

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 39/2005

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet.....Pg. 1 to X
2. Judgment/Order dtd. 15-2-2005 Pg. 1 to 3
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....Pg. 1 to 106
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.)

(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O R D E R S H E E T

Original Application No. _____

39/2005

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicants: _____

Sudhin Chopra

Respondents _____

UOI & sons.

Advocates for the Applicant _____

In person

Advocates of the Respondents _____

Case: _____

Notes of the Registry _____

Date _____

Order of the Tribunal

This application is in form
is filed/C.F. for Rs. 50/-
deposited vide P.B.D
No. 119 441671
Dated 9.2.05

15.02.2005

Present: The Hon'ble Mr. M.K. Gupta,
Judicial Member.
The Hon'ble Mr. K.V. Prahlada-
dan, Member (A).

Heard the applicant in person
The application is disposed of in
terms of the order passed in separa-
te sheets. No order as to costs.

1/e Dy. Registrar
15.2.05

Steps taken.

Member (A)

Member (J)

17.2.05

pg

Copy of the application
alongwith order dtd 15.2.05
has been sent to the
Respondents by post vide
despatches no. 265 & 266
d. 17.2.05.

Receipt copy of
application with
judgment, dtd 15/2/05
@ D. 873-880
D.F.O. Guwahati
2160453

25.2.05

Copy of the Indent
along with petition sent
by Speed
Post vide D.Nos
265 & 266 D. 12/12/05
to 15 Resps No. 1 & 2,
Hb

12/12/05

12/12/05

12/12/05

12/12/05

12/12/05

3

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R.A.No. 39/2005

DATE OF DECISION 15.02.2005.

Shri Sudhir Chopra

.....APPLICANT(S)

In person

.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS -

.....Union of India & Ors.

.....RESPONDENT(S)

.....None present for the Respondents.

.....ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. M.K. Gupta, Judicial Member.

THE HON'BLE MR. K.V. Prahladan, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the judgment ?
 2. To be referred to the Reporter or not ?
 3. Whether their Lordships wish to see the fair copy of the Judgment ?
 4. Whether the judgment is to be circulated to the other benches ?
- Judgment delivered by Hon'ble Member (J).
- m.
w

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 39 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

Shri Sudhir Chopra,
Son of Shri I.S.Chopra,
Resident of 25, Shillong Cantt,
Meghalaya and employed as
Joint Director, Defence Estates,
36, Shillong Cantt.

... Applicant

Applicant appeared in person.

- Versus -

1. Union of India,
Through the Secretary to the
Govt. of India,
Ministry of Defence,
South Block, New Delhi.
2. The Director General,
Defence Estates,
West Block-IV,
R.K.Puram, New Delhi.

.... Respondents

None present for the respondents.

ORDER (ORAL)

M.K.GUPTA, MEMBER(J)

The applicant at the outset stated that he is not interested to press relief No.8 (iv) of this application.


2. The applicant, who appeared in person, states and contends that he was posted to North East vide order dated 5.6.2000 and in terms of Government of India's own policy, he was entitled to choice posting on completion of his two years tenure in the North East. The applicant's family resides at Delhi, his son is ailing with kidney problem and has been operated twice. Vide order dated 2.12.2004 he was transferred and posted as DEO, Agra but he was not allowed

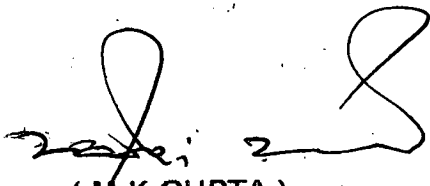
46

the choice posting. Further he had made several representations to all dignitaries including the Prime Minister, as well as the Chief Justice of India highlighting his victimization and harassment for pointing out financial irregularities on certain land dealings. Though vide order dated 25.1.2005 an officer has been posted from Kolkata to relieve him but nothing has been stated about his request for choice posting, which he had preferred for the reasons as already noted hereinabove. He also contends that the aforesaid orders are in violation of the ruling of this Tribunal in O.A.487/2001, Tapan Kumar Chakraborty vs. Union of India & Ors. It is further contended that Director General, Defence Estates issued orders on 10.12.2004 for filling up 5 JAG level posts in Delhi, against which he could have been posted. Despite the fact that 5 vacancies were available, his case was not considered as per Government policy. Even two more vacancies are available at Delhi and he can be adjusted against any one of them.

3. Upon hearing the applicant who appeared in person as well as on perusal of the pleadings and also the judgment of this Bench in O.A.487/2001 decided on 1.3.2002, we are of the view that ends of justice would be served, if the present application is disposed of with a direction to respondent No.1 to consider the applicant's request for his choice posting in view of the judgment of this Bench as noted aforesaid, as well as the medical condition of applicant's son which has been highlighted in various communications made to the concerned authorities and pass reasoned and speaking order. Order accordingly. This exercise shall be completed within a period of one month from the date of receipt of this order.

*O.A is accordingly disposed of. No costs.


(K.V.PRAHLADAN)
ADMINISTRATIVE MEMBER


(M.K.GUPTA)
JUDICIAL MEMBER

promotion order at Secunderabad. In the first representation, dated 9-10-2000, it was not stated that the applicant had any family problem. So also, in the representation, dated 27-11-2000, it was not stated that he had some specific problems. Only it was stated that he was transferred from Trichy to Ichapur during September, 1994, on compassionate grounds and the same grounds existed. It is obvious that no specific ground for not proceeding to Secunderabad, was mentioned. In the representation, dated 22-12-2000, also the applicant did not say that he was facing some problems, only it was stated that due to domestic problem he was not in a position to avail of the opportunity of promotion. It is not that every domestic problem even of trifling nature requires to be considered by the employer. If the applicant had really any problem, he should have pointed out the same which could be considered by the respondents.

The respondents have considered the representations of the applicant and have declined the request of the applicant for foregoing the promotion, which they had a right to do in terms of O.M., dated 1-10-1981. The applicant is a Gazetted Officer. It is seen that he wants to avoid the transfer from the existing place. Transfer is not only incidence of service but is also a condition of service. The contention of the applicant that there is no exigency for his posting at Secunderabad cannot be appreciated. It is a matter which is to be considered by the employer and not by the employee as to whether exigency exists or not.

The Tribunal is not the Appellate Authority to consider the administrative exigency. The legal position is well settled on this point *vide N.H.P. Corporation Ltd. v. Sri Bhagwan and Shiv Prakash* (2001 (2) SCSLJ 396), *State of Madhya Pradesh and another v. S.S. Kourav and others* (1995 SC 1056) and *SBI v. Anjan Sanyal and others* (JT 2001 (5) SC 203). The applicant cannot be granted the relief of considering his promotion at the places mentioned by him in this O.A. No direction can also be given by the Tribunal for allowing the applicant to stay at local station. Consequently, the application is dismissed. No order as to costs.

[*Ranjit Kumar Biswas v. Union of India and others*, 10/2002, Swamysnews 83, (Calcutta), date of judgment 5-2-2002.]

O.A. No. 234 of 2001

166

The department cannot deny the application for transfer of choice of posting, if the employee has completed the required number of years of service in the transferred office

Facts: The applicant was initially appointed as Lower Division Clerk under the Kolkata Regional Office of the Kendriya Vidyalaya Sangathan. Thereafter, on his selection through Departmental

Examination he was appointed to the post of UDC at Kolkata Regional Office. By order, dated 15-9-1995, the applicant was promoted to the post of Assistant and transferred to Silchar Regional Office as such. He joined at Silchar on 31-10-1995. In this application under Section 19 of the Administrative Tribunals Act, the applicant has challenged the transfer order, dated 13-11-2000, and order, dated 4-12-2001, whereby the respondents have rejected the representation of the applicant for his choice of posting. The applicant has been transferred from Regional Office, Silchar to Regional Office, New Delhi. The applicant is working as Assistant in the KVS Regional Office, Silchar. The order has been challenged on the ground that the applicant, having completed more than 5 years' service in the N.E. Region had acquired right for his choice posting at Kolkata in conformity with the transfer and posting guidelines. The respondents have not followed the direction of this Tribunal in O.A. No. 423 of 2000, dated 5-6-2001 directing the respondents to consider the case of the applicant for his choice of posting. The applicant submitted that the applicant had challenged the transfer order, dated 13-11-2000, in O.A. No. 423 of 2000. In the proceedings before this Tribunal, the Respondents had stated that the case of the applicant for transfer to Kolkata could not be considered because of pendency of disciplinary proceedings. Considering the fact that the applicant had completed his tenure in N.E. region, this Bench by order, dated 5-6-2001, in the aforementioned O.A. directed the respondents to reconsider the case of the applicant for reposting to Kolkata without being influenced by the pendency of the departmental proceeding. The respondents have arbitrarily rejected the claim of the applicant for his choice posting in violation of the direction of this Tribunal in O.A. No. 423 of 2000.

Held: The facts are not in dispute. The impugned order of transfer, dated 13-11-2000, has been subject matter of adjudication before this Tribunal. The direction was given to the respondents to consider the case of the applicant for choice of posting. The submission made by the Respondents that the applicant has not made any application for choice of posting cannot be accepted, because the applicant had come before this Tribunal for consideration of choice of posting. No material has been placed on behalf of the respondents to show that the transfer guidelines issued by the Respondents *vide* their letter, dated 25-1-2000, are not applicable to the applicant.

As mentioned above, it is stated in Para. 19 of the guidelines that the guidelines apply to non-teaching staff also to the extent applicable. Reference to the guidelines does not show that the staff working in Regional Office is outside the purview of transfer guidelines. The submission of the Respondents on the material before us cannot be sustained. The rejection of the claim of the applicant in the impugned order, dated 4-12-2001, is not considered justified, as the same is not

based on any material. Normally, the transfer orders are not interfered by the Tribunal unless the orders are found to be arbitrary, *mala fide* or without jurisdiction. The applicant had come before this Tribunal earlier. The respondents were directed to reconsider his request. Again his request was turned down taking a new stand. The rejection of applicant's representation could not be supported by any material. The impugned order, dated 4-12-2001, is found to be arbitrary.

The impugned order, dated 4-12-2001, is accordingly set aside. The respondents are directed to consider the case of the applicant for transfer to his choice of posting at Kolkata as per guidelines, dated 25-1-2000, and to accommodate the applicant at Kolkata against existing available vacancy. The respondents are directed to complete the process within a month of the receipt of this order. The interim order, dated 3-1-2002, shall continue to operate till the completion of the exercise.

Application is allowed as indicated above. There shall however, no order as to costs.

[Tapan Kumar Chakraborty v. Union of India and others, 10/2002, SwamysnewsS 84, (Guwahati), date of judgment 1-3-2002.]

O.A. No. 487 of 2001

167

Casual labourers who are employed for a long period are to be regularized on Group 'D' post

Facts: This batch of applications arises out of a common cause of action and all the applicants are similarly placed. Therefore, these are being decided by this common order. The applicants in all the above O.As., except the applicant in O.A. No. 162 of 2000, are also claiming benefit with effect from the date the same was extended to their junior. The applicants were all engaged as daily-wages casual labour in the year 1979-1983. In deference to the order of the Apex Court, Department of Personnel and Training vide O.M., dated 7-6-1988 issued guidelines for recruitment of casual workers and persons on daily-wages. The applicants have all been granted Temporary Status under this scheme with effect from 1-9-1993, and they have all been earning their increments in the then scale of Rs. 750-940. The pay scale has also been revised consequent to implementation of the Fifth Pay Commission's recommendations. Pleas of the applicants in these O.As. are that, they are all employed against regular nature of work and have been in the service of the Department for the last more than 20 years, but they are not being regularized. They seek directions to the respondents to consider their cases for regularization on Group 'D' posts forthwith within the framework of guidelines issued by O.M., dated 7-6-1988 and

10-9-1993 and along with all consequential benefits. They are apprehensive that if they continue in service only as Temporary Status casual labour without being regularized, they will be deprived of pensionary benefits despite having put in long year of service.

Held: We have heard the learned Counsel for the parties and carefully perused the guidelines contained in O.M., dated 7-6-1988, and 10-9-1993. Para. 5 of the Scheme for grant of Temporary Status and regularization lists out certain benefits which accrue to the casual labour after they attain Temporary Status. Para. 6 states that no benefits other than those specified in Para. 5 will be admissible to casual labour with Temporary Status. Para. 5 (v) states as under:—

“50% of the service rendered under Temporary Status would be counted in the purpose of retirement benefits after their regularization.” (emphasis supplied).

A clear meaning of this clause is that, unless the casual labour are regularized, i.e., absorbed against regular vacancies, the service rendered under Temporary Status would be of no consequence in so far as the retirement benefits are concerned. Obviously, this is the main cause of grievance to the applicants that they are not being regularized and are likely to be deprived of the pensionary benefits.

It is clear from the above that the department is required to review its need for deployment of casual labour, by reassessing the work being done by the casual workers to see whether the same could be entrusted to the regular employees. It also provides that in case where it is not possible to entrust all the items of work now being handled by the casual workers to the existing regular staff, additional regular posts may be created to the barest minimum necessary, with the concurrence of the Ministry of Finance. The applicants have continued with the department over a very long period. Obviously, it has not been possible for a department to entrust the work being handled by these casual workers to the existing regular employees. In such a situation, the respondents were required to create additional regular posts so that the need to continue the casual workers was obviated. Apparently, the respondents do not appear to have taken any step in this direction and have thus failed to follow an essential step provided in the guidelines. The consequence of such a failure on the part of the department would be that, the applicants would continue to remain as Temporary Status casual labour and may retire in that capacity without having any benefit of the pensionary benefits. The Government considered as model employer cannot let this exploitative situation to continue and must take immediate action for creating as many number of regular posts as the number of Temporary Status casual workers at least equal to those who have continued in the service of the department for more than 3 years. It is clear that they are working against work of regular nature whereas the casual labour

8

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

ORIGINAL APPLICATION

39/2005-

1. a) Name of the Applicant:- S. Chopra
b) Respondents :- Union of India & Ors
c) No. Of applicant:- one
2. Is the application in the proper form :- Yes/~~NO~~.
3. Whether name & Description and address of all the papers been furnished in cause title:- YES/~~NO~~.
4. Has the application been duly signed and verified: YES/~~NO~~.
5. Have the copies duly signed :- YES/~~NO~~.
6. Have sufficient number of copies of the application been filed:-YES-
7. Whether all the annexures parties are impleaded:- YES/~~NO~~.
8. Whether English translation of documents in the Language:-YES/~~NO~~.
9. Is the application is in time :- YES/~~NO~~.
10. Has the Vakalatname/MEMO of Appearance/Authorisation filed:-YES/~~NO~~.
11. Is the application by IPO/BD/FOR Rs. 50/-: 149 44/671 280 7.2.05.
12. Has the application is maintainable :- YES/~~NO~~.
13. Has the impugned order original duly attested been filed:- YES/~~NO~~.
14. Has the legible copies of the annexures duly attested filed:-YES/~~NO~~.
15. Has the Index of documents been filed all available:-YES/~~NO~~.
16. Has the required number of enveloped bearing full address of the respondents been filed :- YES/~~NO~~.
17. Has the declaration as required by item 17 of the form:-YES/~~NO~~.
18. Whether the relief sought for arises out of the Single:-YES/~~NO~~.
19. Whether the interim relief is prayed for :-YES/~~NO~~.
20. In case of condonation of delay is filed is it supported:-YES/~~NO~~.
21. Whether this case can be heard by SINGLE BENCH/~~DIVISION BENCH~~:
22. Any other points :-
23. Result of the scrutiny with initial of the Scrutiny Clerk:-

L.N OFFICER

15.2.05
DEPUTY REGISTRAR

a

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

O.A.No. 39 /2005,

Shri Sudhir Chopra

. . . Applicant

- Versus -

Union of India & Ors.

. . . Respondents.

SYNOPSIS

The applicant is an Indian Defence Estates Service Officer of 1980 batch. While working as Deputy Director General, Defence Estates, Land Audit and Hiring in Directorate General of Defence Estate (1995 to 2000) the applicant brought out various instances of serious irregularities having financial implications running into hundred of crores. By way of punishment applicant was transferred to Shillong in June 2000 as Joint Director, Defence Estates, Shillong with additional charge of Defence Estate Officer, Guwahati. The applicant represented against his punitive transfer to Defence Secretary as well as C.V.C in June 2000 itself. The applicant was divested of Addl. charge of Defence Estates Officer, Guwahati after he pointed out another case of motivated and fraudulent ^{handling} of a land acquisition case where all out efforts were being made to arrange undue pecuniary advantage running into crores to a private party. Thereafter the applicant has been virtually sitting idle and has been harrassed and victimised in numerous ways, e.g. withholding his T.A. D.A. claim for going to Supreme Court, delaying permission to avail specialised treatment from a C.E.H.S. approved hospital for his young son suffering from serious kidney ailment. On completion of ^{two year} tenure in the North East the applicant represented for posting to Delhi in ^{Feb} 2003 where his family is residing. The applicant also sent representations to Cabinet Secretary, Prime Minister and Chairman NHRC, when no action has taken to end his harrassment and victimisation

Sudhir Chopra

10

Contrary to rules of the Govt. and the department and ruling of CAT Guwahati in O.A.No.487/2001 in Tapan Kumar Chakraborty vs. Union of India & Ors. the applicant was transferred to Agra instead of Delhi which has maximum number of JAG level post and where family of the applicant is residing. The orders were made in such a way so as to further prolong stay of the applicant at Shillong as any representation against this would lead to further delay and as also the applicant agreeing to go to Agra having faced severe victimisation and harrassment and being totally crushed, will be in a no position to challenge the orders or seek legal remedy. Even when applicant's representation against his transfer to Agra is pending, Director General of Defence Estates has directed DFO Kolkata to relieve the applicant immediately.

This application is made with a prayer for reconsideration of his posting transfer order, enquiry into his continued victimisation and harrassment and fresh orders for posting to Delhi as per orders of Govt. of India on completion of tenure in the North East and ruling of CAT, Guwahati in O.A.487/01 entitling posting to a choice station.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

Title of the Case O.A.No. 39 / 2005.

Between

Shri Sudhir Chopra . . . Applicant

- Versus -

Union of India & Ors. . . Respondents

INDEX

Sl.	Particulars	Page No.
1.	Application	1 - 14
2.	Verification	15
3.	Annexure-A copy of representation dt. 9.6.2000	
4.	Annexure AA copy of transfer order 5.6.2000	
5.	Copy of acknowledge letter from CVC Annexure A-1	
6.	Annexure-B letter dt. 13.11.2000 to CVC	
7.	Annexure-C copy of letter dt. 10.12.2003 to Director CBI	
8.	Annexure-D Copy of letter to Chairman and a charge sheet NHRC dt. 11.12.2003	
9.	Annexure-E policy letter of DGD dt. 5.9.83.	
10.	Annexure F-1 to 14 letters to Secretary, Addl. Secretary, Joint Secretary, MOD	
11.	Annexures G-1 to 43 letters to CVC	
12.	Annexure-H letter dt. 19.5.2004 to Addl. Secretary, DOPT	
13.	Annexure-I copy of letter to Addl. Secretary DOAP dt. 15.3.2004.	
14.	Annexure-J letter of acknowledgement dt. 20.3.2004 from Addl. Secy. DOAP.	
15.	Annexure-K letter dt. 11.9.01 to Minister for North East Affairs	
16.	Annexure-K 1 acknowledgement letter dt. 11.9.01 from Shri Arun Shourie.	
17.	Annexure-L letter dt. 26.7.2004 to Shri B.K. Chaturvedi, Cabinet Secy.	

18. Annexure-M letter dt.27.7.2000 to Hon'ble Prime Minister of India
19. Annexure-N ? posting order dt. 2.12.04
20. Annexure-O copy of applicant's letter dt. 6.12.2004 to Defence Secy.
21. Annexure-P copy of letter dt.13.12.04 addressed to Smt Manjulika Gautam, Addl. Secy.DOPT with copy to Cabinet Secy, Secy. to P.M., Defence Secy, C.V.C. etc.
22. Annexure-Q copy of letter dt. 7.2.05 addressed to Smt Rekha Bhargava, Addl. Secy. MOD
23. Annexure-R DGDE order dt. 10.12.04.
24. Annexure-S DGDE order dt. 25.1.05.
25. Annexure T-1 letter of C.K.More, DEO Kolkata dt.27.1.05
26. Annexure T-2 letter dt. 28.1.05 by C.K.More
27. Annexure T-3 letter of C.K.More dt. 9.2.05.
28. Annexure-U copy of letter dt.2.12.04 to Chief Justice of India.
29. Annexure-V acknowledgement letter from Asstt.Registrar PIL Cell, Supreme Court dt. 20.12.04.
30. Annexure-W copy of principal Director, Defence Estate letter dt. 25.11.2003. recommending transfer of applicant.
31. Annexure-X ~~DTA~~ Copy of DTPA's scan report (Kidney) of applicant's son dt. 22.10.2003.

12
Smt Manjulika

17

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

GUWAHATI BENCH :GUWAHATI

(AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
~~XXXXXXXXXXXX~~ TRIBUNAL ACT 1985)

Original Application No 39/2005.

BETWEEN

SHRI SUDHIR CHOPRA
S/O Shri I.S.Chopra,
Resident of 25, Shillong Cantt.,
Meghalaya and employed as
Joint Director, Defence Estates,
36, Shillong Cantt.

. . . Applicant

- Versus -

1. Union of India,
through the Secretary to the
Govt. of India,
Ministry of Defence,
South Block, New Delhi.
2. The Director General,
Defence Estates,
West Block-IV,
R.K.Puram, New Delhi.

. . . Respondents.

1. Details of the application and particulars of
the order against which the application is made :

(a) Government of India, Ministry of Defence,
Directorate General of Defence Estates Order
No.134/1/ADM/DE/04 dated 02.12.2004.

2. JURISDICTION OF THE TRIBUNAL :

The applicant declares that the subject matter of
the order against which he wants redressal is within
the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :

The applicant further declares that the application is made within the limitation period prescribed in Section 21 of Administrative Tribunals Act 1985.

4. FACTS OF THE CASE :

The applicant joined Indian Defence ^{Estates} Service (IDES) in the year 1982 after qualifying Civil Services Examination in 1980 and has been working on different posts like Cantonment Executive Officer, Defence Estates Officer, Deputy Director General and Joint Director, Defence Estates all over India like Dagshai (H.P), Bareilly (U.P), Jalandhar (punjab), Srinagar (J&K), Meerut (U.P), Bikaner (Rajasthan) and Delhi under the Director General of Defence Estates. The applicant before being posted to Shillong in June, 2000 was working as Joint Director, National Institute of Defence Estates Management, Delhi with additional charge of Deputy Director General, Land Audit and Hiring in Dte. General of Defence Estates. While working as Deputy Director General, Land Audit and Hiring in Dte. General of Defence Estates the applicant brought out several cases of serious irregularities having financial implications running into crores in routine performance of duties in an honest and sincere manner. This was not appreciated.

