

50/100

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

29

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 305/2005

R.A/C.P No.

E.P/M.A No.

- 1. Orders Sheet..... *OA*Pg. *1*to *X*.....
- 2. Judgment/Order dtd. *18.12.05*Pg. *1*to *5.11.0*.....
- 3. Judgment & Order dtd.....Received from H.C/Supreme Court
- 4. O.A..... *305/2005*Pg. *1*to *37*.....
- 5. E.P/M.P.....Pg.....to.....
- 6. R.A/C.P.....Pg.....to.....
- 7. W.S.....Pg.....to.....
- 8. Rejoinder.....Pg.....to.....
- 9. Reply.....Pg.....to.....
- 10. Any other Papers.....Pg.....to.....
- 11. Memo of Appearance.....
- 12. Additional Affidavit.....
- 13. Written Arguments.....
- 14. Amendment Reply by Respondents.....
- 15. Amendment Reply filed by the Applicant.....
- 16. Counter Reply.....

SECTION OFFICER (Judl.)

Hahly
07.11.17

FORM NO. @
 (See Rule 42)
 CENTRAL ADMINISTRATIVE TRIBUNAL
 GUWAHATI BENCH.

ORDER SHEET

Original Application No. 305/05
 Misc. Petition No. _____
 Contempt Petition No. _____
 Review Application No. _____

Applicant(s) Ranjit Popli
 Respondent(S) U.O.T. Com

Advocate for the Applicants S.R. Sen, P.D. Bysar bomah
D.K. Acharya

Advocate for the Respondent(S) _____
Advocate Meghalaya, Adv. Advocate ^{CGSC} ^{Rly. St. Counsel}

Notes of the Registry Date 16.12.2005 Order of the Tribunal

This application is in form
 is filed/C. F. for Rs. 30/-
 deposited vide IPO/PS
 No. 266/329591
 Dated 5.12.05

sd/-
 Dy. Registrar

~~xxxx~~ The application is disposed
 of at the admission stage itself in
 terms of the order passed in separate
 sheets.

[Signature]
 Vice-Chairman

Steps taken with
 envelopes.

Received [Signature]
 Usha Das.
 Addl CHSC
 19/12/05

19/12/05
 C.C copy of the order
 has been collected by the
 applicant.

4

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.**

O.A. No. 305/2005

DATE OF DECISION: 16.12.2005.

Sri R. Popli

APPLICANT(S)

Mr. S.R. Sen, Sy. Advocate,
Mrs. P.D. Bujarbaruah,

ADVOCATE FOR THE
APPLICANT(S)

- VERSUS -

U.O.I. & Others

RESPONDENT(S)

Mrs. B. Dutta for Respondent Nos. 1 & 2
Ms. U. Das, Addl. C.G.S.C. for Respondents
No. 5 & 6

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE MR JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

THE HON'BLE

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 Vice-Chairman.

G. Sivarajan

5

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 305/2005

Date of Order : This the 16th December 2005.

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

Shri Ranjit Popli, IFS
C/o- Dr. S.P. Popli
Working Plan Officer, Forest Department
Meghalaya, Shillong.

... Applicant

By Advocates : Mr. S.R. Sen, Sr. Advocate, Mrs. P.D.
Bujarbaruah, Mr. D.K. Acharya Advocates

- Versus -

1. State of Meghalaya
Represented by the Chief Secretary
Government of Meghalaya
Shillong.
2. Principal Secretary to the Government of Meghalaya
Forest & Environment Department, Shillong.
3. State of Assam
Represented by the Chief Secretary
Government of Assam
Dispur.
4. Principal Secretary to the Government of Assam
Forest & Environment Department, Dispur.
5. Union of India represented by the Secretary to the
Government of India, Ministry of Environment & Forests
Paryavaran Bhavan, C.G.O. Complex, Lodhi Road,
New Delhi - 110 003.
6. Union of Public Service Commission,
through the Secretary, UPSC, Dholpur House
Shahjahan Road, New Delhi - 110 011.

... Respondents

By Advocate : Mrs. B. Dutta, Meghalaya Govt. Advocate for
Respondents No. 1 & 2.
Ms. U. Das, Addl. C.G.S.C. For respondents No. 5
& 6

ORDER (ORAL)**SIVARAJAN. J. (V.C.)**

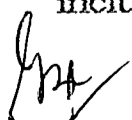
After hearing Mr. S.R. Sen, learned Sr. counsel assisted by Mrs. P.D. Bujarbaruah, learned counsel for the applicant, Mrs. B. Dutta, learned Meghalaya Government Advocate for the Respondent Nos. 1 and 2 and Ms. U. Das, learned Addl. C.G.S.C. for the Respondents No. 5 and 6, I am of the view that this application can be disposed of at the admission stage itself.

2. The applicant is a member of the Indian Forest Services of Assam - Meghalaya cadre. While working as Divisional Forest Officer, Garo Hills, Tura, the applicant was suspended under Rule 3 of the All India Services (Discipline & Appeal) Rules, 1969 on allegations of failing to perform his duty honestly and with devotion. Though the applicant was kept under suspension since 17.06.1996 and since the disciplinary action against the applicant was not finalized for about one year, the applicant filed O.A. No. 57 of 1997 which was disposed of by this Tribunal on 18.03.1997 with a direction to complete the disciplinary proceedings within three months. Since the respondents did not comply with the said order within the stipulated time, the applicant again approached this Tribunal by filing O.A. No. 39 of 1999 and the same was disposed of by order dated 22.02.1999 by which the suspension order was deemed to have been revoked on technical ground. Pursuant to the said order, the applicant was reinstated in service and he continues as Working Plan Officer, Forest



Department, Meghalaya. It is the grievance of the applicant that though an inquiry was conducted by a Committee Headed by a Retired Judge and a report was submitted to the Government as early as on 1999, copy of the said report has not been furnished to him so far though a notification dated 30.07.2003 (Annexure - II) provided for supply of a copy of the same to the applicant. It is also stated that the applicant has requested for completion of the proceedings at an early date by his representation dated 10.01.2003 (Annexure - I) to the 2nd respondent, but the same has also not been responded. It is further stated that having regard to the long delay in the matter of completion of disciplinary action in the instant case for over 7 years the applicant is being deprived of various promotional avenues and other benefits. The applicant had projected all his grievances against the protracted proceedings aforesaid which is pending in his detailed representation dated 12.08.2005 (Annexure - III) submitted before the 5th respondent. It is stated that steps are being taken by the respondents to promote the applicant's juniors to higher post to which the applicant is entitled and that it is only for the reason of pendency of the disciplinary proceedings.

3. Mr. S. R. Sen, learned Sr. counsel for the applicant submits that the respondents are taking a very hostile attitude towards the applicant by keeping the disciplinary action unduly protracted depriving the applicant of the various benefits including promotional avenues due to the applicant. Sr. counsel



submits that instead of specific requests made for supply of inquiry report to enable the applicant to effectively defend the disciplinary action it has not been supplied and that the respondents are sleeping over the matter. Sr. counsel also submits that though a detailed representation was submitted before the Central Government as early as in August 2005 complaining about the conduct of the other respondents in the matter, the applicant has not been furnished with any reply. Sr. counsel also submits that further steps for promotion of the applicant's juniors to higher posts be stayed pending finalisation of the disciplinary proceedings against the applicant.

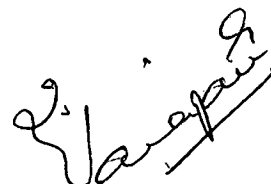
4. Mrs. B. Dutta, learned Government Advocate for the State of Meghalaya submits that she has no instructions in the matter from her parties for which she requires some time. Ms. U. Das, learned Addl. C.G.S.C. for the Respondents No. 5 and 6 also submits that she will get instructions from the respondents in regard to the representation (Annexure - III) submitted by the applicant before the 5th respondent.

