

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 0A 212/2007

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SECTION OFFICER (Judl.)

Kohli
06/08/17

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: F. B.

O.R.D.E.R.S SHEET

Original Application No. 212/07Mise Petition No. Contempt Petition No. Review Application No. Applicant(s) L. S. Ramy

VS- Union of India & Ors

Advocate for the Applicants:- B.P. Sahu, Tarun Kumar, Kh. Toiba
L. Monorala, J. Jiten, H. Theiba SinghAdvocate for the Respondents: Sr.C.G.S.C: G. Baishya

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed C.C. F. for Rs. 50/- deposited vide I.P.C. 3D No. <u>2466729.00</u> Dated <u>6.8.07</u>	<u>21.8.07</u>	<p>The issue involved in this case is that the applicant who is working under the respondents at Manipur was suspended in contemplation of a disciplinary proceeding for the alleged fraudulent drawal of Government money in the department of education and he had been placed under suspension. Strangely and in fact no disciplinary proceeding has been initiated against the applicant even after a lapse of 3 years. Aggrieved by the said inaction of the respondents the applicant has filed this O.A challenging the impugned suspension order dated 16.9.2005.</p> <p>Heard Mr B.P.Sahu, learned counsel for the applicant and Mr G.Baishya, learned Sr.C.G.S.C for the respondents. Respondents counsel prays for four weeks time to take instruction.</p> <p>Post on 21.9.2007 for admission.</p>
<u>Registration fees are received with the envelope</u>		

21.8.07

Respondents' counsel is specifically directed to ascertain as to whether any disciplinary proceeding has been initiated against the applicant, whether any criminal case has been registered against the applicant and what was the reason for suspending the applicant.

Vice-Chairman

pg

21.9.07 Four weeks time granted to the respondents to file written statement.

Post on 5.11.07 for order. Interim prayer will consider on the next date.

Vice-Chairman

05.11.2007

Mr. G. Baishya, learned Sr. Standing counsel for the Union of India has filed reply statement. Copy of the same has been served on the learned counsel for the Applicant. Mr. B.P. Sahu, learned counsel for the Applicant prays for revocation of the suspension order.

Call this matter on 07.11.2007 along with the similar matters.

Member (A)

21.11.2007 (b) /bb/

O.A. 212/07

07.11.2007 All these matters are similar.

Mr.B.P.Sahu, learned counsel appearing for the Applicant in all the cases prays for revocation of the suspensions orders. Though Mr.G.Baishya, learned Sr. C.G.S.C. filed reply statements in O.A. Nos.212/2007 & 213/2007 on 05.11.2007, and Ms. U.Das, learned Addl. C.G.S.C. filed reply statements in O.A. Nos. 216/2007 & 217/2007, same have not been filed in O.A. Nos. 214/2007 & 215/2007. Mr.M.U.Ahmed, learned Addl. C.G.S.C. undertakes to file reply statements in O.A. Nos. 214/2007 & 215/2007 during the course of the day.

List all these cases on 22.11.2007 for final hearing.


Member (A)

WLS bilal.

/bb/


21.11.07.

22.11.2007

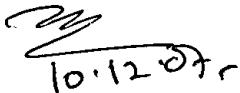
Mr.B.P.Sahu, learned counsel for the Applicant is present. Mr.G.Baishya, learned Sr. Standing counsel for the Union of India is also present.

On consent of both the parties, call this matter on 11.12.2007 for hearing.


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

WLS bilal.


10.12.07.

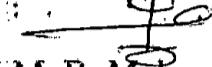
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9A.M. 21/2/2007

11.12.2007 Heard Mr B.P. Sahu, learned Counsel for the Applicant and Mr. G. Baishya, learned Sr. Standing Counsel for the Union of India, in part.

Call this matter on 12.12.2007.


(G. Ray)
Member (A)


(M. R. Mohanty)
Vice-Chairman

nk

12.12.2007 Heard Mr.B.P.Sahu, learned counsel appearing for the Applicant and Mr.G.Baishya, learned Sr. Standing counsel appearing for the Respondents.

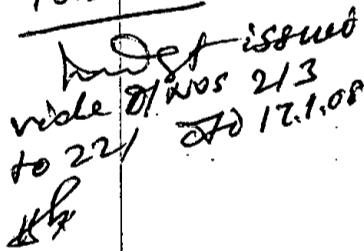
For the reasons recorded in separate sheets, this Original Application is disposed of.


(Gautam Ray)
Member (A)


(M.R. Mohanty)
Vice-Chairman

/bb/

18.3.08


Handwritten note: Judgment issued wide of 21/3 to 22/3 2008

25
6

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. Nos.212, 213, 214, 215, 216 & 217 of 2007

DATE OF DECISION: 12.12.2007

Shri L.S.Ramyo & 5 Others

..... Applicant/s

..... Advocate for the
Applicant/s.

- Versus -

U.O.I. & Ors

..... Respondent/s

Mr. G.Baishya, Sr.C.G.S.C., Mr.M.U.Ahmed, Addl. C.G.S.C. & Ms.U.Das,
Addl. C.G.S.C.

..... Advocate for the
Respondents

CORAM

THE HON'BLE MR. M.R. MOHANTY, VICE CHAIRMAN

THE HON'BLE MR GAUTAM RAY, ADMINISTRATIVE MEMBER

1. Whether Reporters of local newspapers may be allowed to see the Judgment? Yes/No ✓
2. Whether to be referred to the Reporter or not? Yes/No ✓
3. Whether their Lordships wish to see the fair copy of the Judgment? Yes/No ✓

Judgment delivered by

Vice-Chairman/Member (A)

X

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application Nos. 212, 213, 214, 215, 216 & 217 of 2007

Date of Order: This, the 12th Day of December, 2007

THE HON'BLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE SHRI GAUTAM RAY, ADMINISTRATIVE MEMBER

1. Shri L.S.Ramyo
Aged about 41 years
S/O (L) L.S.Nino
Resident Chatric Khunou, P.O: Mokot
P.S: Kamjong and District: Ukhrul, Manipur
At present A.G.'s Staff Colony T/II-C-3
P.O: & P.S: Lamphel and District: Imphal West
Manipur. Applicant in O.A. No.212 of 2007
2. Shri Sh. Ranjit Singh
Aged about 43 years
S/O Sh. Amu Singh
Resident of Sagolband Khamnam Bazar
P.O: Imphal, P.S: Lamphel
District: Imphal West, Manipur. Applicant in O.A. No.213 of 2007
3. Shri Khaikhoyang Haokip
Aged about 56 years
S/O (L) Hemkhopao Haokip
Resident of Chassad Avenue, Nongpok Ingkhol
P.O: Imphal, P.S: Porompat
District: Imphal East, Manipur. Applicant in O.A. No.214 of 2007
4. Sh. Ng. Koshing Moyon
Aged about 42 years
S/O Ng. Anglenchou Moyon
Resident Komlathabi Village
P.O: , P.S: & District: Chandel, Manipur. Applicant in O.A. No. 215 of 2007
5. Smt. Lhingjalam Gangte
Aged about 39 years
W/O Thongkhosei Haokip
Resident of M. Munpi Village
P.O: Sugnu, P.S: & District: Chandel
At present A.I.R., Staff Quarter Type-III/21
P.O: & P.S: Lamphel
District: Imphal West, Manipur. Applicant in O.A. No.216 of 2007
6. Shri K. Benjamin
Aged about 53 years
S/O K. Shangai
Resident of Maku Village

✓
S

P.O: & P.S: Kamjong and
 District: Ukhru Manipur
 At present Type-II/4, A.G.'s Staff Quarter
 Lamphel, P.O: & P.S: Lamphel
 District: Imphal West, Manipur.

