDEY]
Commissioner for Departmental Inquiries
&
Inquiry Officer
Tel. 24618223

Sh. Sh. C. Mitra, Sr. Vigilance Inspector, S&T, N.F. Railway, Maligaon, Guwahati- 781 011.

✓ Sh. A.K. Sarkar, S&AO, N.F. Railway, Maligaon, Guwahati – 781 011.

Certified to be true copy


(J. Pukayarr)
Advocate

STANDARD FORM NO. 7

Standard form of order Relating of Appointment of Inquiry Officer/Board of Inquiry

(Rule 9 (2) of RS (D&A) Rules 1968)

No. PNO/AD/RC-20,21,23 & 24(A)/97-SHG/AKS

Railway : Northeast Frontier Railway

Place of issue : Maligaon

Date : 23.07.04

ORDER

WHEREAS an inquiry under Rules 9 of the Railway Servants (Discipline & Appeal Rules 1968) is being held against Shri A. K. Sarkar, DFM/RNY N.F.Railway.

AND WHEREAS the undersigned considers that an inquiry officer should be appointed to enquire into the charges framed against him.

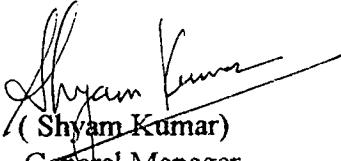
Now therefore, the undersigned in exercise of powers conferred by sub-rule (2) of the said rule, hereby appoints Shri J. R. Biswas, Retd. CPO/CLW As Inquiry Officer to enquire into the charges against the said Shri A. K. Sarkar

Signature

Name

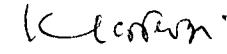
Designation of the

Disciplinary Authority


(Shyam Kumar)
General Manager
N.F. Railway/Maligaon

Copy to:

- 1) Shri J. R. Biswas, Retd. CPO/CLW (I.O)
House No. B-7/315, P.O. Kalyani; Dist.- Nadia (West Bengal)
741235.
- 2) Shri C. Mitra, Sr. Vigilance Inspector/S&T (P.O), N.F.Rly./Maligaon
- 3) Shri A. K. Sarkar, DFM/RNY(C.O) (now S&AO/Maligaon)
- 4) Dy. CVO/Engg., N.F.Railway/Maligaon.


for General Manager
N.F. Railway/Maligaon


J. Purkayastha
As. Manager

STANDARD FORM NO. 8

Form of nomination of Presenting Officer (Sub-rule (9) (IV) (C) of Rule of RS (D&A) Rules, 1968.

No. PNO/AD/RC-20,21,23 & 24(A)/97-SGH/AKS

Railway : Northeast Frontier Railway

Place of issue Maligaon

Date 23.07.04

O R D E R

WHEREAS an inquiry under rule 9 of the Railway Servants (Discipline And Appeal Rules 1968) is being held against Shri A. K. Sarkar, DFM/RNY

AND WHEREAS the undersigned in exercise of the powers conferred by sub-rule 9 (C) of rule 9 of the RS (D&A) Rules, 1968, hereby appoints Shri C. Mitra, Sr. Vigilance Inspector/S&T as Presenting Officer to present the case in support of the charges before the inquiring authority.

Shri C. Mitra, Sr. Vigilance Inspector/S&T is also authorized to appoint during his temporary non-availability any other CBI/Railway official not below his rank for representing the case before the Inquiry Officer on his behalf and on behalf of the Disciplinary Authority for examination as well as for arguments etc.

Signature:

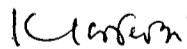
Name :

(Designation of the
Disciplinary authority)


(Shyam Kumar)
General Manager
N.F.Railway/Maligaon.

Copy to:

- 1) Shri C. Mitra, Sr. Vigilance Inspector/S&T, (P.O) N.F.Railway, Maligaon.
- 2) Shri J. R. Biswas, Retd. CPO/CLW, (I.O) House No. B-7/315, P.O-Kalyani, Dist. - Nadia, PIN-741235 (WB)
- 3) Shri A. K. Sarkar, DFM/RNY (C.O) (now S&AO/Maligaon)
- 4) Dy. CVO/Engg., N.F.Railway/Maligaon.


for General Manager
N.F. Railway/Maligaon

Certified to be true copy


(J. Purkayastha)
Advocate

NOTICE OF PRELIMINARY HEARING.

No. JRB/NFR/PNO/AD/RC-20, 21, 23 & 24(A)/97/SHG/AKS Dated: 25.08.04.

From,

Major (Retd.) J. R. Biswas, AMIE (India)
Retd. Chief Personnel Officer (CLW) & IRPS
Presently RIO/ Indian Railways, House No. B-7/315,
P.O Kalyani - 741235 (WB) Tel: 033/2582 - 6883
Camp. N.F. Railway Head Qrts. Office, Maligaon, Assam

To,

✓ Shri A. K. Sarkar, Ex. DFM /RNY, now S& AO / MLG, N.F. Railway,

(THROUGH DY. CAO/G, N.F. RAILWAY, MALIGAON).

Sub: Proceedings of DAR enquiry against Shri A. K. Sarkar, Ex. DFM /RNY, now S& AO / MLG, N.F. Railway & C.O in Connection with FA&CAO, N.F. Rly.'s case No. PNO/AD/ RC-20, 21,23 & 24(A)/97/SHG/AKS dated 05.11.03.

I have been nominated as Inquiry Officer by the competent authority of N. F. Railway in the above DAR case. The first date of Preliminary Hearing (PH) will be held on date 25.09.04 in the office of FA&CAO, N.F. Railway, Maligaon at 9.30 hrs. Please note that the purpose of the PH is to complete the modalities & documentation so as to finalise the DAR case. No deposition of any witness will be recorded on date of PH.

You are, therefore, requested to kindly attend the PH along with your Defence Helper (DH), if any, on 25.09.04 at the above venue and time.

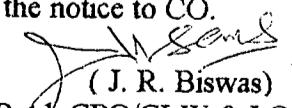
Thanking you,

Yours faithfully,


(J. R. Biswas)
Retd. CPO/CLW & I.O.

Copy for information and necessary action to:

- 2) FA&CAO/MLG, 2) CPO/MLG, 3) Dy. CVO/Engg. /MLG, NF Railway
- 4) Dy. CAO/G – The above notice may kindly be arranged to be served to Sri A.K.Sarkar at his present address. 5) Shri C. Mitra, Sr. VI/ S& T & PO to please attend the inquiry with all relevant records. He may please coordinate with Dy. CAO/G for serving the notice to CO.


(J. R. Biswas) 25/8/04
Retd. CPO/CLW & I.O.

Certified to be true copy


(J. Purkayastha)
Advocate

- 142 -

ANNEEXURE-A/9

Office of the
FA & Chief Accounts Officer
N.F. Railway/Maligaon.
Dated: 19.10.04.

No. PNO/AD/RC-8(A)/2000-SHG/AKS

To,
Shri A. K. Sarkar, DFM/RNY
(now S&AO/Maligaon)
N.F. Railway.

Sub: Departmental enquiry against Shri A. K. Sarkar, DFM/RNY
(now S&AO/Maligaon) vide memo. No. PNO/AD/RC-8(A)/2000/AKS
dated 13.08.03.

Ref: Shri K. K. Mitra, Inquiry Officer's Notice No. Inquiry/N.F.Rly./AKS/1
Dated 08.10.04.