5. Considering the entirety of the circumstances, I am of the view that it will only be in the interest of all concerned, particularly in view of the fact that the applicant's detailed representation projecting all his grievances in the matter is pending before the 5th respondent, to dispose of the application with direction at the admission stage itself. In the circumstances, this O.A. is disposed of with the following directions: -

[Handwritten signature]

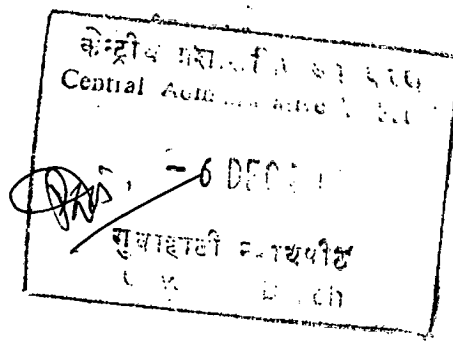
The 5th respondent will dispose of the representation dated 12.08.2005 (Annexure - III) filed by the applicant by a speaking order within a period of two months from the date of receipt of this order. The 1st respondent will also dispose of the representation dated 16.08.2005 (Annexure - IV) submitted by the applicant within a period of two months from the date of receipt of this order. The aforesaid directions need to be complied with only if the representations with reference to which the aforesaid directions are issued are still pending. Needless to say that any promotion of the applicant's juniors to higher posts in the meantime will be subject to the decision to be taken in the disciplinary proceedings.

The O.A. is disposed of as above at the admission stage itself. Issue copy of this order to the counsel for the applicant and counsel for the respondents urgently to enable them to furnish it to the 1st and 5th respondents for compliance.



(G. SIVARAJAN)
VICE CHAIRMAN

/mb/



Filed by Ranjit Popli
Shri Ranjit Popli Adv.
6.12.05

AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT 1985

O.A. 1305 NO 2005

Title of the Case Shri Ranjit Popli
Versus
State of Meghalaya and other

INDEX

Sl. No.	Particulars of the Document	Page No.
1.	Application	1 - 12
2.	Verification	13
3.	Annexure I	14 - 17
4.	Annexure II	18
5.	Annexure III	19 - 35
6.	Annexure IV	36
7.	Annexure V	37



Signature of the Applicant

The Government of Meghalaya had constituted a Forest Inquiry Authority headed by Hon'ble Justice T.C. Das (Retd.) to inquire into charges against officers. The said inquiry authority submitted its report in 1999. Since then a long duration of six years have elapsed but the Government has so far not taken any step for conclusion of the so-called disciplinary proceedings, quite contrary to the guidelines laid down in Para 3 of DP & AR No. 11018/7/78 – AIS (III) dated 16.8.78. The authorities have also failed to forward a copy of the inquiry report to the applicant as required under Rule 9(2) of the All India Services (Discipline & Appeal) Amendment Rules, 2003. Applicant's repeated representations have been to no avail. Hence this application.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O.A. NO. 305 OF 2005

Shri Ranjit Popli, I.F.S.

VERSUS

State of Meghalaya and others

Details of the application

Particulars of the applicant

- | | | | |
|-------|--|---|--|
| (i) | Name of the applicant | : | Shri Ranjit Popli, I.F.S. |
| (ii) | Name of father | : | Dr. S. P. Popli |
| (iii) | Age of the applicant | : | 40 years |
| (iv) | Designation and office in which employed | : | Working Plan Officer,
Forest Department,
Meghalaya, Shillong |
| (v) | Office Address | : | As above |
| (vi) | Address of services of all notices | “ | As above |

Ranjit Popli

Filed by

13
"Mudhayan" *[Signature]*
6-12-05

Respondents with address

1. State of Meghalaya,
Represented by
The Chief Secretary,
Government of Meghalaya,
Shillong
2. Principal Secretary to the
Government of Meghalaya,
Forest & Environment
Department, Shillong
3. State of Assam,
Represented by
The Chief Secretary,
Government of Assam,
Dispur
4. Principal Secretary to the
Government of Assam,
Forest & Environment
Department,
Dispur
5. Union of India,
represented by the Secretary to
the Govt. of India, Ministry of
Environment & Forests,
Paryavaran Bhavan, C.G.O.
Complex, Lodhi Road, New
Delhi 110003



6. Union Public Service
Commission, through the
Secretary, UPSC, Dholpur
House, Shahjahan Road, New
Delhi-110011

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

The application is made against the inordinate delay in concluding the disciplinary proceeding.

2. Jurisdiction of the Tribunal

The applicant declares that the subject matter of the order against which he wants redressal was made in Shillong and it is within the jurisdiction of the Hon'ble Tribunal.

3. Limitation

The application is filed within the period of limitation. Since the application is made against the failure on the part of the respondents/ authorities concerned to comply with the requirement to supply the copy of the inquiry report and undue delay in conclusion of the departmental proceedings which is still continuing as such the bar provided under Sec (20) (2) (b) of the Administrative Tribunal Act 1985 is not applicable.

4. Facts of the case

4.1 That the applicant is a member of the Indian Forest Service (RR - 1988) allotted to the Assam-Meghalaya joint cadre.



4.2 That the applicant joined service in Meghalaya as Assistant Conservator of Forests on 13.8.90. After serving in various capacities with full dedication and sincerity, the applicant was promoted to the senior scale of the Indian Forest Service in 1992 and posted as the Divisional Forest Officer, Garo Hills Division in 1994. The petitioner assumed charge as DFO Garo Hills Division on 7.7.94 and served in this capacity till 4.7.96. The applicant maintained an unblemished record throughout his entire period of eight years of service.

4.3 That the unblemished record of the applicant was soiled when the Government of Meghalaya passed a non-speaking order vide Notification No. FOR. 62/93/190 dated 17.8.96 placing the applicant under suspension under Rule 3 of the All India Services (Discipline & Appeal) Rules, 1969 on the allegation that he had failed to perform his duties honestly and with devotion during his term of two years as DFO, Garo Hills Division.

4.4 That the applicant was served a memorandum of charges vide No. FOR. 90/96/37 dated 30.9.96 on the 45th day of the suspension, the maximum time limit allowed by the second proviso of sub-rule (1) of Rule 3 of the All India Services (Discipline & Appeal) Rules, 1969 to initiate disciplinary proceedings.

However, no list of documents or witnesses was furnished to the applicant as required under sub-rule (5) of Rule 8 of the said Rule in spite of several verbal and written reminders by the applicant. The Government never took up the charges contained in the memorandum, thereby rendering the memorandum a redundant document.

4.5 That the applicant filed an appeal against the order of suspension to the Government of India on 30.11.96 under the provision of Rule 16(i) of the All India Services (Discipline & Appeal) Rules, 1969 stating therein that




his order of suspension is entirely baseless, vague, vexatious and frivolous.

4.6 That the applicant approached the Hon'ble Central Administrative Tribunal in O.A. No. 57 of 1997 against the inordinate delay in finalizing the disciplinary proceedings. The Hon'ble Tribunal vide its order 18.3.97 was pleased to direct the Principal Secretary to the Government of Meghalaya, Forest & Environment Department to complete the disciplinary proceedings within three months and the Secretary to the Government of India, Ministry of Environment & Forests to dispose of the appeal pending before him within one month from the date of the order. Both the authorities failed to comply with the order of the Hon'ble Tribunal.

4.7 That the Government appointed a Commission of Enquiry headed by Shri Rangan Dutta, IAS, Principal Secretary to the Government of Meghalaya, Finance Department to enquire into the alleged large scale felling of trees in the reserved forests under Dainadubi Range. The Commission in its report made observations against several officers as well as the Autonomous Garo Hills District Council and prominent individuals of the area. It also referred to certain decisions of the Government which in its view had the effect of encouraging the illegal felling.

4.8 That on the basis of the Rangan Dutta Commission, Government issued memorandum of charges against several officers including the applicant. No action was taken against the officers of the District Council and prominent local personalities. Instead, Government made a mockery of the allegations by subsequently appointing one prominent person named as encroacher in the report of the Commission as vice-chairman of the State Planning Board.