The applicant was transferred to Shillong by way of punishment to a virtually non functional post of Joint Director, Defence Estates, Shillong with additional charge of Defence Estates Officer, Guwahati. A representation against punitive transfer of the applicant was given to Defence Secretary on 9.6.2000 as also Chief Vigilance Commissioner, Shri N.Vittal, when the applicant met six time personally to complain against his continued victimisation and harrassment.

photo copy of the representation dated 09.06.2000 is enclosed as Annexure-A.

photo copy of the acknowledgement of C.V.C dated 18.8.2000 is enclosed as Annexure A-1.

2.2 Being a disciplined Officer, the applicant joined his duties at Shillong on 24.07.2000. To his utter surprise the applicant was divested of additional charge of Defence Estates Officer, Guwahati in January, 2001 by Defence Estates Officer, Jorhat under instruction of Director General of Defence Estates after he pointed out about fraudulent and motivated handling of a case (known as U.O.I Vs. State of Assam) where all out efforts were being made to arrange undue payment running into crores to a private Tea Company by suppressing the most important fact that out of 475 acres of land requisitioned for defence, most of the land except for 7-8 acres had come within the purview of Land Ceiling Act for which no compensation was payable to the private Tea Company. By way of further harassment, TA/DA claims of applicant for going to Supreme Court in the same case were withheld and even permission to avail specialised treatment from a C.G.H.S. Hospital for the applicant's son suffering from serious kidney ailment was delayed unless the matter was brought to the notice of Shri Subir Datta, the then Defence Secretary.

photo copy of letter addressed to C.V.C dated 13.11.2003 is enclosed as Annexure-B and letter dated 10.12.2003 addressed to Director, C.B.I is enclosed as Annexure-C. Letter written to Justice A.S.Anand, Chairperson, National Human Rights Commission dated 11.12.2003 is enclosed as Annexure-D.

4.3 Due to hardship factor, Govt. of India, Ministry of Finance has prescribed fixed tenures for Central Govt.

16

employees posted to North East. The same are also applicable to officers & staff working under Directorate General of Defence Estates. It is two years for those with more than ten years of service and three years for those with less than ten years of service. Further as per Ministry of Finance's orders, fixed tenure can be extended in exceptional cases in exigencies of public service or when the employee concerned was prepared to stay longer and has to be given station of choice after completion of tenure. On completion of the tenure the applicant made several representation addressed to Defence Secretary stating ~~that~~ from 24.03.2003 for his transfer to Delhi where the family of the applicant is residing especially in view of health problem of his son who even after two major kidney operations, requires continued monitoring. While some officers have been accommodated in Directorate General of Defence Estates even after spending ten to fifteen years in Delhi at a stretch by ~~being~~ bending all rules, every possible hurdle and resistance has been created by arbitrary and malafide exercise of authority in case of applicant who is not involved in any vigilance case and has been doing his best to safeguard government interest and has an impeccable record.

Photo copy of DGDE's policy letter No.134/policy/Adm/L&C dated 5.9.1983 regarding fixed tenure in the North East is enclosed as Annexure-E.

Copies of letters written to Defence Secretary, Addl. Defence Secretary and Joint Secretary, MOD from time to time regarding victimisation and harrassment of the applicant by way of his retention in Shillong after expiry of tenure and not posting to choice station are enclosed as Annexure-F1 to F/4 .

Copy of reminders sent to CVC from time to time are enclosed as Annexures G-1 to G-3.

Copy of DTPA Scan report of the applicant's son dated 22.10.2003 showing 9% functioning ~~test~~ of his left kidney. *Annexure X*

4.4 Earlier in May, 2004 the applicant also wrote a letter to Additional Secretary, D.O.P.T drawing her attention to the resolution filed before the Hon'ble Supreme Court in Civil Writ Petition No. 539/2003 in Satyendra Dubey's murder case outlining steps to be taken on complaints of whistle blowers and to end their harassment and victimisation. Based on personal experience of the applicant certain deficiencies in the resolution were brought to the notice of Additional Secretary, DOPT pointing out like how whistle blowers could be harassed and victimised by being posted to militancy prone areas like J&K & North East even beyond expiry of tenure so that if they got killed, no blame would accrue to the authority at whose instance the transfer was made and if they somehow managed to survive the resultant hardship would make an example of them and no one would dare complain against corruption and if the complaint was against head of deptt. himself/herself and there being no time limit to reply to communication from C.V.C. On a complaint by whistle blowers, whistle blowers identity would easily become known to head of department who would take revenge by transferring them to some disturbed areas in J&K and North East.

Copy of letter dated 19.5.2004 written to Smt Manjulika Gautam, Addl. Secretary, DOP&T is enclosed as Annexure-H.

4.5 The applicant had also written to Additional Secretary, Deptt. of Administrative Reforms, Ministry of Personnel and Public Grievances offering suggestion for consideration of

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P.C.Hota Committee set up to suggest reforms for civil service. Earlier the applicant had also written to Shri Arun Shourie, Hon'ble Minister for Development of North East Region regarding policy of certain Govt. departments to post officers to North East by way of punishment. He duly acknowledged the letter and promised to take up the matter with concerned authorities in the Govt. of India.

Copy of letter dated 15.3.2004 written to Shri P.I. Suvarathan, Member Secretary & Addl. Secretary, Deptt. of Administrative Reforms is enclosed as Annexure-I and his acknowledge^{ment} letter is enclosed as Annexure-J. Copy of letter dated 11.9.2001 written to Shri Arun Shourie, Hon'ble Minister for North East Affairs is enclosed as Annexure-K. and his acknowledgement letter is enclosed as Annexure K-1.

4.6. When no action was taken on various letters written by the applicant to the Secretary, Ministry of Defence, Additional Secretary and Joint Secretary, letters were written to Cabinet Secretary and Hon'ble Prime Minister during July 2004 seeking their intervention to end the victimisation and harrassment.

Copy of letter dated dated 26th July, 2004 addressed to Shri B.K.Chaturvedi, Cabinet Secretary is ~~at~~ enclosed as Annexure-L.

Copy of letter dated 27th July 2004 addressed to Dr. Manmohan Singh, Hon'ble prime Minister is enclosed as Annexure-M.

4.7. Instead of taking corrective action by transferring the applicant to choice station of Delhi which the applicant is entitled to and where his family is residing, the deptt.

in complete violation of Govt. of India and department's own orders ~~and~~ ruling given by CAT, Guwahati Bench in case of Tapan Kr. Chakraborty Vs. Union of India Ors. in O.A.No.487/2001 the applicant has been transferred after four and half years to Agra as Defence Estates Officer vide DGDE order No.134/1/ADM/DE/2004 dated 02.12.2004. As per the order the applicant could go only after being relieved by his successor whose posting orders ~~were~~ yet to be issued. This was done obviously with the intention that any representation against such an order which are violative of Govt's own orders and ruling given by CAT, Guwahati Bench in O.A.No.487/2001 will automatically lead to further prolongation of hardship as also the possibility of perhaps applicant agreeing to such a blatant discrimination and violation of Govt's orders and ruling of CAT, Guwahati to get out from Shillong at least with the consolation that Agra is nearer to Delhi than Shillong and having faced harassment and victimisation for such a prolonged period would hardly be in a position to represent or seek legal remedies especially in view of health problem of his son.

Copy of DGDE posting transfer order No.134/1/Admn/DE/04 dated 2.12.04 is enclosed as Annexure-N.

4.8. However the applicant immediately on learning about the order No.134/1/ADM/ED/2004 dated 02.12.2004 represented to the Secretary Defence vide letter No. dated 06.12.2004 clearly stating about violation of Govt. orders and ruling of CAT, Guwahati in O.A.487/2001 followed by another letter No.JD/SHG/PER/SC/VOL-II dated 13.12.2004 addressed to Smt Manjufika Gautam, Addl. Secretary, DOP&T with copies to Cabinet Secretary, Secretary to Prime Minister, Defence Secretary, C.V.C, Additional Secretary Administrative Reforms

followed by personal meeting with Additional Secretary, Ministry of Defence on 24.01.2005 and sending another reminder on 07.02.2005.

Copy of applicant's letter dated 6.12.2004 addressed to Defence Secretary is enclosed as Annexure-O.

Copy of letter addressed to Smt Manjulika Gautam, Addl. Secretary, DOPT with copies to Cabinet Secretatry, Secretary to Prime Minister, C.V.C, Defence Secretary etc. is enclosed as Annexure-P.

Copy of applicant's letter dated 7.12.2005 addressed to Dr. Mrs Rekha Bhargav, Addl. Secretary, Ministry of Defence is enclosed as Annexure-Q.

4.9 After the applicant represented to the Defence Secretary on 6.12.2004 by fax letter, Director General of Defence Estates issued further orders vide letter No.134/1/ADM/DE/2004 dated 10.12.2004 filling up five JAG level posts in Delhi to creat the alibi of non availability of JAG level posts in the event of applicant's representation for his posting to Delhi being agreed or any favourable judgment delivered by C^{AT} by even ignoring the fact that due to poorly functioning kidney of applicant's son who had faced life threatening situations and undergone two major kidney operations earlier still requires monitoring and follow up by a urologist/ nephrelogist.

Copy of D^{PE} order dated 10.12.2004 is enclosed as Annexure-R.

4.10 After the applicant met Additional Secretary, Ministry of Defence, Dr. Mrs Rekha Bhargava on 24.01.2005 and mentioned above violation of Govt's orders and ruling of C^{AT} and

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health problem of his son by posting the applicant to Agra instead of Delhi for which he had given choice, Director General of Defence Estates wrote a letter on 25.01.2005 bearing No.134/1/AMD/DE dated 25.01.2005 asking DEO, Kolkata to relieve the applicant for joining as Defence Estates Officer. Agra even when representations of the applicant were pending with the Ministry of Defence.

Letter dated 25.01.2005^{904DE} is enclosed as Annexure-S and letters of Shri C.K.More, Defence Estate Officer, Kolkata dated 27th and 28th January 2005 and 9.2.2005 are enclosed as Annexures T-1, T-2 and T-3 respectively.

4.11 Because of highly stressful situation the applicant's own health also deteriorated and he developed high blood sugar levels and hypertension after coming to Shillong, But Director General of Defence remained totally vindictive and hostile because the applicant had been pursuing matter of high level corruption in the Defence Estates Department. As serious complaints of corruption were being enquired into in a very time consuming manner with little prospects of officials involved in corruption ever being brought to book, the applicant wrote a letter to Hon'ble Chief Justice of India on 02.12.2004 for taking cognizance of the prevailing state of affairs and harrassment of whistle blowers. Assistant Registrar of Supreme Court PIL Cell advised the applicant to file a regular petition as W.P.No.539 of 2003 in Satyendra Dubey's murder case which has already been disposed of.

Letter dated 2.12.2004 addressed to Hon'ble Shri R.C.Lahoty, Chief Justice of India is enclosed as Annexure-U
Letter dated 20.12.2004 from Asstt.Registrar PIL Cell is enclosed as Annexure-V.

4.12 While the applicant is being discriminated and harrassed and victimised in every possible manner, every type of care

and consideration has been shown to officers involved in and facing serious vigilance cases by posting them to Head quarters of Directorate General of Defence Estates and giving them important assignments. Two out of three posts of Defence Estates Officers in the North East at Guwahati and Jorhat have been kept vacant so that threat of posting to North East can ensure complaint behaviour and anyone who will dare speak against corruption will be made example of like the applicant is the message sought to be conveyed by punitive transfer of the applicant to Shillong in the year 2000 and his retention upto 2005 in complete violation of tenure rules and further denial of posting to a choice station again in violation of Govt's own rules and ruling of CAT, Guwahati. Principal Director of Defence Estates, Kolkata had recommended transfer of applicant to Delhi during 2003 in view of the fact that applicant had completed his tenure ~~xx xxxx~~ in the North East as also on medical grounds of his son.

Copy of letter dated 25th November 2003 addressed to DGD is enclosed as Annexure-W.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

- (i) The above transfer orders are made with mala fide intention and ulterior motive as explained in above paras.
- ii) These orders are violative of tenure rules of Ministry of Finance and also of DGDE.
- iii) These orders are contrary to ruling given by CAT, Guwahati in O.A.No.487/2001 in Tapan Kumar Chakraborty Vs. Union of India & Ors. in so far as the applicant has been retained in North East much beyond expiry of tenure of 2 years and not posting to a choice station which is Delhi where the applicant's family is residing

and his son suffering from Kidney ailment requires medical attention.

iv) Article 14 and 15 of the Constitution of India which guarantee equality and prohibit discrimination have been violated. Further it is a settled law that a public servant cannot be dealt with in any manner which is contrary to Constitution, any act of legislature or any statutory rule under proviso 309 of the Constitution or any administrative instruction of a general nature, which is intended for all public servants.

5.2 All the officers who were transferred alongwith the applicant in June 2000 have been further posted and transferred second or third time since June 2000. For example the Officer whom the applicant replaced on joining as JDG at Shillong has been posted third time. Even officers who ~~ja~~ were posted to North East after the applicant have also been transferred out of North East long time ago. Another officer who was posted out from Delhi during 2000 to Jammu has been posted back to Delhi while another officer who has been posted to Delhi as DDG ~~from~~ has not even completed half the tenure at Chandigarh as Joint Director. Some officers have been continuing at Delhi in complete violation of DGDEs' own tenure rules for ¹⁵ ~~15~~ years or beyond at a stretch. As per rules relating to posting to North East an officer on completion of tenure cannot be denied posting to a choice ~~a~~ station. But officers in whose case there is no such administrative or legal binding are being posted to Delhi even in violation of tenure rules, whereas the applicant is being given a very harsh and discriminative treatment.

6. DETAILS OF REMEDIES EXHAUSTED :

The applicant had represented to Defence Secretary against his punitive transfer to Shillong in the North East in June 2000 and wrote letters addressed to all authorities including Cabinet Secretary, Secretary, Defence, C.V.C., ~~Home~~ PM Secretary, DOPT, Additional Secretary, Administrative Reforms against applicant's continued victimisation and harrassment. A representation dated 06.12.2004 was also sent to Secretary, Defence against applicant's transfer to Agra in violation of Govt's orders and ruling given by CAT, Guwahati in O.A.487 of 2001 followed by another representation dated 13.12.2004 addressed to Additional Secretary, DOPT with copies ~~of~~ to Cabinet Secretary, Secretary to Prime Minister, C.V.C., Secretary Defence, Secretary, DOPT, Additional Secretary, Administrative Reforms.

7. MATTER NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT :

The applicant further declares that he had not ~~xx~~ previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court of any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT :

In view of the facts mentioned in para 6 above the applicant prays for the following reliefs :-

- (i) Reconsideration of orders No.134/1/ADM/DE/2004 dated 02.12.2004 because of mala fide.
- (ii) Issue of fresh orders for posting of applicant to Delhi as per orders of Ministry of Finance and ruling of CAT, Guwahati in O.A.487/2001

- (iii) Holding of an enquiry into continued harassment and victimisation and discrimination against the applicant by violating tenure rule and not posting him to choice station as per Govt. of India orders and ruling of CAT, Guwahati thereby preventing him from looking after health problem of his son.
- (iv) Awarding of exemplary damages for harassment and victimisation, discrimination and mental torture of the applicant. The applicant will utilise the amount of damages by working for protection of whistle blowers/contributing to an organisation engaged in creating a corruption free society.
- (v) Laying down of transfer posting policy which is just fair reasonable and provides for posting to J&K and North East for all IDES officers in a uniform manner and not by way of punishment and laying down of maximum tenure at a stretch at New Delhi upto a maximum of ten years.

9. INTERIM ORDERS IF ANY PRAYED FOR :

pending final decision on the application the applicant seeks the following interim relief :-

- (i) Holding in abeyance of DGDE Order No.134/1/ADM/DE/2004 dated 02.12.2004.
- (ii) Direction to the Secretary, Ministry of Defence to dispose of the representation of the applicant dated 6.12.2004 and 13.12.2004 in accordance with orders of Govt. of India relating to choice posting on completion of tenure in the North East as well ruling of CAT, Guwahati in O.A.No.487/2001 in case of Tapankumar Chakraborty Vs. Union of India and Ors. within a period of two weeks.

(iii) Direction to the Ministry of Defence to reserve one post of JAG in Delhi till posting of the applicant to Delhi/disposal of his representation /case before the CAT.

(iv) Calling for all files/documents pertaining to representations of the applicant and complaints filed by him.

10. The applicant desires to have oral hearing at admission stage and wants to appear in person.

11. Particulars of I.P.O

I.P.O No. 11 G 441671 for Rs. 50/-

Date of Issue : 09.02.2005.

Issued from : Shillong G.P.O

Payable at : Guwahati.

12. list of enclosures :

As stated above.

V E R I F I C A T I O N

I, Sudhir Chopra, son of Sri I.S.Chopra, Joint Director, Defence Estate, 36, Shillong Cantt. do hereby solemnly verify that the statements made in paragraphs No. 4.9, 4.12 are true to my knowledge, and those made in paragraphs No. 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.10, 4.11 are being matters of record and are true to my information derived therefrom which I believe to be true and the rest are humble submissions before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign this verification on the 14th day of February, 2005 at Guwahati.

Sudhir Chopra
Deponent

Annexure A
Copy of representation given to
Defence Secretary & CVC

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SUBJECT: HARRASMENT AND VICTIMISATION OF SUDHIR CHOPRA
JOINT DIRECTOR, NATIONAL INSTITUTE OF DEFENCE
ESTATES MANAGEMENT, DELHI CANTT. FOR RESISTING
AND EXPOSING CORRUPTION THROUGH TRANSFER/
POSTING ROUTE BY HIS PREMATURE TRANSFER TO
SHILLONG.

I was posted as Dy. Director General, Defence Estates in the Dte. General, Defence Estates in April, 1995 and specifically entrusted with the responsibility of carrying out audit of defence lands situated all over the country. I brought out several instances of large scale misuse/unauthorised use of defence lands involving loss to the state and submitted detailed reports bringing out specific cases of misuse of defence lands (Santushti type). Following pressure from the services, I was advised to go slow and given the additional work of looking after of hiring section in the Dte. General.

While looking after the work of hiring section, I detected several cases involving irregularities /financial loss to the Govt. For the sake of brevity few illustrative cases are cited below where manipulation of facts and recourse to corrupt practices is clearly revealed.

Maharaja of Kota land case: In this case payment of around 08 crores of rupees had been made to Maharaja of Kota whose land measuring around 918 acres at Kota Rajasthan was taken over under RAJP Act in 1976 after coming into force of Urban Land Ceiling Act. As per the Act he was entitled to a maximum compensation of rupees 02 lakh, 20000 in cash and balance in 20 year bonds. However, he managed to get rupees 08 crores by way of rentals alone. Strangely he got approx. rupees 1.5 crores by way of enhancement of rentals for the past period which was otherwise not payable. No enhancement was recommended by Collector of Kota who is the competent authority. This extra payment was made possible because of manipulation done in DG DE office and no proposal was floated by DEO/ Director. All out efforts were made to arrange further payments to Maharaja even when it was fully well known that bulk of the land was to be taken over under the ULC Act and Maharaja of Kota was not entitled to receive rent for the entire land. In fact, Rajasthan Govt had intimated through a letter that Maharaja of Kota was not entitled to receive any rent whatsoever because of Rajasthan Land Reforms Act & UL(C&R) Act. In various communications sent to the Ministry of Defence vital facts were hidden to favour Maharaja of Kota. Because of my continued resistance inspite of tremendous pressure no further payment was made. Loss due to wrong and motivated handling of this case is not confined to Rs. 8.00 crores (approximately). Now with the abolition of UL C&R Act the Govt. will have to either vacate this land or acquire it at a prohibitive cost of not less than Rs. 500.00 crores. Details available in the files of DGDE.

In another case, possession of hired building known as Ahmedabad House situated in Bombay which was hired for defence use in 1944 was taken over by the owner in July 1980 for carrying out repairs. The owner did not hand over possession after stipulated time of

one year and instead sold it to a 3rd party. To recover possession of the same, cases were filed in lower courts without any fruitful results. After going through this case, I sent a note to the Legal Advisor Min. of Defence on 4th July 1997 seeking his advice to recover the possession. After going through the facts LA Defence recorded a note recommending filing of a case for criminal breach of trust and high level inquiry into the matter by an officer of DGDE. The then Addl. Secretary Shri P.M. Nair ordered an enquiry on 23.9.97. Instead of submitting a report to the Ministry after holding enquiry the file was destroyed/suppressed. All my efforts to secure the possession of file proved futile. This property was learnt to have been purchased by M/s Reliance Petro Chemicals. ()

In Sept. 1999, I prepared a note for Addl. Secretary, Min. of Defence to be issued under signatures of Addl. Director General, Defence Estates on the subject of running of Golf Courses on Defence Lands by the Defence Services (ie Army, Air Force, Navy). In my note I brought out misuse of defence land and man power, violation of Land Administration Rules and also mentioned about security implications. In the note I briefly mentioned about a News Item according to which a high tech Golf course had been opened in Gurgaon adjacent to a vital Air Force installation in violation of NOC given by Air Force authorities and sanction issued by MOD for exchange of defence lands with DLF. Surprisingly in this case, possession of the land was handed over inspite of the fact that draft exchange deed had not been finalized and vetted by Min. of Defence and conditions attached to the sanction were violated with impunity. My note was not cleared and file suppressed for months together. This was done to hide the fact of having handed over possession of land to DLF even without completion of necessary formalities. ()

Earlier in 1993 when I exposed corruption in a land acquisition case of Suratgarh Cantonment involving extra payment of Rs. 44.00 lacs, I was issued a warning letter for having written directly to Joint Secretary Ministry of Defence and later on shunted off to Jammu from Bikaner (extra payment of 44 lacs was stopped by me and DG DE has till date not replied to the Ministry as to why sanction for higher amount was obtained by distorting facts and figures). Details available in files of DG DE and Min of Defence.

Though I was posted as Joint Director, National Institute of Defence Estates Management, (NIDEM) in Aug. 1999, (after a rigorous selection process) I was simultaneously entrusted with the responsibility of looking after my old charge (i.e. of DDG Land Audit & Hrg). During my extensive touring and visits to field offices situated all over the country and interaction at all levels, I received lot of complaints regarding postings and transfers of Class III staff of Defence Estates Organization to far off places on extraneous considerations and change in posting/transfer orders on receipt of illegal gratification. On receipt of specific information about the identity of the persons who were doing this I reported the matter to DG DE who expressed complete surprise and promised immediate action. However, no action was taken.