The preliminary hearing of the case has been fixed on 06.11.04 at 10:00 hrs. in the office of FA&CAO/S.E. Railway/Garden Reach, Kolkata-43 vide above referred notice.

You are therefore requested to attend the hearing as per date, time and venue fixed by the Inquiry Officer.

Your nomination of Defence Counsel has been received by this office only on 14.10.04 which is under consideration and yet to be approved by the Disciplinary Authority (G.M). You will be informed regarding the above in due course.

(David Lalmalswama)
Dy.FA/II
N.F. Railway/Maligaon

Copy to:

- 1) Shri C. Mitra, (P.O), and Sr. Vigilance Inspector/S&T, under CVO/Maligaon. He should attend the hearing as per programme fixed by the IO with all listed documents. The copy of the notice of PH issued by IO is enclosed.
- 2) Shri K. K. Mitra, Retd. FA&CAO/S.E. Rly. (IO), 15/2, Sarat Bose Road, Kolkata-700 020.
- 3) Dy. CVO/Engg./Maligaon. It is requested to spare and direct Shri C. Mitra, Sr. Vigilance Inspector/S&T (PO) to attend the hearing with all listed documents to attend the hearing with all listed documents

(David Lalmalswama)
Dy.FA/II
N.F. Railway/Maligaon

Certified to be true copy

(I. Purkayastha)
Advocate

K.K.Mitra, IRAS(Retd.)
Retd.FA&CAO/S.E.Rly & RIO

15/2 Sarat Bose Road,
Kolkata - 700 020
Ph : (033)22207877(R)
09831032729(M)

No.Inquiry/NFRly/AKS/1

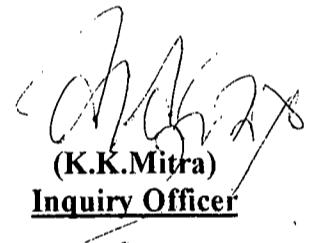
Dated : 6 November 2004

NOTICE OF REGULAR HEARING

**Sri A.K.Sarkar,
Ex.AAO/CSA
Now S&AO/N.F.Railway/MLG**

Sub : Departmental inquiry into the charges framed against Shri A.K.Sarkar, Ex.AAO/CSA now S&AO/N.F.Railway/MLG vide GM/N.F.Rly.'s Memorandum No.PNO/AD/RC-8(A)/2000-SHG-AKS dated 13.08.2003.

1. A Preliminary hearing of the case was held on date at Garden Reach, Kolkata-43 by me.
2. The regular hearings of the above subject case have been fixed from **5th January, 2005** to **8th January, 2005** at 11.00 hrs. in the office of General Manager(Vigilance)/Eastern Railway/Fairlie Place, Kolkata-700001. You are advised to attend the hearing along with your defence assistant, if any, and wait until further directions. In case you fail to appear at the appointed date and time, proceedings will be taken ex parte.
3. Receipt of this notice may be acknowledged.


(K.K.Mitra)
Inquiry Officer

Copy to:

- 1) **Dy.Chief Accounts Officer(G)/Northeast Frontier Railway/Maligaon** - This has reference to his letter No.PNO/AD/RC-8(A)/2000-SHG/AKS dated 19.10.2004. He is requested to advise Sri A.K.Sarkar, S&AO/MLG to attend the abovementioned hearings without fail. He is further requested to issue necessary passes in favour of Sri Sarkar and his defence counsel, if any, for attending the above inquiry.
- 2) **Sri C.Mitra, Sr.Vigilance Inspector(S&T)/Northeast Frontier Railway/Maligaon & Presenting Officer** - He is requested to attend the abovementioned hearing at the appointed date and time.


(K.K.Mitra)
Inquiry Officer

Certified to be true copy


(J. Puskayasthu)
Advocate

To
The Hon'ble Mr. K. K. Mitra,
FA & CAO/S.E. Rly, & I.O.,
Sarat Bose Road,
Kolkata - 700020.

ble Sir,

Sub:- Additional list of defence documents.
Ref:- DAR No. PNO/AD/RC-8(A)/2000-SHG/AKS dated 13.8.03.

With due respect, I hereby submit an additional list of defence documents which
kindly be allowed to disprove the allegation against me.

Name of document	Custodian	Relevancy
SA/BILL/STEEL&PWF/96-97 Containing Rly. Bd's letter & important correspondences	FA&CAO/S/N.F.R	To disprove allegation.
CAO/SS/I/PT.1	- do -	- do -
Rly. Bd's Rates circular pertaining to the year 1990-98.	FA & CAO/S/N.F. R.	- do -
P.O. file of concerned firm	- do -	- do -
Pre-recorded statements of all the PWs. as mentioned in Annex-IV.	FA & CAO/N.F. Rly.	- do -

Defence witness.

1. Shri Robin Deka, FA & CAO/Con/WCR/Jaipur (Ex- Dy. CAO/G/N. F.
Railway/Maligaon).

During the progress of inquiry if any important documents and defence witness
are felt necessary to disprove the allegation the same may kindly be permitted.

With regards;

Yours faithfully,

on 6/11/04
(A. K. SARKAR)
DFM/RNY now S & AO,
N. F. Rly./Maligaon.

dc

Certified to be true copy

J. Purkayastha
Advocate

No. AKS/DAR/MISC/2004
Dated /8/10/04

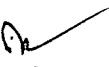
To
Honb'le Ms Pandey,
C.D.I. & Inquiry Officer,
Satarkata Bhawan,
New Delhi-23.

Sub:- Additional list of defence documents.
Ref:- DAR No. PNO/AD/RC-9(A)/2000-SHG/AKS dated 13.8.03.

Honb'le Madam,
With due respect, I hereby submit an additional list of defence documents which may kindly be allowed to disprove the allegation against me.

SN.	Name of document	Custodian	Relevancy
1.	Rly. Bd's L/No. Track/21/91/0101/7/50708 dated 9.7.1994 issued by Shri B. Mazumder, Dy. Director Track/Rly. Bd. Addressed to The General Manager/Track N. F. Rly. (OL), Maligaon.	G. M./Track/N. F. Rly, Maligaon or CBI/GHY.	To disprove the allegation.
2.	Pre-recorded statements of all the PWs recorded by CBI.	FA & CAO/N.F. Rly. Or CBI/GHY.	- do -
3.	SA/BILL/STEEL&PWF/96-97 Containing Rly. Bd's letter & important correspondences.	FA & CAO/S/N. F. R, Or CBI/GHY	- do -
4.	Rly. Bd's Rates circular pertaining to the year 1990-98.	FA & CAO/S/N.F. R. or CBI/GHY.	- do -
5.	Reply of provisional Para No. 64 & action note from Rly. Bd thereon.	FA & CAO/AJ/N.F.R Or PDA/N.F.R./MLG.	- do -
6.	FA & CAO's File No. CAO/SS/I/Pt.I important correspondences with Vigilance/MLG, CBI/GHY, FC/Rly. Bd.	FA & CAO/N.F.R./MLG	- do -
7.	CAG's Report of 1998 on Para 4.3.6.	FA & CAO/AJ/MLG. or PDA/N.F.R./MLG.	- do -
8.	Letter No. Track/21/91/0112/7 dt. 24.7.91 as mentioned by Sri Sumit Deb, Branch Manager, VSP/Kolkata in his statement.	CBI/GHY	- do -
9.	Sri Sumit Deb, Br. Manager, VSP/Kolkata's statement dated 12.1.2002.	CBI/GHY	- do -
9A.	Letter No. Track/21/91/0112/7 dt 17.3.92 issued by Shri M. Hingorani, Dy. Director Track/Rly. Board.	FA & CAO/N.F.Rly/MLG or CBI/GHY.	- do -