- 4.9 That the Government by Memorandum No. FOR 90/96/296 dated 20.10.97 appointed the Hon'ble Mr. Justice T.C. Das (Retd.) as Enquiry Authority to inquire into the charges against the officers. With respect to the applicant, the Government only took up the charges contained in memorandum No. FOR. 90/96/189 dated 16.6.97 issued on the basis of the report of the Commission of Enquiry. The applicant submitted a written statement of defense and unfailingly attended the sittings of the Forest Inquiry Authority whenever summoned. The Forest Inquiry Authority apparently submitted its report in respect of all officers to the Government in early 1999.
- 4.10 That on the failure of the Government of Meghalaya and Government of India to comply with the order dated 18.3.97 passed by the Hon'ble Tribunal and being highly aggrieved at the continuing suspension the applicant once again approached the Hon'ble Central Administrative Tribunal in Original Application No. 39 of 1999 on the strength of the All India Services (Discipline & Appeal) Amendment Rules 1998 As per sub-rule 8(a) and (b) of Rule 3 of the Amended Rules 1998 an order of suspension could not be valid after ninety days unless extended on the recommendation of the concerned Review Committee. The Hon'ble Tribunal vide its order dated 22.2.99 observed that there was no material on record to show that any Review Committee was constituted and accordingly directed that the order of suspension be deemed to be revoked with effect from 23.10.98.
- 4.11 That though restored to service on the strength of the order of the Hon'ble Central Administrative Tribunal, the applicant was denied promotion to the Junior Administrative Grade to which he became due on 1.1.97 after completion of nine years of service and subsequently the Selection Grade of the Indian Forest Service. In response to the representation submitted by the applicant he was verbally informed that

promotion could not be given until the departmental proceedings were concluded. The delay in the conclusion of the proceedings thus had civil consequences since the applicant is still serving in the senior scale of the Indian Forest Service and drawing salary much lower than his juniors in the service.

4.12 Since the Forest Inquiry Authority submitted its report in 1999, a long duration of six years has elapsed but the Government has not yet taken any steps for conclusion of the so-called disciplinary proceedings which is contrary to the guidelines laid down in Para 3 of DP & AR No. 11018/7/78 – AIS (III) dated 16.8.78 which requires that the State Government should make its decision within one to one and a half months of the receipt of the inquiry report.

4.13 That it is a settled position of law by judicial pronouncement that the delinquent employee has a right that disciplinary proceedings against him are concluded expeditiously and he is not made to undergo mental agony and also monetary loss when these are unnecessarily prolonged without any fault on his part in delaying the proceedings.

4.14 That the applicant on several occasions both verbally and in writing requested the authorities for expeditious completion of the disciplinary proceedings against him.

A copy of the representation dated 10.1.03 is annexed herewith as Annexure 1.

4.15 That as per Rule 9(2) of the All India Services (Discipline & Appeal) Rules, 2003, the disciplinary authority is required to forward a copy of the report of the inquiry authority together with its own tentative reasons for disagreement, if any, with the findings of the inquiry authority on any article of charge to the Member of the Service who shall be required to

submit, if he so desires, his written representation or submission to the disciplinary authority within 15 days, irrespective of whether the report is favorable or not to the Member of the Service.

A copy of the Notification dated 30.7.03 published in the Gazzette of Meghalaya dated 28.8.03 is annexed herewith as Annexure 2.

4.16 That the Government in total disregard of the aforesaid rule failed to supply a copy of the report of the inquiry authority to the applicant.

4.17 That the applicant had requested the authorities for supplying a copy of the inquiry report but till date the same has not been supplied to him.

Copies of representations dated 12.8.05, 16.8.05 and 16.11.05 are annexed herewith as Annexures 3, 4 and 5 respectively.

4.18 That it is now reliably learnt that the disciplinary authority has now referred the matter of inquiry report to the Union Public Service Commission for awarding punishment.

4.19 That it is submitted that any order / punishment awarded to the applicant on the basis of the Forest Inquiry Report and advise of the UPSC will be bad in law and nullity for non-compliance of the mandatory provision of the amended Rule 9 sub-rule (2) and (2-A) of the All India Services (Discipline & Appeal) Amendment Rules, 2003.

4.20 That the inordinate delay in completion of the disciplinary proceedings itself has vitiated the entire disciplinary proceedings and has caused prejudice to the applicant and the same requires to be set aside and quashed.

4.21 That during the long duration of the disciplinary proceedings, the applicant has been deprived of the service benefits to which he would have



been otherwise entitled to besides causing untold mental agony, suffering, financial hardship to the applicant and his family members, which itself amounts to indirect punishment.

4.22 That the State Government by failing to act as per the mandatory legal provisions and just ignoring the entire matter has made a mockery of the entire disciplinary proceedings. Both the order of suspension and the subsequent disciplinary proceedings are legally unsustainable which deserve to be quashed and the applicant is entitled to all the service benefits as entitled by law.

4.23 That it is submitted that though identical charges were framed against several officers, the Government has been disposing these cases in a highly staggered manner and several years have elapsed between the disposal of various cases. This is a most arbitrary and objectionable approach since identical charges would have warranted framing of a single yardstick and the disposal of all cases collectively. It is reliably learnt that the Forest Inquiry Authority had upheld charges against some of the officers who have been completely exonerated. The long intervals in the disposal of different cases and the absence of any common yardstick shows that the entire process is arbitrary and capricious and contrary to accepted standards of jurisprudence.

4.24 That it is submitted that law applies equally to all. But the Government by their arbitrary action has proved otherwise inasmuch as though identical charges were leveled against several officers the Government of Meghalaya has exonerated all other IFS officers and kept the case of the applicant pending. Heavy felling of trees have taken place in Garo Hills in 1998, two years after the applicant handed over charge, but no action was taken against any officer. This clearly shows the malafide of the Government.

4.25 That the applicant is now due for promotion to the rank of Conservator of Forests being the most senior officer in the Meghalaya Forest Department eligible for promotion. A vacancy has arisen in this rank as a result of the promotion of Shri C. Budnah, IFS, to the rank of Chief Conservator of Forests. The recommendation of the Joint Cadre Authority in respect of the applicant cannot be acted upon till the disciplinary proceedings against him are closed. The inaction of the Government even six years after the submission of the report of the Forest Inquiry Authority will have the effect of sabotaging the recommendations of the JCA and allow the applicant to be superseded by his junior officer.

5. Grounds for relief with legal provisions

It is submitted that as per settled law to avoid any injustice, prejudice to the delinquent employee expeditious completion of the disciplinary proceedings be resorted to. It is precisely to avoid the inordinate delay in disciplinary proceedings that the guidelines are provided vide DP & AR No. 11018/7/78 – AIS (III) dated 16.8.78 wherein it is clearly provided that after submission of the inquiry report by the Inquiry Officer where the State Government comes to the conclusion that a major penalty may be imposed on an officer they may issue a show-cause notice to the officer or remit the case to the Central Government under Rule 8 (22) (a) as the case be within one to one and a half month from the receipt of the inquiry report.

But in the instant case the State Government have totally failed to act as per the guidelines and six long years have elapsed since the submission of the Inquiry Report. Further, as per the amended Rule 9 sub-rule (2) of the All India Services (Discipline & Appeal) Rules, 1969 the Disciplinary Authority is required to forward a copy of the report of the inquiry together with its own tentative reasons for disagreement if any with the findings of the inquiry authority to the Member of the Service. The State

Government had failed to comply with this requirement and reportedly has directly forwarded the report to the UPSC along with a proposal for penalty in a totally illegal manner.

6. Details of the remedies exhausted

The applicant declares he has filed representations dated 12.8.05, 16.8.05 and 16.11.05 to the concerned authorities but till date no response has been received.