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Instead, my residential telephone was got disconnected without any information to me and I was relieved of the additional charge of DDG Land Audit and Hiring in a most unceremonious manner on 21st April followed by my premature transfer to Shillong even when I have not completed one year in my present assignment. Posting to a training institute is made as per orders of the DOP&T after careful selection. My having done Advanced Professional Course in Public Administration was considered as the main criteria alongwith my previous service record for the selection and I was assured full four year term on this assignment by the then DG during Aug 1999.

Sir, during my 18 years of Govt. service I have been discharging my duties with utmost devotion, honesty and sincerity. During this period I have been posted to following farflung and difficult places before being posted to Delhi in 1995.

Dagshai, (Himachal Pradesh)	1983
Bareilly Cantt.	1984
Jalandhar	1985-86
Srinagar (J&K)	1986-89
Meerut Cantt.	1989-91
Bikaner	1991-94
Jammu	1994-95

In my present assignment even while holding additional responsibility of DDG Land Audit and Hiring, I introduced far reaching changes in the course content and design of various training programmes. For the first time IDES probationers were arranged interaction with eminent personalities like Raksha Mantri, Dr. APJ Abdul Kalam, Defence Secretary, Chief of Army Staff, Vice Chief of Air Staff, Chairman National Human Rights Commission, Justice JS Verma. Similarly for the first time short attachments were made with organizations like Planning Commission, Central Pollution Control Board, Tata Energy Research Institute. Topics like Gender Sensitisation, Human Rights, Tackling Corruption were introduced and incorporated in the training curriculum at my instance.

My transfer to Shillong when I have not even completed my tenure in the Training Institute is intended to humiliate me and victimise me for having done my duty without any fear and favour and for having resisted corrupt practices involving loss to the State and for pointing out corruption in the transfer posting policy of lower staff. The officer who is supposed to replace me has not done any long term course like APPPA or NDC which was considered a must upto last year and officer whom I am supposed to relieve was posted to Shillong three years ago after being suspended on false and baseless charges which were quashed by CAT. After re-instatement he was shunted to Shillong. Another substitute has been found in me. There is no administrative reason for my untimely transfer to a far off place except to make an example of me so that no one in future dares speak against corruption. This transfer is a clear case of malafide.

Perusal of the transfer/posting orders will reveal that some officers have been given choice posting of Cantonment. Executive Officer consecutively for several years, in one case of (Secundrabad Cantt) the officer has been made CEO after 8-9 months while others having serious complaints have been given prized postings. One DDG has been transferred to Jammu after a period of less than one year in Delhi to accommodate another favoured officer. The officer who has been posted in my place has been in and around Delhi for almost 10 years, Delhi-Agra-Delhi and has not done any advanced training course. In fact post of Joint Director Shillong needs to be abolished as an austerity measure as there is hardly any work. It is intended for punishing officers considered inconvenient. During my five years in Delhi, I hardly received a letter signed by Joint Director, Shillong. Instead an extra post needs to be created in the National Institute of Defence Estates Management to strength the faculty and provide extensive training coverage.

In the interest of probity in public service, I would request that there should be adequate safe guards so that officers who point out and resist corruption are not harrassed and victimised through the transfer/ posting route. Officers should be rotated to all the posts in a uniform manner and not favoured / victimised selectively. If officers are transferred in an arbitrary manner on extraneous considerations, sword of transfer will always hang over ones head and no one will be able to perform his duties without fear and favour and resist corrupt practices of bosses.

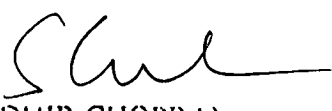
Sir, in view of the facts stated above you may like to order :-

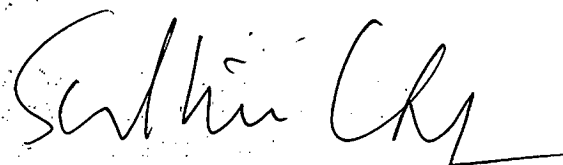
1. Inquiry into above cases of corruption by a competent agency and immediate custody of relevant files.
2. Scrutiny of posting profile of officers (and staff) with inputs from vigilance section.

3. Rotation of officers in a uniform manner to all the posts of CEO/DEO and staff officers in Commands and DG DE so that no officer can continue in a station like Delhi for more than 10 years or to the post of Cantonment Executive Officer for more than two terms. One officer has been continuing in Delhi for almost 20 years except for a short posting at Pune. Every officer must be posted for atleast two years in North-East/ J&K rather than sending inconvenient officers by way of punishment to the North-East / J&K. Those officers who have been given the post of Cantonment Executive Officer 3rd time should be sent to North-East by changing the posting orders issued on 5th June, 2000. One tribal officer who has been DEO for almost 11 years has been again made DEO thus depriving him the chance of being CEO of a Class-I Cantonment.
4. Holding in abeyance of all posting orders issued on 5th June 2000, pending review to end harassment and victimisation of officers.
5. Cancellation of my transfer orders so that I can complete my tenure of four years as Joint Director NIDEM as per DOP&T order No. 12017/2/36/Trg(TNP) dt. 31.3.1987, officers of training institutes are to be given choice of three stations at the time of their transfer. In my case the orders of DOP&T have been violated with impunity. As per these orders "Appointment to faculty posts in training institutes will prescribe strict selection process to find truly excellent trainers for such appointments. The guide lines for such selection should specify not merely an outstanding service record but also very good training capability."
6. Action against guilty officers.

Place: New Delhi

Dated. 09th June 2000.


(SUDHIR CHOPRA)
Joint Director,
National Institute of
Defence Estates Management.



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No.134/1/ADM/DE(D)
Government of India
Ministry of Defence
D/o Genl Defence Estates
West Block IV, R.K.Puram
New Delhi - 110 066

05 Jun 2000

To

The Principal Director/Director
Defence Estates
Central/Southern/Eastern/Western/Northern Command/NIDEM
Lucknow/Pune/Calcutta/Chandigarh/Jammu/Delhi Cantt.

Sub: POSTING/TRANSFER OF D.E.S. OFFICERS

It has been decided to make the following posting/transfers:-

- i) Shri Sudhir Chopra, Joint Director NIDEM Delhi Cantt is transferred and posted as Joint Director, Shillong vice Shri R.P.Singh transferred. Director, NIDEM will relieve Shri Sudhir Chopra immediately for taking up new assignment.
- ii) On relief by Shri Sudhir Chopra, Shri R.P.Singh Joint Director Shillong is posted as D.E.O. Agra vice Shri Rajeev Sharma transferred.
- iii) On relief by Shri R.P.Singh, Shri Rajeev Sharma, DEO Agra is posted as Joint Director, NIDEM Delhi Cantt vice Shri Sudhir Chopra.
- iv) Shri Praveen Shrivastava D.E.O. Guwahati is transferred and posted as Additional D.E.O. Agra. Shri Sudhir Chopra Joint Director Shillong will hold the additional charge of D.E.O. Guwahati until further orders.
- v) Shri C.K.More Attached Officer Directorate Defence Estates, Southern Command Pune is transferred and posted as DEO Vizag vice Shri P.N.B.Sarma transferred. Shri C.K.More will be relieved by the Principal Director Southern Command immediately to take up the new assignment.
- vi) On relief by Shri C.K.More, Shri P.N.B.Sarma DEO Vizag is transferred and posted and posted as DEO Jalandhar vice Shri Prachar Goel transferred.
- vii) On relief by Shri P.N.B.Sarma Shri Prachar Goel is posted as D.E.O. Calcutta vice Shri Sujoy Das Gupta D.E.O. Calcutta transferred.

2. The dates (FN/AN) of relinquishment/assumption of charge by the officers will be intimated to this Directorate General immediately after the event.

Director General
Defence Estates

Copy to:-

Joint Director, DE, Shillong

Concerned CDA/AAO(Pay)

Ministry of Defence/D(Q&C)

Concerned PCB/CEO/DEO

Officer Concerned (By name)

[Signature]

Amexhce A-1.

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54

CONFIDENTIAL

No. 000/DEF/085
GOVERNMENT OF INDIA
CENTRAL VIGILANCE COMMI
Satarkata Bhawan, Block
GPO Complex, INA,
New Delhi-110023.

18 AUG 2000

To

Shri Sudhir Chopra,
E-103, Kaluaji
Near Delhi

Sub:

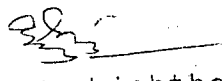
Harassment of Shri Sudhir Chopra, JD,
NIDEM, Delhi Cantt.

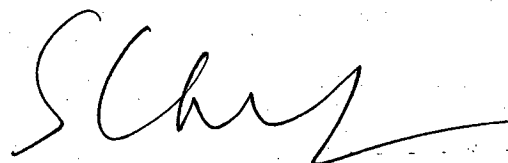
Sir

I have been directed to acknowledge the receipt
of your letter dated 9.6.2k on the above subject.

2. Appropriate action would be taken by the
Commission.

Yours faithfully,


(V.K. Vashishtha)
Section Officer



Annexure B

25

NO. JD/SHG/PER/SC/VOL-II
Office of the Joint Director,
Defence Estates, Min. of Def.
Cantt. Bung. No. 36, Shillong-1.

Dated, the 13 Nov' 2003.

To

Shri P. Shankar,
Chief Vigilance Commissioner,
Starkata Bhawan,
INA, New Delhi.

Subject : VICTIMISATION AND HARRASSMENT.

Sir,

Kindly refer to your office letter No. 000/DEF/085 dated 18.08.2000 under which complaint made by me against my victimisation and harrassment by Director General, Defence Estates was acknow-ledged.

In my complaint, I had brought out specific cases of corruption for resisting which I was transferred to Shillong by way of punishment in June, 2000. The complaint in writing was given on the advice of Shri N. Vittal, the then C.V.C. who promised to enquire into the matter. Thereafter I met Shri N. Vittal five times. He was kind enough to remind Min. of Defence to expedite the report.

Although I have completed prescribed tenure of two years in the North East, I have still not been transferred. In fact, my harrassment further increased as a result of my representation to C.V.C.) as is brought out in subsequent paras.

In January, 2001, I was divested of additional charge of DEO, Guwahati when I brought out another instance of fraudulent and motivated handling of a case namely UOI Vs State of Assam in which all out efforts were being made to arrange huge pecuniary benefit to the private party namely Sonapur Tea Co. by completely ignoring the fact that more than 95% of its land had already been taken over under the Ceiling Act. Financial implications were in crores. With the divesting of additional charge, I was virtually sitting idle as Joint Director, Defence Estates a post without any prescribed charter of duties or minimum required staff like peon and steno. I duly reported about this development to your office immediately.

Last year, i.e. in 2002 when I applied for seeking treatment from a CCHS Hospital for my son suffering from serious kidney ailment, the permission was withheld unless the matter was brought to the notice of the Defence Secretary. However my representation for posting back to Delhi was simply ignored.

Contd...P/2

In yet another case of harrassment and victimisation, my TA/DA claims were withheld for having gone to Delhi in connection with a disciplinary case before C.D.I. in which I was the Defence Assistant. Copies of daily order sheets are enclosed. Rs.17,100/- which was drawn as advance for going to Delhi during April, 2002 has already been recovered from my salary and another claim has also been withheld and the TA/DA advance may again be recovered from my salary thus causing me financial hardship.

All the above acts of harrassment and victimisation fall into insignificance in view of the fact that even after completing my tenure (excluding leave availed) I am being still retained at Shillong even when I am badly required at Delhi where my family is residing and my son requires continuous follow up treatment as his left kidney is functioning at 9% only. It takes almost three days to reach Delhi by train. Even under normal circumstances, those posted to North East are entitled to posting to a station of their choice on completion of prescribed tenure viz two years for those with more than ten years of service and three years for those with less than ten years of service. I have already completed 21 years of service and there is no indication whatsoever as to how long I will be retained in Shillong. The whole purpose appears to be to make an example of me so that no will ever dare speak against corruption in future in our Deptt. i.e. Dte. General of Defence Estates.

I have been regularly making enquiries from your office regarding the fate of my complaint and have been informed that necessary action is being taken.

After waiting patiently for more than three years I have started thinking whether my case would ever receive the requisite attention or it will merely remain one file number in the list of pending cases and considering high level clout of corrupt officials and their strong support network, whether justice would ever be done to me. You will be surprised to know Sir that in Dte. General of Defence Estates, most of the sensitive and important posts are held by those facing vigilance cases.

Before I loose hope completely, I thought I must once again request you to take up the matter with Defence Secretary for my posting to Delhi pending completion of enquiry at your end in view of the facts stated above. Harrassment can take many forms and it need not necessarily be by way of instituting false vigilance cases against honest officials. Transfer to a hard station in the North East and retention beyond the prescribed tenure is the worst form of punishment without going through the hassels involved in fabricating evidence and preparing a charge sheet.

Yours faithfully,

Sw
(SUDHIR CHOPRA)
Joint Director,
Defence Estates,
Min. of Defence,
Shillong.

Sw

Annexure C

29

37

Bungalow No. 36,
Shillong Cantt. (Near Anjalee Complex)
Dated, the 10 Dec., 2003.

To

Shri U.S. Mishra,
Director C.B.I.,
C.B.I. H.Qrs.,
Lodhi Road,
New Delhi.

Sir,

I want to congratulate you on your becoming Director C.B.I. I wish you great success in all your endeavours. Your statement issued immediately after taking over charge that tackling corruption would be your top priority was indeed reassuring and has rekindled hope among all those public servants who are fighting and resisting corrupt activities of their bosses in various govt. departments.

In my own case I was punished with a transfer to North East in 2000 for having resisted and exposed corrupt activities of Director General of Defence Estates to the post of Joint Director, Defence Estates a post without any steno, peon or charter of duties. When I brought out fraudulent and motivated handling of a land acquisition case namely UOI Vs State of Assam where all out efforts were being made to arrange undue pecuniary advantage running into crores to one private party namely Sonapur Tea Co. by suppressing the most important fact that more than 90% of land out of total land of 475 acres had already come within the purview of land ceiling act, not only was I divested of additional charge of Defence Estates Officer, Guwahati, the officer involved was promoted and later on made Defence Estates Officer of Ambala, STS level post whereas he was merely a JTS officer. I sent complaints to all including CVC & CBI.

I met DIG CBI Mr. Mukesh Sahai in November, 2000 and gave him the necessary details. Later on I learnt that the complaint was simply forwarded to Ministry of Defence for appropriate action at their end. I also wrote a letter to Shri R.K. Dutta, DIG CBI in November, 2001 and requested him to enquire into my complaint. He assured to make necessary enquiries.

I also tried several times to seek an appointment with Director Shri P.C. Sharma but due to his busy schedule, the appointment did not materialise.

While more than three years have elapsed, my complaint remains uninvestigated and concerned officials have retired/will retire after enjoying fruits of corruption, while I continue to languish at Shillong even after completion of prescribed tenure of two years. My forcible retention in Shillong as Joint Director, Defence Estates without any work, minimum required staff like steno, peon or charter of duties is intended to make an example of me so that no one in future will ever dare speak against corruption.

You will be surprised to know that officers facing serious corruption charges are holding important posts in Director General of Defence Estates and you can verify this fact very easily and that corruption friendly ambience prevails in Director General of Defence Estates to facilitate any and every type of fraud. More details can be furnished if required.

32 30
36

Sir, an impression has gained somehow that CBI takes up high level corruption cases where big players are involved and has no time for small time crooks. As a result most of the corrupt govt. officials feel secure that because of pressure of work in CBI they would not come under its scrutiny and thus escape action. This impression needs to be dispelled.

If you kindly enquire into the reasons why my complaint was not pursued, you will know the reasons why corrupt officials are having a field day and cocking a snook. You will agree that it is not the CBI alone which is fighting corrupt but also those public servants who at great personal risk to themselves are resisting corrupt activities of their bosses by remaining vigilant and bringing on record all such facts like rule position, deviation from established norms/ procedures, financial implications etc. To root out corruption it is very essential to alter the corruption friendly ambience and dismantle strong support network of corrupt public officials by making an example of few of them (contrary to that of those who are resisting corruption as is happening at present).

As your opening remarks on becoming Director C.B.I. were quite encouraging I thought I must congratulate you and wish you great success and immediately bring to your notice high level corruption of Director General of Defence Estates.

Let the sacrifice of young engineer Shri Satyander Dubey who died while trying to expose corrupt activities of contractor mafia in Bihar not go in vain.

Yours faithfully

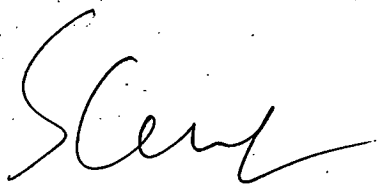
(SUDHIR CHOPRA)
Joint Director,
Defence Estates,
Min. of Defence,
Shillong.

Encl: Copy of letter
Written to
Shri R.K. Dutta.

C.C.TO:

1. The Prime Minister's Office,
New Delhi. - For information & necessary action.
2. The C.V.C.
I.N.A.
New Delhi. - Their case file No. 000/Def/85 refers.

(SUDHIR CHOPRA)
Joint Director,
Defence Estates,
Min. of Defence,
Shillong



Annexure D

31 39

36, Shillong Cantt. Meghalaya
Dated, the 11 Dec., 2003.

To Hon'ble Justice A.S. Anand,
Chairperson,
National Human Rights Commission,
Sardar Patel Bhawan,
Parliament Street,
New Delhi --

Subject : MURDER OF SHRI SATYENDRA DUBEY : STEPS REQUIRED
TO END HARRASSMENT AND VICTIMISATION OF OFFICERS
WHO RESIST AND OPPOSE CORRUPTION AND PREVENT
FUTURE MURDERS OF HONEST OFFICIALS.

Sir,

I want to thank you for taking up the case relating to murder of Shri Satyendra Dubey, Project Manager NHAI for having reported about poor implementation of Hon'ble Prime Minister's Golden Quadrilateral National Highway Project and other serious irregularities. While enquiring into the matter in detail as to how his identity got leaked and why no action was taken on serious deficiencies brought out in Shri Dubey's letter to Hon'ble Prime Minister, I would most humbly request you to also enquire into the following aspects so that no officer in future gets killed for working honestly and in public interest.

- i) Why no action is taken by various government departments on complaints of corruption when full facts are furnished by the officer concerned and why vigilance machinery of the government is lying virtually crippled.
- ii) Why is it that those officers who resist and oppose corrupt activities of their bosses in various government departments are transferred to North-East and Jammu & Kashmir (perhaps in the hope that they may get killed because of militancy and no blame would accrue to them and even otherwise if they manage to survive, resultant hardship and suffering will deter others from exposing corruption).

To give my own example, I was transferred to North-East (Shillong) in 2000 for having resisted and exposed corrupt activities of Director General of Defence Estates to the post of Joint Director, Defence Estates, a post without any steno, peon or even charter of duties. Even after completion of prescribed tenure of two years I have still not been transferred because I have been highlighting further acts of corruption with financial implications running into crores (details can be furnished if required).

Such is the state of affairs of our vigilance machinery that inspite of numerous letters written by CVC to Ministry of Defence on my complaint, no report has been furnished and I continue to languish at Shillong. In our headquarters important posts are held by officers facing corruption charges and inspite of serious complaints, there is no fear of ever being caught. I brought this to the notice of Shri Arun Shourie the then Minister for Development of North-East. He was kind enough to promptly acknowledge my letter and take up the matter with the concerned authorities but unfortunately nothing happened.

30/3/82

Sir, today biggest threat to human rights comes from high level corruption and strong support network of corrupt officials. Therefore case of Shri Satyendra Dubey should be investigated in totality with a view to finding out solution to the ever growing menace of corruption.

You may kindly consider holding a public hearing (on the lines of Railway Department when ever an accident takes place) and invite all those public servants and others who are resisting and fighting corruption in various government departments to give witness and suggestions. With their deep knowledge of modus operandi of corrupt government departments and officials they can offer useful practical suggestions to alter the corruption friendly ambience where ever it exists.

Now that Shri Satyendra Dubey is no more, let his sacrifice inspire us to work for the same ideals for which he lived and laid down his life.

Yours faithfully

(SUDHIR CHOPRA)
Joint Director,
Defence Estates,
Shillong.

C.C.O :

1. The Prime Minister's Office,
South Block,
New Delhi.
2. The C.V.C.
Starkata Bhawan,
INA, New Delhi -
3. Shri Ranjit Issar
Addl. Secretary,
Ministry of Defence,
South Block,
New Delhi.

-Case File No. 000/Def/85 refers.

(SUDHIR CHOPRA)
Joint Director,
Defence Estates,
Shillong.

Scuy

Annexure F

(77)

1

FIXATION OF TENURES OF OFFICERS OF THE DEFENCE LANDS
AND CANTONMENTS SERVICE SERVING IN NORTH EAST REGION : POSTING
AND TRANSFERS :-

Reference Dte. Gen. DL&C letter No.134/Policy/ADM/L&C,
dated 05.09.1983.

As a result of issue of instructions regarding
allow-ances and facilities for civilian employees of the
Central Government serving in the State and Union Territories
of North Eastern Region vide Ministry of Finance letter
No.200/4/83/E-IV, dated 14.12.1983, as made applicable to
civilians in Defence Services under Ministry of Defence letter
No.4(10)/83/D(Civ-I), dated 11.01.1984, it has been decided
that there will be a fixed tenure of posting of 3 years at a
time for officers with service of 10 years or less and of
2 years at a time for officers with more than 10 years of
service. Period of leave, training etc. in excess of 15 days
per year will be excluded in counting the tenure period of
2/3 years. Officers on completion of the fixed tenure of
service mentioned above, may be considered for posting to a
station of their choice, as far as possible. ✓

Tenure of officers, fixed vide letter under reference,
will be deemed to have been amended accordingly.

(G.O.I., Min. of Def. Dte. Gen. DL&C), letter
No.134/Policy/ADM/L&C, dated 19.06.1984).

Scw

Annexure F1.

22

42

Sudhir Chopra
Joint Dir of Defence Estab.
SHILLONG.

Cant: E-103/Kalkaji
New Delhi

13th August

Shri Subir Datta
Secretary, Min. of Defence
South Block New Delhi.

Fax no 3010044.

Sir,

My son is under treatment for kidney ailment and has been operated twice. But I have so far not been given permission for getting treatment from a ~~G+4~~ C.G.H.S. approved hospital as required under the rules. Director Defence Estates Eastern Command Kolkata to whom the request was made in June 2002 had referred the matter to DT Gen of Defence Estates at New Delhi.

I have been regularly enquiring from office of DDE about the sanction but no sanction has been given.