Certified to be true copy

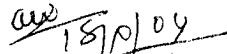

J. Purkayastha
Advocate

10. Rly. Bd's L/No. Track/21/88/0101/7/50570 dated 9.11.94 , No. Track-1/21/91/0101/7/ 50715 dated 2.11.94 & Track/21/91/0101/ 7/50700 dated 9.7.94 issued by Shri B. Mazumder, Dy. Director Track/RB.	FA & CAO/S/N.F.R./MLG or CBI/GHY.	- do -
12. Track-1/21/90/0101/7/50622 dt 14.6.93 issued by Sri H. S. Rathi, Dy. Director Track/ Rly. Board.	FA & CAO/S/N.F.R./MLG	- do -
13. Correspondence from FA & CAO/N.F.R. dt 24.9.02 to CBI in connection with prosecution.	FA & CAO/N.F.R./MLG or CBI/GHY.	- do -
14. Corresp. From FA & CAO/N.F.R./MLG to FC/Rly. Dt. 16.10.02Board in regard to prosecution sanction sought for by CBI.	- do -	- do -
15. Corresp. Frp, FA & CAO/MLG to CVO/MLG dt.16.10.02 on receipt of letter seeking prosecution sanction by CBI.	- do -	- do -
16. FA & CAO's noting to GM dt 2.5.03 in connection with prosecucion sanction sought for by CBI.	- do -	- do -
17. Noting of GM DT. 5.5.03 on the noting of FA & CAO dt. 2.5.03 in the matter of sanction for prosecution.	- do -	- do -
18. Defence witness – Sri D. K. Baruah, Sr. SO/SAO/Con/N.F.R./Silchar.		- do -

During the progress of inquiry if any important documents are felt required to disprove the allegation the same may kindly be permitted.

With regards;

Yours faithfully,


(A. K. SARKAR)
DFM/RNY nor S & AO,
N. F. Rly./Maligaon.

Certified to be true copy


(J. Purkayastha)
Advocate

- No. AKS/DAR/MISC/2004
Dated 26/10/04

To
Honb'le Ms Pandey,
C.D.I. & Inquiry Officer,
Satarkata Bhawan,
New Delhi-23.

Sub:- Relevancy towards additional list of defence documents.
Ref:- DAR No. PNO/AD/RC-9(A)/2000-SHG/AKS dated 01.9.03.

Honb'le Madam,

In terms of PH held on 18.10.04 the relevancy as ordered to be submitted by 28.10.04 is submitted hereunder for your kind perusal please as these will help to disprove the allegation:-

1. Letter issued in support of arranging payment on production of vouchers for procurement of pig iron.
2. To assess the views of PWs in connection with the allegation and also in reference to codal provisions.
3. Correspondences among the firms, Rly. Board etc. are available which will be helpful to disprove the allegation.
4. Various circulars issued by Railway Board in connection with fixing of all sorts of escalated rates.
5. This is required in connection with justifying the payment made to the parties.
6. Some correspondences were made to Railway Board and others stating that Accounts staff of N. F. Railway are not at fault for making escalation payment.
7. One such payment was made to a firm under the same Special Condition of the tender and was closed since the Zonal Railway was not at fault.
8. This letter is required to take stock of the situation since Sri Sumit Deb, Br. Manager/VSP/Kolkata has mentioned in his statement.
9. It revealed from the statement of Sri Deb that firm drew pig iron from VSP.
- 9A. Date of letter mention in my earlier letter dated 18.10.04 may be read as 19.8.92 instead of 17.3.92. This letter will speak about the payment to be made as per 6.2 of Spl. Condition of Contract.
10. These letters will speak about the payment to be made as per 6.2 of Spl. Condition of Contract.
11. This will speak about the escalation payment on purchase of pig iron ever after supply of C. I. Plates.
12. This will justify that according to FA & CAO/N. F. Rly/MLG no irregularities committed by the accounts staff in respect of escalation payment.
13. Same as item No. 13 above.
14. Same as item No. 13 above
15. Same as item No. 13 above
16. Same as item No. 13 above
17. Same as item No. 13 above

With regards;

Yours faithfully,

Subrata Sarkar
(A. K. SARKAR)
DFM/RNY nor S & AO,
N. F. Rly./Maligaon.

Certified to be true copy

Ch
(J. Purkayastha)
Advocate

No. O4/PP/35
Government of India
Central Vigilance Commission

New Delhi

18.10.2004

Sub: Departmental Inquiry against Sh. A.K. Sarkar, DFM/RNY (now S&AO/Maligaon), N.F. Railway.

Present : Sh. C. Mitra, Presenting Officer
Sh. A.K. Sarkar, Charged Officer

The Preliminary Hearing (PH) was taken up to-day as scheduled, which was attended by both the PO&CO.

2. The CO categorically denied all the allegations contained in the chargesheet. The CO informed that he has received photocopies of all the listed documents and he is satisfied with them.
3. The CO also submitted his list of defence documents/witnesses vide his letter dated 18.10.2004. As correct relevance was not indicated, the CO was asked to indicate the same latest by 28.10.2004. The IO will thereafter intimate her decision as to which document is relevant or not.
4. The PO will thereafter obtain all the documents so permitted by the IO, from the custodians and arrange for inspection by the CO. Certified copies will also be provided to the CO for his records. This exercise should be completed by 11.11.2004. The PO should obtain a certificate from the CO that he has inspected the defence documents and submit it to the IO immediately thereafter. CO may also intimate the name of his Defence Assistant, if any. The DA so nominated should be in accordance with the existing rules.
5. Absence of Defence Assistant during the scheduled date for inspection of documents should not be the ground for postponing the inspection of documents.
6. In case of any doubt by CO about the authenticity of the additional defence documents, such intimation to be sent within 3 days of the inspection, failing which it shall be assumed that the documents are accepted as genuine.
7. After completion of the above exercise, dates for Regular Hearing will be fixed and intimated separately. Notices for the prosecution and defence witnesses will be sent to the PO and CO respectively who shall arrange to serve the summons for their presence during the Regular Hearing. File No. as mentioned above must be referred in all correspondence.
8. Copy of this order sheet is being handed over to PO & CO for compliance.

PO

CO

D
18/10/04
P.D.

ddr
18/10/04

Certified to be true copy

J. Purkayastha
(J. Purkayastha)
Advocate

P
18/10/04
[PUNAM PANDEY]
INQUIRING AUTHORITY

- No. AKS/DAR/MISC/2004
Dated/8 /10/04

To
Honb'le Ms Pandey,
C.D.I. & Inquiry Officer,
Satarkata Bhawan,
New Delhi-23.

Sub:- Additional list of defence documents.
Ref:- DAR No. PNO/AD/RC-10(A)/2000-SHG/AKS dated 01.9.03.