7. Matter filed in any other court

Presently no other application filed or pending before any other court.

8. Relief sought

- i. To declare that the order of suspension dated 17.8.96 is void and the period of suspension from 17.8.96 to 23.10.98 may be treated as spent on duty.
- ii. The applicant be granted promotion to the Junior Administrative Grade and Selection Grade with effect from the dates on which these would have been granted but for the so-called disciplinary proceedings.
- iii. The departmental proceedings pending against the applicant be quashed on the ground of inordinate delay and explicit violation of the All India Services (Discipline & Appeal) Rules, 1969 and its amendments.

- iv. The applicant be promoted to the rank of Conservator of Forests with effect from a date no later than the date on which his immediate junior in the Assam-Meghalaya cadre was promoted to the rank of Conservator of Forests.

9. Interim relief

The applicant prays that pending disposal of the application the vacancy in the rank of Conservator of Forests in the Meghalaya Forest Department caused by the promotion of Shri C. Budnah, IFS to the rank of Chief Conservator of Forests may not be filled by any officer in the joint Assam-Meghalaya cadre as otherwise the prayer sought in this application would be infructuous.

10.

11. Particulars of the postal order

Postal order No : 26 G 329591
Date : 5.12.05
Issued from : Shillong
Payable at : Guwahati

10. List of enclosures

Annexure I
Annexure II
Annexure III
Annexure IV
Annexure V



VERIFICATION

I, Ranjit Popli, IFS, Son of Dr. S. P. Popli, aged about 40 years, Working Plan Officer, Meghalaya Forest Department, Shillong do verify that the contents of paras 2, 3, 4.1, 4.2, 4.5, 4.8, 4.11, 4.12, 4.13, 4.14, 4.16, 4.18, 4.19, 4.20, 4.21, 4.22, 4.23, 4.24, 4.25, 5, 6 are true to my knowledge and those made in paras 1, 4.3, 4.4, 4.6, 4.7, 4.9, 4.10, 4.15, 4.17, 7,8,9 are true to my information derived from records and the rest are my humble submission before the Hon'ble Tribunal and that I have not suppressed any material fact. And I sign this verification on this 6th day of December 2005

Place: Shillong



RANJIT POPLI

No. Jg/14/PP/RP/902

Dated, Shillong,
10 January, 2003

To

The Principal Secretary to the
Government of Meghalaya,
Forest and Environment Department,
Meghalaya, Shillong.

Through
The Principal Chief Conservator of Forests,
Meghalaya, Shillong.

Subject Conclusion of departmental proceedings and grant of benefits withheld.

Sir,

I have the honour to say that the Government of Meghalaya had initiated departmental proceedings against me through Memorandum No. FOR. 90/96/37 dated 30.9.96 and No. FOR. 90/96/189 dated 16.6.97 with regard to my tenure as the Divisional Forest Officer, Garo Hills Division, Tura. I complied with all requirements of the proceedings as laid down in the All India Services (Discipline & Appeal) Rules, 1969 and attended all sittings of the Inquiry Officer whenever called upon to do so. The last sitting of the Inquiry Officer at which I was asked to be present was held on 13 October, 1998. I gathered that the Inquiry Report was submitted by the Inquiry Officer to the Government soon thereafter. However, although a period of nearly four years has elapsed since the submission of the Inquiry Report, no decision by the Government has been communicated to me so far.

In the absence of any decision by the Government my career is suffering in the following ways :

1. The status of the period of suspension from 17.8.96 to 23.10.98 has not been decided so far. In case this period is deemed by your honour to have been spent

Copy sent to the Genl Com
Bhabhaji
6-12-05

on duty, I shall be eligible to receive the pay and allowances withheld from me on account of suspension.

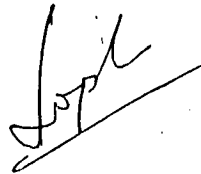
2. In terms of Rule 3(1) of the Indian Forest Service (Pay) Rules, 1968, I would have become due for appointment to the Junior Administrative Grade (JAG) in the scale of Rs 12000-375-16500 with effect from 1.1.97 on completion of nine years of service. If the period of suspension is directed by your honour to be deemed as period not spent on duty, I am eligible for JAG with effect from 11.3.99. However, as the disciplinary proceedings have not been concluded so far, I am still placed in the Senior Time Scale of the Indian Forest Service. The result is that I am at present drawing salary much lower than officers junior to me. The implied degradation of status in relation to other officers is causing me serious demoralization.
3. Although I have cleared all papers of my departmental examination in December 1997 and become eligible for annual increments, no increment has so far been allowed to me and I am still drawing pay at the lowest level of the Senior Time Scale.
4. The continuation of departmental proceedings prevents me from applying for any post on deputation for which I may otherwise be eligible. My career prospects have been impeded considerably.
5. I am eligible for promotion to the rank of Conservator of Forests. However, my candidature for promotion will be seriously undermined if the present departmental proceedings are not concluded.

The inordinate delay in the communication of the decision of the Government has caused me immense mental agony apart from financial loss and injury to status for reasons stated above. The long interval of four years since the submission of the Inquiry Report is inconsistent with the guidelines laid down in Para 3 of DP & AR No. 11018/7/78-AIS(III) dated 16.8.78 (copy enclosed for ready reference) which requires that the State Government should make its decision within one to one and a half months of the receipt of the inquiry report.

Since I have already suffered considerable injury on account of the protracted proceedings, it is humbly prayed that the Government may in consideration of the facts stated above pass necessary orders at an early date and grant me the benefits hitherto withheld from me.

This is for your kind information and necessary action.

Yours faithfully,



(Ranjit Popli, IFS),
Divisional Forest Officer,
Training Division,
Meghalaya, Shillong

Encl. As above

Copy of DP&AR No. 11018/7/78-AIS(III), dated 16-8-1978

Time limits for completing certain stages of inquiry into charges against members of the All India Services are laid down in sub-rule (8) and (12) of Rule 8 of the All India Services (Discipline and Appeal) Rules, 1969. However, experience has shown that very often disciplinary proceedings are inordinately delayed. It is felt that if the guidelines laid down below are followed, it will ensure expeditious disposal of disciplinary cases.

2. Sub-rule (8) of Rule 8 provides that a member of the service shall be required to appear in person before the inquiring Authority at any time prescribed after the expiry of 10 working days from the date of the receipt of the charge-sheet. It would therefore, be justified if the charged officer is given not more than 10 days for submitting his written statement of defence in reply to the charge-sheet under sub-rule (5) of Rule 8 *ibid*.

2.1. The statement of defence under Rule 8 (5) *ibid* is expected to be limited simply to admitting or denying the charges communicated to the officer, and for such admission or denial inspection of documents is not necessary. Therefore, a request for inspection of documents at this stage made by the delinquent officer may not be accepted and it may be explained to the officer that he would get full opportunity to inspect the listed documents during the course of inquiry as per Rule 8 (12) *ibid*.

2.2. Although the time limit, as such, has been stipulated for the submission of the report by the Inquiry Officer after completing of the oral inquiry, ordinarily it should be possible for an Inquiry Officer to submit the inquiry report within a period of one month from the conclusion of the inquiry proceedings.

2.3. If these time limits and principles are assiduously observed, the period from the date of serving a charge-sheet in a disciplinary case to the submission of the report by the Inquiry Officer should ordinarily not exceed six months.

3. After submission of the Inquiry Report by the Inquiry Officer, where the State Government comes to the conclusion that a major penalty may be imposed on an officer, they may issue a show cause notice to the officer, or remit the case to the Central Government under Rule 8 (22) (a) *ibid*, as the case may be, within one to one and a half months from the receipt of one inquiry report. In cases where the State Government consider that a minor penalty would be enough, a reference to the U. P. S. C. may also be made for their advice, within one to one and a half months of the receipt of the inquiry report.