Sir, I have been harassed and victimised for having exposed corrupt activities of DT Gen of Defence Estates and this is one more instance of the same policy. Kindly intervene and grant an appointment so that I can personally explain my harassment & victimisation.

PK: 6424065

Yours faithfully

Sudhir Chopra
(Shilling on leave) Joint Dir of Defence Estab.

Sud

Annexure F2

E-103
Kalkaji,
New Delhi-19.

Feb. 24 2003

22-B 43

Shri Subir Datta
Defence Secretary,
New Delhi.

Sir,

I had sought sanction of DGDE for follow up treatment of my seventeen year old son who had undergone two major Kidney operations during June 2002 and August 2002 vide letter dated 31.10.2002 followed by several telephonic and written reminders.

Even after furnishing referral slip of CGHS specialist as asked in Dec. 2002, sanction has still not been accorded the file is lying with DGDE for her 'decision' as informed by Addl. DG Administration. This unusual delay on the part of DGDE appears to be intentional so as to harrass me for having dared to approach you in the past. It was only after I brought the matter to your notice, that sanction for treatment was accorded. I am highly grateful to you for your act of kindness.

Sir, you will be surprised to know that even after having completed prescribed tenure of two years in the North East (without any staff steno or peon and charter of duties) I have still not been transferred to Delhi to enable me to look after my son who requires follow up treatment. Because of long distance I am forced be on leave since Nov. 2002. My own health has also deteriorated. Because of highly stressful situation.

Kindly instruct DGDE to accord sanction for follow up treatment without further delay and issue orders for my posting and transfer to Delhi as I have already completed the prescribed tenure in the North East.

Thanking you,

Yours faithfully,

Sudhir Chopra
(SUDHIR CHOPRA)

Copy to:

- 1.D.G.D.E. new Delhi
- 2.Principal Director, Defence Estates
Kolkata

Scure

Annexure F3.

Kind Attn: Shri Thomas Mathew

Copy.

NO.JD/SHG/PER/SC/VOL-II
Office of the Joint Director,
Defence Estates, Min. of Def.
Cantt.Bung.No.36, Shillong-1.

Dated, the 20 June, 2003.

To

The Secretary,
Ministry of Defence,
South Block,
New Delhi.

Sir,

I was posted to Shillong as Joint Director, Defence Estates in June, 2000. As per orders of D.O.P.T. tenure of two years has been prescribed in the North-East for those with more than 10 years of service and of three years for those with less than 10 years with a provision for posting to a choice station on completion of tenure. (I have already put in more than 20 years of service).

Even though I have completed almost three years in the North-East I have still not been posted to a station of my choice viz New Delhi where my family is residing. Due to a kidney ailment, my younger son had to undergo two major kidney operations last year. Regular follow up and treatment is required as per medical advice and it is not possible for me to frequently go to Delhi from such a distant place. It is also pertinent to mention that in this case it was only after matter was brought to your notice that sanction was accorded by DGDE for availing treatment from a C.G.H.S. recognised hospital.

Officers who were posted to North-East alongwith me or after me have already been posted out. In fact one officer i.e. CEO, Shillong Mr. Suresh Nagar was posted last year itself even without completion of three years prescribed tenure and another officer i.e. DEO, Jorhat Mr. Ramandeep Singh has also been posted out even though he joined seven months after me in January, 2001.

I have written numerous letters to DGDE in the past and also requested for a personal audience but my request has not been agreed to (of at least granting personal audience).

I have regularly been apprising you about discriminatory treatment being meted out to me. None of my representations/letter has ever been replied to or even acknowledged in spite of several reminders

L by DGDE

Contd...P/2

24/45

PAGE - 2

L Case

After I brought out motivated and fraudulent handling of a case namely UOI vs State of Assam, where all out efforts were being made to arrange undue pecuniary advantage running into crores to a private party. I was divested of additional charge of DEO, Guwahati. Thereafter I have been mostly sitting idle as Joint Director, Defence Estates, Shillong. The officer responsible in this said was not only not proceeded against, he was rewarded by posting to Dte. General of Defence Estates and later on promoted also.

My retention in Shillong even after expiry of proscribed tenure of two years is not due to any exigencies of work as I am virtually sitting idle without any charter of duties but by way of punishment for having performed my duties honestly, sincerely and in the best interest of the government.

It is requested to enquire into the matter and issue orders for my posting to Delhi so that justice can be done to me even at this stage.

Yours faithfully,

Sudhir Chopra

(SUDHIR CHOPRA)
Joint Director,
Defence Estates,
Min. of Defence,
Shillong.

Copy to :-

Shri P.K. Rustogi
Joint Secretary Training & CAO
Ministry of Defence
New Delhi.

Shri

Annexure F4

File No 011-23018832

NO.JD/SHG/PER/SC,
Office of the Joint
Defence Estates, Min. of Def.
Cantt.Bung.No.36, Shillong-1.

Dated, the 27 Dec'2003.

To

Mr. Thomas Mathew,
Joint Secretary Estt.
and Director Grievances,
Min. of Defence,
South Block,
New Delhi.

Sir,

As per Govt. of India DOPT orders two and three years tenure has been prescribed for Central Govt. staff posted in the North-East (Two years for those with more than ten years of service and three years for those with less than ten years of service).

I was posted to Shillong in June, 2000 and joined duties on 24th July, 2000. I did not shift my family from Delhi considering that I would be transferred back to Delhi on completion of two years of tenure as provided under the DOPT orders. However even after completion of tenure, I have still not been transferred and due to health problem of my younger son who is suffering from kidney ailment, I have to frequently go on leave to Delhi. Due to mal functioning of left kidney, my son developed infection followed by acute pain and had to undergo an emergency operation in June, 2002 followed by another surgical procedure during August, 2002.

But even after two operations, his left kidney is functioning at 9% only and great care and caution is required to ensure that there is no deterioration in its condition. Otherwise it will have to be removed. My son requires regular medical follow up and guarded against any infection or fever. As I am located more than 2200 kms. away from Delhi where my family is residing, it has become extremely difficult for me to go to Delhi frequently or continuously remain on leave for long periods. It takes minimum three days to reach Delhi by train and reservation is available after one month. One way air fare alone being Rs.8960/- is beyond my pocket. I cannot bring my son to Shillong as requisite medical facilities are not available here for DTPA scan or kidney operation or other emergency. Copy of DTPA Scan report of my son indicating the functioning of his kidney is enclosed to appreciate the gravity. Due to highly stressful condition my health has also deteriorated and I have to take regular medicine for hypertension and high blood sugar levels.

Sd/- 27/12/03

28

PAGE - 2

I have written numerous letters addressed to Secretary of Defence highlighting my plight. In view of the orders of the DOP on the subject, I will request you to enquire into the matter and take up my case for posting to Delhi.

Yours faithfully,

Sudhir Chopra

(SUDHIR CHOPRA)
Joint Director,
Defence Estates,
Min. of Defence,
Shillong.

Copy to :-

1. The Director General, DE,
Ministry of Defence,
West Block IV, R.K. Puram,
New Delhi - 66.
2. The Director,
Defence Estates,
Eastern Command,
Kolkata - 17.

Float.

[Signature]

Annexure F5

33

HO.JD/SHG/PER/SC/VOL-II

Joint Director, DE, Shillong

36, Shillong Cantt. Meghalaya

Dated, the 16 January, 2004.

To

Secretary

Min. of Defence (D - Vig)

Room No. 246 - A Wing

Sena Bhawan, New Delhi.

Subject : MURDER OF SHRI SATYENDRA DUBEY : STEPS
REQUIRED TO END HARRASSMENT AND
VICTIMISATION OF OFFICERS WHO RESIST AND
OPPOSE CORRUPTION AND PREVENT FUTURE
MURDERS OF HONEST OFFICIALS.

Sir,

Please refer to your endorsement dated 24.12.03 recorded on my letter dated 11.12.03 addressed to Hon'ble Justice Shri A.S. Anand with a copy to Shri Ranjit Issar, Addl. Secretary among others, received only three days ago in this office.

In this connection it is hereby stated that relevant facts/details of my harrassment and victimisation starting from (i) my posting to Shillong by way of punishment (ii) to withholding of my TA/DA claims for having gone to Supreme Court & CVC in performance of bonafide official duties (iii) to not a-cording sanction for getting treatment for my son suffering from s-erious kidney ailment from a CGHS approved hospital until the matter was brought to the notice of Defence Secretary (iv) to deliberately keeping me in Shillong inspite of completion of prescribed tenure of two years in complete violation of DOPT orders to a post without any work or charter work of duties and minimum required staff like peon, steno and other essential staff and (v) removing me from Presenting Officer and replacing with another officer who was himself facing disciplinary and criminal proceedings for defalcation of govt. money have already been brought to the notice of Min. of Defence from time to time.

Contd...P/2

In following paras, my systematic harrassment and victimisation has been narrated once again as also anti public activities of Director General of Defence Estates :-

1. I was transferred to Shillong in June, 2000 by way of punishment for having opposed and resisted corrupt activities of the then Director General of Defence Estates.
2. The post of Joint Director, Defence Estates to which I was transferred was a non functional post without any charter of duties and minimum required staff like peon and steno. I wrote several letters to Director and DG requesting them to intimate what were my duties and how these were to be performed in the absence of essential staff like steno, peon etc. None of my letters was ever replied to. I have been virtually sitting idle except for initial period of six months when I was holding additional charge of Defence Estates Officer, Guwahati.
3. While working as Defence Estates Officer, Guwahati, when I reported to the Director General of Defence Estates about corrupt activities of one Mr. N.V.Nair working as ADEO not only no action was taken against him, orders were issued directing me to hand over the additional charge to Mr. N.V.Nair the same very person who was personally responsible for suppressing the most important fact in a land acquisition case of Air Force that bulk of the land had already come under the purview of the Land Ceiling Act and the ex-owner namely M/S Sonapur Tea Company was entitled to acquisition compensation for only 6-7 acres instead of 470 acres which originally belonged to Sonapur Tea Company. In this case acquisition compensation rose to 8.7 crores against initial compensation of 4.70 lacs with further prospects of manifold increase.

Contd...P/3

As per laid down departmental instructions DEO has to be personally present in SLP matters in Supreme Court to brief the counsel before and on the date of hearing. Inspite of having pointed out verbally and in writing about motivated and fraudulent handling of cases by Shri N.V.Nair, ADEO with a view to cause pecuniary advantage to the private party and loss to the Govt. I was prevented from going to Supreme Court and handling this matter. Instructions being totally illegal and to be ignored and matter was reported to the Min. of Def.

Later on in January, 2001, I was suddenly divested of additional charge of DEO by directing a newly posted officer of Jorhat which is 380 Kms. from Guwahati to assume the charge of DEO, Guwahati when I was away to Supreme Court in Delhi.

When I brought the above and other cases where Govt. interests were compromised by Shri N.V.Nair who had been working as ADEO for more than four and half year at Guwahati against prescribed tenure of two years and his other corrupt activities like submitting false and bogus TA/DA claims, arranging undue payments to private parties by way of rentals even where land already belonged to the Defence Departments, not only was I prevented from writing his ACR, no enquiry was made into charges against him and he was promoted to JTS and later on he was posted against an STS post and made DEO of Ambala Circle for reasons which I would like to personally bring to the notice of Addl. Sec./Joint Secretary if granted a personal hearing. While officers involved in questionable activities were being favoured and accorded preferential treatment by way of choice postings, hushing up of vigilance cases, I was totally marginalised and humiliated by keeping me at Shillong without any work and even removing me from a purely temporary assignment of Presenting Officer in a disciplinary case by substituting an officer himself facing departmental and criminal proceedings in a defalcation case.

Contd...P/4

Hostility of DGDE grew to such an extent that not only my TA/DA claims were withheld for more than one/two years resulting in recovery of travelling advance from my salary but even withholding of sanction for getting treatment for my son from a CGHS app-roved hospital who was suffering from a serious kidney ailment (his left kidney was functioning poorly and had developed life threatening infection). While some doctors had recommended removal of his left kidney, others suggested corrective surgery. Only after I brought the matter to the notice of the then Defence Secretary, requisite sanction was accorded. After corrective surgery, my son still required continuous periodical follow up and it is very difficult for me to go to Delhi because of long distance and I have to remain on leave to avoid incurring huge expenditure on journey. I made several attempts to meet DG to request her to recommend my posting to Delhi as I had completed my prescribed tenure and my presence was required at Delhi because of follow up treatment for my son, not only no appointment was given none of my letters was ever replied to and I continue to languish at Shillong. I am the longest serving Central Govt. officer in the North East without any work.

As you know, because of the hardship factor, DOPT has laid down tenure for Central Govt. staff i.e. three years for those with less than ten years of service and two years for those with more than ten years of service. In my case even after exclusion of total leave availed, there is no inkling as to when I would be transferred. In north East due to presence of several militant groups, living conditions are very hard and outsiders especially Central Govt. staff are easy targets for any of the numerous militant groups active in various parts. Everyone has to remain indoor after six p.m. and observe all kinds of precautions while going out for normal work. Under such conditions retaining anyone in North East even after expiry of prescribed tenure is not only inhuman but also against govt. instructions. One can easily judge the real intention behind continued retention (or detention) in the North East. Last month, more than fifty outsiders were killed in Assam for no fault of theirs.

Contd...P/5

But our worthy Director General is not bothered about rule position and other niceties. To instill terror among officers and staff, she did not feel shy of posting an honest officer second time to North East at Tezpur as he was considered not pliable while working in Dte. General of Defence Estates and needed to be taught a lesson.

During all these years, not only I wrote several letters addressed to the Min. of Defence, I also met following officials of MOD to personally apprise them of prevailing corruption and my victimisation and harassment.

Shri R.P.Bagai, Joint Secretary and CVO Jan'2001.

Shri P.K.Rastogi, Joint Secretary Training and
looking after affairs of DGDE
July, 2003.

Shri Thomas Mathews, Joint Secretary & CVO and
Director Grievances Dec'2003.

Shri Thomas Mathews, Joint Secretary after hearing my plight was kind enough to assure me that I would be posted to Delhi soon. I specifically brought to his notice how my victimisation increased after I brought out fraudulent and motivated handling of cases of Sonapur Tea Company, how my TA/DA claims were withheld resulting in stoppage of my salary and how I was unable to look after my son suffering from kidney ailment and how officials facing disciplinary cases were given important and sensitive charges in the Directorate General of Defence Estates. Although almost one month has passed, neither my TA claim has been cleared nor any intimation about my posting to Delhi given.

I do not know how much more time it would take for my transfer to Delhi to materialise and I apprehend very stiff opposition from Director General of Defence Estates to my transfer to Delhi in view of her tremendous clout and virtually unassailable position.

Contd...P/6

Sir, I have been given harsh treatment not because the department has forgotten me because of my posting to a far off place in the North East but to make an example of me so that no one can ever dare oppose unlawful commands of the Director General of Defence Estates. By keeping posts vacant in the North East and making an example of me, DGDE gets her wrong orders complied very easily as vacant posts in the North East are a grim reminder of likely consequences in the event of any resistance and posting of an officer second time to North East at her instance further strengthens this fear.

Unlawful activities of the Director General of Defence Estates are not something which are known only to few people but are in public domain after wide media coverage and headlines in newspapers in January, 2003 and onwards about various acts of omission and commission by Director General.

One officer, namely Shri Mohinder Lal presently Joint Director at Lucknow brought out working style of DGDE by giving details of arbitrary transfer postings of honest officials and choice postings to favoured ineligible and officers facing disciplinary cases in his application before CAT Jodhpur only last year. In the reply affidavit filed, though it was promised to make transfer/postings as per rules and policy i.e. JTS officer against JTS post, SPS officer against SPS level post and JAG level officer against JAG level post. But hardly any corrective action has been taken as yet. Arbitrary transfer postings brought avoidable embarrassment to the then Defence Secretary who had to tender an unconditional apology for the lapses of the DGDE to avoid contempt proceedings.

More information about malafide working style of Director General of Defence Estates can be given if it is assured that necessary confidentiality would be maintained and proper action taken as per rules. Since no effective action has been taken so far against the Director General of Defence Estates for her various acts of Omission and Commission, impression has been strengthened that she enjoys high level protection and her position is totally unassailable and on the contrary anyone who does not toe her line would surely come to grief. My case is one live example to deter others and secure easy and immediate compliance of illegal and arbitrary orders of DGDE.

Contd...P/7

Sir, an independent and dispassionate assessment of current state of affairs of Defence Estates Department will reveal startling facts i.e. all efforts are directed towards creating corruption friendly ambience to facilitate any and every type of fraud at the cost of Core Defence Estates Management functions. For example hardly any meaningful and focussed efforts have been made to update land records, remove encroachments and safeguard defence lands, administer leases properly by timely action, defend court cases or even present Cantonment Administration Report to the Parliament in time. Due to slackness and no accountability, properties of various Central Govt. Departments get attached routinely and Defence Secretary is served with contempt notices by various courts at frequent intervals.

Performance audit of Defence Estates Department will clearly bring out widespread in efficiency delay, corruption, cover up and misuse of government resources. Such a situation requires serious attention.

Cases of corruption high lighted above were those which were dealt with by me and are only a tip of the iceberg. There are many more cases where motivated handling on the part of the DGDE is clearly revealed. One such case which has baffled many officers is cited below.

RPS Sidhu Ex.Chairman Punjab Public Service Commission, managed to get hold of a defence owned property in Kasauli Cantt. through fraud and raised massive unauthorised constructions which were illegally regularised by then Joint Director, Defence Estates, Chandigarh. Not only no action was taken inspite of orders of Raksha Mantri to initiate criminal proceedings, against the officer concerned i.e. the then Joint Director, Defence Estates, he was actually rewarded with a choice posting of DEO, Pune. Till date not only no criminal proceedings have been initiated against him, he has not served even with a charge sheet. Such blatant disregard of RM's orders and full protection to the delinquent official is bound to send a strong signals about high level clout of the Director General and completely demotivate the honest officials.

Contd...P/8

You may recall that when not very long ago, an attempt was made during 2001 to scrutinise the working of Defence Estates Department and its utility in its present form DGDE directed all field officers to bring political pressure to stop any review and possible merger and when the then Defence Secretary took a dim view of such attempts, our DGDE conveniently passed the buck to field officers and even recommended action against them.

When serious complaints like misuse of defence aircraft for pleasure trips, and appropriation of almost forty percent of total working space for her own office and 'Secretariat' and removal of her office at a cost of Rs.37 lacs remained uninvestigated even when project for construction of a permanent building for DGDE was in the process of being sanctioned DGDE became further bold and more ruthless. Fictitious and bogus replies/reports are sent to the Min. of Defence as a matter of routine at the instance and directions of DGDE secure in the belief that there would be no scrutiny/examination and what ever is recommended would be accepted automatically. This impression needs to be dispelled.

It is also pertinent to mention that with a view to changing corruption friendly ambience of Defence Estates Deptt. I sought permission of DGDE for publishing an article on the theme of widespread corruption in public administration.

As the requisite sanction was not communicated, inspite of a reminder, the article appeared in the Statesmen of 07.8.03 without my name. The article accurately describes the working of Defence Estates Department.

Finally, after all my efforts having failed to secure any meaningful intervention against high level corruption in Defence Estates Deptt. and with no end to my suffering I had been seriously thinking of quitting government service but I changed my mind following widespread reaction after murder of Shri Satyendra Debey, an upright engineer working with NHAI. His sacrifice has strengthened my resolve to fight corruption and my letter to Justice A.S.Anand, Chairman National Human Rights Commission was intended as my humble contribution to strengthen efforts aimed at making public administration responsive, transparent and accountable and ensuring that no one gets murdered for working honestly and in no way to cause any discomfort or embarrassment to any official of MOD for/in whom I have highest regards and full confidence.


(47) 56

PAGE - 9

Your endorsement on my letter asking me to furnish details is quite timely and can go a long way in addressing the serious problems basetting the Defence Estates Deptt. Hence this letter to be followed by more details if granted a personal hearing. I am willing to come to Delhi at my own expense for a personal hearing.

Copies of letters written earlier and mentioned above are being sent separately.

Yours faithfully,


(SUDHIR CHOPRA)
Joint Director,
Defence Estates,
Shillong.



Annexure F6.

42

NO.JD/SHG/PER/SC/VOL-II
Office of the Joint Director,
Defence Estates, Min. of Def.
Cantt.Bung.No.36, Shillong-1.

Dated, the 5th Feb' 2004.

To

Shri Gautam Chatterjee,
Joint Secretary & Director Grievances,
Ministry of Defence,
South Block, New Delhi.

Sir,

Kindly refer to my letter No.JD/SHG/PER/SC/VOL-II dated 02.12.2003 addressed to Shri Thomas Mathew and another letter of even dated 20.06.2003 addressed to Secretary, Ministry of Defence regarding my transfer/posting to New Delhi on completion of prescribed tenure of two years in the North East. I was posted to North East in June, 2000.

I also met Shri Thomas Mathew, J.S. on 17.12.2003 and personally explained to him about my victimisation and harassment by not posting me out of Shillong and other acts. On receipt of communication vide your No.1187/Vig-III/03 dated 24.12.2003 details as asked for were also furnished vide No.JD/SHG/PER/SC/VOL-II dated 16.1.2004.

During my meeting with Shri Thomas Mathew, I was assured that I would be transferred to Delhi soon. More than fifty days have already passed but I have not been transferred. Principal Director, Defence Estates had already recommended my posting to Delhi at the earliest (copy of letter of PD, DE, Eastern Command is enclosed)

I shall be grateful if orders for my immediate posting to Delhi are issued.

Yours faithfully,

Sudhir Chopra

(SUDHIR CHOPRA)
Joint Director,
Defence Estates,
Shillong.

Copy to :-

Shri S.K.Sharma,
Joint Secretary (ESM)
Ministry of Defence,
South Block,
New Delhi.

- For information and
necessary action.

[Signature]

Annexure F-7 Regd

43

58

NO. JB/REG/PT/SC/VOL-II
Office of the Joint Director,
Defence Estates, Min. of Def.
Cantt. Bng. No. 16, Shillong-1.
Dated, the 10 Feb' 2004.

To

The Secretary,
Min. of Defence, (S-Vig)
Room No. 246, A Wing,
Cona Bhawan, New Delhi.

Subject : MURDER OF SHRI SATYENDRA DUBEY : STEPS
REQUIRED TO END HARASSMENT AND
VICTIMISATION OF OFFICIALS WHO RESIST
AND OPPOSE CORRUPTION AND PREVENT FURTHER
MURDERS OF HONEST OFFICIALS.

Sir,

This is in continuation of this office letter
No. JB/REG/PT/SC/VOL-II dated 16.01.2004 in which relevant
facts about harassment and victimisation of the
undersigned were given. Copies of following supporting
letters are enclosed for your information and necessary
action.