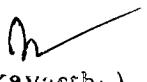
Honb'le Madam,

With due respect, I hereby submit an additional list of defence documents which may kindly be allowed to disprove the allegation against me.

SN.	Name of document	Custodian	Relevancy
1.	Rly. Bd's L/No. Track/21/91/0101/7/50708 dated 9.7.1994 issued by Shri B. Mazumder, Dy. Director Track/Rly. Bd. Addressed to The General Manager/Track N. F. Rly. (OL), Maligaon.	G. M./Track/N. F. Rly, Maligaon or CBI/GHY.	To disprove the allegation.
2.	Pre-recorded statements of all the PWs recorded by CBI.	FA & CAO/N.F. Rly. Or CBI/GHY.	- do -
3.	SA/BILL/STEEL&PWF/96-97 Containing Rly. Bd's letter & important correspondences.	FA & CAO/S.N. F. R, Or CBI/GHY	- do -
4.	Rly. Bd's Rates circular pertaining to the year 1990-98.	FA & CAO/S.N.F. R. or CBI/GHY.	- do -
5.	Reply of provisional Para No. 64 & action note from Rly. Bd thereon.	FA & CAO/AJ/N.F.R Or PDA/N.F.R./MLG.	- do -
6.	FA & CAO's File No. CAO/SS/I/Pt.I important correspondences with Vigilance/MLG, CBI/GHY, FC/Rly. Bd.	FA & CAO/N.F.R./MLG	- do -
7.	CAG's Report of 1998 on Para 4.3.6.	FA & CAO/AJ/MLG. or PDA/N.F.R./MLG.	- do -
8.	Letter No. Track/21/91/0112/7 dt. 24.7.91 as mentioned by Sri Sumit Deb, Branch Manager, VSP/Kolkata in his statement.	CBI/GHY	- do -
9.	Sri Sumit Deb, Br. Manager, VSP/Kolkata's statement dated 12.1.2002.	CBI/GHY	- do -
9A.	Letter No. Tracj/21/91/0112/7 dt 17.3.92 issued by Shri M. Hingorani, Dy. Director Track/Rly. Board.	FA & CAO/N.F.Rly/MLG or CBI/GHY.	- do -

19.8.92

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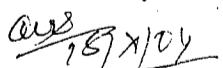

(J. Purkayastha)
Advocate

10. Rly. Bd's L/No. Track/21/88/0101/7/50570 dated 9.11.94 , No. Track-1/21/91/0101/7/50715 dated 2.11.94 & Track/21/91/0101/7/50700 dated 9.7.94 issued by Shri B. Mazumder, Dy. Director Track/RB.	FA & CAO/S/N.F.R./MLG	- do -
12. Track-1/21/90/0101/7/50622 dt 14.6.93 issued by Sri H. S. Rathi, Dy. Director Track/ Rly. Board.	FA & CAO/S/N.F.R./MLG	- do -
13. Correspondence from FA & CAO/N.F.R. dt 24.9.02 to CBI in connection with prosecution.	FA & CAO/N.F.R./MLG	- do -
14. Corresp. From FA & CAO/N.F.R./MLG to FC/Rly. Dt. 16.10.02Board in regard to prosecution sanction sought for by CBI.	- do -	- do -
15. Corresp. Frp, FA & CAO/MLG to CVO/MLG dt.16.10.02 on receipt of letter seeking prosecution sanction by CBI.	- do -	- do -
16. FA & CAO's noting to GM dt 2.5.03 in connection with prosecuion sanction sought for by CBI.	- do -	- do -
17. Noting of GM DT. 5.5.03 on the noting of FA & CAO dt. 2.5.03 in the matter of sanction for prosecution.	- do -	- do -
18. Defence witness – Sri D. K. Baruah, Sr. SO/SAO/Con/N.F.R./Silchar.		- do -

During the progress of inquiry if any important documents are felt required to disprove the allegation the same may kindly be permitted.

With regards;

Yours faithfully,


(A. K. SARKAR)
DFM/RNY nor S & AO,
N. F. Rly./Maligaon.

Certified to be true copy


(J. Purkayastha)
Advocate

• No. AKS/DAR/MISC/2004
• Dated 26/10/04

• To
Honb'le Ms Pandey,
C.D.I. & Inquiry Officer,
Satarkata Bhawan,
New Delhi-23.

Sub:- Relevancy towards additional list of defence documents.
Ref:- DAR No. PNO/AD/RC-10(A)/2000-SHG/AKS dated 01.9.03.

Honb'le Madam,

In terms of PH held on 18.10.04 the relevancy as ordered to be submitted by 28.10.04 is submitted hereunder for your kind perusal please as these will help to disprove the allegation:-

11. Letter issued in support of arranging payment on production of vouchers for procurement of pig iron.
12. To assess the views of PWs in connection with the allegation and also in reference to codal provisions.
13. Correspondences among the firms, Rly. Board etc. are available which will be helpful to disprove the allegation.
14. Various circulars issued by Railway Board in connection with fixing of all sorts of escalated rates.
15. This is required in connection with justifying the payment made to the parties.
16. Some correspondences were made to Railway Board and others stating that Accounts staff of N. F. Railway are not at fault for making escalation payment.
17. One such payment was made to a firm under the same Special Condition of the tender and was closed since the Zonal Railway was not at fault.
18. This letter is required to take stock of the situation since Sri Sumit Deb, Br. Manager/VSP/Kolkata has mentioned in his statement.
19. It revealed from the statement of Sri Deb that firm drew pig iron from VSP.
- 9A. Date of letter mentioned in my earlier letter dated 18.10.04 may be read as 19.8.92 instead of 17.3.92. This letter will speak about the payment to be made as per 6.2 of Spl. Condition of Contract.
20. These letters will speak about the payment to be made as per 6.2 of Spl. Condition of Contract.
18. This will speak about the escalation payment on purchase of pig iron ever after supply of C. I. Plates.
19. This will justify that according to FA & CAO/N. F. Rly/MLG no irregularities committed by the accounts staff in respect of escalation payment.
20. Same as item No. 13 above.
21. Same as item No. 13 above
22. Same as item No. 13 above
23. Same as item No. 13 above

With regards;

Yours faithfully,

deru
26/10/04
(A. K. SARKAR)
DFM/RNY nor S & AO,
N. F. Rly./Maligaon.

Certified to be true copy

J. Purkayastha
(J. Purkayastha)
Advocate

No. O4/PP/35
Government of India
Central Vigilance Commission

New Delhi

29.10.2004

Sub: **Departmental Inquiry against Sh. A.K. Sarkar, DFM/RNY (now S&AO/Maligaon), N.F. Railway [RC-10(A)].**

ORDERSHEET

The CO vide his letter dated 26.10.2004 forwarded the relevance of the defence documents submitted by him vide his letter dated 18.10.2004.

2. The list has been gone through and the documents mentioned at Sr. 1 to 5 and 7 to 12 have been found relevant and hence allowed. The documents mentioned at Sr. No. 6 and 13 to 17 have not been found relevant.
3. The defence witness Sh. D.K. Baruah, proposed by the CO, is also allowed.
4. The PO is directed to obtain the permitted defence documents from the relevant custodians and arrange for the inspection of the CO at the earliest. Certified copies should also be provided to the CO for his records. The exercise should be completed by 15.11.2004.
5. The Regular Hearing will be fixed in the first week of December 2004. The notice and the summons to the witnesses will be sent separately.
6. Copy of this order sheet is being sent to the PO & CO for compliance.