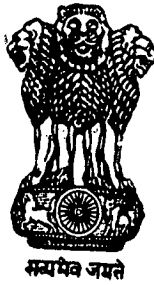
4. While processing disciplinary cases against members of the All India Services, the guidelines mentioned above may be kept in view for completion of inquiries promptly. The State Government may also consider the desirability of issuing suitable instructions and that where a case is delayed at a particular stage beyond the time-limit stipulated for that stage, it be reported to the next higher authority with a statement of reasons for the delay.

Letter No. 11018/19/78-(III), dated 15th January, 1979

Subject : All India Services (Discipline and Appeal) Rules, 1969—
Procedure to be followed under Rule 8 (20) thereof.

I am directed to forward herewith a copy of this Department's Office Memorandum No. 11012/18/77-Ests. (A), dated the 2nd September, 1978 and

A
to
pe
A
no
(2
CC
the
the
tiv
bec
she
file
wit
par
ring
afte
des
of
fro
ker
the
Ser
bac
invi
of
dow
and
be s
befo
catic
Rule
whic
1965
cons
mem
been
in re



The Gazette of Meghalaya

PUBLISHED BY AUTHORITY

No. 8

Shillong, Thursday, 28th Aug. 2003 / 6th Bhadra, 1925 S. E.

Separate paging is given on this part in order that it may be filed as a separate compilation

PART III

GOVERNMENT OF MEGHALAYA

ORDERS BY THE GOVERNOR

NOTIFICATIONS

The 30th July 2003

No.PER.105/86/117 - The following Notification issued by the Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, New Delhi is re-published for general information:

'No.11018/1/2002-AIS(III),

dated 26th June 2003

GSR...In exercise of the powers conferred by sub-section (1) of Section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government, after consultation with the Governments of the States Concerned, hereby makes the following rules further to amend the All India Services (Discipline and Appeal) Rules, 1969 namely:—

1. (1) These rules may be called the All India Services (Discipline and Appeal) Amendment Rules, 2003
2. (2) They shall come into force on the date of their publication in the Official Gazette
In the All India Services (Discipline and Appeal) Rules, 1969, in the Rule 9 for sub-rule (2) the following rules shall be substituted, namely:—
“(2) The disciplinary authority shall forward or cause to be forwarded a copy of the report of the inquiry, if any, held by the disciplinary authority or where the disciplinary authority is not the inquiring authority, a copy of the report of the inquiring authority together with its own tentative reasons for disagreement, if any with the findings of inquiring authority on any article of charge to the Member of Service who shall be required to submit, if he so desires, his written representation or submission to the disciplinary authority, within fifteen days, irrespective of whether the report is favourable or not to the Member of the Services.
(2-A) The disciplinary authority shall consider the representation, if any, submitted by the Member and record its findings before proceeding further in the matter as specified in sub-rules (3) and (4)”.

AQEEL AHMED
DEPUTY SECY. TO THE GOVT. OF INDIA

I. W. INGTY,
Deputy Secretary to the Govt. of Meghalaya,
Personnel & A. R. (A) Department.

*Copy to be given to
6-12-03*

Shillong the 14th July 2003

No. SUP.100/89/147 - The following order issued by the Government of India, Ministry of Consumer Affairs Food and Public Distribution is hereby republished for general information.

E. LYNGDOH.

Secretary to the Govt. of Meghalaya,
Food, Civil Supplies & Consumer Affairs

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi the 2nd June 2003

The following Act of Parliament received the assent of the President on the 1st June, 2003 and is hereby published for general information:—

THE ESSENTIAL COMMODITIES (AMENDMENT) ACT, 2003

(No.37 of 2003)

(1st June, 2003)

An Act further to amend the Essential Commodities Act, 1955

Short title—Be it enacted by Parliament in the Fifty-fourth year of the Republic of India as follows:—

1. This Act may be called the Essential Commodities (Amendment) Act 2003.

Amendment of Section 3 of Act 10 of 1955—2. In Section 3 of the Essential Commodities Act, 1955, after sub-section (3 C), the following shall be deemed to have been inserted, on and from the 14th day of June, 1999, namely:—

(3D) The Central Government may direct that no producer, importer or exporter shall sell or otherwise dispose of or deliver any kind of sugar or remove any kind of sugar from the bonded godown of the factory in which it is produced, whether such godown are situated within the premises of the factory or outside or from the warehouses of the importers or exporters, as the case may be, except under and in accordance with the direction issued by the Government:

Provided that this sub-section shall not affect the pledging of such sugar by any producer or importer in favour of any scheduled bank as defined in clause (e) of section 2 of the Reserve Bank of India Act, 1934 (2 of 1934) or any corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) so, however, that no such bank shall sell the sugar pledged to it except under and in accordance with a direction issued by the Central Government.

(3E) The Central Government may, from time to time, by general or special order, direct any producer or importer or exporter or recognised dealer or any class of producers or recognised dealer to take action regarding production, maintenance of stocks, storage, sale, grading, packing, marking, weighing, disposal, delivery and distribution of any kind of sugar in the manner specified in the direction.

Explanation.—For the purposes of sub-section (3D) and this sub-section,—

(a) "Producer" means a person carrying on the business of manufacturing sugar.

(b) "recognised dealer" means a person carrying on the business of purchasing, selling or distributing sugar:

(c) "sugar" includes plantation white sugar, raw sugar and refined sugar whether indigenously produced or imported

Validation of action taken under clauses 4 and 5 of the sugar (Control) Order, 1966—3. (1) Notwithstanding anything contained in any judgement, decree or order any court or other authority or any agreement, and action taken or anything done or omitted to be done or purported to have been taken or done or omitted to be done under any direction or order issued by the Central Government under clause 4 or clause 5 of the Sugar (Control) Order, 1966, made under section 3 of the Essential Commodities Act, 1955, 00 of 1955 at any time during the period commencing on and from the 14th day of June, 1999 till the day on which the Essential Commodities (Amendment) Bill, 2003 receives the assent of the President, shall be deemed to be, and deemed always to have been, for all purposes, as validly and effectively taken or done or omitted to be done under sub-section (3D) or sub-section (3E), as the case may be, of section 3 of the Essential Commodities Act, 1955, as if the said subsections had been in force at all material times.

(2) For the removal of doubts, it is hereby declared that no act or omission on the part of any person shall be punishable as an offence which would have not been so punishable if this Act had not come into force

SUBHASH C. JAIN,
Secretary to the Govt. of India

(Copy)

32

No. MWP/8/PF/RP/ 215 - 17

Dated, Shillong,
12 August 2005

From

Shri Ranjit Popli, IFS,
Working Plan Officer,
Forest Department,
Meghalaya, Shillong.

To

The Secretary to the Government of India,
Ministry of Environment and Forests,
Paryavaran Bhavan,
C.G.O. Complex,
Lodhi Road,
New Delhi -110003

Through

The Principal Chief Conservator of Forests,
Meghalaya, Shillong.

Subject Disabilities arising out of prolonged disciplinary proceedings

Sir,

I beg to state before you the following facts that have impinged grievously upon my career in Meghalaya since 1996. Though these facts relate to the anguish of a single individual, they have repercussions of potentially a much larger magnitude for our system. It is therefore requested that urgent action as considered necessary may be started by your honor in consultation with the Government of Meghalaya.

1. I belong to the 1988 batch of the Indian Forest Service and have been serving in the Meghalaya wing of the Assam-Meghalaya cadre since 1990.
2. In June 1994 I was transferred and posted as Divisional Forest officer in charge of the Garo Hills Division that was in the throes of serious illegalities. Records will show that a meeting was called by the Hon'ble Chief Minister in

Confirmed to be true
6-12-05

April 1994 with the senior-most functionaries of the Government where it was decided that the Police Department should assist the Forest Department to restore order.