..... Applicant in O.A. No.217 of 2007

By Advocate Mr.B.P.Sahu in all the O.A.s.

- Versus -

1. The Union of India
 through by the Comptroller
 and Auditor General of India
 New Delhi.
2. The Accountant General (A&E)
 Imphal, Manipur.
3. The Deputy Accountant General (A&E)
 Imphal, Manipur.

..... Respondents in all the O.A.s.

By Mr.G.Baishya, Sr. C.G.S.C. in O.A. Nos. 212 & 213 of 2007

Mr.M.U.Ahmed, Addl. C.G.S.C. in O.A. Nos. 214 & 215 of 2007 and

Ms. Usha Das, Addl. C.G.S.C. in O.A. Nos. 216 & 217 of 2007.

O.A. No.212/2007 (Shri L.S.Ramyo vs. UOI & Ors)
O.A. No.213/2007 (Shri Sh. Ranjit Singh vs UOI & Ors)
O.A. No.214/2007 (Shri Khaikhoyang Haokip vs UOI & Ors)
O.A. No.215/2007 (Sh. Ng. Kosning Moyon vs UOI & Ors)
O.A. No.216/2007 (Smt. Lhingjalam Gangte vs UOI & Ors)
O.A. No.217/2007 (Shri K. Benjamin vs UOI & Ors)

O R D E R (ORAL)
12.12.2007

MANORANJAN MOHANTY, (V.C.)

All these six cases were taken up separately, but are being disposed of by this common order.

2. Heard Mr.B.P.Sahu (learned counsel appearing for the Applicants of all these cases), Mr.G.Baishya, learned Sr. Standing counsel

for the Union of India (appearing for the Respondents in O.A. No.212 & 213 of 2007), Mr.M.U.Ahmed, learned Addl. Standing counsel for the Union of India (appearing for the Respondents in O.A. Nos. 214 & 215 of 2007) and Ms. Usha Das, learned Addl. Standing counsel for the Union of India (appearing for the Respondents in O.A. Nos. 216 & 217 of 2007) separately and perused the materials placed on records of all the six separate cases.

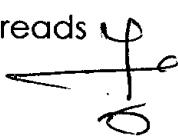
3. Applicants of all these six cases, who are members of the staff of the Office of the Accountant General of Imphal in the State of Manipur, were placed under suspension (on contemplation of departmental proceedings against them) on 16.09.2005; that during their suspension, they were granted subsistence allowances at the rate of 50% of their pay and that after a lapse of time, they were also granted subsistence allowances at the rate of 75%; that their repeated representations were not heeded to and that, during June of 2006, they were prohibited to enter into the offices. They have also stated that several other members of the staff, although similar allegations are there against them, have not been placed under suspension. No charge sheets having been supplied to them, the Applicants have approached this Tribunal with the present Original Applications filed under Section 19 of the Administrative Tribunals Act, 1985.

4. During pendency of these cases, the Respondents have issued charge sheets to all the Applicants, on 07.09.2007, initiating departmental proceedings and, by filing written statements in all these cases, the Respondents have pointed out about issuance of separate charge-sheets dated 07.09.2007 in initiating the departmental proceedings against each of the Applicants and about the background in which the Applicants have been placed under suspension and initiation of proceedings against the

Applicants. The reason for delay in drawal of the charge-sheets have been explained in the written statements filed in these cases. In the written statements, the Respondents have explained that few of the members of the staff, against whom less serious allegations have been found out, have been transferred out and that steps have been taken to bring back one senior person, on transfer, to book him in an effective departmental proceeding.

5. At the hearing (on the face of the explanations made available by Respondents) the sole ground raised in all these cases, by the Advocate for the Applicants, ~~is~~ that prolongation of the suspension without drawal of any charge-sheets/without initiating departmental proceedings against the Applicants. But for the reason of issuance of charge-sheets against all these Applicants (during the pendency of the cases), the said ground has also become infructuous.

6. At the time of hearing, however, Mr.B.P.Sahu, learned counsel appearing for the Applicants of all these cases, has raised a point that suspension of the Applicants having not been reviewed within 90 days from 16.09.2005 (the date on which the impugned suspension order was issued) the continuance of suspension has become invalid; for the reason of the provisions in Rule 10 (6) & (7) of the CCS (CCA) Rules, 1965. Relevant portion of the said Rule 10 (6) & (7) (which is stated to have been brought into the statute book, by Govt. of India/DOPT Notification No.11012/4/2003-Estt (A) dated 23.12.2003 and stated to have come in force on 02.06.2004 by Govt. of India/DOPT Notification No.11012/4/2003-Estt(A) dated 02.04.2004) reads as under:—

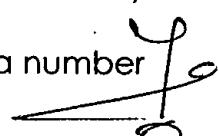


"(6) An order of suspension made or deemed to have been made under this rule shall be reviewed by the authority competent to modify or revoke the suspension, before expiry of ninety days from the date of order of suspension, on the recommendation of the Review Committee constituted for the purpose and pass orders either extending or revoking the suspension. Subsequent reviews shall be made before expiry of the extended period of suspension. Extension of suspension shall not be for a period exceeding one hundred and eighty days at time.

(7) Notwithstanding anything contained in sub-rule 5, an order of suspension made or deemed to have been made under sub-rules (1) or (2) of this rule shall not be valid after a period of ninety days unless it is extended after review, for a further period before the expiry of ninety days."

It is the stand of the learned counsel appearing for the Applicants that for the reason of aforesaid amendment to the Original Rule 10 of the CCS (CCA) Rules, 1965 (which has come into effect from 02.06.2004) the cases of the Applicants are squarely covered under the said new provisions; for the Applicants were placed under suspension on 16.09.2005.

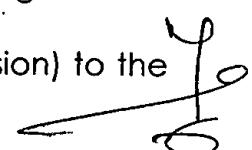
7. But, in the Original Applications it has not been pleaded by any of the Applicants that their suspension matter was not reviewed within 90 days from 16.09.2005 in terms of Rule 10(6) & (7) of CCS (CCA) Rules, 1965. We are also not in a position to adjudicate this aspect of the matter; because all the Standing counsels appearing for the Respondents in these cases, are taken by surprise on this new ground (which has arisen out of factual allegation, taken for the first time, by the Advocate for the Applicants) at final hearing stage of these cases. The learned Standing counsels, appearing for the Respondents, have, however, pointed out, at the hearing, that prolongation of suspension of the Applicants really received revised considerations of the Competent Authorities; on a number



of occasions i.e. (a) when enhanced subsistence allowances were granted to all the Applicants; (b) when they repeatedly represented for their reinstatement and (c) when they were prohibited to enter the office premises. It has also been pointed out by the learned Standing counsels that for the reasons disclosed in the written statements (in all these cases), the representations of the Applicants did not receive favourable considerations. They, however, failed to admit (or deny) the factual allegation (made for the first time, by the Advocate for the Applicants, at the final hearing stage) about non-consideration/absence of review of the matter for prolongation of suspension beyond 90 days from the date of suspension; because of lack of such factual allegation (by the Applicants) in their Original Applications.