P 28/10/2004
[PUNAM PANDEY]
INQUIRING AUTHORITY

Sh. C. Mitra, Sr. Vigilance Inspector, S&T, N.F. Railway, Maligaon, Guwahati- 781 011.

✓ Sh. A.K. Sarkar, S&AO, N.F. Railway, Maligaon, Guwahati – 781 011.

Certified to be true copy

J. Purkayash Ray
(J. Purkayash Ray)
Advocate

No. AKS/DAR/MISC/2004
Dated 24.9.04

To
Hon'ble J. R. Biswas, IRPS,
Retd. Major & C.P.O./CLW,
House No. B-7/315,
P. O. Kalyani - 741235,
West Bengal.

Sub:- Supply of additional documents in connection with DAR No.
PNO/AD/RC- 20,21,23 &24 (A)/97/SHG/DKS Dated 8.10.03.

Ref:- Your letter No. JRB/NFR/PNO/AD/RC - 20, 21, 23 &24
(A)/97/SHG/DKB Dated 25.8.04.

Hon'ble Sir,

With profound respect, I beg to lay before you the following few lines
for favour of your sympathetic and kind consideration please:-

I attended on 24.9.04 instead of 25.9.04 as per your letter resting with
under reference. I requested Disciplinary Authority to supply addition documents for
submitting my defence, but the same could not be supplied as a result I failed to submit
my defence. Now, I would request you to kindly supply me the following additional
documents for my defence for natural justice. However, a defence statement has been
prepared without the said document and given to your honour.

List of additional documents required are as under:-

1. File No. SA/BILL/STEEL & PWF /96-97.
2. Railway Board's Rates Circular pertaining to the year 1990 to 1998
3. Draft para issued by PDA/N. F. Rly vide No. C/RS/DP/95-96/151/5586 Dated
12.7.96 against which reply issued by GM(W)/N.F. RLY vide No. W/68-7/Audit/95-
96/MPRP/W-6A dated 6.9.96. Reply of Draft Para as well as files maintained on this
account both in CE & FA & CAO's office may be made available.
4. Reply of Provisional Paragraph No. 64 & action taken report from Railway Board
thereon.
5. Clarification letter issued by Shri D. P. Roy, the then AAO/CSA/Maligaon to
PDA/N. F. Railway regarding availability of VSP's vouchers of M/S MPRP including
Vigilance & CBI.
6. File No. CAO/SS/1/Pt.I may be made available to take note of correspondances on
this account.
7. CAG's report of 1998 on Para- 4.3.6.
8. Statement of Late Bhopal Singh, Desk Officer/ Railway Board.

Defence witness

1. Sri Robin Deka, Dy. CAO/G, N.F. Rly) M16 now
FA 2 CAO/CON/WR/1 Jaipur.

I would fervently request you to make the additional documents as
mentioned above available the next hearing and thus enable me to defend myself against the

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(J. Purkay,
Advocate)

I would fervently request you to make the additional documents as mentioned above before the next hearing and thus enable me to defend myself against the charges.

DA: Defence Statement.

Yours faithfully,

24.7.04

(A. K. SARKAR)
S. & A. O/N. F. Rly.,
Maligaon.

Maligaon.
S. & A. O/N. F. Rly.
(A. K. SARKAR)

Certified to be true copy

2 (J. Purkayastha)
Advocate

ANNEXURE-A/19

No.DAR/AKS/Misc./2004.

Dated : 10/02/2004.

To,

• The General Manager (Disciplinary Authority)

N.F.Railway, Maligaon,

Guwahati-11.

(Through FA & CAO/N.F.Rly/Maligaon)

Hon'ble Sir,

Sub :- Rule - 9 of D & A Rules, 1968, item - (3)
and appeal for clubbing of my D & A R cases
on the basis of this rule.

Ref :- Major Penalty Charge Memoranda Nos -

- 1) PMO/AD/RC-8(A)/2000-SHG/AKS dated 13-8-03.
- 2) PMO/AD/RC-9(A)/2000-SHG/AKS dated 13-8-03.
- 3) PMO/AD/RC-10(A)/2000-SHG/AKS dated 01-09-03.
- 4) PMO/AD/RC-20, 21, 23 & 24-(A)/97-SHG/AKS
Dated 5-11-03.

With due deference, my humble submission to lay before
you the following few lines for favour of your sympathetic and
kind consideration please.

That Sir, above mentioned four Major Penalty Charge
Memoranda have been issued to me. As per Rule - 9 of D & A Rules
1968, item (3), multiplicity of Charges & splitting up of the
same allegations into a no. of cases should be avoided.

In view of the above D & A Rules, I would request
your honour kindly to consider for clubbing of the 4 charge
sheets into one & thus enable me to submit my reply at the
earliest.

Yours faithfully,

done

(A.K. SARKAR)

Divisional Finance Manager,
Rangia, N.F.Railway.

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(J. Purkayastha)

Advocate

Office of the
FA & Chief Accounts Officer
N.F.Railway/Maligaon.

No/ PNO/AD/CON/DAR/01

Dated; 19.02.04.
20

To,
Shri A.K. Sarkar
DFM/Rangia.

Sub: Major penalty DAR cases against Shri A.K. Sarkar, DFM/RNY
in CBI cases No. RC-20,21,23&24(A)/97-SHG, RC-8(A)/2000-SHG,
RC-9(A)/2000-SHG & RC-10(A)/2000-SHG

Ref: Your letter No. AKS/DAR/MISC/2003 dated 10.02.04

Vigilance Officer/Engg. vide his letter No. Z/VIG/68/2/8/2001/PtIII dated 13.02.04 has stated that Rule 9 of D&A Rules, 1968 , item (3) does not state anything regarding clubbing of cases (copy enclosed).

DA: as above.

26.02.04
(Gaithaorei)
Dy.CAO/G
N.F.Railway/Maligaon.

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(J. Purkayastha)
Advocate

PART - IV

PROCEDURE FOR IMPOSING PENALTIES

Procedure for imposing Major Penalties -

(1) No order imposing any of the penalties specified in clauses (v) to (ix) of Rule 6 shall be made except after an inquiry held, as far as may be, in the manner provided in this rule and Rule 10, or in the manner provided by the Public Servants (Inquiries) Act, 1850 (37 of 1850) where such inquiry is held under that Act.

(2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a Railway servant, it may itself inquire into, or appoint under this rule or under the provisions of the Public Servants (Inquiries) Act, 1850, as the case may be, a Board of Inquiry or other authority to inquire into the truth thereof.

(3) Where a Board of Inquiry is appointed under sub-rule (2) it shall consist of not less than two members, each of whom shall be higher in rank than the Railway servant against whom the inquiry is being held and none of whom shall be subordinate to the other member or members as the case may be, of such Board.

(4) Where the Board of Inquiry consists of two or more than two members, the senior member shall be the Presiding Officer.

(5) Every decision of the Board of Inquiry shall be passed by majority of votes, and where there is an equality of votes on the findings, the finding of each member shall be incorporated in the report prepared under clause (i) of sub-rule (25).

Explanation - Where the disciplinary authority itself holds the inquiry, any reference in sub-rule (12) and in sub-rules (14) to (25), to the inquiring authority shall be construed as a reference to the disciplinary authority.