3. Immediately after taking charge I plunged headlong into my assignment. My first inquiry into what was going on led me to a scandal in my own division. Shri M.C. Momin, Forest Ranger, who was posted in charge of Holloidonga Beat had been collecting export transit fee against transit passes he was issuing but had failed to deposit the money into the treasury. The embezzlement had been going on for months. I ordered Shri Momin to be placed under suspension and initiated proceedings against him. The charges leveled against him were upheld in subsequent inquiry and penalty was imposed on him.
4. My strict adherence to acts and rules governing the movement of timber led me into trouble with the Garo Hills Timber Contractors and Veneer cum Saw Mills Owners' Association which consisted of traders operating timber in the areas under the control of the Garo Hills Autonomous District Council (GDC). An order dated 22.12.94 passed by the Hon'ble Gauhati High Court in Civil Rule No. 3375 of 1994 directed that the members of the Association would be allowed to transport timber by the Forest Authorities of the State of Meghalaya by issuing export/transit passes in accordance with the Act and Rules on payment of necessary fees. The contractors besieged my office demanding that the movement of timber be allowed. I informed them that the rules that existed stayed. To comply with the orders of the Hon'ble High

Court I wrote to the Chief Executive Member, GDC, Tura, to send me the particulars of the permits issued by the GDC along with details of the names of the forests from which the permits were granted, a copy of the tree marking statement along with hammer impression, a copy of the piece marking statement and details of revenue realization by the GDC. Interestingly, no reply came. Instead, the contractors of the Garo Hills Timber Contractors and Veneer cum Saw Mills Owners' Association filed a contempt case against me in the Hon'ble High Court vide Civil Original (Contempt) Petition No. 4(SH)95. The letters I wrote to the GDC were enclosed as exhibits in the counter-affidavit filed on my behalf and the attempt by the Association to browbeat me came to naught.

5. As I became acquainted with the functioning of Garo Hills Division and the constraints that attended upon it, I grasped the inherent handicap of the dual system of forest administration in the state. Barely 300 sq. km. of the forests in Garo Hills were reserved forests under the State Government; the rest were forests under the control of the GDC. As can be seen from para 4 above, even tree marking statements and piece marking statements were not available with the GDC, making it impossible to track the source of the timber purportedly obtained from GDC forests. The reserved forests were really tiny pockets scattered all over Garo Hills surrounded by GDC controlled forests. It was easy for smugglers to cut down trees inside reserved forests, drag them to the adjoining GDC areas and remove the outturn under GDC hammers and transit passes. With the near absence of industry in the Garo Hills and forests being

the only significant economic activity other than coal, the inherent danger of parallel administrations not working in tandem was there for all to see.

6. The chaos of duality was compounded by the presence of unscrupulous elements in both the establishments. Speaking of the State Forest Department, the power of its executive staff arose from their exclusive authority to issue export transit passes necessary to remove timber from Meghalaya. Although timber could easily be smuggled out of the state through various jungle pathways, journey by road needed a valid transit pass. The contractors had first tried to obtain these passes by filing a contempt case against me. When that method failed, they approached the executive staff posted in the Dainadubi Range on the border of the state.
7. During an inspection of the Range in August 1995, I found that several transit passes had been issued for sawn timber purportedly obtained from round logs operated from coupes in State Reserved Forests. I became suspicious that this was a camouflage to export illegal timber. I forbade the staff to issue any such passes without the written approval of the Division. My orders were flouted by two specific staff members – Shri S. Tarafdar, Forest Ranger and Shri J. D. Hajong, Deputy Ranger. They continued to issue passes without my permission. After I sought their explanation in January 1996, Shri Hajong went one step ahead – he began to issue fraudulent passes in which the original copy retained in the transit pass book mentioned an innocuous forest produce like firewood whereas the copy given to the contractor mentioned sawn timber. The result was an escalation in the fellings in Dainadubi Range,

the cause of which I could never understand till the end of my tenure. While I had restored order in the entire division during my term of two years, Dainadubi remained in the throes of a crisis.

8. a) The second factor which interfered with the protection of reserved forests in Dainadubi was the role of the GDC in collusion with the nokma (headman) of the Doracha Akhingland, Shri Minjeng Sangma. A detailed report on this case has been submitted by me to the PCCF, Meghalaya vide my No. MWP/8/PF/RP/182 dated 26.7.05. To avoid unnecessary repetition, the letter is appended herewith and the same may be considered an integral part of this petition. As the sequence of events and quotes from correspondences clearly reveal, there was a criminal nexus between several officials, the GDC and the nokma resulting in the claim of the nokma over an integral portion of the reserved forest. While action against the officials is called for, the very capacity of the GDC to function as a legitimate authority comes into doubt from the records of the Doracha dispute. This is a matter which may require the intervention of the lawmakers in this country at the highest level.
- b) It may be placed on record here that the Central Empowered Committee constituted by the Hon'ble Supreme Court in Writ Petition 202 of 1995 has intervened once in the matter of reserved forests in Meghalaya. This happened in the case of Writ Petition (Civil) No. 118 (SH) 2001 where the boundary of the reserved forest had been demarcated by the Survey of India and it was observed that the topo sheets of the Survey of India were broadly in agreement with the Assam Notification No. 3752 of 1932 for the reserved

forest. Despite this, the concerned nokma had filed a case of encroachment against the Government on the basis of an undated and unauthenticated report and was awarded an interim relief of Rupees Two Crores by the Hon'ble High Court in its order dater 13.9.2002. The Central Empowered Committee had asked for a detailed report on the matter and also whether an appeal had been filed against the said order before the Hon'ble Supreme Court. In the light of the directions of the Central Empowered Committee in that case, the State Government would be pushing itself into an indefensible position if it does not approach the Hon'ble Supreme Court in appeal against the order dated 11.9.03 passed by the Hon'ble High Court in Criminal Revision No. 25 (SH)/1999.

9. The flashpoint in Dainadubi came on 18.6.96 when I stopped two trucks carrying timber that I suspected was drawn from the disputed area of Doracha. The truck drivers were not carrying valid documents and the logs bore indistinct GDC hammer impressions. I instructed the staff in the range to proceed under Section 49 of the Meghalaya Forest Regulation if investigation revealed that a forest offence had been committed. No valid documents were ever shown. Instead, a mob of around twenty persons led by one Shri B. Das Gupta of Rehabari, Guwahati gheraoed the Range office on 20.6.96 when the PCCF and the Conservator (Wildlife) were inspecting some official records. They created a situation of such fear among the staff that police had to be summoned from the nearby outpost and an FIR was filed by the PCCF. I do not know who ordered it but the trucks were permitted to leave along with their load. The violent response of the contractors itself was prima facie proof

of their illegal activities. If the trucks had been seized by me vexatiously and unnecessarily they could have filed a case against me under Section 58 of the Meghalaya Forest Regulation, 1973 and demanded compensation for any injury caused by such seizure. Intimidation is not usually the weapon of people who have nothing to hide.

10. It was the start of a bitter campaign against me, one that expanded into an unreasonable and punitive response by the Government. My career has been reduced to shambles and I have been left with fighting to redeem my honor. A task like this is not without obstacles at every step.
11. A headline appeared in a local newspaper on 17.8.96 describing that timber worth Rs. 294 crores had disappeared from Chimabangshi Reserved Forest under Dainadubi Range within the last eighteen months (nothing was reported to have disappeared before these eighteen months despite the high-level meeting called by the Hon'ble Chief Minister in April 1994 to discuss police assistance for the beleaguered Forest Department). The newspaper contained no detail about how or by whom such a gigantic operation of enumeration or valuation was carried out practically overnight. It was perhaps only coincidence that the same afternoon an order of suspension was served on me vide Memo No. FOR. 62/93/190 dated 17.8.96. The order began with the observation that I had failed to perform my duties honestly and with devotion as DFO, a conclusion of guilt drawn even before the charges had been framed. Disciplinary proceedings were contemplated against me under the All India Services (Discipline and Appeal) Rules, 1969.