8. In absence of the factual allegation in the Original Applications (that there were no review of the suspension of the Applicants, within 90 days from 16.09.2005) the Respondents had no opportunities to answer the new factual point in issue and, without granting any opportunity to the Respondents (to answer on the factual allegation made, by the Advocate for the Applicants, at the final hearing stage) no relief can be considered to be given to the Applicants (by merely looking to the new/amended statutory provisions); because that would amount to denial of natural justice to the Respondents.

9. In the aforesaid premises, (having heard learned counsels appearing for all the parties) without entering in to merits of the matters, all these Original Applications are hereby disposed of with grant of liberty to each of the Applicants to represent their grievances (pertaining to non-review of suspension of the Applicants within 90 days of suspension) to the



Respondents by end of December, 2007. On receipt of such representations, the Respondents should consider the same (in the light of the provisions under Rule 10 (6) & (7) of CCS (CCA) Rules, 1965) within 15 days thereafter and pass necessary speaking orders by end of January, 2008.

10. With the aforesaid observations and directions, all these Original Applications are disposed of.

Send copies of this order to all the Applicants and to all the Respondents in the addresses given in all these six Original Applications. Free copies of this order be also supplied to Mr.B.P.Sahu, Mr.G.Baishya, Mr.M.U.Ahmed, and Ms. Usha Das, Advocates appearing in all these cases.


(GAUTAM RAY)
MEMBER (A)


(MANORANJAN MOHANTY)
VICE-CHAIRMAN 12/12/07

/bb/

T.G. AUG 2007

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

GUWAHATI BENCH, GUWAHATI

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

ORIGINAL APPLICATION NO. 212 OF 2007

Shri L.S. Ramyo

..... APPLICANT

- Versus -

The Union of India & Ors.

..... RESPONDENTS

I N D E X

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6.	<u>ANNEXURE-A/2</u> Order dated 01-06-98 issued by the Senior Accounts Officer (Admn).	16
7.	<u>ANNEXURE-A/3</u> Order dated 16-09-2005 issued by the Deputy Accountant General (A&E), Manipur, Imphal.	17

Contd... 2/-

11
by the applicant
N. Thakur Singh
Filed by
Advocate
through
9/81/07

1.	2.	3.
8.	<u>ANNEXURE-A/4</u> Representation dated 16-11-2005 submitted by the applicant to the Deputy Accountant General (A&E), Manipur, Imphal.	18-19
9.	<u>ANNEXURE-A/5</u> Representation dated 20-06-2006 submitted by the applicant to the Deputy Accountant General (A&E), Manipur, Imphal.	20
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11.	<u>ANNEXURE A/7</u> Order dated 05-06-2006 issued by the Senior Accounts Officer(Admn), Manipur, Imphal.	22
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13.	<u>NOTICE</u>	24

Dated/ Imphal/ Gumphat:
The 6th August, 2007.

N. Thoiba Singh

Signature of the counsel for
the Applicant.

SYNOPSIS

The applicant was initially appointed as Group-I/ Peon of the office of the Accountant General(A&E), Manipur in the year 1986. Thereafter, he was promoted to the post of Clerk/Typist vide the order dated 01-06-1998. The Deputy Accountant General (A&E), Manipur, Imphal vide the order dated 16-09-2005 placed the Applicant under Suspension in contemplation of a disciplinary proceedings in connection with the fraudulent drawal/scandal of a huge amount of Govt. money in the Department of Education (S), govt. of Manipur. Though the Applicant was placed under suspension in contemplation of a Disciplinary proceedings the authorities concerned have not even proceeded the disciplinary proceedings initiated against the Applicant. On the other hand, the authorities concerned even failed to frame the charges for which the disciplinary proceedings was initiated against the Applicant. Thus, it is very clear that the authorities concerned initiated the disciplinary proceedings against the Applicant by placing him under suspension to cyc wash the General public and the Applicant has not committed any misconduct. The well settled law is that Disciplinary proceedings against an employee should be concluded expeditiously. The authorities concerned have violated the said provisions of law. This, the impugned order of suspension dated 16-09-2005 is liable to set aside.

LIST OF DATE

Sl. No. (1)	Dates (2)	Particulars (3)	Annexures (4)
1.	31-10-1986	The Applicant was initially appointed as Group D/Peon of the office of the Accountant General (A&E), Manipur in the scale of pay of Rs. 750/- p.m. w.e.f. 29/10/86.	A/1
2.	01-06-98 April 2004	The Applicant was promoted to the post of Clerk/typist in the scale of pay of Rs. 3050-4590/- p.m. by an order issued by the Sr. Account Officer(Admin).	A/2
3.	16-09-2005	The Applicant was placed under suspension by an order issued by the Deputy Accountant General (A&E), Manipur, Imphal.	A/3
4.	16-11-2005	The Applicant submitted a representation to the Deputy Accountant General (A&E), Manipur, Imphal.	A/4
5.	20-06-2006	The Applicant submitted another representation to the Deputy Accountant General (A&E), Manipur, Imphal.	A/5
6.	02-03-2007	The Applicant submitted another representation to the Accountant General (A&E) Manipur, Imphal.	A/6
7.	05-06-2006	The Senior Accounts Officer (Admin) Office of the Accountant General(AU) Manipur issued an order whereby alongwith 10(ies) other incumbents/employees of the Office of the Accountant General(AU), Manipur were restricted to enter into the office premises.	A/7

07.09.2007 - Change-Sheet

Filed by

Constituted by the Person

Filed by the applicant through
N. Thiba Singh
Advocate, Q/S/807

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

GUWAHATI BENCH, GUWAHATI

(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL,

ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. 212 OF 2007.

Shri L.S. Ramyo, aged about 41 years, S/O
(1) L.S. Nino, resident Chatric Khunon, P.O.
Mokot, P.S. Kamjong and District. Ukhru, Manipur at present A.G's Staff Colony T/II-
C- 3, P.O. & P.S. Lamphel and District Imphal West, Manipur.

.... APPLICANT

- Versus -

A

1. The Union of India, through the Comptroller and Auditor General of India, New Delhi.
2. The Accountant General (A & E), Imphal, Manipur.
3. The Deputy Accountant General (A & E), Imphal, Manipur.

..... RESPONDENTS.

06087
H. Iboyalma Singh
Oath Commissioner (Judicial)
Manipur.

L. S. Ramyo

DETAILS OF THE APPLICATION

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

This application is directed against the order No. Estt. (A&E)/ Order No. 120 dated 16-9-2005 issued by the Deputy Accountant General (A & E), Manipur, Imphal thereby placing the applicant under suspension in contemplation of a disciplinary proceedings under sub-rule (1) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules 1965 with immediate effect, and pursuant to which even no charges has been made filed till date, leave apart initiating and proceeding.