(6) Where it is proposed to hold an inquiry against a Railway servant under this rule and Rule 10, the disciplinary authority shall draw up or cause to be drawn up -

- (i) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge;
- (ii) a statement of the imputations of misconduct or misbehaviour in support of each article of charge which shall contain -

- (a) a statement of all relevant facts including any admission or confession made by the Railway servant;
- (b) a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained.

(7) The disciplinary authority shall deliver or cause to be delivered to the Railway servant a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charge is

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(J. Purkayashu)
Advocate

proposed to be sustained and shall require the Railway servant to submit a written statement of his defence within ten days or such further time as the disciplinary authority may allow.

Note: - If copies of documents have not been delivered to the Railway servant along with the articles of charge and if he desires to inspect the same for the preparation of his defence, he may do so, within 10 days from the date of receipt of the articles of charge by him and complete inspection within ten days thereafter and shall state whether he desires to be heard in person.

(8) The Railway servant may, for the purpose of his defence submit with the written statement of his defence, a list of witnesses to be examined on his behalf.

Note: - If the Railway servant applies in writing for the supply of copies of the statements of witnesses mentioned in the list referred to in sub-rule (6), the disciplinary authority shall furnish him with a copy each of such statement as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the disciplinary authority.

(9) (a) (i) On receipt of the written statement of defence, the disciplinary authority shall consider the same and decide whether the inquiry should be proceeded with under this rule.

(ii) Where the disciplinary authority decides to proceed with the inquiry it may itself inquire into such of the articles of charge as are not admitted or appoint under sub-rule (2) a Board of Inquiry or other authority for the purpose.

(iii) Where all the articles of charge have been admitted by the Railway servant in his written statement of defence, the disciplinary authority shall record its findings on each charge, after taking such further evidence as it may think fit and shall act in the manner laid down in Rule 10.

(iv) If the disciplinary authority, after consideration of the written statement of defence, is of the opinion that the imposition of a major penalty is not necessary, it may drop the proceedings already initiated by it for imposition of major penalty, without prejudice to its right to impose any of the minor penalties, not attracting the provisions of sub-rule (2) of Rule 11. Where the disciplinary authority so drops the proceedings but considers it appropriate to impose any of the minor penalties, not attracting the provisions of sub-rule (2) of Rule 11, it may make an order imposing such penalty and it will not be necessary to give the Railway servant any further opportunity of making representation before the penalty is imposed.

(b) If no written statement of defence is submitted by the Railway servant, the disciplinary authority may itself inquire into the articles of charge or may, if it considers it necessary to do so, appoint, under sub-rule (2) an inquiring authority for the purpose and also inform the Railway servant of such appointment.

(c) Where the disciplinary authority itself inquires into an article of charge or appoints a Board of Inquiry or any other inquiring authority for holding an inquiry into such charge, it may, by an order in writing, appoint a railway or any other Government servant to be known as Presenting Officer to present on its behalf the case in support of the articles of charge.

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(J. Pucko, A.A.)
Advocate

To,

General Manager
N.F.Railway, Maligaon,
Guwahati-12.

(Through FA & Chief A/cs Officer, N.F.Railway)

Sir,

- Sub :- Major penalty DAR cases against Shri A.K.Sarkar, DFM/NRY.
- RE: :- Your letter No. PNO/AD/CON/DAR/01 dtd. 19/20-2-04.

With due deference and humble submission, I would like to inform you that the crux of my appeal of even no. dated was to club all the cases of same nature in one charge-sheet incorporating the charges under separate Article of charges in accordance with the provision contained in D&A Rules, 1968, Rule-9, vide item no.3 under caption "Characteristic of charges" where it is clearly stated that multiplicity of charges and splitting up the same allegation into a no. of charges should be avoided (photocopy enclosed).

Similarly, the said instruction has been incorporated in N.F.Rly's Vigilance Bulletin Published in September, 2002, Issue No. 3/4 under caption "Framing of Charge-sheet" vide item No. (III) (photocopy enclosed).

From the reply of V.O. (Engg.), as referred to in your letter under reference, it appears that V.O. (Engg.) dealt with the existence of the Rule deviating from the crux of my appeal as the copy enclosed in your letter is for procedure for imposing penalty which is the final stage of the D&A enquiry and not for framing of chargesheet.

Incidentally, it is also submitted that one chargesheet has been issued to me clubbing 4 cases into one charge-sheet, vide no. PNO/AD/RC-20, 21, 23 & 24(A)/97-SHG/AKS dated - 5-11-2003. From the said charge-sheet it may be concluded that clubbing of 4 (four) charges into one is permitted.

As such, it is requested to withdraw all the charge-sheet and arrange to issue one charge-sheet clubbing all the charges of similar nature incorporating all the allegations as separate article of charges to avoid future difficulties in disposal of the cases in accordance with the aforesaid provision of D&A Rules & Vigilance Bulletin, September, 2002.

Yours faithfully,

(A.K. SARKAR)
DFM/Rangia,
N.F.Railway.

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(J. Purka)
Pd. 02/04/04

Rd
Dr
30/3/04

From : A.K.Sarkar,
DFM/ RNY(now S & AO), N.F.Railway,
Rangia, Kamrup, Assam.

To : The General Manager , N.F. Railways &
Disciplinary Authority,
N.F. Railway,
Maligaon, Guwahati-11.

Sub : Prayer for holding the disciplinary proceedings
pertaining to memorandum of charges under reference
at one place (preferably at Guwahati) under one
Enquiry Officer and for preparation of one
comprehensive memorandum of charge including the
charges made under all the four memorandums of
charges.

In re : Memorandum of charges Nos. :
1. PND/AD/RC-8A/2000-SHG/AKS dated 13.8.2003
2. PND/AD/RC-9A/2000-SHG/AKS dated 13.8.2003
3. PND/AD/RC-10(A)/2000-SHG/AKS dated 1.9.2003
4. PND/AD/RC-20,21,23 & 24(A)/2000-SHG/AKS dated
5.11.03

Sir,

Most respectfully, it is submitted that the
disciplinary proceedings for major penalty were initiated
against me vide above mentioned four numbers of memorandums
of charges. These proceedings were in regard to common cases
of payment of escalated bills due to increase in price of
pig iron by VSP and escalated price/ freight charges of pig
iron of Vizag Steel Plant (VSP).