- Copy of letter to Defence Secretary/CVC - Annex-1
- Copy of letter to Director, DE, EC/PCDE - Annex-2
requesting them to intimate what is the to 7
charter of duties of JD, DE.
- Copies of letters to Director, DE, EC/PCDE - Annex-3
regarding filling up of vacant posts.
- Letter to Director, DE, EC & PCDE - Annex-4
regarding corrupt activities of
Shri N.V. Nair, ADEO, Guwahati. to 17
- Departmental instructions regarding - Annex-18
role of Defence Estates Officer in and 19
C.A. matters.
- Copy of Fax message of Dte. DE asking me - Annex-20
to detail Shri N.V. Nair, ADEO, Guwahati
to Supreme Court in complete violation
of departmental instructions.
- Copy of letter asking me to hand over - Annex-21
addl. charge of DEO, Guwahati to
Shri N.V. Nair, ADEO about whose corrupt
activities I had reported to Dte. & DC.
- Correspondence regarding initiating ACR - Annex-22
of Shri N.V. Nair, ADEO. (I was not and 23
allowed to initiate his ACR and he was
promoted to JTS and later on given higher
charge of DEO, Ambala as STS level post.

Contd... 2/2

Correspondence regarding withholding of my TA/DA claims. - Annx-24 to 28

Letters to Secretary Defence seeking his intervention in getting sanction for treatment from a CGHS approved hospital for my son suffering from kidney ailment. - Annx-29 to 34

Letter to Defence Secretary in June, 2003 apprising him about my continued victimisation and harassment and requesting him for my transfer to Delhi. - Annx-35

Letter to Shri Thomas Mathew, Joint Secretary and Director of Grievances, Min. of Defence. - Annx-36

From copies of above mentioned letters it will be clear that the undersigned has been harassed and victimised after he brought out motivated and fraudulent handling of cases.

What surprising everyone is that how come no cognizance was taken of serious complaints alleging corruption at the highest level with the result that things have reached such a level that CBI had to recently organise raids at various places.

Sir, while enquiring into the above you may also like to enquire about the reasons for not taking action on corruption complaints for such a long period.

The undersigned will be willing to give further information if required and takes full responsibility for correctness of allegations levelled.

Yours faithfully,



(SUDHIR CHOPRA)
Joint Director,
Defence Estates,
Shillong.



Annexure F8

50

CONFIDENTIAL

NO. JD/SHG/DEF/SC/VOL-II
Office of the Joint Director,
Defence Estates, Min. of Def.
Cantt. Bungalow, No. 26, Shillong-1.

Dated, the 14/5/2004.

To

Defence Secretary,
South Block,
New Delhi.

Subject : VICTIMISATION AND HARRASSMENT OF
SHRI SUDHIR CHOPRA, JOINT DIRECTOR,
DEFENCE ESTATES, SHILLONG.

Sir,

I was posted as Joint Director, Defence Estates, Shillong in July, 2000. Due to hardship factor, Govt. of India (DOPT) has laid down tenures for Central Govt. staff posted in the North-East. Three years for those with less than ten years of service and two years for those with more than 10 years of service, with a provision for posting to a choice station on completion of tenure (I have put in 22 years of service).

I have already completed my tenure long time ago and I am the longest serving Central Govt. officer in the North-East who has still not been posted out. As I have brought out in my numerous letters written to you, I am being victimised and harassed by the Director General of Defence Estates after I brought out motivated and fraudulent handling of a case namely UOI-Vs State of Assam in which all out efforts were being made to arrange undue pecuniary payment running into crores to a private party namely Sonapur Tea Co.

I have already given details of my harassment and victimisation and how even after completion of tenure I have still not been transferred to Delhi where my family is residing and my son is under going treatment for a serious kidney ailment.

I am being deliberately retained in Shillong by the Director General to a post without any steno/peon or charter of duties long after expiry of tenure perhaps with the intention that if due to militancy and general law and order situation in the North-East if I get killed no blame would accrue to her and she would get rid of an inconvenient officer and if I manage to survive resultant hardship would make an example of me and no one in future would dare speak against corruption.

Contd...P/2

On receipt of letter from Under Secretary (Vig.) dated 24.12.2003 I furnished more details vide letter No. JD/SHG/PER/SC/VOL-II dated 16.01.2004. Earlier when I met J.S. Vig. and Public Grievances Shri Thomas Mathew on 17.12.2003, I was assured that I would be transferred soon to Delhi. But more than four months have already elapsed but I have still not been transferred and continue to languish at Shillong.

In view of the facts stated, it is requested that I may kindly be transferred to Delhi as per rules of DOPT so that I can be with my family and ensure proper follow up treatment for my son suffering from kidney ailment.

Copies of following letters are enclosed.

Yours faithfully,

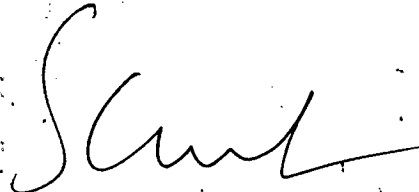
(SUDHIR CHOPRA)
Joint Director,
Defence Estates,
Shillong Cantt.
Shillong.

Copy to :-

Shri S.K. Sharma,
J.S. (E.S.W)
Ministry of Defence,
South Block,
New Delhi.

Encls :

1. Copy of complaint dated 09.06.2000.
2. Copy of letter addressed to Shri Subir Dutta, Defence Secretary dated 24.02.2003.
3. Copy of letter dated 20.06.2003 addressed to Secretary Min. of Defence,
4. Copy of letter dated 02.12.2003 addressed to Shri Thomas Mathew, Joint Secretary & Director Grievances.



Annexure F-9

E 103

SS-A

62

Kalkaji N Delhi

June 16th 2004.

Phone no 26415831
26448394

Shri P.K. Mishra,
Addl. Secretary,
Min. of Defence
South Block N Delhi

Sub: Request for an interview

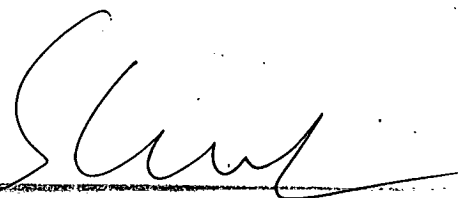
Sir,

I am posted as Joint Director Defence Estates. Shillong since July 2000 (and presently on leave since 7/6/2004) Even after completion of prescribed tenure of two years I have not been posted to Delhi where my family is residing (officers posted to North East are entitled to choice posting on completion of tenure as per DOP's orders. I have written several letters highlighting my victimisation and harassment.

To give latest example, I have still not been issued NOC for going to UK for two weeks even though application was given on 1/4/2004 and other information also furnished more than a month ago.

I shall be grateful for giving me a personal audience so that I can personally apprise you about my victimisation and harassment.

Yours faithfully
Sushin Chopra
Joint Director Defence Estates



Annexure F 10.0.5 / speed Post

58-B

NO.JD/SHG/PER/SC/VOL-II
Office of the Joint Director,
Defence Estates, Min. of Def.
Cantt.Bung.No.36, Shillong-1.

To
Dated, the 23 July, 2004.

Shri Ajay Vikram Singh,
Secretary,
Ministry of Defence,
South Block,
New Delhi.

Subject : TRANSFER/POSTING OF SUDHIR CHOPRA,
JOINT DIRECTOR, DEFENCE ESTATES,
SHILLONG.

Sir,

As per Govt. of India DOPT orders two and three years tenure has been prescribed for Central Govt. staff posted in the North-East. (Two years for those with more than ten years of service and three years for those with less than ten years of service).

I was posted to Shillong in June, 2000 and joined duties on 24th July, 2000. I did not shift my family from Delhi considering that I would be transferred back to Delhi on completion of two years of tenure as provided under the DOPT orders. However even after completion of tenure, I have still not been transferred and due to health problem of my younger son who is suffering from kidney ailment, I have to frequently go on leave to Delhi. Due to mal functioning of left kidney, my son developed infection followed by acute pain and had to undergo an emergency operation in June, 2002 followed by another surgical procedure during August, 2002.

But even after two operations, his left kidney is functioning at 9% only and great care and caution is required to ensure that there is no deterioration in its condition. Otherwise it will have to be removed. My son requires regular medical follow up and guarded against any infection or fever. As I am located more than 2200 kms. away from Delhi where my family is residing, it has become extremely difficult for me to go to Delhi frequently or continuously remain on leave for long periods. It takes minimum three days to reach Delhi by train and reservation is available after one month. One way air fare alone being Rs. 8,960/- is beyond my pocket. I cannot bring my son to Shillong as requisite medical facilities are not available here for DTPA Scan/or kidney operation or other emergency. COPY of DTPA Scan report of my son indicating the functioning of his kidney to appreciate the gravity. Due to highly stressful condition my health has also deteriorated and I have to take regular medicine for hypertension and high blood sugar levels.

I was already
furnished to
Shri Thano Halkar
J.S. during Dec 2003

Contd...P/2

I have written numerous letters addressed to Secretary of Defence highlighting my plight. I will request you to order my transfer to Delhi as per orders of the DOPT on the subject.

Most other officers who were posted alongwith me vide orders No.134/1/ADM/DE(1) dt.05.06.2000 have been posted second time except me whereas I alone was posted to a hard station in the North-East having prescribed tenure of two years.

Yours faithfully,

Sudhir Chopra
(S-UDHIR CHOPRA)
Joint Director,
Defence Estates,
Min. of Defence,
Shillong.

Sudhir Chopra

Annexure F-11

61/A/3

NO.JD/SHG/PER/SC/VOL-II
Office of the Joint Director,
Defence Estates, Min. of Def.
Cantt.Bung.No.36, Shillong-1.

Dated, the 12 Oct' 2004.

To

Shri Ajay Vikram Singh,
Secretary,
Ministry of Defence,
South Block,
New Delhi.

Subject : TRANSFER POSTING OF SUDHIR CHOPRA,
JOINT DIRECTOR, DEFENCE ESTATES, SHILLONG.

Sir,

Kin-dly refer to my letter No.JD/SHG/PER/SC/VOL-II dated 23.07.2004 in which I had requested for my posting to Delhi after having spent almost four years in Shillong against prescribed tenure of two years. I had also brought my personal problem on account of health problem of my son who had undergone two major kidney operations and required continuous follow up as his left kidney was working 9% only.

As considerable time has elapsed and you must have obtained report on my request, I will request you to intervene in the matter so that I do not continue to suffer victimisation and harassment for having exposed corrupt activities of Director General of Defence Estates details of which have already been furnished.

Yours faithfully,

Sudhir Chopra
(SUDHIR CHOPRA)
Joint Director,
Defence Estates,
Shillong.

Sudhir Chopra

Annexure F-12 Confidential

64B

NO.JD/SHG/PER/SC/VOL-II
Office of the Joint Director,
Defence Estates, Min. of Def.
Cantt.Bung.No.36, Shillong-1.

Dated, the 9th Nov'2004.

To

The Additional Secretary(I)
Ministry of Defence,
South Block,
New Delhi.

Subject : REQUEST FOR A PERSONAL HEARING
ON 11TH NOVEMBER, 2004.

Sir,

I am an Indian Defence Estates Service Officer 1980 Batch and posted as Joint Director, Defence Estates, Shillong since July, 2000. Against normal tenure of two years I have been languishing at Shillong for almost four and half years without any work, prescribed charter of duties peen or stene and have been mostly sitting idle. I have been given unprecedented punishment for having exposed corrupt activities of Director General of Defence Estates. My retention at Shillong much beyond expiry of tenure is being continued so that if I get killed due to militancy and prevailing law and order situation no blame would accrue to the Director General of Defence Estates as she would get rid of an inconvenient officer who had been resisting her corrupt activities and if I manage to survive resultant hardship would make an example of me so that no one would dare speak against her corrupt activities details of which have already been furnished.

I have written numerous letters to all including Cabinet Secretary, CVC and Hon'ble Prime Minister. I was assured by Joint Secretary, Ministry of Defence Shri Thomas Mathew whom I met on 17th December last year that I would be transferred soon to Delhi where my family is residing.

Almost one year is going to pass but nothing was happened. I may kindly be granted a personal hearing on 11th November, 2004 when I will be in Delhi so that I can narrate my victimisation and harrassment and seek your intervention for my transfer to Delhi and action against DG, DE for victimisation harrassment and her corrupt activities.

Yours faithfully,

Sudhir Chopra
(SUDHIR CHOPRA)
Joint Director,
Defence Estates,
Min. of Defence,
Shillong.

Delhi Contact No
26415831
26448394.

Sudhir Chopra

Annexure F-13

No. AS/182/ACQ.
Office of the Joint Director
Defence Estates, Min. of Def.
Cantt. Bung. No. 36, Shillong.

Dated, the 25 November, 2004.

To

The JS & CVO
Min. of Defence

SUB: COMPLAINT ABOUT MOTIVATED AND FRAUDULENT
HANDLING OF A CASE NO. MA(F) 10(SH) OF
2000 UNION OF INDIA -VS- HELIMON DIENGDOH.

Sir,

This is to report about motivated and fraudulent handling of a land acquisition case which has led to unnecessary/avoidable payment of around Rupees One Crore by way of interest alone.

In this case after the undersigned blew the whistle and resorted to intimidatory tactics by threatening action against the undersigned for reporting the matter to the Min. of Defence. Brief facts are given below :-

Land measuring 93 acres located at S.E. Falls, Shillong was acquired for defence use under LA Act. during 1970s. Possession of the land was taken over on 6.2.1970 pending declaration of award of Rs. 23,71,097 on 8.2.1974 (comprising compensation for land @ Rs. 50 paise per sq. ft. plus compensation for trees at Rs. 36,284 plus additional compensation under Sec. 23(2) amounting to Rs. 3,09,27360). Due to some ownership dispute among the claimants, an amount of Rs. 5,00,000 only was disbursed to one Shri Khonghai and balance amount was drawn and kept in Revenue Deposit Account pending resolution of ownership dispute which was settled in 1999 by the High Court i.e. after 25 years.

An amendment petition to land reference case said to have been filed in 1974 was filed in 1999 i.e. after settlement of the ownership dispute, claiming higher compensation for land. Reference Court vide its order dt. 23.12.99 enhanced compensation of land, trees and awarded interest @ 9% from the date of taking over possession to the dates of making payment (i.e. even for the period of twenty five years when land reference proceedings remained suspended due to ownership dispute for no fault of Govt.) plus solatium @ 30%.

Surprisingly an appeal filed in the Guwahati High Court in Dec '2000 did not include this important fact and was neither approved by anyone nor by the then DEO Guwahati. This appeal bearing No. MA(F) No. 10(SH) 2000 was decided on 12.11.2002 in favour of land owner by further enhancing rate of land compensation plus interest @ 9% for first year and 15% for subsequent year as important facts were carefully concealed.

Surprisingly no SLP was filed to challenge orders of the High Court dt. 22.11.2002 and land owners get a decree issued from the High Court in 12.05.03 for Rs. 1,10,42,959.00 plus execution charges amounting to Rs. 2,96,576.34. Even at this stage no action was taken to file any SLP. Instead when execution proceedings was initiated by the Execution Court, Addl. C.G.S.C. informed the court on 18.2.2004 that Govt. sanction for payment of decretal amount has been issued and

contd.....P/2

47

only funds were to be released. Adjournments were taken by assuring the court in this manner and written directions were issued to the DEO by DG DE vide letter No.201/XXX/ACQ/EC/DE dt.17.8.2004 to send calculation of decretal amount for obtaining sanction under the charged head. Earlier vital facts were concealed in the note sent to Land Branch Secretariat by DEO Guwahati at the time of seeking legal opinion to avoid filing SLP in the Supreme Court.

The Execution Court of Special Judicial Officer, Shillong after giving several opportunities for making payment of Rs.1,15,00,000, Rupees One Crore consists of interest alone mainly for the period when land reference proceedings were held in obedience due to no fault of the Govt. because of some dispute among the owners as stated above.

Even after suggesting filing of an SLP bringing out vital fact about inadmissibility of interest aspect as also the fact that appeal filed in the High Court of Guwahati was neither approved by anyone nor bore the signatures of the then DEO, undertaking was given in the Court of Special Officer, Shillong on 26.8.04 by Shri G.N.Mathur officiating DEO Guwahati that sanction for payment of decretal amount was in the process of being issued and three months time may be granted for making payment. This undertaking was given based on verbal instructions issued to Shri G.N.Mathur by Addl. DG.DE (Acq).

However on the next date of hearing on 29.10.04, when DG.DE was ordered to be personally present in the event of non payment, Addl.DGDE (Acq) who appeared on DGDE's behalf alongwith Director, DE. EC and DEO Guwahati apprised the court that an SLP has been filed in the Supreme Court and two months more time may be given. Director DE EC gave an undertaking to make payment in case no favourable orders were issued by the Supreme Court. The Court granted time upto 10.12.2004 for making payment on the assurance contained in the affidavit filed by him.

On 05.11.2004, the undersigned was directed by PD DE EC to go to New Delhi and meet Addl. Solicitor General to brief him as the SLP was to come up on 16.11.2004 and attend the hearing. A copy of SLP sent by PD DE revealed that neither any condonation of delay application filed if any alongwith stay application filed (if any) was furnished nor the important facts were brought out in the SLP and whole purpose of filing SLP appeared to be to simply go through the motion of safeguarding govt. interests while doing actually the opposite.

Immediately after these serious lacunas were reported in writing the undersigned was conveyed by PD DE EC not to meet Addl. SG or attend the SLP matter in the Supreme Court on 16.11.04 as per instructions of DG DE.

It appears, after the undersigned reported in visiting about non serious nature of SLP, it was decided by DG DE not to let the Addl.SG come to know about the real fraud being played and identity of players and the real motive behind filing of SLP.

filed in a half hearted manner
As was feared, SLP was not admitted by the Supreme Court on 16.11.04 for reasons of delay. Whether condonation of delay application was filed at all or not is also not known.

contd.....P/3.

64 69

- 3 -

Now after rejection of SLP at admission stage itself DGDE is learnt to have asked DEC to send a proposal for obtaining sanction under charged head and it is not known how MOD will issue sanction without proper scrutiny and examination so as to fix up responsibility for loss to the Govt. to the extent of Rs.1 Crore well before 19th Dec 2004 in view of undertaking given by Director DE EC to make payment by that date.

Since in this case loss to the Govt. is attributable to motivated handling of the case, it is requested to hold a proper enquiry to fix responsibility. It is also requested to alert the Defence (Fin) LA (Def) & D (Lands) about this case.

Supporting documents being sent separately

Yours faithfully,

Sudhir Chopra

(SUDHIR CHOPRA)

Joint Director

Defence Estates, Min. of Defence,
Shillong.

Sudhir Chopra

--- payment of decretal amount ~~has been issued and~~ Govt.

contd.....P/2.

47



6902 (Army)
0364-2548946 (Civil)

Sudhir Chopra

Joint Director,
संयुक्त निर्देशक,

Annexure F-14

JD/SHG/PER/SC/VOL-II

N.O. No.
Office of the Joint Director.
संयुक्त निर्देशक
Defence Estates, Ministry of Defence
उत्तर पूर्व, बंगला कान्ट नं. 33
उत्तर पूर्व कैंप कैंप नं. 33
Shillong Cantt. Shillong - 1
Dated the 18 December, 2004.
Signature

Reference telecon of date.

As per DOPT's instructions, on completion of prescribed tenure in the North East (two years for those with more than ten years of service and three years for those with less than ten years), one is entitled to posting to a choice station. CAT Guwahati in case of Tapan Kumar Chakraborty Vs. UOI & others in OA No.487/2001 has held that transfer to place of choice on completion of tenure in North East cannot be denied. (Zerox of DOPT's instructions reproduced from Swami's Hand Book and extract from Nabhi's Refrencer for Central Govt. Employees 2004 are enclosed for ready reference).

In my own case I have completed almost twice the prescribed tenure after my posting at Shillong in July, 2000 in the North East and after having written numerous letters to all I was hoping that justice would at last be done to me. As I understand, DGDE is opposing my transfer to Delhi for which I had given my choice and where my family is residing. Obviously, I cannot fit into present DGDE's scheme of things because of her preference for officers facing vigilance cases for posting to Delhi, because being vulnerable, they can be manipulated easily. You may ascertain this fact from your Vigilance Section. As I have been continuously highlighting motivated and fraudulent handling of cases giving details, resistance from her is quite obvious. Now that she will be retiring in January, 2005, her recommendation should be scrutinised considering her track record and DOPT's instructions on the subject and ruling given by CAT Guwahati.

Contd...F/2



Joint Director,
संयुक्त निर्देशक,

D.O. No.

क्र.स.

Office of the Joint Director,

कार्यालय संयुक्त निर्देशक

Defence Estates, Ministry of Defence

रक्षा सम्पदा, रक्षा मंत्रालय

North East, Bunglew Cantt No. 33

उत्तर पूर्व बंग्लो कैंट नम्बर ३३

Shillong Cantt. Shillong - 1

शिल्लोंग कैंट, शिल्लोंग - १

Dated the

दिनांक

PAGE - 2

Due to highly stressful situation my own health deteriorated after coming to Shillong and I developed high blood sugar levels and hypertension and as already intimated my younger son's left kidney is working at nine percent only and he requires continuous follow up and monitoring. Under these circumstances my request for posting to Delhi be considered sympathetically.

Encls : Extracts from Swami Hand Book.

Extract from Nabhis Refrencer.

Yours

Sd/- Chatterjee

Shri Ranjan Chatterjee
Joint Secretary, CVO & Director, Public Grievances
Ministry of Defence
South Block
New Delhi.

Sd/-

-Annexure G-1-

22-A

E-103, Kalkaji,
New Delhi-110019

Sept. 4, 2002

Shri P. Shankar
CVC
New Delhi.
Fax No: 4651017

Sir,

Kindly accept my congratulations on your becoming CVC. I wish you great success in your initiatives.

I had the opportunity of meeting Shri N. Vittal six times during last two years in connection with a complaint lodged by me against corrupt activities of the Director General of Defence Estates. In spite of several letters written by Shri Vittal no reply seems to have been furnished by the department (DGDE).

I am writing this in the hope that my case will give you an idea about the extent of rot that has set in and the magnitude of the problem. This case can also provide you useful clues as to why our country ranks among the most corrupt in the world, in spite of sincere efforts made by Shri N. Vittal. My case file No. is 000/Def/05.

I look forward to meeting you and shall be grateful if an appointment can be given before 13th Sept. 2002. I am presently on leave and can be contacted at phone no. 6424065 or 6415631.