2. JURISDICTION OF THE TRIBUNAL:

The Applicant declares that the subject matter of the case which he wants to redress is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION:

The Applicant further declares that the Application is within the limitation prescribed in Section 21 of the Central Administrative Tribunal Act, 1985.


H. Iboyalma Singh
Oath Commissioner (Judicial)
Manipur.

X S. Ramy D

4. FACTS OF THE CASE:

4.1. That, the present Applicant is a bonafide citizen of India by birth and as such he is entitled to all the rights and privileges enshrined under the constitution of India.

4.2. That, the Applicant was initially appointed as Group-D/Peon of the Office of the Accountant General (A&E), Manipur in the scale of pay of Rs. 750-940/- p.m. with effect from 29-10-1986 vide the order dated 31-10-1986 issued by the Deputy Accountant General (A&E) Manipur.

A copy of the said order is annexed herewith
as ANNEXURE-A/1

4.3. That, while the Applicant had been serving as Group-D/Peon of the Office of the Accountant General (A&E), Manipur Imphal, being satisfied with the services rendered by the applicant, the Sr. Accounts Officer (Admn) issued an order on 1-6-1998 whereby the applicant was promoted to the post of Clerk/Typist in the scale of pay of Rs. 3050-4590/- p.m. with effect from the date he assumes the charge as Clerk/Typist until further orders. The said appointment on promotion was made on the recommendation of a duly constituted DPC. The said order

H. Iboyalma Singh
Oath Commissioner (Judicial)
Manipur.

L. S. Ranjan

was issued in pursuance of the order dated 29-5-98 issued by the Accountant General (A&E) Manipur.

A copy of the said order is annexed herewith as ANNEXURE-A/2

4.4. That, while the applicant was serving as Clerk/Typist and posted at the office of the Sr. Deputy Accountant General (A&E), Manipur, to the great shock and surprise the Deputy Accountant General (A&E), Manipur, Imphal issued an order on 16-9-2005 whereby a disciplinary proceedings was contemplated to be initiated against the applicant and he was placed under suspension with immediate effect in exercise of the powers conferred by sub-rule (1) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules 1965. The said order further stated that during the period of suspension the Head quarter of the applicant shall be at Imphal and he shall not leave the Head quarter without obtaining previous permission of the Deputy Accountant General (A&E), Manipur.

A copy of the said order is annexed herewith as ANNEXURE-A/3

4.5. That, being aggrieved by the said order dated 16-9-2005 placing the applicant under suspension in contemplation of

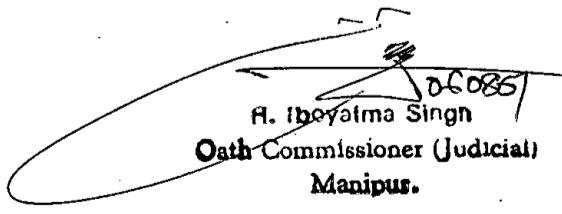
66086
K. Dharma Singh
Oath Commissioner (Judicial)
Manipur.

X. S. Ramji

a disciplinary proceedings the applicant submitted a representation on 16-11-2005 to the Deputy Accountant General (A&E), Manipur, Imphal praying for revoking the said order dated 16-9-2005. In the said representation the applicant highlighted all the facts and circumstances and also the illegalities for the issuance of the said order dated 16-9-2005 and further requested the Deputy Accountant General (A & E), Manipur to take him back in service by revoking the said order of suspension.

A copy of the said representation is annexed herewith as ANNEXURE-A/4.

4.6. That, though the applicant was placed under suspension allegedly in contemplation of a disciplinary proceedings vide the order dated 16-9-2005 the concerned authorities failed to conclude the said disciplinary proceedings proposed to be initiated against him. Apart from this, the authorities concerned even failed to frame and furnish the charges for the initiation of the said proposed disciplinary proceedings. On the other hand, the authorities concerned have even failed to revoke the said order of suspension order, thereby the applicant submitted an another representation on 20-6-2006 to the Deputy Accountant General praying for revoking the said order of suspension


R. Iboyalma Singh
Oath Commissioner (Judicial)
Manipur.

J. S. Roney

by highlighting the said facts. A copy of the said representation was also submitted to the President, Civil Accounts Association, Imphal, Manipur.

A copy of the said representation is annexed herewith as ANNEXURE-A/5

4.7. That, though the applicant submitted the aforesaid representations (Annexures -A/4 & A/5) the authorities concerned failed to consider his request for revoking the said order of suspension for the reasons best known to them. Having no alternative the applicant also submitted another representation on 2-3-2007 to the Accountant General (A&E), Manipur, Imphal praying for revoking the said order dated 16-9-2005 thereby placing him under suspension. Even the Accountant General (A&E), Manipur failed to consider the representations submitted by the applicant and the same is not yet disposed of till date. A copy of the said representation was also submitted to the President, Civil Accounts Association, Imphal, Manipur.

A copy of the said representation is annexed herewith as ANNEXURE-A/6

4.8. That, instead of considering the representations submitted by the applicant praying for revoking the said suspension

06086
H. Ibayarma Singh
Oath Commissioner (Judicial)
Manipur.

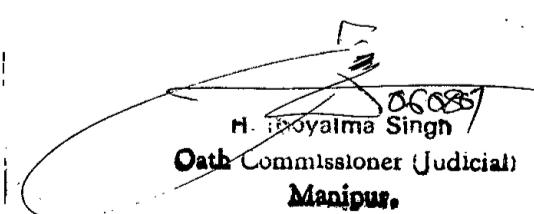
J.S. Ranjip

order, the Senior Accounts Officer(Admn.), Office of the Accountant General (AU), Manipur issued an order on 5-6-2006 whereby it was ordered that the applicant along with 10(ten) other incumbents/ employees of the office of the Accountant General (AU), Manipur were restricted to enter into the office premises without specific written permission from the Head of Office with effect from the dates indicated against their respective names. The name of the applicant appeared at Sl. No. 7 of the said order and he was restricted to even enter the office with effect from 16-9-2005.

A copy of the said order is annexed herewith
as ANNEXURE-A/7

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

5.1. For that, the well settled law of the land is that suspension is not a punishment but prolong suspension is bad in the eye of law. The Applicant was placed under suspension in contemplation of a disciplinary proceedings in the year 2005 vide the order dated 16-9-2005. By now one year and 10 months have already lapsed but the respondents/authorities concerned, instead of concluding the said disciplinary proceedings, even failed to frame the charges for which the said disciplinary proceedings was initiated against the applicant. Thus, it is very clear that the respondents have no case and the applicant is quite


H. Boyalma Singh
Oath Commissioner (Judicial)
Manipur.

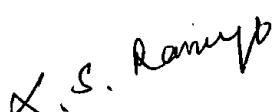
A. S. Ranjan

innocent and he was placed under suspension on the pressure received from certain angles just to make him the scapegoat in a scandal.

5.2. For that, the proposal for the initiation of a disciplinary proceeding against the applicant by placing him under suspension was due to the fraudulent drawal/scandal of huge amount of money from the Govt. ex-chequor. The applicant is/was serving as Clerk/Typist the work, which is more or less to type/calculate the accounts/amounts of money to be drawn in favour of the employees who retired from service. Thereafter, the Accounts officer under whose jurisdiction the applicant is/was serving put their signatures on the calculation made by the concerned authorities and same was approved by authorities concerned. Therefore, the applicant is not the authority for sanctioning/approving the amounts to be drawn by the retired employees. However, the applicant was placed under suspension in contemplation of a disciplinary proceeding as a face saving device and to make him the scapegoat.