12. The next step for the disciplinary authority was the actual framing of charges. Under the second provision of sub-rule (1) of Rule 3 of the All India Services (Discipline and Appeal) Rules, 1969, an order of suspension could not continue beyond 45 days unless disciplinary proceedings were initiated within this period. A Memorandum of charges was served on me vide No.FOR.90/96/37 dated 30.9.96 on the 45th day of the suspension at 5.00 pm. without any supporting list of documents or witnesses as required under sub-rule (5) of Rule 8 of the All India Services (Discipline and Appeal) Rules, 1969. The charges were vague and based on insinuations and one charge was the revenge of a contractor I had refused to oblige. I made verbal and written requests to be provided with the list of documents and witnesses on the basis of which the charges were proposed to be substantiated but when no response came I furnished my reply on 23.10.96 denying all charges.
13. The order of suspension was the start of a long spell of victimization and humiliation for me, one that I was able to withstand out of my deep conviction that to buckle before an adverse situation is alien to the character of an All India Service officer. My wife and infant daughter shared every moment of that hell with me, an outrage for which all those responsible must be called upon to answer. I would like to state here that as a disciplined officer I have so far reposed full faith in my superiors for justice and have done nothing that could breach the All India Service (Conduct) Rules, 1969, despite constant reminders that my pleas for justice were falling on deaf ears.

14. I have cooperated fully in each and every phase of the inquiry, furnishing whatever replies I was asked to within the prescribed time limit. The following are the stages of the inquiry that I am aware of:

- a. A Commission headed by Shri Rangan Dutta, the then Principal Secretary, Finance, Government of Meghalaya was appointed in 1996 to inquire into the alleged large scale felling of trees in Daindubi Range. I appeared before the Commission on 15.1.97 and also made a written statement on 20.1.97 as desired by the Commission. The Commission submitted its report to the Government on 31.1.97.
- b. Based on the findings of the Report of the Commission, charges were served on eleven forest officers, including me. I furnished my reply denying every charge served on me vide Memorandum No. FOR.90/96/189 dated 16.6.97.
- c. Thereafter, Mr. Justice T.C. Das (Retd.) was appointed Forest Inquiry Authority to inquire into the charges against the officers. I appeared before the Forest Inquiry Authority whenever summoned. The Government only took up the charges served on me vide Memo No. FOR.90/96/189 dated 16.6.97 completely ignoring the charges served vide the earlier Memo No. FOR.90/96/37 dated 30.9.96. My last sitting with the Forest Inquiry Authority was held on 14.10.98 and I submitted my written arguments before the Forest Inquiry Authority on 10.12.98. The Forest Inquiry Authority apparently submitted its report to the Government soon

thereafter. No communication of any kind on the subject of the inquiry has been conveyed to me since my last sitting.

15. I approached the Hon'ble Central Administrative Tribunal, Guwahati Bench, in Original Application No. 39 of 1999 against the order of suspension on the grounds of the All India Services (Discipline and Appeal) Amendment Rules, 1998 that came into effect on 25.7.98. Under Rule 8(a) of the amended rules, an order of suspension which has not been extended shall be valid for a period not exceeding ninety days and an order of suspension which has been extended shall remain valid for a further period not exceeding one hundred and eighty days, at a time, unless revoked earlier. Under Rule 8(b), the order of suspension was to be reviewed by the competent authority on the recommendation of the Review Committee. In its order dated 22.2.99, the Hon'ble Tribunal observed that the period of 90 days starting from 25.7.98 ended on 23.10.98 and there was no record to show that any Review Committee was constituted. Extension of further time does not arise. The order of suspension dated 17.8.96 was ordered to be revoked with effect from 23.10.98.
16. It is unfortunate that the order of suspension was allowed to continue for over two years when the Government did not have sufficient justification even to constitute a Review Committee. The only reason why suspension lasted so long is that prior to the amendment of 1998 there was no provision in the All India Services (Discipline and Appeal) Rules for periodic review of the

suspension. My family suffered for no reason other than the indifference of the Government to my lot.

- ✓ 17. Although six years have gone by since the Forest Inquiry Authority submitted its report, no decision has been conveyed to me by the Government. In the meantime, all promotions and increments due to me have been withheld, thereby reducing me to a pay scale lower than my juniors. This kind of indirect penalty has no sanction in terms of the All India Services (Discipline and Appeal) Rules.
- ✓ 18. a) Till date a copy of the report of the Forest Inquiry Authority has not been provided to me. This is contrary to Rule 9(2) of the All India Services (Discipline and Appeal) Amendment Rules, 2003, according to which the disciplinary authority is required to forward a copy of the report of the inquiring authority together with its own tentative reasons for disagreement, if any, with the findings of the inquiring authority on any article of charge to the Member of the Service who shall be required to submit, if he so desires, his written representation or submission to the disciplinary authority within fifteen days, irrespective of whether the report is favorable or not to the Member of the Service.
- b) As per Rule 9(2-A) of the Amendment Rules, 2003, the disciplinary authority shall consider the representation, if any, submitted by the Member and record its findings before proceeding further in the matter as specified in sub-rules (3) and (4). I have no knowledge about what action has been taken on the report of the Forest Inquiry Authority in so far as it relates to me. It

must however be categorically stated that if the Government has already taken any action under sub-rules (3) and (4) – including making a proposal for penalty and referring the matter to the UPSC for advice – without following the provisions of sub-rule (2) by furnishing a copy of the report to me and allowing me to submit a written representation, it shall amount to an explicit and unambiguous violation of the All India Services (Discipline and Appeal) Rules under which the proceedings are being held. The proceedings shall thereafter be illegal and liable to be quashed in a court of law.

- ✓19. I would further like to state that only the report of the Forest Inquiry Authority can be the basis of any decision in my case and no conclusions can be drawn from any extraneous material including the memorandum of charges served vide Memo No. FOR.90/96/37 dated 30.9.96 which was compiled only to circumvent the requirement of the All India Services (Discipline and Appeal) Rules for prolonging the suspension beyond 45 days. The failure of the Government to press these charges before the Forest Inquiry Authority was proof that the charges had been leveled without any intention of pursuing them. This cannot be accepted as sufficient compliance with second provision of sub-rule (1) of Rule 3 and the serving of Memorandum No. FOR.90/96/37 dated 30.9.96 cannot be regarded as the start of the disciplinary proceedings against me. The order of suspension served on me on 17.8.96 must therefore be deemed to be revoked at the end of the 45th day on 30.9.96. As a matter of fact, the suspension order dated 17.8.96 itself was bad since the Government had no material on record until the Rangan Dutta Commission report to

proceed against me. The statement made in the order of suspension that I had failed to carry out my duties with honesty and devotion was not based on any material evidence and amounted to defamation.

- ✓ 20. It is also necessary to spell my firm resolve that Shri J. D. Hajong, Deputy Ranger, posted in Dainadubi in my tenure is brought to justice for his criminal conduct in issuing fraudulent transit passes. His actions are the greatest slur on my own reputation. The said employee was suspended by me for his activities in March 1996. Thereafter he appeared before the Forest Inquiry Authority as a witness against me and claimed he had issued the fraudulent transit passes at my orders. According to him, he was picked up from Dainadubi by a contractor and brought to my official in Tura to issue the fraudulent passes against his free will. I was able to rebut his allegation on the basis of several documents, the most compelling of which was his own diary. Shri Hajong's diary revealed he had come to Tura with his ACF on 1.2.96 and remained there till 3.2.96. The records of transit passes showed that the first fraudulent pass was issued by him on 2.2.96. There was no possibility of anyone picking him up at Dainadubi on 2.2.96 and driving him to my bungalow in Tura. The attempt by Shri Hajong to rope me in as an accomplice in his designs has caused me deep trauma and I am determined to see he does not escape the law for his criminal conduct. It has come to my knowledge that no penalty has been imposed on him so far. Accordingly, the PCCF is requested to forward to the Government of India along with this petition the following details of the proceedings held against Shri Hajong:

- a. Who was appointed inquiry officer in the disciplinary proceedings against Shri Hajong?
 - b. When did the inquiry officer hold his first sitting and whether the inquiry has been concluded?
 - c. Who were the witnesses examined by the inquiry officer in this case? Were the contractors to whom the transit passes were issued summoned? If not, why was this not considered necessary by the inquiry officer?
 - d. Why was Shri Ranjit Popli, IFS, not summoned as witness by the inquiry officer despite the fact that Shri Hajong's main defense was that he had issued the passes on the orders of and in the presence of the then DFO?
 - e. Whether any penalty has been imposed or is proposed to be imposed on Shri Hajong on the basis of the report of the inquiry officer.
21. I would like to submit that I have been denied permission to attend the promotion linked in service training in the 17th year of service scheduled to begin at the Indira Gandhi National Forest Academy, Dehradun on 19.9.05 to which I have been nominated by the Government of India vide No.2790/2005-NFA/AFMC dated 11.2.05 from the Joint Director (Administration), Indira Gandhi National Forest Academy, Dehradun. Earlier, I had been denied permission to attend a one-week compulsory training course at the State Medicinal Plant Board, Haryana Forest Department, Panchkula from 11-15 October 2004. On my appeal before the Government of Meghalaya with respect to the promotion linked training at IGNFA Dehradun I have been furnished a copy of O.M. No. PER (AR) 183/83/P/1/11 dated 3.4.85. As per

point number 12 of this letter, officers against whom disciplinary proceedings are pending should not be nominated for training courses. I am to point out that the said memorandum deals with cases where nominations are to be made by the State Government and not cases where compulsory training has been ordered by the Government of India. The action of the Government is not only based on wrong interpretation of the rule but goes against its own previous decision in my case. The last compulsory one-week compulsory training course I attended was at the Indian Institute of Public Administration, New Delhi in January 2004 for which permission was granted by the Government vide No. FOR.45/2003/Pt-II/11 dated 5.1.04. There was no development in 2004 which could be regarded as a change in circumstances. If permission was allowed in January 2004 there is no justification to refuse it for any subsequent compulsory training courses for which nomination has been made by the Government of India.

Reasons for approaching the Government of India

- a. Nine years is a long time for disciplinary proceedings to conclude. The continuation of the proceedings hangs like a Damocles' sword over my head which helps neither my equanimity nor my usefulness to the State Government.
- b. The majesty of the State demands that the relentless pursuit of public good must shine in all its deeds. This is conspicuously absent in the conduct of

the GDC as recorded in my enclosed letter. Action against the GDC cannot come without the involvement of the Government of India.

- c. The law applies equally to all and does not recognize differences in regional background or personal beliefs. Though identical charges were leveled against several officers the Government of Meghalaya has exonerated most but has kept my case pending. Heavy felling took place in Garo Hills in 1998, two years after I handed over charge, but no action was taken against any officer. The Government of India is requested to adopt a uniform yardstick and make a decision in my case.
- d. If failures deserve penalty success merits accolades. The Government of Meghalaya has completely glossed over the fact that I restored order in seven ranges of Garo Hills and failed only in Dainadubi due to local factors. I cannot be treated as another deputy ranger posted in Dainadubi.
- e. An officer cannot be penalized for failing to do what even the State could not do. One charge leveled against me was that I failed to clear the encroachments in the reserved forests. Nine years after I handed over charge, encroachments in Daindubi have increased despite a solemn assurance by the Government in its Action Taken Report in 1997 (Para 9 of the Decisions of the Government on the Important Recommendations made in the Report of the Commission) that it would deal firmly with encroachers.
- f. Failure to attend the promotion linked training at IGNFA, Dehradun shall have a deleterious impact on my career, practically ruling me out for

promotion. This shall again be tantamount to imposing an indirect penalty without complying with the requirements of the All India Services (Discipline and Appeal) Rules.

- g. There has been clear and unambiguous violation of the All India Services (Discipline and Appeal) Rules during the proceedings and the legality of continuing these flawed proceedings must be decided immediately.
- h. The All India Services are the strongest fiber of national integration amid the centrifugal forces of regionalism and disruption and the Government of India is the ultimate custodian of this fiber. It is the bounden duty of the Government of India to shield an officer against any kind of harassment.

I am to earnestly request that your honor may be pleased to call for all records concerned with these proceedings, including the records of cases of officers already decided by the Government of Meghalaya and pass necessary orders in my case consistent with the yardstick used in other cases. In the meantime, my training at the IGNTA Dehradun may be directed to go ahead since it could otherwise be an irretrievable loss to my career.

Yours faithfully,

(Ranjit Popli, IFS)
Working Plan Officer,
Meghalaya, Shillong.

Advance copy to the the Secretary to the Government of India, Ministry of Environment and Forests, Paryavaran Bhavan, C.G.O. Complex, Lodhi Road, New Delhi -110003 for favor of information and necessary action.

(Ranjit Popli, IFS)
Working Plan Officer,
Meghalaya, Shillong.

No. MWP/8/PF/RP/220

Dated, Shillong,
16th August 2005

49

From

Shri Ranjit Popli, IFS,
Working Plan Officer,
Meghalaya, Shillong.

To

The Chief Secretary to the
Government of Meghalaya,
Shillong.

Subject

Disabilities arising out of prolonged disciplinary proceedings

Sir,

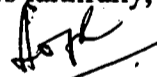
Please find enclosed herewith a copy of my petition No. MWP/8/PF/RP/215-17 dated 12.8.05 addressed to the Secretary to the Government of India, Ministry of Environment and Forests, Paryavaran Bhavan, C.G.O. Complex, Lodhi Road, New Delhi -110003.

The disciplinary proceedings initiated against me nine years have not been completed till today, causing me great hardship and interfering severely with my career. At the same time, the Government has completely glossed over the role of several non-officials, especially the criminal record of the Garo Hills Autonomous District Council (GDC) with respect to the reserved forests in the Garo Hills, as narrated in detail in my letter No. No.MWP/8/PF/RP/182 dated 26 July 2005 addressed to the Principal Chief Conservator of Forests, Meghalaya, Shillong and attached with my petition to the Government of India. The state of affairs is a travesty of justice and a gross violation of Article 14 of the Constitution for which intervention by your honor is called for.

I am to request you to call for necessary records concerning my petition and pass orders as considered appropriate.

This is for favor of your kind information and necessary action.

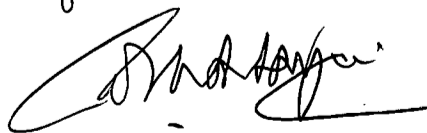
Yours faithfully,


(Ranjit Popli, IFS)
Working Plan Officer
Meghalaya, Shillong.

collected by
16/8/05

ofc.

Certified to be true copy



6-12-05

By registered A/D

No. MWP/8/PF/RP/519

Dated, Shillong,
16 November 2005

From

Shri Ranjit Popli, IFS,
Working Plan Officer,
Meghalaya, Shillong.

To

The Chief Secretary to the
Government of Meghalaya,
Shillong.

Subject Disabilities arising out of prolonged disciplinary proceedings

Reference My letter No. MWP/8/PF/RP/220 dated 16.8.05

Sir,

Kindly refer to my letter stated above addressed to your honor by which a copy of letter No. MWP/8/PF/RP/215-17 dated 12.8.05 was forwarded to you.

This is to inform you that till date I have heard nothing from your end.

You are requested to kindly expedite the matter and take necessary action.

In view of the inordinate delay in disposing my departmental enquiry, the post in the rank of Conservator of Forests that has fallen vacant following the promotion of Shri C. Budnah, IFS to the rank of Chief Conservator of Forests may not be filled up till my enquiry is finally concluded.

Yours faithfully,

(Ranjit Popli, IFS)
Working Plan Officer,
Meghalaya, Shillong.

Copy to be sent to
Budnah
6.12.05