2. That the case of the department against the charged
official was that when the distribution of pig iron was
brought out from the control of JPC vide notification dated
16.1.92, the respective Steel Plants were authorised to fix
their own prices and to intimate the same to the Railway
Board for issuing covering circular by the Board. As per
circular dated 26.3.93, the escalation price of pig iron and

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(J. Purkayastha)
Advocate

the price of pig iron and escalated freight was to be allowed as per special clause 6.2 of the Special Conditions of Contract. The aforesaid circular was amended on 15.7.93 by which the maximum limit of freight was allowed at Rs.73/- per metric ton or actual freight charges whichever was less and the same was applicable with effect from 18/19.5.92. This was made applicable only in respect of CISPs manufactured by the parties by procuring pig iron from VSP. It is alleged against the charged official that different firms viz. (1) M/s. Precisions Casting & Engineering Works, Howrah, (2) M/s. Kona Iron & Steel Co., (3) M/s. Calcutta Iron & Engineering Co. and (4) few other firms i.e. M/s. Marcandy Prasad Radha Krishna Prasad Pvt. Ltd. (M/s. MPRP), M/s. J.D. Casting & Forging Pvt. Ltd. (M/s. JDCF), M/s. Prakash Engineering Works (M/s. PEW) and M/s. Beget Casting & Engineering Co. (M/s. BCEC) did not purchase any quantity of pig iron from VSP during the relevant period from the date of placement of the order in question till the date of last supply of CISPs and that the aforesaid firms manufactured and supplied the CISPs out of pig iron arranged from sources other than VSP. However, the aforesaid firms fraudulently and dishonestly preferred the bills claiming the increase price and in the freight charges pursuant to the circular dated 24.3.93 issued by the Railway Board in respect of increase in the price of pig iron of VSP. Therefore, even though the increase/decrease in the price of pig iron of VSP was not applicable on the CISPs so supplied by the aforesaid firms, these firms by dishonestly showing the manufacturing of CISPs supplied to the Railways from the

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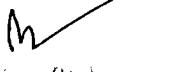

(J. Purkayasha)
Advocate

pig iron of VSP took the advantage of the circular dated 26.3.93 which covered the increase in the price of pig iron of VSP.

• 3. That the charged officer who at the relevant point of time was functioning as Asstt. Accounts Officer in CSA (Bills) in the office of the F.A. & C.A.O. (Open Line), N.F. Railway, was entrusted with the work of entire CSA Sec which also includes the bills of these firms. The allegation against the charged officer, he failed to properly check the bills of these firms and passed the bills by issuing cheques for supply of various quantities of CISPs to the N.F. Railway.

4. That even though the nature of allegation is similar and the same arises out of similar facts, four numbers of memorandum of charges were issued against the charged officer for imposition of major penalty. The only difference is that in three out of four memorandum of charges, the firms who were issued such cheques by the charged officer were different. But the mere factum of the beneficiary firms being different could not have been the just and sufficient reason for issuing different memorandum of charges inasmuch as the memorandum of charge dated 5.11.2003 deals with the payment of cheques to as many as four different firms. If the memorandum of charge dated 5.11.2003 can bring in the issue of payment of cheques to as many as four different firms in regard to the aforesaid matter, it is difficult to understand as to why in the case of three other different firms, three separate memorandum of charges were required to be issued.

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(J. Purkayeta, M.A.)
Advocate

5. That before showing as to how the charged officer is being severely prejudiced by holding of the disciplinary proceedings pertaining to four separate memorandums of charges in regard to same matter in three different places under three different Enquiry Officers, it would be appropriate to demonstrate the significant features of each of the memorandum of charges warranting preparation of one comprehensive charge sheet including all the charges and holding of the disciplinary proceeding in one place under one Enquiry Officer.

6. Memorandum No. BSN/147/03-B/2003/EP/147 dated 12.8.03

6. The memorandum of charge dated 12.8.03 is in regard to clearance of bills of M/s. Calcutta Iron & Engineering Co. Ltd., Calcutta for freight charges of VSP pig iron. Perusal of the list and nature of documents annexed with the memorandum of charges shows that practically all the documents on which the reliance has been placed by the prosecution are available with the N.F. Railway authorities at Maligaon. It is also curious to notice that in the list of witnesses, total sixteen numbers of witnesses have been cited by the prosecution. Out of these sixteen numbers of witnesses, nine witnesses are based in Maligaon/Guwahati. One witness is based in Delhi and the remaining six witnesses are based at Kolkata.

7. The response of the charged officer against the imputation of charges shows that all the documents on which

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(J. Purkait)
Advocate

he is placing reliance for his defence are available with the N.F. Railway authority at Maligaon/Guwahati.

8. Moreover, the defence witnesses which the charged official is likely to cite are also stationed at Maligaon/Guwahati and/or they are within the jurisdiction of N.F. Railway.

9. The Disciplinary Authority vide order dated 04.08.04 appointed Shri K.K. Mitra, retired F.A. & C.A.O. South Eastern Railway as Enquiry Officer and Shri Mitra vide letter dated 8.10.2004 disclosed his intention of holding the disciplinary proceeding in the office of F.A. & C.A.O. South Eastern Railway, Garden Reach, Kolkata.

10. It is therefore seen that the subject matter of the enquiry is in regard to an alleged act of omission or commission on the part of the charged officer which ostensibly took place at the headquarter of N.F. Railway at Maligaon. The majority of the documentary evidence and the witnesses are at Maligaon. However, the Enquiry Officer is from South Eastern Railway and he has chosen to hold the enquiry at Kolkata.

11. The charged officer cannot have any defence counsel of Kolkata. His choice of defence counsel is limited to present and past Railway employees stationed at Maligaon/Guwahati.

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(J. Purkayastha)

A.

Office Memorandum No. PRR/AD/2004/2004/10000 dated 13.8.03

12. The memorandum of charge dated 13.8.03 is in regard to clearance of bills of M/s. Kona Iron & Steel Co. for freight charges of VSP pig iron. Perusal of the list and nature of documents annexed with the memorandum of charges shows that practically all the documents on which the reliance has been placed by the prosecution are available with the N.F. Railway authorities at Maligaon. It is also curious to notice that in the list of witnesses, total sixteen numbers of witnesses have been cited by the prosecution. Out of these sixteen numbers of witnesses, ten witnesses are based in Maligaon/Guahati and/or within the jurisdiction of N.F. Railway. One witness is based in Delhi and the remaining five witnesses are based at Kolkata.

13. The response of the charged officer against the imputation of charges shows that all the documents on which he is placing reliance for his defence are available with the N.F. Railway authority at Maligaon/Guahati.

14. Moreover, the defence witnesses which the charged official is likely to cite are also stationed at Maligaon/Guahati and/or they are within the jurisdiction of N.F. Railway.

15. The Disciplinary Authority vide order dated 17.9.2004 appointed Smt. Punam Pandey, C.D.I./C.V.C. as Enquiry Officer and Smt. Pandey vide office memorandum dated 5.10.2004 disclosed her intention of holding the

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(J. Purkayastha)
Advocate

disciplinary proceeding in her office at New Delhi.

16. It is therefore seen that the subject matter of the enquiry is in regard to an alleged act of omission or commission on the part of the charged officer which ostensibly took place at the headquarter of N.F. Railway at Maligaon. The majority of the documentary evidence and the witnesses are at Maligaon. However, the Enquiry Officer is stationed at New Delhi and she has chosen to hold the enquiry at New Delhi to suit her convenience.

17. The charged officer cannot have any defence counsel of New Delhi. His choice of defence counsel is limited to present and past Railway employees stationed at Maligaon/Guwahati.

18. The memorandum of charge dated 1.9.03 is in regard to clearance of bills of M/s. Precision Casting & Engineering Works, Howrah for freight charges of VSP pig iron. Perusal of the list and nature of documents annexed with the memorandum of charges shows that practically all the documents on which the reliance has been placed by the prosecution are available with the N.F. Railway authorities at Maligaon. It is also curious to notice that in the list of witnesses, total sixteen numbers of witnesses have been cited by the prosecution. Out of these sixteen numbers of witnesses, ten witnesses are based in Maligaon/Guwahati. One witness is based in New Delhi and the remaining five

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(J. Pukayashu)
Advocate

witnesses are based at Kolkata.