Thanking you,

Yours faithfully,

Sudhir Chopra
(SUDHIR CHOPRA)

Jt. Director Defence Estate,
36, Shillang Cantt.
(Camp at Delhi)

Sudhir Chopra

Annexure-2

32-A

25

File No. 24851009

24, Dec. 2003

Shri P. Shankar

CVC

New Delhi

Sir,

Sub: Victimisation & harassment
Request for interview

I have written numerous letters but have not received any reply since Aug 2000. More than three years have already elapsed. The only information I have been given is that requisite report is awaited from Min of Defence.

I will request you to grant me an appointment as I am presently in Delhi (till 31st Dec) so that I can personally request you to expedite enquiry into the matter.

Yours faithfully

Sushil Chopra

Joint Director

Defence ES & P

36, Shillong Court

Delhi Contact phone no

26424065

26415831

E103 Kalkaji

Sushil Chopra

Annexure G-3

18/24

NO.JD/SHG/PER/SC/VOL-II
Office of the Joint Director,
Defence Estates, Min. of Def.
Cantt.Bung.No.36, Shillong-1.

Dated, the 11th May, 2004.

To

Shri P.Shankar,
C.V.C.
Starkata Bhawan,
INA, New Delhi.

Subject : VICTIMISATION AND HARRASSMENT.

Sir,

Ld 13/11/2003
This is in continuation of my letter No.JD/SHG/PER/SC/VOL-II/I have been regularly writing since June, 2000 to Shri N.Vittal, CVC and to you after you became CVC about my harassment and victimisation for having opposed corruption in Directorate General of Defence Estates. After initial acknowledgement in August, 2000, the only reply I have so far received (on telephone) is that regular reminders are being sent to Ministry of Defence and in the absence of requisite reply, no further action could be taken.

It is going to be almost four years since I made complaint to then CVC giving details of corruption cases and my victimisation and harassment for having resisted corrupt activities of the Director General of Defence Estates.

My victimisation and harassment was not limited to posting me to Shillong to a post without any peon/steno or charter of duties, but increased manifold after I brought out another case known as UOI Vs State of Assam while holding additional charge of DEO, Guwahati where all out efforts were being made to arrange undue payment running into crores to a private party, namely M/S Sonapur Tea Co. by suppressing the most important fact that bulk of the land except for 7-8 acres out of 475 acres had already come within the purview of Land Ceiling Act of Assam Govt. Not only my TA/DA claims for going to Hon'ble Supreme Court were withheld resulting in recovery of TA/DA amount from my salary, I was divested of the additional charge, permission to avail treatment for my son suffering from a serious kidney ailment was withheld unless the matter was brought to the notice of the then Defence Secretary in August, 2002.

Ld 13/11/2003
As I have already pointed out in my letter dated 11.12.2003 addressed to Chairman, NHRC with a copy to you (another copy enclosed) that inconvenient officers are transferred to North-East and J&K perhaps in the hope that if they get killed because of militancy, no blame would accrue to them and even otherwise if they manage to survive, resultant hardship and suffering would deter others from exposing corruption.

Contd...P/2

Due to hardship factor Department of Personnel & Training has laid down tenure for Central Govt. staff in the North-East. Three years for those with less than 10 years and two years for those with more than 10 years. As per rules, officers posted to North-East are to be given a posting of their choice after completion of tenure. In my case, I will be completing almost double the tenure. (I joined my duties in July, 2000).

I have written several letters stating the above facts and giving details of corruption cases but there is no sign of any end to my harassment and victimisation and action against those involved in corruption cases.

Recently Govt. of India, Department of Personnel & Training has filed a copy of Govt. resolution No.371/12/2002 AND III dated 21.04.2002 before the Hon'ble Supreme Court in Satyendra Dubey's murder case Writ Petition No.539/2003 stating that whistle blowers would be protected from harassment and victimisation. But in my case harassment is continuing unabated by retaining me in the North-East even after expiry of tenure inspite of all the facts having been brought to your notice. As I have already brought out in my letters, regular follow up is required for my son as his left kidney is working at 9% only and he had to undergo major surgeries during June, 2002 and August, 2002. It is very difficult for me to go to Delhi where my family is residing. It takes three days to reach Delhi by train from Shillong.

Because of highly stressful situation, my own health has also deteriorated and I have developed diabetes and hypertension. But Director General has become highly vindictive and revengeful as I exposed her corrupt activities and is determined to make an example of me so that no one in future will ever dare speak against her corrupt activities.

In view of the facts stated above and DOPT Resolution filed before the Supreme Court in Satyendra Dubey's murder case this letter of mine may be treated as a complaint before the Designated Agency for seeking redress by way of (i) expediting enquiry into the complaints made by me and (ii) my transfer to Delhi as per rules of DOPT on the subject i.e. choice station to be given after completion of tenure in the North-East.

Yours faithfully,

(SUDHIR CHOPRA)
Joint Director,
Defence Estates,
Shillong Cantt.
Shillong.

Sudhir Chopra

Annexure H

Tele. Milly. : 6902

Civil : 0364-2548946

NO. JD/SHG/PER/SC/VOL-II
Office of the Joint Director,
Defence Estates, Min. of Def.
36, Shillong Cantonment,

Shillong. Dated, the 16 May, 2004.

To

Smt. Manjulika Goutam,
Addl. Secretary,
Deptt. of Personnel & Training,
Min. of Personnel Public Grievances & Pension,
North Block, New Delhi.

Subject : RESO. NO. 371/12/2002-AND-III DATED
21.04.2004 FILED BEFORE HON'BLE SUPREME
COURT IN CIVIL WRIT PETITION C NO. 539/2003
REGARDING MURDER OF SHRI SATYENDRA DUBEY.

Madam,

Apropos resolution filed before Hon'ble Supreme Court in above Civil Writ Petition to protect the whistle blowers from possible victimisation and harassment for having filed a complaint against corruption or misuse of office, I want to state the following for your kind consideration and necessary action.

These Anonymous complaints should not be excluded from the purview of designated agency viz CVC from making any enquiry and recommending to the appropriate authority/agency/initiation of criminal proceedings, which contain full facts details and particulars and their veracity can be easily verified for the following reason.

In the absence of adequate safeguards, and there being no time limit for the concerned department to reply to communication on corruption complaint from the CVC and in the absence of any well defined transfer posting policy in various govt. departments, whistle blowers can be harassed and victimised by being transferred to far off and difficult places. For example, officers/suspected of blowing whistle on corruption matters run the risk of being shunted off to troubled and militancy affected areas like North-East and J&K so that if they get killed or kidnapped no blame would come to the person or authority at whose instance the transfer was made and if the whistle blower somehow manages to survive, the resultant hardship would make an example of him and no one in future will ever dare speak against corruption. The very nature of complaint will immediately give an idea about the identity of the person making it as everyone doesn't have access to all the facts relating to a particular case.

As per the above resolution, if the designated agency after making discreet enquiry is of the opinion that matter requires to be investigated further will seek comments or explanation from the head of the department. But when head of department himself/herself is involved in corruption, why will he/she respond to communication of the designated agency at all should be quite obvious especially when there is no time limit. Also when Single Directive is already in place and no enquiry can be made by any investigating agency against sanction of the govt. the whole matter under such circumstances will rest with the Head of Department and CVC will not be able to complete its enquiry and will have to satisfy himself by simply sending reminders.

(Contd...P/2)

One can well imagine, the plight of the whistle blowers in cases where Head of Department is himself/herself party to corruption as any official suspected of having blown the whistle will be immediately shunted off to North-East and J&K. These are no imaginary fears but represent the true reality. I have myself suffered for having resisted and opposed corrupt practices of the earlier and present Director General of Defence Estates. I was punished with a transfer to North-East in July, 2000 to the post of Joint Director Defence Estates a post without any charter of duties, peon or steno. I immediately brought this to the notice of the then CVC and personally met him six times till date but CVC has not been able to even elicit reply from the Director General of Defence Estates and I continue to languish at Shillong.

Keeping a person in Shillong to a post without any charter of duties, peon/steno much beyond expiry of two years tenure is clearly intended to convey the signal regarding likely plight of anyone who dares speak against corruption. Corrupt officials enjoy a strong support network and their position is virtually unassailable. In several govt. depts. like in Directorate General of Defence Estates, important posts are held by officers themselves facing vigilance cases. (In an article published in Statesman dated 07.08.2003 titled "The Day of the Crook" I have described the working of a corrupt govt. department and why corruption continues to flourish even in spite of govt's declared policy of following zero tolerance towards corruption.

Following widespread public outrage in the wake of murder of S-atyendra Dubey, and the Hon'ble Supreme Court being seized of the matter, the following steps need to be considered to protect whistle blowers from victimisation and harassment in view of what has been stated above.

- 1) Single Directorate should be abolished immediately.
- 2) Every govt. department should have well defined transfer posting policy and transfer/postings to North-East and J&K should not be by way of punishment. DOPT should monitor tenure of officers posted to North-East and J&K and ensure rotation.
- 3) Investigation by designated agency should be time bound and requirement of seeking comments of Head of Department be dispensed with where involvement of Head of Department is alleged in the complaint or Head of Department avoids furnishing reply within a reasonable time.
- 4) Anonymous complaints accompanied with full particulars should be duly entertained as informants seeing the plight of whistle blowers like in my case will be reluctant to identify themselves and incur the wrath of the authorities.
- 5) CVC should be empowered to give directions.

Contd...P/3

PAGE - 3

I am enclosing copy of complaint and letters giving details of my harassment and victimisation. You may like to ascertain from Ministry of Defence as to why I have not been transferred to Delhi, inspite of having completed the tenure and why the complaint is still at "Enquiry Stage". Having faced harassment and victimisation for almost four years continuously, I thought I must provide you inputs of a whistle blower in larger public interest.

Yours faithfully,

Sudhir Chopra

(SUDHIR CHOPRA)
Joint Director,
Defence Estates,
36, Shillong Cantt.
Shillong.

Copy to :-

Shri P. Shankar,
C.V.C.
Starkata Bhawan,
INA, New Delhi.

*One file W.O.O.D. (C)
refers.*

Sudhir Chopra

Annexure I

15

16, Shillong Cantt.

Shillong, Dated, the 15 March, 2004.

Shri P. I. Suvrathan,
Member Secretary & Additional Secretary, AR & PG,
Government of India, New Delhi-110001.

Subject : CIVIL SERVICE REPORTS.

Sir,

This is in response to your public notice in the Telegraph dated 06.03.2004 inviting views on the above topic. The undersigned humbly makes following suggestions for consideration of the Committee.

1. Every service/govt. department should be required to bring out a Vision Statement clearly outlining strategies to operationalise concepts of transparency accountability, and ethics in all its operations. Vision Statement should be prepared after detailed discussions with all the stakeholders, retired officers, eminent public figures, institutions of Civil Society and it should be accessible through internet. Annual Administration Report to be brought out by each department should clearly mention, among other things, report on performance audit of the department, action taken to make administration transparent, accountable and ethical and check inefficiency, corruption and wasteful expenditure and action taken on audit objections and nature of audit objections.
2. Every department should undergo performance audit and system of rating should be introduced. Departments with poor performance rating should be put on notice and in the event of persistent failure to improve performance these should be wound up/merged with other departments. System of certification on the lines of ISO 9002 may be considered.
3. Performance of individuals should be viewed in the context of overall performance of the department. Many times, individual officers get outstanding reports even when performance of the department as a whole is dismal. This anomaly should be addressed.

Contd...P/2

4. Early identification and intervention strategy should be devised to tackle inefficiency and corruption. There should be well defined procedure with safeguards for periodic weeding out of corrupt and inefficient govt. servants and retirement on superannuation should not be automatic. There should be continued justification for retaining every person appointed to govt. service. Corruption and inefficiency should be made high risk propositions.
5. Whistle blowers should be given requisite protection and single directive should be abolished.
6. While there should be quantifiable performance indicators and officer who performs well should be rewarded by methods other than out of turn promotions and no supercession should be allowed. Superceded officers become demoralised and demotivated and officers who are promoted out of turn hardly do any good to the department or public administration as such.
7. Disciplinary proceedings should be completed in a time bound manner. Vigilance officer should not be under the control of the administrative head of the department.
8. There should be well defined transfer & posting policy to be administered by a group of officers. Every officer must get an opportunity to serve in J&K and North East and postings to these places should not be by way of punishment. To sensitise officers to problems of rural areas and disadvantaged sections of Society, they should be encouraged to serve in rural areas/with NGOs and preference should be given for training courses in foreign countries/posting on deputation/higher studies to such officers who volunteer to work in rural area/with disadvantaged groups.

Contd...P/3

9. Best practices and innovative experiments should be widely discussed and replicated. There should be a system of public hearing at regular intervals to instil sense of accountability and transparency.
10. In service training should provide maximum avenues for acquiring alternate employment opportunity enhancing skills. Career prospects for all Class-I services should be at par in terms of promotion and deputations/Salary.
11. Officers should be permitted to take up employments in private sector, and be permitted to go on early retirement and maximum weightage be given where a person seeks early retirement. Service of ten years should be sufficient to earn full pension. Increase in length of service should mean reduction in pension. Maximum age limits for entry into govt. service should be abolished to provide for lateral induction at all levels and prevent stereo-typing and promote competitiveness.
12. Appropriate changes to incorporate the above be made in service rules and disciplinary rules/pension rules etc.

The above suggestions which are personal views of the respondent and may not necessarily reflect views of his Ministry are tentative in nature and will require further fine tuning.

In fact officers should be invited to give oral evidence and share their experiences. Institutions like IIPA/IIMS/TRI etc. should be associated and deliberations of the Committee be open to public and give wide publicity.

Yours faithfully,

Sd/Anil Kumar

(SUDHIR CHOPRA)
Joint Director,
Defence Estates,
Min. of Defence,
Chillong.



P.I. SUVRATHAN
पी आई सुव्रतन
ADDITIONAL SECRETARY
अपर सचिव

Annexure I

93/02

भारत सरकार
कार्मिक, लोक शिकायत तथा पेंशन मन्त्रालय
प्रशासनिक सुधार और लोक शिकायत विभाग
सरदार पटेल भवन, संसद मार्ग
नई दिल्ली-110 001

GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
& PENSIONS,
DEPARTMENT OF ADMINISTRATIVE REFORMS
& PUBLIC GRIEVANCES,
SARDAR PATEL BHAVAN, SANSAD MARG,
NEW DELHI-110001

Do No. K 11013/2/2004-EC

15th March 2004

Dear Shri Chopra,

Thank you very much for your letter dated 15th March 2004 on the Civil Service Reforms. Your suggestions in this regard are being placed before the Committee for its consideration.

With regards,

Yours sincerely,

P.I. Suvrathan

(P.I. Suvrathan)

Shri Sudhir Chopra,
Joint Director,
Defence Estates,
Ministry of Defence,
36, Shillong Cantt.
Shillong

Sudhir Chopra

Annexure K

88

87

E-103 Kalkaji, New Delhi

Dated, the 11th Sept'2001.

To

Shri Arun Shourie
Hon'ble Union Minister for
North East Affairs
Govt. of India
New Delhi.

Subject : POSTING/TRANSFERS OF CENTRAL GOVT.
OFFICERS IN THE NORTH EAST.

Sir,

May I congratulate you on your becoming Cabinet Minister with Addl. charge of North East Affairs and take the liberty of writing following few lines for your consideration.

There is urgent need for a uniform policy for posting and transfer of Central Govt. Officers/Staff in the North East. Many Deptts. like our Deptt. which is Dte. General of Defence Estates under Min. of Defence generally transfer those officers to the North East who are considered inconvenient and need to be punished (except those belonging to North East).

Not only such Officers/Staff ~~xxxx~~ singled out for discriminatory treatment feel demoralised and demotivated a very wrong signal is sent to the resident of North East by such transfers. They feel why the Central Govt. want people of North East to be served by those whom the Departmental Officers want to punish.

To remedy this anomalous situation there should be a well defined transfer policy and all those having all India Service Liability are required to compulsorily do minimum tenures in North East and only those officers are sent on foreign training course/posting in Hqrs. who have done a tenure in North East. Posting for North East should be as per some well defined transfer policy.

Officers who have done a posting in North East are bound to have a greater sensitivity to problems of the North East and empathy with the people. Those who have never done any posting in the North East hardly have any idea about peculiar problems prevailing in the North East. Therefore more and more officers can be sensitised by regular postings in the North East by limiting the tenure to one year rather than two years as at present so that there is no undue hardship/resistance to/from those posted in the North East.

Sir, you will be surprised to know that no senior officer from our Directorate General has ever visited the North East during last several years even Director based at Calcutta avoids visiting North East.


Contd...P/2

In my case, I was posted to Shillong for having resisted and exposed corrupt practices of senior officers of the Directorate General of Defence Estates. I have been working without any stone, peon and with a skeleton staff without any well defined charter of duties and work. After I brought out further cases of corruption, work of Defence Estates office Guwahati was withdrawn from me with the result that I am virtually sitting idle.


I have written numerous letters to various authorities including Human Rights Commission, Chief Vigilance Commission and Secretary Ministry of Defence. My efforts to end/minimise financial hardship of people of Mizoram whose lands was occupied by Security Forces but have not been paid rents since 1986 have also not yielded any fruits because of time consuming decision making process.

Because of your innovative and problem solving approach I thought I must write to you and apprise you of ground realities.

Yours faithfully,


(SUDHIR CHOPRA) (on leave)
Joint Director,
Defence Estates,
North East,
Shillong.

88888888



Annexure R/

90

EC No. 131/M(DOD&DNER)/2001

ARUN SHOURIE



Minister
Disinvestment, and
Development of North Eastern Region
Government of India
New Delhi-110 001


September 11, 2001

Dear Mr. Chopra,

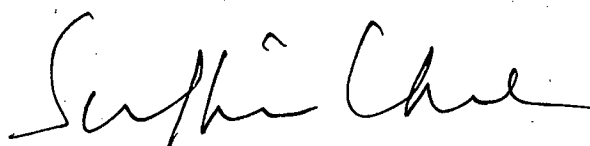
Many, many thanks indeed for your suggestions about the policy regarding posting and transfers of officers in the North East. I will bring it to the attention of all concerned. The moment I am a bit settled, I will contact you so that we can meet.

Best regards,

Yours sincerely,


(Arun Shourie)

Mr. Sudhir Chopra,
E-103, Kalkaji,
New Delhi-110 019.



Annexure

56

Tele. : 0364-2548946

CONFIDENTIAL

NO.JD/SHG/PER/SC/VOL-II
Office of the Joint Director,
Defence Estates, Min. of Def.
Cantt.Bung.No.36, Shillong-1.

Dated, the 16 July, 2004.

To

Shri B.K. Chauturvedi,
Cabinet Secretary,
Rastripati Bhawan,
New Delhi.

Subject : VICTIMISATION AND HARRASSMENT OF
SHRI SUDHIR CHOPRA, JOINT DIRECTOR,
DEFENCE ESTATES, SHILLONG FOR BLOWING
WHISTLE ON CORRUPTION IN DEFENCE
ESTATES DEPTT. UNDER MIN. OF DEFENCE.

Sir,

I wa-nt to bring to your notice the following for
your intervention.

I was transferred to Shillong in the year 2000 as
Joint Director, Defence Estates vide Director General of
Defence Estates letter No.134/1/ADM/DE(1) dt.05.06.2000
with additional charge of Defence Estates Officer,
Guwahati by way of punishment for having blown whistle
on corrupt activities of the then Director General of
Defence Estates. Being a disciplined officer I joined my
duties on 24.07.2000 at Shillong. The post of Joint
Director neither had any prescribed charter of duties not
any minimum required staff like peon, steno etc.

However to my utter surprise I was divested of
additional charge of Defence Estates Officer, Guwahati
after I reported about motivated and fraudulent handling
of another case, namely, UOI Vs. State of Assam in which
all out efforts were being made to arrange undue payments
running into crores to a private party namely Sonapur Tea
Co. by suppressing the most important ~~but~~ land ceiling
aspect in the SLP filed before the Hon'ble Supreme Court.
(Out of 470 acres of land approx requisitioned for Air Force,
bulk of the land i.e. more than 95% had come within the
purview of land ceiling act of Assam Govt.). Not only I was
divested of additional charge of Defence Estates Officer,
Guwahati, the officer responsible for motivated handling of
the case was given a promotion and rewarded with a posting
to higher charge of Defence Estates Officer at Ambala Cantt.

By way of continued harrassment, not only my TA/DA
claims for going to Hon'ble Supreme Court in the above
mentioned case was withheld resulting in recovery of TA/DA
amount from my salary, even permission to avail treatment
from a CGHS approved hospital for my son was not given
until the matter was brought to the notice of the then
Defence Secretary during August, 2002.

Contd...P/2

Even after completion of prescribed tenure of two years in the North-East I have still not been posted out to Delhi where my family is residing (as per DCPT's orders officers are entitled to posting to a choice station after posting in the North-East). Most other officers whose posting orders were issued alongwith me have been posted second time and am the longest serving officer in the North-East without any work. *(Copy of DCPT's order is enclosed)*

Corruption is so much rampant in the Defence Estates Department that officers facing/involved in serious vigilance cases are holding important posts in the Head Quarters of DODE and elsewhere junior, pliable and inelible officers have been given senior and sensitive posts. By forcibly keeping me in Shillong much beyond expiry of prescribed tenure, an example has been made of me so that no one in future can speak against corruption. Out of three posts of Defence Estates Officers at Guwahati, Tezpur and Jorhat, two posts at Guwahati and Jorhat are lying vacant since long (so that threat and fear of posting to North-East can ensure compliant behaviour from the officers) on grounds of shortage of officers while officers have been sent on outside deputation during this period.

Sir, postings to North-East are done in many cases to get rid of an inconvenient officer in the hope that if the officer gets killed because of militancy or general law and order situation in the North-East, no blame would come to the person/authority at whose instance the transfer was made and if the officer somehow manages to survive, resultant hardship would make an example of him and deter others from exposing corruption.

I have written numerous letters to all like Defence Secretary, Chairperson NHRC, CVC, Director C.B.I., Addl. Secretary Administrative Reforms, Addl. Secretary D.O.P.R. but I continue to languish at Shillong while my family faces hardship at Delhi. No action seems to have been taken on my complaints because of high level protection enjoyed by the Director General of Defence Estates. Such is the extent of her (DODE's) clout that CVC has not been able to elicit any reply on my complaints during last four years inspite of regular reminders from his office. *and pursue the matter till logical end*

Shri Satyendra Dubey an engineer working in NHAI was murdered after his identity got leaked when he wrote about corruption in implementation of Prime Minister's dream project. There are many things which I would like to bring to your notice if an official of your office is instructed to grant an audience to me, Sir having failed to secure any effective intervention from any of the authorities whom I approached, I thought I must write to you to apprise you as the issues involved are much beyond personal hardship and suffering and victimisation and directly relate to working of various Govt. Departments and existing state of vigilance machinery of the Govt. and arbitrary style of transfer and postings.