5.3. For that, the authorities concerned/respondent discriminated the applicant for the reasons that they have not taken up any disciplinary proceedings against the Senior Account Officer under whose control the applicant.


H. Idayalma Singh
Oath Commissioner (Judicial)
Manipur.


L.S. Ranvir

24

was performed his duties by calculating/typing the said amount and they also failed to take up disciplinary proceeding in respect of the other employees posted in the same section. Instead of initiating disciplinary proceedings they issued only memorandum in respect of other employees of the same section. On the other hand the applicant were placed under suspension in contemplation of disciplinary proceedings as such they have used different yardsticks which is not sustainable in the eyes of law. No action has been taken even against the persons who acted against their jurisdiction.

5.4. For that, if there is/was any irregularities on the part of the applicant while he was/is discharging his duties as Clerk/Typist, the authorities concerned should have framed the charges for which the departmental enquiry was proposed to be initiated against him and the same should have been proceeded in time and appropriate punishment could have been awarded to him if the enquiry authorities established the charges. However, in the instant case, though the applicant was placed under suspension in the month of September 1995 even no charges has so far been framed against the applicant. Thus, the motive of the respondents/authorities concerned in placing the applicant under suspension in contemplation of a disciplinary proceeding is not fair which indicates, without any doubt, that there is nothing against the applicant. Thus, the said disciplinary proceeding initiated

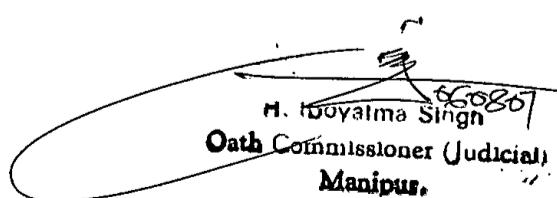
00867
H. Boyalma Singh
Oath Commissioner (Judicial)
Manipur.

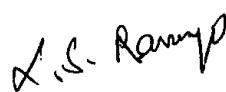
L. S. Ramup

against the applicant vide the said order dated 16-9-2005 is liable to be set aside and the applicant deserves to be reinstated to his post with all the consequential benefits.

5.5. For that, the actions for the alleged fraudulent drawal/scandal of a huge amount from the Govt. Exchequer was initiated by the Department of Education (S), Govt. of Manipur. The authenticity of the documents under which the applicant calculated/typed the amounts of money to be drawn by the retired employees was done under the strict supervision of the concerned authorities of the office of the Accountant General (A&E), Manipur, Imphal. The applicant is/was not the authority to ascertain the genuiness of the documents under which he calculated/typed the amounts of money. In other words, he calculated/typed the amounts of money to be drawn by the retired employees with the instructions of Sectional Head. However, the applicant have been made the scapegoat of the alleged fraudulent drawal.

5.6. For that, by adopting the aforesaid principle of law i.e. prolong suspension is bad in the eye of law the Hon'ble Administrative Tribunal as well as the Hon'ble Gauhati High Court have passed orders in many cases under similar circumstances, thereby quashing the suspension order or by directing the authorities concerned to conclude the disciplinary proceeding initiated against the employees who are/were placed under suspension within stipulated


H. Boyalma Singh
Oath Commissioner (Judicial)
Manipur.


L.S. Ranjan

period of 2-3 months and failing which the employees concerned should be reinstated in their respective posts. Therefore, a similar relief is required to be passed in favour of the applicant by quashing the impugned suspension order and till the disposal of the application by staying the said suspension order.

6. DETAILS OF REMEDIES EXHAUSTED :

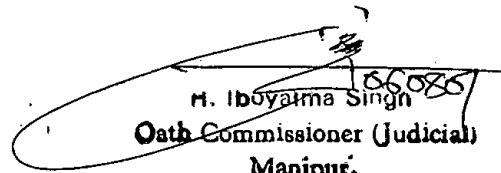
There is no other alternative and efficacious remedy available to the applicant except invoking the jurisdiction of this Hon'ble Tribunal.

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

The Applicant declares that he has not filed any other application/petition in the subject matter in regard to which this application is made nor is pending before any Court of law or any other authority or any other bench of the Hon'ble Tribunal.

8. RELIEF SOUGHT FOR :

The impugned order dated 16-9-2005 issued by the Deputy Accountant General (A&E), Manipur, Imphal be set aside as the same are not sustainable in the eye of law and the Respondents particularly the Respondents No. 2 & 3 be directed to reinstate the applicant to his post of Clerk/Typist of the office of the Accountant General (A&E) forthwith with all the consequential benefits.


H. Iboyalma Singh
Oath Commissioner (Judicial)
Manipur.

L. S. Demy P

9. INTERIM ORDER IF ANY PRAYED FOR :

Stay/Suspend the impugned order 16-9-2005 issued by the Deputy Accountant General (Admn), Manipur, Imphal and/or the Respondents be directed to reinstate the applicant to his post of Clerk/Typist immediately.

10. PARTICULARS OF IPO:

No. of IPO - 34G 672900

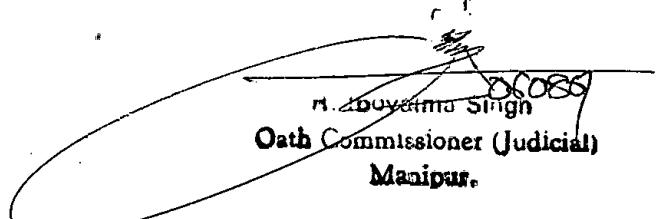
Name of the issuing post office :- G.P.O. ~~Imphal~~

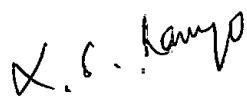
Date of issuance of Postal order :- 6.8.07.

Post Office at which payable :- Guwahati

11. LIST OF ENCLOSEDURES :-

As per Index.


N. Abeyarma Singh
Oath Commissioner (Judicial)
Manipur.


K. C. Karmo

VERIFICATION

I, L.S. Ramyo, aged about 41 years, S/O (L) L.S. Nino, resident Chatric Khunou, P.O. Mokot, P.S. Kamjong and District Ukhrul, Manipur at present A.G's Staff Colony T/II-C- 3, P.O. & P.S. Lamphel and District Imphal West, Manipur do hereby verify that the contents of paragraph Nos. 1 to 5, 5, are true to my knowledge and paragraphs No. 5, 6, 7, 11, are believed to be true on legal points and that I have not suppressed any material facts.

Place : - IMPHAL

Date : - 6-8-07 -

L.S. Ramyo
Signature

Declarant affirmed before me on 6-8-07
..... at I.I.I. A.M.
In the court premises by the declarant who
is identified by K.L. Tamba, Esq. Advocate.
The declarant seems to understand the con-
tents fully well on their being read over
and explained to him.