19. The response of the charged officer against the imputation of charges shows that all the documents on which he is placing reliance for his defence are available with the N.F. Railway authority at Maligaon/Guwahati.

20. Moreover, the defence witnesses which the charged official is likely to cite are also stationed at Maligaon/Guwahati and/or they are within the jurisdiction of N.F. Railway.

21. The Disciplinary Authority vide order dated 17.9.2004 appointed Smt. Punam Pandey, C.B.I./C.V.C. as Enquiry Officer and Smt. Pandey vide office memorandum dated 5.10.2004 disclosed her intention of holding the disciplinary proceeding in her office at New Delhi.

22. It is therefore seen that the subject matter of the enquiry is in regard to an alleged act of omission or commission on the part of the charged officer which ostensibly took place at the headquarter of N.F. Railway at Maligaon. The majority of the documentary evidence and the witnesses are at Maligaon. However, the Enquiry Officer is stationed at New Delhi and she has chosen to hold the enquiry at New Delhi to suit her convenience.

23. The charged officer cannot have any defence counsel of New Delhi. His choice of defence counsel is limited to present and past Railway employees stationed at Maligaon/Guwahati.

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(J. Purkayasha)
Advocate

24. The memorandum of charge dated 5.11.73 is in regard to clearance of bills of M/s. Marcandy Prasad Radha Krishna Prasad Pvt. Ltd. (M/s. MPRP), M/s. J.C. Casting & Forging Pvt. Ltd. (M/s. JDCF), M/s. Prakash Engineering Works (M/s. PEW) and M/s. Peget Casting & Engineering Co. (M/s. PCEC) for escalation due to increase price of pig iron by VSP.

Perusal of the list and nature of documents annexed with the memorandum of charges shows that practically all the documents on which the reliance has been placed by the prosecution are available with the N.F. Railway authorities at Morigaon. It is also curious to notice that in the list of witnesses, total twenty five numbers of witnesses have been cited by the prosecution. Out of these twenty five numbers of witnesses, fourteen witnesses are based in Morigaon/Guwahati. Seven witnesses are based in Delhi and the remaining four witnesses are based at Kolkata.

25. The response of the charged officer against the imputation of charges shows that all the documents on which he is placing reliance for his defense are available with the N.F. Railway authority at Morigaon/Guwahati.

26. Moreover, the defense witnesses which the charged official is likely to cite are also stationed at Morigaon/Guwahati and/or they are within the jurisdiction of N.F. Railway.

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(J. Purkayastha)
Advocate

27. The Disciplinary Authority appointed Shri J.R.Biswas, retired C.P.O./C.L.W. (presently resident of house No. B-7/315, P.O. Kalyani, Dist. Nadia, West Bengal) as Enquiry Officer and Shri Biswas fortunately disclosed his intention of holding the disciplinary proceeding in the office of F.A. & C.A.O. N.F. Railway, Maligaon.

GENERAL DISCUSSIONS

28. When memorandum of charge dated 5.11.2003 can take within its purview the matter pertaining to the clearance of the bills of four different firms, then it is difficult to understand as to why the remaining three memorandum of charges which deal with the clearance of the bills of three separate firms, cannot be clubbed into one comprehensive memorandum of charges.

29. That when the Enquiry Officer Shri Biswas who has been invested with the task of holding enquiry in regard to the memorandum of charge dated 5.11.2003, can hold the enquiry at Maligaon, there is no reason as to why the enquiries in regard to three other memorandum of charges cannot be held at Guwahati.

30. From the facts and circumstances, it is clear that the Enquiry Officers Smt. Punam Pandey and Shri K.K. Mitra have chosen to hold enquiry at Delhi and Kolkata respectively only to suit their convenience.

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(J. Purba, Esq.)
Advocate.

31. It is seen that the similar enquiries arising out of the common cause of action of similar nature which was covered by one investigation has been divided in four different parts and in three different places viz. New Delhi, Kolkata and Guwahati, the enquiries are being held under three different Enquiry Officers.

32. Because of holding of these enquiries in three different places under three different Enquiry Officers, the charged officer is being severely prejudiced. Now he is required to go to two different places viz. Delhi and Kolkata apart from attending the enquiry at Guwahati. The task of the charged officer of effectively defending himself has become still more difficult because there are practical difficulties in getting the proper defence counsel who can go to Delhi and Kolkata for effectively defending the charged officer. Moreover, the documentary evidence on which the reliance has been placed by the charged officer and the witnesses who are likely to depose in his defence are within the jurisdiction of N.F. Railway. The practical difficulties in placing such documentary evidence and production of defence witnesses in Kolkata and Delhi can well be imagined. Under these circumstances, it is well nigh impossible for the charged officer to properly defend this case and due to this he is facing serious prejudice.

33. That neither the administrative convenience nor the public interest can justify holding of enquiries in three different places under three different Enquiry Officers. Even the administrative convenience and the public interest

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(J. Purkayastha)
Advocate

demands that one comprehensive disciplinary proceeding inclusive of all the charges be held at one place preferably at Guwahati under one Enquiry Officer so that justice can be done. This would also avoid the possibility of different Enquiry Officers arriving at conflicting findings. Moreover, one Enquiry Officer holding such a comprehensive enquiry would be in a far better position to take a comprehensive and broader view of the issues involved. Hence the fair play and justice demands that all the four separate memorandums of charges be clubbed into one and one comprehensive memorandum of charges be prepared and one common disciplinary proceeding be held at Maligaon, Guwahati under one Enquiry Officer.

In the premises aforesaid it is most respectfully prayed that all the Four Memorandum of Charges under reference be clubbed into one comprehensive Memorandum of Charge and one consolidated proceeding be held at Guwahati under one Enquiry Officer.

Dated Guwahati
the 1st of January 2605.

Yours faithfully,

(A.K. SARKAR)

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(J. Purkayastha)
A. V. C. C.

To,

Shri. Puram Pandey
Inquiry Officer,
O/O- Central Vigilance Commission,
Sarakta Bhawan (Room No. 304)
Near Vikas Sadan, INA,
New Delhi - 110023.

Ref.- 1. Memorandum No. PNO/ AD/ RC-10A/ 2000-SHG/ AKS
dated 1.9.03.

2. Appeal dated 1.1.05 preferred by the charged officer before
the Disciplinary Authority.

Madam,

In inviting your kind attention to the above referred matter. It is stated that the charged officer has preferred an appeal before the disciplinary authority (reference No 2) praying for clubbing of the four memorandum of charge, including the memorandum at reference No. 1 into one comprehensive memorandum of charge and for holding one consolidated proceeding at Guwahati under one Enquiry officer. The said appeal is pending disposal before the said authority. A copy of the appeal dated 1.1.05 is enclosed herewith for your perusal. In view of the above it is prayed that pending consideration of the appeal at Reference No 2, the further enquiry with regard to the charge memo under reference No. 1 be not continued and the enquiry be kept in abeyance.

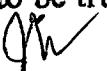
Thanking You,

Enclos: As stated.

Yours Faithfully,

(A.K. Sarkar)
Charged officer
DFM/ RNY (Now S & AO)
N.F. Railways, Maligaon,
Guwahati.

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(J. Purkayastha)
Advocate