Yours faithfully,

Sudhir Chopra
(SUDHIR CHOPRA)
Joint Director,
Defence Estates, Min. of Def.
Shillong.

Sudhir Chopra

Tel: 0354-2548946

NO. JD/SUG/DEF/SC/VOL-II
Office of the Joint Director,
Defence Estates, Min. of Def.
Cantt. Bung. No. 36, Shillong-1.

Dated, the 27th July, 2004.

To

Dr. Manmohan Singh,
Hon'ble Prime Minister of India,
South Block, New Delhi-110001.

Subject : VICTIMISATION AND HARRASSMENT OF
SHRI SUDHIR CHOPRA, JOINT DIRECTOR,
DEFENCE ESTATES, SHILLONG FOR BLOWING
WHISTLE ON CORRUPTION IN DEFENCE
ESTATES DEPT. UNDER MIN. OF DEFENCE.

Most respected Sir,

I humbly want to bring to your notice the following for your intervention.

I am an Indian Defence Estates Officer (1980 Batch) and was posted as Joint Director, Defence Estates at Shillong in July, 2000 for having resisted and opposed undue payments running into crores to one Maharaja of Kota whose land at Kota had been requisitioned for defence use following promulgation of Urban Land Ceiling Regulation Act (ULCR). Against his entitlement of Rs. 2.00 lacs under ULCR Act he managed to get around Rs. 8 crores with further prospects of another 1000 crores because of manipulated handling of this case. A sum of Rs. 1.5 crores was paid in 1996 by way of enhancement of rent retrospectively even though there was no rental enhancement by Collector Kota competent authority for determination of rent under the RAMP Act. After I raised objections and brought on record motivated handling of this case no further payment have been made during last ten years.

There were other cases also involving corruption which were highlighted by me while working as Dy. Director General, Defence Estates, New Delhi. By way of punishment I was transferred to Shillong as Joint Director, Defence Estates a post without any prescribed charter of duties and minimum required staff i.e. peon, steno etc. with additional charge of Defence Estates Officer, Guwahati. But when I reported about motivated and fraudulent handling of yet another case, namely, UOI Vs. State of Assam in which all out efforts were being made to arrange undue payments running into crores to a private party namely Sonapur Tea Company by suppressing the most important land ceiling aspect in the SLP filed before the Hon'ble Supreme Court (out of 470 acres of land approx requisitioned for Air Force, bulk of the land i.e. more than 95% had come within the purview of land ceiling act of Assam Govt.), not only I was divested of additional charge of Defence Estates Officer, Guwahati, the officer responsible for motivated handling of the case was given a promotion and rewarded with a posting to higher charge of Defence Estates Officer at Ambala Cantt.

Contd...P/2

By way of continued harassment, not only my TA/DA claims for going to Hon'ble Supreme Court in the above mentioned case were withheld resulting in recovery of TA/DA amount from my salary, even permission to avail treatment from a CGHS approved hospital for my son was not given until the matter was brought to the notice of the then Defence Secretary during August, 2002.

Even after completion of prescribed tenure of two years in the North-East I have still not been posted out to Delhi where my family is residing (as per DOPT's orders officers are entitled to posting to a choice station after posting in the North-East). I am the longest serving Central Govt. Officer in the North-East without any work. While some officers have been continuing in Delhi for almost fifteen years and beyond a stretch, others are being shunted off from one corner of the country to the other in the absence of any transfer/posting policy. One officer has been posted to North-East twice as he was not found pliable while working in Dte. General of Defence Estates.

Corruption is so much rampant in the Defence Estates Deptt. that officers facing/in-volved in serious vigilance cases are holding important posts in the Head Quarters of DGDE and elsewhere. Junior, pliable and ineligible officers have been given senior and sensitive p-osts. By forcibly keeping me in Shillong much beyond expiry of prescribed tenure, an example has been made of me so that no one in future can speak against corruption. Out of three posts of Defence Estates Officers at Guwahati, Tezpur and Jorhat, two posts at Guwahati and Jorhat are lying vacant since long (so that threat and fear of posting to North-East can ensure compliant behaviour from the officers) on grounds of shortage of officers while officers have been sent on outside deputation during this period.

Sir, postings to North-East are done in many cases to get rid of an officer considered inconvenient in the hope that if the officer gets killed because of militancy or general law and order situation in the North-East, no blame would come to the person/authority at whose instance the transfer was made and if the officer somehow manages to survive, resultant hardship would make an example of him and deter others from exposing corruption.

My son who had undergone two major kidney operations requires continuous periodical follow up as his left kidney is working only nine percent to guard against any infection/complication. Any deterioration can require emergency operation or removal. No action seems to have been taken on complaints because of high level protection enjoyed by the Director General of Defence Estates. Such is the extent of her (DGDE's) clout that CVC has not been able to elicit any reply on my complaints during last four years inspite of regular reminders from his office and pursue the matter to its logical end.

Contd...P/3

I have written numerous letters to all like Defence Secretary, Chairperson NHRC, CVC, Director CBI, Addl. Secretary Administrative Reforms, Addl. Secretary DOPR but I continue to languish at Shillong while my family faces hardship at Delhi.

Shri Satyendra Dubey an engineer working in NHAI was murdered after his identity got leaked after writing a letter to the Prime Minister Office. There are many things which I would like to bring to your notice if an official of your office is instructed to grant an audience to me. Sir, having failed to secure any effective intervention from any of the authorities whom I approached, I thought I must write to you to apprise you as the issues involved are much beyond personal hardship, suffering and victimisation and directly relate to working of various Govt. Departments and existing state of vigilance machinery of the Govt.

In the light of my own experience I had offered suggestions to P.C.HUTA Committee on Civil Services Reforms for its consideration.

Yours faithfully,

Sudhir Chopra

(SUDHIR CHOPRA)
Joint Director,
Defence Estates,
Min. of Defence,
Shillong.

Sudhir Chopra

Ar. Kexhe N

No. 134/1/ADM/DE/2004
Government of India,
Ministry of Defence,
Dte General Defence Estates,
West Block-IV, R.K. Puram,
New Delhi-110066.
Dated the 2nd December, 2004.

To

The Principal Director/Director,
Defence Estates,
Ministry of Defence,
Central/ Southern/ Western/ Northern/ Eastern/ NIDEM
Lucknow/ Patna/ Chandigarh/ Jammu/ Kolkata/ Delhi Cantt.

Subject: - **POSTING/TRANSFER : IDES OFFICERS.**

The competent authority has decided to make the following postings/transfers :-

2. Shri Sudhir Chopra, Joint Director, Defence Estates, Shillong is transferred and posted as DEO Agra vice Shri K. C. Gupta transferred.
3. Shri K. C. Gupta, Defence Estates Officer, Agra is transferred and posted as Joint Director, Defence Estates, Central Command, Lucknow in an existing vacancy. Shri K.C. Gupta has been transferred due to administrative exigencies.
4. The order of posting of Joint Director, Defence Estates, Shillong are being issued separately.
5. The officers transferred as above will join their respective posts after the conclusion of the Parliament Session (01.12.2004 to 23.12.2004) and after availing the usual joining time. Shri Sudhir Chopra will move first after handing over the charge to his successor and relieve Shri K.C. Gupta.
6. The dates (FN/AN) of relinquishment/assumption of charge by the officers will be intimated to this Directorate General immediately after the event.

(Signature)
(Veena Maitra)
Director General
Defence Estates

Copy to :-

1. Director(Works)/MoD -with reference to MoD I.D. No. 15(3)/2004/D (Q&C), dated 29.11.2004
2. Joint Director, Defence Estates, Shillong.
3. DEO Agra
4. Shri Sudhir Chopra, Jt. Director, Defence Estates, Shillong
5. Shri K.C. Gupta, DEO Agra
6. PCDA, Central Command, Lucknow
7. PCDA(Army), Meerut Cantt.
8. PCDA, Patna/Guwahati
9. DGDE/Coord
10. All Officers of DGDE

(Signature)

Annexure 0

(74) 2

NO.JD/SHG/PER/SC/VOL-II
Office of the Joint Director,
Defence Estates, Min. of Def.
Cantt.Bung.No.36, Shillong-1.

Dated, the 6th Dec'2004.

To

The Defence Secretary,
Min. of Defence,
South Block,
New Delhi.

Kind attention Shri Anjani Kumar
Director Works,

Subject : CONTINUED VICTIMISATION AND HARRASSMENT.

Sir,

As per DOPT's order, Central Govt. staff on completion of tenure in the North East (viz two years for those with more than ten years of service and three years for those with less than ten years of service)

is entitled to posting to a place of choice. As per CAT Guwahati in Tapan Kumar Chakrabarty Vs. UOI and others OA No.487/2001 transfer to a place of choice on completion of tenure in North East cannot be denied.

Having already completed almost double the tenure, posting of undersigned to Agra as DEO is totally violative of DOPT's order and ruling of CAT Guwahati.

When maximum number of posts of JAC level are lying vacant in Delhi, ~~xxxxxx~~ posting to Agra in violation of DOPT's instruction & order of CAT Guwahati has sent a very wrong signal i.e. those who resist and oppose corruption would be penalised and those who indulge in corruption would be rewarded for example, officers facing vigilance cases are being retained in Delhi even after expiry of tenure.

It is requested that matter be reconsidered for posting of undersigned to Delhi as per ~~xxxx~~ DOPT's rules and order of CAT Guwahati (extracts enclosed).

Yours faithfully,

Sudhir Chopra

(SUDHIR CHOPRA)
Joint Director,
Defence Estates,
Shillong.

Sudhir Chopra

✓ Float

Annexure P

NO. JD/SHG/PER/SC/VOL-II
Office of the Joint Director,
Defence Estates, Min. of Def.
Cantt. Bung. No. 36, Shillong-1.

Date: the 13 Dec' 2004.

To

Smt. Manjulika Gautam,
Additional Secretary,
Deptt. of Personnel & Training,
North Block, New Delhi.

Subject : RESO. NO. 371/12/2002-AVD-III DATED
21.04.2004 FILED BEFORE HON'BLE SUPREME
COURT IN CIVIL WRIT PETITION C NO. 539/
2003 REGARDING MURDER OF SHRI SATYENDRA
DURLY.

Madam,

This has reference to letter of undersigned
No. JD/SHG/PER/SC/VOL-II dated 19.05.2004 addressed to you
bringing out certain deficiencies in the resolution
No. 371/12/2002-AVD-III dated 21.04.2004 filed before
the Hon'ble Supreme Court in above mentioned case in the
light of continued victimisation and harassment of the
undersigned for having blown whistle on corruption.

In the above letter it was brought to your notice
how in the absence of adequate safeguards and there being
no time limit to reply to CVC on a complaint by whistle
blower, where the complaint was against the Head of Deptt.
himself/herself and in the absence of any well defined
transfer posting policy, whistle blower could be harassed
and victimised by being transferred to troubled and
militancy affected areas like North East and J&K so that
if he got killed or kidnapped, no blame would accrue to the
authority at whose instance the transfer was made and if
somehow he managed to survive resultant hardship would make
an example of him and no one would dare speak against
corruption.

In complete violation of DOPT's own orders that no one
can be retained in the North East beyond expiry of tenure
and on completion of tenure he has to be given posting to
a choice station, the undersigned is continuing at Shillong
since July, 2000 even after completing more than double the
tenure.

By way of further harassment and victimisation and
adding salt to the injury, strange and unusual kind of
orders have been issued by DOPT in complete violation of
DOPT's orders and ruling of CAT Guwahati in case
of Tapan Kumar Chakraborty Vs. UOI & others in CA No. 487/2001
by transferring the undersigned to Agra instead of Delhi for
which choice had been given and where family of the
undersigned is residing and where maximum number of posts
of JAG level are lying vacant. Further the undersigned will
have to continue on the present post of JD, DE, Shillong till
he is relieved by his successor whose posting orders are
yet to be issued. Who, when and if at all anyone will ever
come to relieve the undersigned is all in the realm of
uncertainty.

Contd.....P/2

You will be surprised to know that there is no transfer posting policy for Indian Defence Estates Service Officers. For example officers facing vigilance enquiries are holding important posts in the Dto. General of Defence Estates and junior and ineligible officers have been given higher field postings. Two out of three posts of Defence Estates Officers in the North East at Guwahati and Jorhat are lying vacant for an year and beyond. Some officers have been continuing at Delhi for fifteen years at a stretch and beyond while others are being shunted off from one place to another even without completing the tenure while there is no such restriction for others. In nutshell virtual state of anarchy is prevailing.

While the undersigned proposes to take up matter at all available fers for action on complaints of corruption and misuse of office by the Director General of Defence Estates and has also written to Hon'ble Chief Justice of India in this regard, it is requested to take up the matter with Min. of Defence for posting of the undersigned to Delhi as per orders of DONT on the subject and ruling of CAT Guwahati as mentioned above. As per DONT's own orders, no one can be retained in the North East beyond expiry of prescribed tenure except in exceptional circumstances. Keeping an officer in the North East without any work, minimum staff like peon/steno or charter of duties cannot certainly constitute exceptional circumstances leading to retention of an officer for indefinite period.

It is also requested to prevail upon Min. of Defence to frame a well defined transparent, fair and just transfer/posting policy for Indian Defence Estates Service Officers so that every officer gets equal chance to serve in North East and J&K and not only a few by way of punishment as pointed out above.

Yours faithfully,

Shalvir Chopra
(SHALVIR CHOPRA)
Joint Director,
Defence Estates,
Shillong.

Copy to :-

1. The Cabinet Secretary. - With reference to letter No. JD/SHG/PER/SC/VOL-II dated 26.07.2004.
2. The Secretary to Hon'ble Prime Minister. - With reference to letter No. JD/SHG/PER/SC/VOL-II dated 27.07.2004 addressed to Hon'ble Prime Minister.
3. The C.V.C. - With reference to letter No. JD/SHG/PER/SC/VOL-II dated 14.05.2004.
4. The Defence Secretary. - With reference to letter No. JD/SHG/PER/SC/VOL-II dt. 14.05.2004, 20.10.2004 and 06.12.2004.
5. The Secretary, DONT. - With reference to letter No. JD/SHG/PER/SC/VOL-II dated 27.07.2004.
6. The Addl. Secretary, AR & PG. - With reference to letter No. JD/SHG/PER/SC/VOL-II dt. 19.05.2004.

Annexure Q

NO. JD/SHG/PER/SC/VOL-II
Office of the Joint Director,
Defence Estates, Min. of Def.
Cantt. Bung. No. 36, Shillong-1.

Dated, the 17th Feb' 2005.

To

Dr. Mrs. Rekha Bhargava,
Additional Secretary,
Ministry of Defence,
South Block,
New Delhi.

Subject : TRANSFER AND POSTING OF SUDHIR
CHOPRA, JOINT DIRECTOR, DEFENCE
ESTATES, SHILLONG.

Respected Madam,

I would like to thank you very much for giving me a personal hearing on 24.01.2005 inspite of your very busy and hectic schedule. During the personal hearing I brought to your notice my problems due to kidney ailment of my son and how I had been harrassed & victimised by not posting me to Delhi where my family is residing, thereby preventing me from looking after my son even after completion of tenure of two years because of personal verdetta by ex.DGDE, Mrs. Veena Maitra who became annoyed for blowing whistle on corruption. You will be surprised to know that I am the longest serving Central Govt. Officer in the North East who has already spent more than four & half years. As desired I gave a copy of my earlier representation giving brief details of my victimisation and harrassment and request for my posting to Delhi as per orders of Govt. of India and ruling given by CAT, Guwahati in case of Tapan Kr. Chakraborty Vs. UOI and others in O.A.No.487/2001. A copy of judgement of CAT, Guwahati was also given alongwith copy of representation.

Under After your sympathetic hearing and kind assurance I was feeling quite relieved that justice would at last be done to me and I would be posted to Delhi instead of Agra. However, ex.DGDE, Mrs. Veena Maitra perhaps to prompt my posting to Delhi issued orders on 25.01.2005 directing Shri C.K. Mere, DEO to relieve me immediately for joining as DEO, Agra even when my representation was under your consideration. It is also learnt that a wrong impression is being created about me to the effect that while I am writing to all against my continued retention at Shillong but am actually not willing to be relieved. Far from it, in my representation I have clearly stated that instead of my being posted to Delhi as per order of Govt. and ruling of CAT, Guwahati I have been posted to Agra so that my stay would get further prolonged because I would naturally represent against such an order. A copy of DGDE's own orders bearing No.134/Policy/ADM/L&C dated 05.09.1983 regarding choice posting on completion of tenure in the North East was also faxed to Shri Anjani Kumar, Director Works so that all necessary inputs were available for processing my po-sting to Delhi and it could be fully appreciated that my request for posting to Delhi was based not only on humanitarian considerations but also on strong administrative and legal posting in view of GOI's order & CAT's ruling.

Contd...P/2

It is also pertinent to mention here that when first representation immediately on learning about my posting to Agra was made on 06.12.2004, ex.DGDE, Mrs. Veena Maitra got several posts of JAG level filled up in Delhi and ~~order~~ orders were issued on 10.12.2004 to perhaps create an alibi of non availability of vacant posts in Delhi. However JAG(SG) level posts are still lying vacant in DGDE as two more officers have gone on deputation and I can easily be adjusted even at this stage without waiting further.

Now that you are personally aware of the whole matter I will request you to get necessary amendment issued at the earliest.

Yours faithfully,

Sudhir Chopra

(SUDHIR CHOPRA)
Joint Director,
Defence Estates,
Min. of Defence,
Shillong.

Copy to :-

1. The Director General,
Defence Estates,
Min. of Defence,
R.K.Puram, New Delhi-66.
2. The Principal Director,
Defence Estates,
Eastern Command,
Kolkata - 17.

For information.

Sudhir Chopra

FROM :

FAX NO. : +91 33 2478115

Dec. 13 2004 04:55PM P1

Annexure R

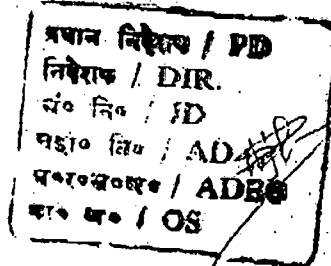
10-DEC-2004 15:56

DDDE

91 11 26194679

P.01

66



No.134/1/ADM/DE/04
Ministry of Defence
Dte General Defence Estates
West Block-IV, R.K. Puram
New Delhi-110066
Dated the 10th Dec, 2004

To

10 DEC 2004

The Principal Director/Director,
Defence Estates,
Ministry of Defence,
Central/Southern/Western/Northern/Eastern/NIDEM,
Lucknow/Pune/Chandigarh/Jammu/ Kolkatta/Delhi Cantt.

SUBJECT:- POSTINGS/TRANSFERS : IDES OFFICERS

It has been decided to make the following posting/transfer:-

- (1) On return from deputation Shri M.L. Rangay is posted as Jt. Director, Northern Command, Jammu vice Dr. A.K. Kapoor transferred. Shri Rangay who is already on temporary duty to Northern Command, Jammu will assume the regular charge of Jt. Director, Defence Estates, Northern Command, Jammu, immediately, on receipt of this order.
- (2) Dr. A.K. Kapoor is transferred and posted as Dy. Director General, in Dte. General, Defence Estates, New Delhi. He will report for duty in Dte. General after expiry of his medical leave.
- (3) On reversion from deputation from UPSC, Shri Ajay Kumar Sharma is posted as Dy. Director General in Dte. General, Defence Estates, New Delhi. Shri Ajay Kumar Sharma, who is already held on proforma strength of DG DE, will now assume the regular charge, on receipt of this order.
- (4) On reversion from N.D.C. Course, Smt. Gita Kashyap Perti is transferred and posted as Dy. Director General in Dte General, Defence Estates, New Delhi.
- (5) Smt. S.S. Pujari is transferred and posted as Jt. Director, NIDEM, Delhi Cantt., where she has already been posted, pending formal approval of the Competent Authority.
- (6) On return from Study Leave, Smt. Indrajeet Kaur will continue as Asstt. Director General in Dte. General, Defence Estates.
- (7) Shri R.P. Singh is transferred and posted as Cantonment Executive Officer, Cantt. Board, Delhi Cantt. He will move only after the current Parliament Session, after handing over charge to Shri A.R. Datta, Jt. Director, DE, Southern Command, Pune who will hold the additional charge of DEO Bangalore. The posting orders for DEO Bangalore are being issued separately.

Contd.....2/-

FROM :

FAX NO. : +91 33 2478115

Dec. 13 2004 04:55PM P2

10-DEC-2004 15:57

DGDE

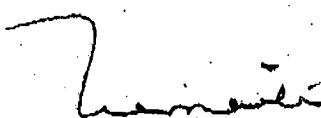
91 11 26194679

P.02

-2-

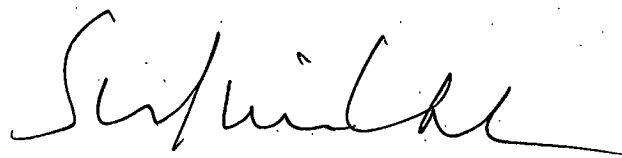
(8) Smt. Meena B. Sharma, Addl. Cantonment Executive Officer, Cantonment Board, Delhi Cantt. is transferred and posted as DEO Delhi Circle, Delhi Cantt., relieving Shri Ravi Shankar, holding additional charge. She will take over charge of DEO Delhi Cantt. only after being relieved by Shri R.P. Singh.

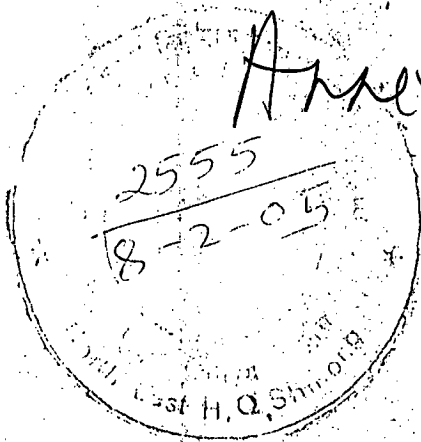
2. The dates (FN/AN) of assumption of charge by the officers will be intimated to this Directorate General immediately after the event.


(Vecna Maitra)
Director General
Defence Estates

Copy to:-

PS to RM
PS to RMRM
PPS to Defence Secretary
GOC-in-Ch. Central/Southern/Eastern/Western/Northern Command
Lucknow/Pune/Kolkata/Chandigarh/Jammu
IS (ESW)
IS (Establishment), Min of Def
PCDAs Central/Southern/Eastern/Western/Northern
Lucknow/Pune/Guwahati/Patna/Chandigarh/Jammu
PCDA Headquarters, New Delhi
Min of Def D/Q&C/D (Appts)
Officers concerned (by name)
Personal files of the officers concerned
All officers in DGDE
All IDES officers on deputation
SO (Coord)/DGDE
PPS to DGDE





79 09

No.134/1/ADM/DE
Ministry of Defence
Dtc General Defence Estates
West Block-IV, R.K. Puram
New Delhi-110066
Dated the 25th January, 2005.