H. B. Royama Singh
66085
Oath Commissioner (Judicial)
Manipur.

06 AUG 20

The obverse of a 5 Rupee note from the Government of India. The note features a central portrait of a man, likely Mahatma Gandhi, in profile. Above the portrait, the words 'COURT FEE' are printed in a decorative banner. Below the portrait, the word 'INDIA' is printed. At the bottom, the value 'FIVE RUPEES' is printed in large, bold letters. The note is made of a textured, light-colored paper. There are some small, dark spots or marks on the paper, particularly towards the bottom right.

- 14 -

CAESAR

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AFFIDAVIT

I, L.S. Ramyo, aged about 41 years, S/O (L) L.S. Nino, resident Chatric Khumou, P.O. Mokot, P.S. Kamjong and District. Utkhrul, Manipur at present A.G's Staff Colony T/II-C- 3, P.O. & P.S. Lamphel and District. Imphal West, Manipur do hereby solemnly affirm and state



That, I am the applicant in the accompanying Original Application and as such am well acquainted with the facts of the case.

2. That, the said Original Application has been drafted by my counsel under my instruction and on my behalf.

3. That, the annexures annexed to the accompanying Original Application are the true copies of the originals thereof.

VERIFICATION

Verified at Imphal, on this the 6th day of August, 2007 that the contents of the above affidavit and the accompanying Original Application at para Nos. 1-5.5 are true to the best of my knowledge and the rest of contents of the accompanying Original Application are believed to be true and correct by me and that nothing material has been concealed therent.

L.S. Ramey

DEPONENT/APPLICANT

identified by :-

filed by :-
Mr. Somnath Singh
Advocates, M. Thakur Singh

06086
H. Tboyalma Singh
Oath Commissioner (Judicial)
Manipur.

— (15) —

ANNEXURE-A/1

OFFICE OF THE ACCOUNTANT GENERAL (A&E)
MANIPUR: IMPHAL

Estt. (A&E)/Order No. 128

Dated 31.10.86

Consequent upon his acceptance of the terms and conditions laid down in this office letter No. Estt. (A&E)/80-Confidential/86-87/705 dt. 29.10.86 Deputy Accountant General (A&E) is pleased to appoint temporarily until further orders Shri L.S. Ramyo as Group 'D' Peon of this office in the scale of pay of Rs. 750-12-870-ER-14-940/- plus allowances sanctioned by the Government of India from time to time w.e.f. 29.10.86 (F.N.) subject to terms and conditions already set out in officer of appointment.

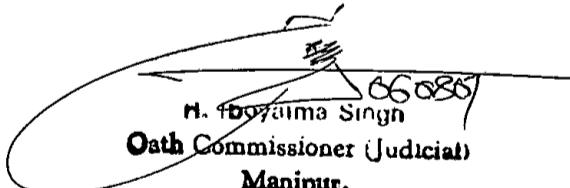
Deputy Accountant General (A&E).
Manipur, Imphal

Memo No. Estt(A&E)/80-Confidential/86-87/717-21 Dated 31.10.86.

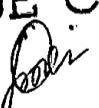
Copy for information to :-

1. P.A.O. (Local)
2. Estt. (A&E), Service Book & Bill group.
3. P.A. to D.A.C.
4. Shri L.S. Ramyo.
5. Office order file.

Sd/-
Accounts Officer (Admn).


H. T. S. Singh
Oath Commissioner (Judicial)
Manipur.

ATTESTED
TRUE COPY


ADVOCATE

OFFICE OF THE ACCOUNTANT GENERAL (A&E).
MANIPUR, IMPHAL.

ESTT (A&E) / O R D E R S N O: 21

Dated Imphal, the 1st June, 1998.

On the recommendation of D.P.C., Shri L.S. Ramyo Group-D, is promoted to officiate as Clerk/Typist in the Scale of Rs. 3050-80-4590/- per month with effect from date he assumes charge as a Clerk/Typist until further orders.

[Authority : - A.G's Order dated 29.05.98 in file NO:
DAG(A&E)/DPC/Gr-D/Clerk/98-99.]

Sd/-

(A. BIREN SINGH)

Sr. Accounts Officer (Admn)

Memo No. Estt(A&E)/PF/ISR/Gr.D/87/240 Imphal, the 1st June, '98
Copy to :-

- 1). The Sr. P.A. to A.G., Manipur, Imphal.
- 2). the P.A. to Dy. A.G.(A&E), Manipur, Imphal.
- 3). Shri L.S. Ramyo.
- 4). Bill Group.
- 5). Office order File.
- 6). Concerned file.

Sd/-

(A. BIREN SINGH)

Sr. Accounts Officer (Admn)

ATTESTED
TRUE COPY
ADVOCATE

860887
R. Iboyatma Singh
Oath Commissioner (Judicial)
Manipur.

OFFICE OF THE
SR. DY. ACCOUNTANT GENERAL (A & E),
MANIPUR, IMPHAL.

Estt. (A&E)/Order No. 120
Dated, Imphal, the 16th September, 2005.

WHEREAS a disciplinary proceeding against Shri L.S. Ramyo, Clerk/typist of Office of the Sr. Deputy Accountant General (A&E), Manipur, Imphal is contemplated.

Now, therefore, the Deputy Accountant General (A&E), Manipur, Imphal in exercise of the powers conferred by sub-rule (i) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, hereby places the said L.S. Ramyo, Clerk/typist under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force the headquarters of Shri L.S. Ramyo, Clerk/typist should be Imphal and the said Shri L.S. Ramyo, Clerk/typist shall not leave the headquarters without obtaining the previous permission of the undersigned.

Sd/-

Deputy Accountant General (A&E)
Manipur, Imphal

Memo No. Estt. (A&E)/Disp-Act/Con-HP/2005-06/2270 Dated, 16-09-05

Copy to :-

1. Shri L.S. Ramyo, Clerk/typist, Office of the Sr. DAG (A&E), Manipur, Imphal.


H. Mayatma Singh
Oath Commissioner (Judicial)
Manipur.

ATTESTED
TRUE COPY

ADVOCATE

To

The Dy. Accountant General (A&E),
Manipur, Imphal.

Sub : Humble prayer for revocation of suspension and
reinstatement in Govt. service.

Madam,

I have the honour to invite a reference to Essii (A&E)/Order No. 120 dated 16, September 2005 under which I have been placed under suspension. In this regard I beg to approach you with the following a few lines for favour of kind consideration and sympathetic orders :-

That, I have been working in Pension Section since December, 2001 as a Clerk/Typist (promoted from Group 'D') and my services were used in receipt of official letters and pension papers submitted by various departments. I used to distribute these correspondences after properly marked by the AO, AAO of Pension Section to the concerned staff of the Section. Other than this, I was not entrusted with any other works.

That Madam, during my service in Pension Section I did not have any serious negligence and dereliction of duty resulting in considerable loss to Govt. and did not commit any offence or conduct involving moral turpitude, and I was not involved in any corruption, embezzlement or misappropriation of Govt. money or misuse of official power for personal gain.

That Madam, I am not aware of the reasons or circumstances leading to my suspension. I was ignorant of Rules or Order about Pension cases and I discharged my duties to the satisfaction of my superiors.