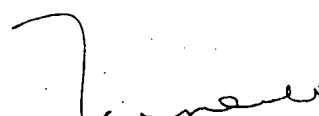
To

The Principal Director/director
Defence Estates
Ministry of Defence
Central/Southern/Western/Northern/Eastern/Nidem
Lucknow/Pune/Chandigarh/Jammu/ Kolkatta/Delhi cantt

SUBJECT: POSTING/TRANSFER : IDES OFFICERS

Reference this Dtc General letter of even No. dated 02nd December, 2004.

2. Shri C.K. More, Defence Estates Officer, Kolkata will relieve Shri Sudhir Chopra, Joint Director, Defence Estates, Shillong forthwith in order to enable Shri Sudhir Chopra to take up his new assignment as DEO Agra. Shri C.K. More will hold additional charge of the JD Shillong till further orders.
3. Shri Sudhir Chopra is entitled to usual TA/DA and Joining Time as admissible under the rules.
4. The date (FN/AN) of assumption of charge by the officers will be intimated to this Directorate General immediately after the event.

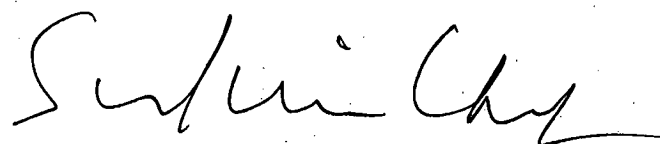

(Veena Maitra)
Director General
Defence Estates

Copy to:-

PPS to Defence Secretary
GOC-in-C, Eastern Command, Kolkata
JS (ESW)
JS (Establishment), Min of Def
PCDA Guwahati/Patna/ICDA Kolkata
Min of Def D(Q&C)
Officer concerned (by name)
Personal file of the officers concerned
All officers in DGDE
All IDES officers on deputation
SO (Coord)/DGDE.

SC
7/2/2005

Shri Sudhir Chopra, JD, de Shillong



Annexure T1

Telc/Fax : 2233-2875

FAX / SPEED POST
No. H-1/Vol-VI/294

Office of the DEO, Kolkata Circle
Govt. of India, Ministry of Defence
13, Camac Street (6th floor)
Kolkata - 700017

To

24 Jan 2005

The Joint Director
Defence Estates
Min. of Defence
House No. 33
Shillong Cantt.
Pin - 793001

Subject :- POSTING/TRANSFER : IDES OFFICERS

Sir,

Reference DG, DE, New Delhi letter No. 134/1/ADM/DE
dated 25.01.2005.

2. The undersigned is reaching Shillong on 31.01.05 (F/N)
by Air to take over additional charge of JD Shillong. Kindly
arrange accommodation and send transport at Air Port, Shillong.

Yours faithfully,

Defence Estates Officer
Kolkata Circle
(C. K. MORE)

Copy to :-

1. The Director General, DE
Ministry of Defence
R.K. Puram
New Delhi- 66.
2. The Principal Director, DE, EC
Ministry of Defence
13, Camac St. (7th flr), Kol-17.
3. The DEO, Guwahati
4. The AWO, Pay Cell, Kol-17./ CDA Patna.
5. The AWO, Shillong.
6. The ICDA Guwahati.

25-59
9-1-05

Sy/In Chd

Annexure T2

81

Tele/Fax : 2283-2875

BY FAX/SPEED POST

No. H-1/Vol-VI/295

Office of the DED, Kolkata Circle
Govt. of India, Ministry of Defence
13, Camac Street (6th floor)
Kolkata - 700017

To

28 Jan 2005

The Joint Director
Defence Estates
Ministry of Defence
House No. 83
Shillong Cantt.
Pin : 793001.

Subject : POSTING/TRANSFER : IDES OFFICERS

Sir,

Reference this office letter No.H-1/Vol-VI/294 dated 27.01.05 and DG, DE, New Delhi letter No.134/1/ADM/DE dt.25.01.05.

2. Please confirm the date for handing/taking over the charge.

Yours faithfully,

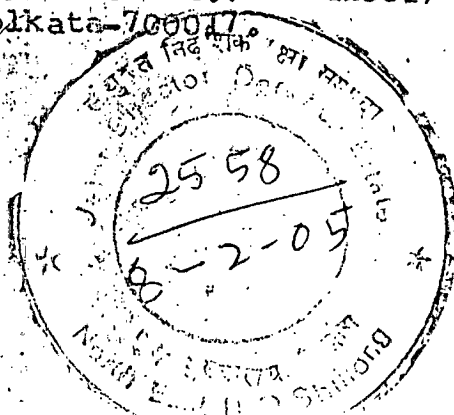
Defence Estates Officer
Kolkata Circle
(C. K. MORE)

Copy to :-

1. The Director General, DE
Ministry of Defence
R. K. Puram
New Delhi - 66.
2. The Principal Director, DE (LC-1 Sec.)
Min. of Def., Eastern Command
13, Camac St. (7th floor)
Kolkata - 700017.

For information please

Defence Estates Officer
Kolkata Circle



Suptin Chak

Annexure T3

To: 2203-3673

By Fax

No K-1/CKM/PER

Govt. of India, Min. of Defence

Office of the Defence Estates Officer

Kolkata Circle, 13, Camac St. (6th floor)

Kolkata - 700 017,

Dated: 09 Feb, 2005

To

The Director General (Adm)

Defence Estates

Ministry of Defence

West Block - IV, R.K. Puram

New Delhi - 110 056

(Kind Attn. Mr. A.S. Rajagopal, Addl. DG)

Sub. POSTING/TRANSFER JDES OFFICERS.

Sir,

Reference DG DE letter No.101/179/ADM/DE/SC dated 2.2.2005 & tele conversation with Shri A.S. Rajagopal, Addl. DG (Adm) of dated 8th/9th Feb with the letter signed.

2. The undersigned will proceed to Shillong to relieve Shri Sudhir Chopra, JD DE in compliance with the telephonic directions.

3. Any development thereof shall be communicated in due course on return from duty.

Yours faithfully

Defence Estates Officer
Kolkata Circle

Copy to:

The Principal Director, DE EC
Ministry of Defence
Kolkata - 700 017

with reference to above letter. For information
and necessary action please.

Defence Estates Officer
Kolkata Circle

N.O.

The Joint Director, Shillong

* with above reference you are requested to
keep the handlings over documents ready
and also arrange accommodation on 10th & 11th
Feb. 2005

Defence Estates Officer
Kolkata Circle

Sudhir Chopra

9730197

Annexure U Shred for

36 Shillong Cantt.
Shillong, Meghalaya.

22 DEC 2004

The Hon'ble Shri R.C. Lahoti
Chief Justice of India
Supreme Court
NEW DELHI.

**SUB : CIVIL WRIT PETITION NO 539/2003 -MURDER OF
SHRI SATYENDRA DUBEY, STEPS REQUIRED TO END
HARRASSMENT AND VICTIMISATION OF OFFICERS
WHO RESIST AND OPPOSE CORRUPTION.**

Most respected Sir,

I am an Indian Defence Estates Service Officer (1980 batch) and posted as Joint Director, Defence Estates, Shillong since July, 2000. I want to bring to your notice my continuous victimisation and harassment inspite of whistle blowers resolution filed by U.O.I. Civil Writ Petition No. 539/2003 in Satyendra Dubey's murder case.

Briefly stated facts are as under :-

For having blown whistle on High level corruption in Defence Estates Department I was transferred in June, 2000 to Shillong in North East as Joint Director, Defence Estates with additional charge of Defence Estates Officer, Guwahati. When I brought out another case of motivated and fraudulent handling of land acquisition case namely UOI- VS- State of Assam, I was divested of additional charge of Defence Estates Officer, Guwahati in Jan'2001. There after I have been virtually sitting idle except for reporting further cases of serious corruption which come to my notice from time to time.

Because of hardship factor, Department of Personnel and Training Govt. of India has prescribed tenure for Central Govt. staff posted to North East. Prescribed tenure is two years for those with more than ten years of service and three years for those with less than ten years of service. On completion of tenure, as per DOPPT orders and ruling of CAT Guwahati, in case of Tapan Kumar Chakraborty-VS-UOI and others in OA No. 487/2001 it has been held that an employee is entitled to posting to a choice station. But orders of DOPPT and ruling of CAT Guwahati have been totally violated in my case.

Sir, for pointing out serious irregularities from time to time, I am being deliberately retained at Shillong much beyond expiry of prescribed tenure of two years perhaps in the hope that if I get killed due to militancy or general law and order situation in the North East the Director General of Defence Estates would get rid of an inconvenient officer who keeps on complaining about corruption and if I manage to survive somehow, resultant hardship would make an example of me and no one would dare speak or write against corruption (details given in the enclosures). Such is the state of affairs in our department that officers facing serious vigilance cases are holding important posts in Hqsrs, in Dte. Gen. and calling the shots and those who perform their duty honestly sincerely and in public interest have been marginalised.

contd.....P/2.

Following PIL filed in the Hon'ble Supreme Court after murder of Shri Satyendra Dubey bearing Civil W.P.(C) No. 339/2002 the Hon'ble Supreme Court desired that pending enactment of a legislation, suitable machinery should be put in place for acting on complaints from whistle blowers. Accordingly Ministry of Personnel, Public Grievances and Pension (Dept. of Personnel & Training) filed a resolution No. 371/12/2002-APD-XIX dt. 21.4.2006 in the Hon'ble Supreme Court detailing steps to deal with complaints against corruption for protection of whistle blowers. However, the said resolution of the govt. suffered from serious infirmities where the person complained against was Head of Department himself/herself in the absence of any time limit to furnish reply/comments to Chief Vigilance Commissioner (CVC). I brought out the anomalies to the notice of Additional Secretary, Min. of Personnel, Public Grievances and Pension (Dept. of Personnel & Training and Secretary, Administrative Reforms in the light of my own experience of continued victimisation and harassment for blowing whistle on corruption.

How illusory the protection offered under the whistle blowers resolution is can be judged from the fact that even after requesting CVC to take action in the light of whistle blowers resolution on my complaint made in June, 2000 and continued reminders thereafter nothing materially has happened either with regard to action on complaints of corruption or against my continued harassment and victimisation.

Sir, while I am languishing at Shillong beyond expiry of tenure without any work, my family consisting of wife, two children and father aged ninety years are facing hardship at Delhi. To give you an example of hostile attitude of Director General of Defence Estates, even permission to avail specialised medical treatment for my son suffering from serious kidney ailment was delayed considerably. Even after two major kidney operations my son requires continuous follow up and monitoring to save his kidney and it is very difficult to look after him from such a far off place.

Sir, in this highly stressful situation my own health has also deteriorated resulting in high blood sugar levels and hypertension.

Having exhausted all avenues by writing to Sec. Min. of Defence, Cabinet Secretary, CVC, Director, CBI and Hon'ble Prime Minister, I may be forgiven for writing to you as the issues involved are much beyond my personal hardship and suffering and directly impinge upon accountability, transparency and integrity of public administration, the issues with which the Hon'ble Supreme Court is deeply concerned.

While even in my present position I continue to blow whistle but investigation into complaints of corruption and mis use of office by Director General of Defence Estates is not in my hands and those responsible appear

conts.....P/3.

69/105

- 3 -

to be taking a lenient and leasurly view of serious irregularities. I have no alternative except to seek your intervention.

If any complaint is found to be not true or based on facts, I offer to accept any punishment which may be awarded.

With highest regards,

Yours faithfully,

Sudhir Chopra

(SUDHIR CHOPPA)
Joint Director,
Defence Estates,
Min. of Defence,
Shillong.

Sudhir Chopra

70
106

LIST OF ENCLOSURES :

Annexure

- 09.6.2000 Copy of representation given to Defence Secretary and CVC in June 2000 giving details of corruption cases highlighted by me for which I was transferred to Shillong by way of punishment in June, 2000. 1. A.
1-5
- 13.8.2002. Copy of letter written to Shri Subir Datta the then Defence Secretary about non according of sanction for availing specialised treatment from a C.G.H.S. hospital for my son suffering from serious kidney ailment. 2. B.
6
- 04.9.2002. Reminder to CVC Shri P. Shankar on my complaint of 09.6.2000. 3. C.
7
- 24.2.2003. Letter to the then Defence Secretary regarding non according of sanction by DG.DE for availing follow up treatment for my son suffering from kidney ailment. 4. D.
8
- 20.6.2003. Copy of letter to Defence Secretary apprising him that even after completing prescribed tenure of two year I have still not been transferred whereas all other officer have been transferred. 5. E.
9-10
- 13.11.2003. Copy of letter to Shri P. Shankar CVC reminding him about my continuing victimisation and harassment and reporting one more instance of serious irregularity. 6. F.
11-12
- 01.12.2003. Letter addressed to Shri Thomas Mathew, Joint Secretary, ESH & Director of Public Grievances, Min. of Defence apprising him about my plight due to my continued retention at Shillong beyond expiry of tenure. 7. G.
13-14
- 10.12.2003. Letter written to Shri U.S. Mishra Director, CBI requesting him to initiate action on my complaints of corruption details of which were already furnished. 8. H.
15-16
- 11.12.2003. Letter written to Chair person NHRC apprising him about harassment and victimisation of whistle blowers. 9. I.
17-18
- 24.12.2003. Reminder to Shri P. Shankar, CVC with a request to grant an interview. 10. J.
19

contd.....P/2.

7/10/04

- 2 -

- 16.1.2004. Letter to Secretary.Min. of Defence in response to their communication giving more details of serious irregularities committed by Director General of Defence Estates. R. 20-28
- 05.2.2004. Copy of another reminder to Shri Gautam Chatterjee, Joint Secretary & Director Grievances, Min. of Defence. R. 29
- 10.2.2004. Letter to Secretary Defence giving supporting evidence in support of my allegations. R. 30-31
- 15.3.2004. Copy of letter written to Addl.Sec. Administrative Reforms and Public Grievances offering suggestions on the subject of Civil Service Reforms. R. 32-34
- 14.5.2004. Letter to Shri P.Shankar, CVC requesting him to take action on my complaints against corruption and to end my victimisation and harassment. R. 35-36
- 14.5.2004. Copy of letter to Defence Secretary regarding my continuing victimisation and harassment. P. 37-38
- 19.5.2004. Letter to Smt. Manjulika Gautam, Additional Secretary Deptt. of Personnel & Training pointing out certain anomalies in the whistle blowers resolution filed in the Hon'ble Supreme Court in W.P.C. No.539/2003. P. 39-41
- 19.5.2004. Copy of letter to member Secretary Committee on Civil Services Reforms enclosing copy of suggestion for consideration of the Committee. R. 42
- 16.6.2004. Copies of letter written to Addl.Sec. Min. of Defence, Shri P.K.Mishra - request for an interview. S. 43
- 23.7.2004. Copies of letter to Shri Ajay Vikram Singh, Secretary, Min. of Defence. T. 44-45
- 26.7.2004. Copy of letter to Shri B.K.Chaturvedi Cabinet Secretary bringing to his notice about my continued victimisation and harassment. U. 46-47
- 27.7.2004. Copy of letter to Secretary, DOPT Ministry of Personnel Public Grievances and Pension. V. 48
- 27.7.2004. Copy of letter to Dr.Mannohan Singh, Hon'ble Prime Minister. W. 49-51

contd.....P/3.

72/08

- 3 -

29.10.2004. Copy of letter to Defence Secretary.

X. 52

09.11.2004. Copy of letter to Addl. Secretary
Min. of Defence - request for an
interview.

Y.
53

25.11.2004. Copy of letter to JS & CVO, Min.
of Defence giving information about
serious irregularity involving loss
to the state to the tune of Rs.1 crore.

Z.
54-56

1-12-2004. Do letter to JS. CVO & Director Public
Enquiries Min of Defence.

ZZ.
57-58

X X X X X

Sudhi Ch

All communications should be addressed to the Registrar, Supreme Court by designation, NOT by name
Telegraphic address :-

"SUPREMECO"

D.NO.3876/2003/SC/PLC

SUPREME COURT
INDIA
NEW DELHI

Dated : 20th December, 2004

From :

Kamal Ram
Assistant Registrar (PIL CELL)

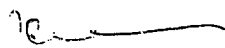
To ✓

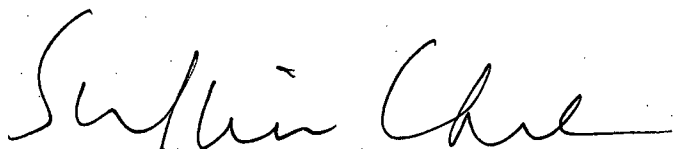
Mr. Suchir Chopra
Joint Director, Defence Estate,
36, Shillong Cantt.,
Meghalaya.

Sir,

This has reference to your petition dated 02.12.2004 addressed to Hon'ble the Chief Justice of India. I am directed to inform you that no action can be taken on your letter and the same has been lodged for the reason that the Writ Petition (Civil) No. 539 of 2003 has already been disposed of by this Hon'ble Court on 02.08.2004. You may, if so advise file a proper petition under Supreme Court Rules, 1966 at the filing counter of the Registry for relief which you are seeking in the latter petition.

Yours faithfully,


Assistant Registrar



Annexure W

Speed Post.

92/110

No. 360010/LC-I/II/22
Principal Directorate, DE
Min. of Defence, Eastern Command
13, Camac Street (7th floor)
Kolkata-17, dated 25 Nov '03

To

The Director General
Defence Estates
Min. of Defence
R.K. Puram, New Delhi
NEW DEELH-110066.

SUB : REQUEST FOR POSTING OF SRI SUDHIR CHOPRA,
JD.DE.SHILLONG.

Madam,

Reference this Pr. Dte. DE letters of even number dated 07.05.03, 18.07.03, and 03.1.03 (copy enclosed).

2. Sri Chopra, JD has now submitted an another request dt. 10.11.03 for his posting to Delhi, a copy of which is enclosed herewith.

3. It is intimated that Shri Chopra, JD Joined as JD.DE. Shillong on 24.07.2000. Thus he has completed 2 Years of tenure in the North East Region, and is therefore due for transfer. He has sought a transfer to Delhi as his son is suffering from a serious Kidney ailment and is under treatment in Delhi.

4. The problem brought out by him are genuine. It is strongly recommended that Sri Chopra's request be considered sympathetically and order issued at the earliest posting him out of Shillong and preferably to Delhi.

5. It is also requested that a suitable Officer in the JAG grade may kindly be posted in his place at Shillong.

Yours faithfully,

M. Chakraborty

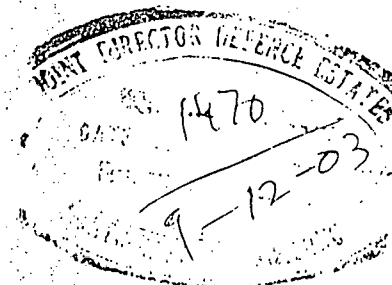
Principal Director
Defence Estates
Eastern Command

Copy to :-

1. The JD.DE.Shillong
SHILLONG..... w.r. to above for information pleas.

2. F/copy.

Krishna /



Sudhir Chopra

Annexure X.

97/14

Diwan Chand Satya Pal Aggarwal Imaging Research Centre

10-B, Kasturba Gandhi Marg, New Delhi-110001. Phones : 23329887, 23322497, 23329336, 23713004 Fax : 23713308
Website : dcimaging.org E-mail : info@dcimaging.org

DR. SUDARSHAN KUMAR AGGARWAL

M.B.B.S., D.M.R.D. (Lond.), F.R.C.R. (Eng.), F.R.C.P. (GLASGOW), F.A.C.R., F.N.A.M.S.,
F.I.C.R.I., F.I.A.M.S., F.I.C.S., F.I.M.S.A., F.R.S.M. (Eng.)

DR. A. K. BEMBEY
M.B.B.S., D.R.M.

DR. P.K. ARORA
M.B.B.S., D.R.M.

DR. KAVITA VERMA
M.B.B.S., D.N.B.

DR. AJAY AGGARWAL
M.B.B.S., M.D.

DR. BHARAT K. AGGARWAL
M.B.B.S., D.M.R.D., M.D., D.N.B.

DR. MINI AGGARWAL
M.B.B.S., D.N.B.

NUCLEAR MEDICINE

22.10.2003

Mr Gautam Chopra – 17 Yrs/M

Investigation : DTPA Renal Scan with GFR Evaluation.
I.V. Lasix: at 10 min.

NOTE:- FUC OF LEFT URETERO CALYCASTOMY, FOR REVIEW SCAN.

OBSERVATION:

Previous scan dated 8.6.2002 was reviewed with the current study.

Right renal cortical function and pelvicalyceal drainage is normal. It has remained more or less unchanged since the last study. Compensatory hypertrophy is noted.

Obstructive hydronephrosis is seen to persist on the left side. Improvement is noted in the left renal cortical function.

Differential renal function

RK: 91 %

LK: 09 %

GFR

65.0 ml /min.

06.1 ml /min.

Total GFR: 71.2 ml /min.

(DR.A.K.BEMBEY)

Note:

ONLY THE GFR VALUES ARE INDICATIVE OF ABSOLUTE RENAL FUNCTION. DIFFERENTIAL RENAL FUNCTION IS ONLY A PERCENTILE EXPRESSION OF A KIDNEY FUNCTION AGAINST THE FUNCTION OF THE CONTRA LATERAL KIDNEY. IT DOES NOT INDICATE PERCENTAGE ABSOLUTE FUNCTION OF THAT PARTICULAR KIDNEY AND IS ONLY A RELATIVE EXPRESSION.

(This is only a professional opinion and not the diagnosis. It should be clinically correlated)

Facilities Available :

At 10-B, Kasturba Gandhi Marg :

Latest Generation of Whole Body 1.5T MRI, Multislice Volume Zoom Spiral CT Scan with Calcium scoring of heart. Ultrasound with Color Doppler including small parts, Transrectal and Transvaginal Probes, NUCLEAR MEDICINE, Dedicated Mammography for Detection of BREAST CANCER, highly advanced Diagnostic X-Ray equipment Digital Radiology, Bone Densitometry Orthopantography (OPG) & facility for Film DUPLICATION.

At C-393, Defence Colony, New Delhi-110 024 Tel. : 51551322, 51551323.

Spiral CT Scan, Digital X-Rays & Orthopantography (OPG)