That Madam, I am a poor Govt. servant (Clerk/Typist) maintaining my family consisting of 5(five) members with my meager income and my original home being at Kamjong in Ukhrul District, I am staying in Govt. quarters in A.G. Staff Colony, Lamphelpai due to which I am not getting H.R.A. and instead I am paying House Rent also regularly.

That Madam, I have been suffering to the maximum since my suspension and I am not in a position to maintain my family now.

Contd...2/-

ATTESTED
TRUE COPY

ADVOCATE

56080
M. Royma Singh
Oath Commissioner (Judicial)
Manipur.

— (19) —

- 2 -

36

In the circumstances stated above, I most humbly pray that my suspension order may kindly be revoked by allowing me to reinstate in Govt. service at an early date so as to mitigate my untold hardships.

Yours faithfully,

Sd/-

(I.S. RAM YO)

Clerk/Typist

Dated 16.11.2005


H. Koyalma Singh
Oath Commissioner (Judicial)
Manipur.

ATTESTED
TRUE COPY


ADVOCATE

To,

The Deputy Accountant General (A&E),
Manipur, Imphal.

Subject : Humble prayer for revocation of suspension and
reinstatement in Govt. Service.

Madam,

I have the honour to submit the following few lines for favour of kind
consideration and sympathetic order:

That, I was placed under suspension by the competent Authority vide
Esstt(A&E) order no. 120 dated 16-9-2005.

That, on 16-11-2005 I had given a representation to the competent
authority praying for revocation of my suspension order and for reinstating
me in Govt. Service at an early date (Copy enclosed). However, I have not
received any positive response from the competent authority till date.

That, I am poor Govt. Servant (Clerk/Typist) maintaining my family
consisting of 5(five) members with my meagre income and my original
home being at Kamjong in Ukhrul District, Manipur. I am staying in Govt.
quarter in A.G. staff Colony, Lamphelpat due to which I am not getting
H.R.A. and instead I am paying House Rent also regularly.

That since my suspension period has exceeded 9(nine) month till date.
I and my family are suffering to the maximum and now I am not in a position
to maintain my family.

In the circumstances stated above. I most humbly pray that my
suspension order may kindly be revoked by allowing me to reinstate in Govt.
Service at an early date so as to stop my untold hardships.

For which act I shall be grateful to you.

Dated/Imphal,
the 20th June, 2006.

Yours faithfully,

Sd/-

(L.S. Ramyo)
Clerk/Typist

Copy to :-

The President,
Civil Accounts Association,
Office of the AG, (A&E)
Manipur Imphal.

06089
H. Boyalma Singh
Oath Commissioner (Judicial)
Manipur.

ATTESTED
TRUE COPY

[Signature]
ADVOCATE

— (21) —

ANNEXURE-A/6



To

The Accountant General (A&E),
Manipur, Imphal.

Sub: Revocation of Suspension Orders and re-instatement in
Service-Prayer thereof.

Respected Sir,

I have the honour to invite a reference to Orders No. Esii. (A&E)/Order No. 120 Dated 16.9.2005 under which I have been placed under suspension in contemplation of a disciplinary proceedings against me without disclosing the reason for suspension and remain on the same condition till date.

That Sir, the case has been kept pending for more than one year even though I have been granted $\frac{3}{4}$ of my pay as Subsistence Allowance since 1/06. As a result of which, my family condition is extremely deteriorated and we are about to starve. Further, the study carriers of my children are paralyzing.

In the context of the above condition, I earnestly request to your honour to kindly look into this matter and consider for revocation and I may kindly be re-instated in service on special consideration.

For the act of your kindness, I shall be remain ever thankful and grateful to you.

Dated/Imphal
the 2nd March, 2007

Yours faithfully,
Sd/-
(I.S. RAMYO)
2/3/07

Copy to :-

1. The President,
Civil Accounts Association,
Office of the Sr. Dy. A.G. (A&E)
Manipur, Imphal.

ATTESTED
TRUE COPY

ADVOCATE

06089
H. Iboyalma Singh
Oath Commissioner (Judicial)
Manipur.

— (22) —

ANNEXURE-A/7

OFFICE OF THE ACCOUNTANT GENERAL (AU): MANIPUR
IMPHAL, 795001

Office Order No. 40
Dtd. 05.06.2006.

The following officials are restricted to enter office premises without specific written permission from the Head of office with immediate effect.

Sl. No.	Name and designation	Effect date
1.	Chungkhulih Kuki, R.K.	16.05.2005
2.	N. Nirpen Meitei, C/T	26.06.2005
3.	K. Modhumangol Singh, Sr. Acctt.	17.08.2005
4.	Ng. Kosning Moyon, Accii.	16.09.2005
5.	Lhingzalam Gangte, Acctt.	16.09.2005
6.	Sh. Ranjit Singh, Accii.	16.09.2005
7.	L.S. Ramyo, C/T	16.09.2005
8.	K. Haokip, Sr. Accii.	16.09.2005
9.	K. Benjamin, Sr. Acctt.	16.09.2005
10.	V. Nunihuk, Accii.	18.01.2006
11.	Th. Kapiha, Gr. I.	30.09.2004

Authority:- DAG(A&E)'s order dtd. 02.06.2006 at P/IN of File No. Esii. (A&E)/Suspension/2005-06.

Sd/-
Sr. Accounts Officer,
(Admn)

Memo No. Welfare/Permission/AC(Y/Au)/2005-06 Dated, 05.06.2006.
Copy to :-

1. The Commandant,
CRPF, AG pos, Babupara.
2. All the watcher concerned.

Sd/-
(T. Shantikumar Singh)
Welfare Assistant.

ATTESTED
TRUE COPY
ADVOCATE

66086
R. Jayalma Singh
Oath Commissioner (Judicial)
Manipur.

File in Court on *11.11.07*
Court Officer.

विदेशी विभाग कार्यालय
Central Administrative Tribunal
11.11.07
Guwahati

Filed by *Ab*
The respondents
through *Guwahati Bar Office*
5.11.07

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
KAMRUP AT GUWAHATI**

O.A.No. 212 of 2007

Shri L.S. Ramyo

.....Applicant

Versus

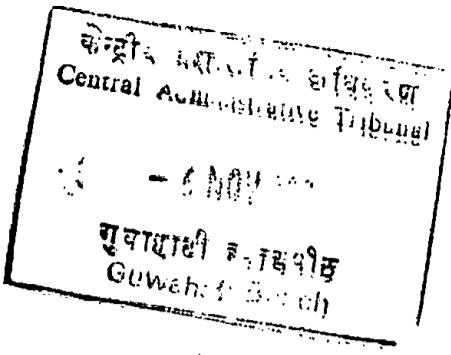
Union of India & Ors.

.....Respondents.

The written statement filed on behalf of the
respondents above named.

WRITTEN STATEMENT OF THE RESPONDENTS

1. That the deponent had gone through the original application and understand the meaning thereof. The statements which are not specifically admitted, are deemed to be denied.
2. That with regard to the statement made in paragraph 1, the Respondents beg to state that to hold an inquiry against Shri L.S.Ramyo,Clerk/Typist under Rules 14 of the CCS(CCA) Rules, 1965 a charge sheet had since been framed and issued to the applicant vide this office Memorandum No.Esti(A&E)/DP/LSR/2007-08/560 dated 7 September ,2007(*Copy enclosed as Annexure-X/1*).
[Signature]

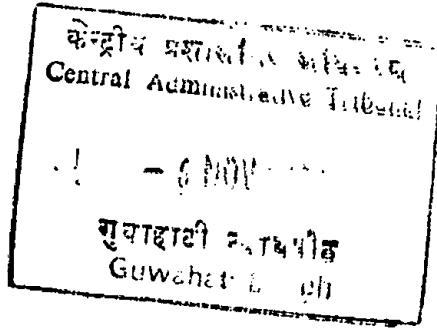


3. That with regard to the statements made in paragraph 2 and 3, the Respondents beg to state that those are within the specific knowledge of the petitioner and the respondents beg to offer no comment.

4. That with regard to the statements made in paragraphs 4.1 to 4.3 of the original application, the Respondents have no comment.

5. That with regard to statement made in paragraph 4.4, the Respondents beg to state that an investigation team was formed vide this office Estt(A&E)/Order No.44 dated 31 May 2005 to investigate the alleged fraudulent drawal of higher pensionary benefits by Head Masters/Head Pandits of Primary/Lower Primary Schools under the Govt. of Manipur based on irregular orders issued by various Directors of Education(S) and Zonal Education Officers and for submission of a preliminary report (*Copy enclosed as Annexure-X2*). In case of refixation of pensions involving higher pay with retrospective effect, concurrence of the Finance Department, Government of Manipur was needed under Rule 267 of the General Financial Rules, 2005 (Rule 42 A of GFR, 1963). However, Shri Y. Manaobi Singh, the then Sr.AO(Pension Revision) and other dealing officials in collusion with each other ignored the said provision and allowed pension revision of 1458 cases of Head Pandits/Head Masters of Lower Primary/Primary Schools based on higher pay with retrospective effect. At the very outset, the investigation team investigated more than 200 such cases of Head Pandits/Head Masters of Lower Primary/Primary Schools out of the 294 cases intimated by the Secretariat Education Department (School Section) vide their letter No.1/11/05-SE(S) dated 7 April 2005. The said applicant Shri L. S. Ramyo, while working in Pension Section as Clerk Typist during the period from 29-12-2001 to 12-07-2005 in Pension Section was allotted the works of receipt and diarizing of letters received from Government, typing of letters and writing of pension revision authority. But, without any office authority the said applicant received many service books of pensioners from the Record Keeper of Pension Section. As for an instance, the said applicant received service books holding PPO Nos. SM/19546, 7511 on 19-03-2004 without any office authority (*Copy enclosed as Annexure X3*). The said applicant also received many pensioners' pension authority copies in bulk on many days without any office authority in violation of the Sr.DAG(A&E) Order No. 3 dated 12-07-

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1993. For an instance, he received 10(ten) pensioners' pension authority copies on 15-12-2003 from the concerned office dispatcher without any official authority (*Copy enclosed as Annexure X/4*). However, on the other hand the said applicant did not comply the works allotted to him as he did not diarise many letters which was received and processed for pension revision in Pension Section which were in clear violation of the order of the Sr. DAG(A&E) order no. 3 dated 12-07-1993 regarding the receipt of letters in this office. As for an instance, the said applicant did not diarise the Zonal Education Officer, Chandel letter No. 2/25/97(CDL) dated 07-12-2003 enclosing eight service books of pensioners holding PPO Nos. SM/5018, 8552 etc. in violation of the said office orders dated 12-07-1993.

Since the applicant had committed gross irregularities with acts inconsistent to his official duties in Pension Section as pointed out by the said investigation team, a disciplinary proceeding was contemplated to be initiated against the applicant and hence he was placed under suspension by this office order dated 16 September 2005.

6. That with regard to statement made in paragraph 4.5 of the application, the respondents beg to state that a thorough investigation by the team led by Shri Ch. Joykumar Singh, Sr.AO was going on to measure quantum of the gross irregularities committed by the applicant while he was serving in Pension Section during the period from 29-12-2001 to 12-07-2005. Since the applicant was posted to Pension Section for almost 3 1/2 (three and half) years, the investigation could not be completed within a limited time to the satisfaction of the investigating team. Hence, his representation could not be reviewed at that stage

7. That with regard to statement made in paragraph 4.6 of the instant application, the respondents beg to reiterate that representation submitted on 20-6-06 could not be considered as the gravity of the irregularities committed by the said applicant could not be measured meaningfully at that time although it had been established that the applicant had done gross irregularities in his official duties and in the matter of pension revision cases as stated at paragraph 5 above. Now a charge sheet has been framed against the

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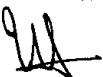
applicant for committing various irregularities in his official works as well as lack of integrity as a Government employee.

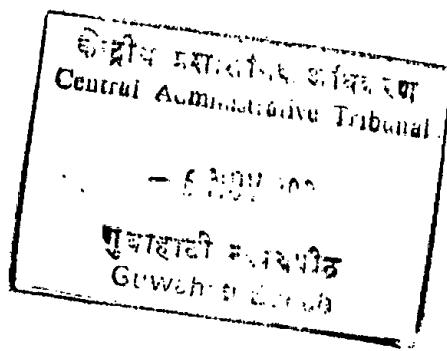
8. That with regard to statement made in paragraph 4.7 of the application, the respondents beg to reiterate the paragraph 6 and 7 and state further that his representation dated 2-3-07 could not be considered as thorough investigation of the various irregularities committed by him could not be completed at that time but a charge sheet has been framed and issued.

9. That with regard to statement made in paragraph 4.8 of the application, the respondents beg to state that since a prima facie case is made out against the applicant as per the said preliminary report and departmental proceedings are likely to result in imposition of penalty, the entrance of the said applicant to the office had been restricted so as to prevent him from influencing the investigations of the said pension irregularities committed by the applicant.

10. That with regard to statement made in paragraph 5.1 of the instant application, the respondents beg to state that as stated in paragraph 6 and 7 of this affidavit, framing of charges could not be done against the applicant without considering and measuring the gravity of the irregularities committed by the applicant. Now a charge sheet has been framed and issued to the applicant and the enquiry would be completed as expeditiously as possible.

11. That with regard to statement made in paragraph 5.2 of the application, the respondents beg to reiterate the statement made in paragraph 5, 6 and 7 of this affidavit and state further that the applicant had committed gross irregularities and showed lack of integrity in his official duties. His action on these cases was violative of rules and regulations and accordingly he cannot escape responsibility by shifting the onus to a superior authority. Hence, his statement is unfounded and may be rejected.





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12. That with regard to the statement made in the paragraph 5.3 of the application, the respondents beg to state that the said Sr. Accounts Officer was, in the meantime, transferred to the office of the Accountant General (A&E), Meghalaya vide Admn-I Order No.39 dated 13 May 2005 of the office of the Accountant General (A&E), Assam. Subsequently, he was transferred to R.T.I, Shillong on deputation by Accountant General (A&E), Meghalaya. Accordingly, this office wrote to the concerned Accountant General to serve a memorandum to him based on the preliminary enquiry report. In the meantime, the case was referred to CBI vide this office letter No.DAG/Cell/Misc/2005-06/111 dated 25 May 2006 for further investigation in view of gravity of the case and hence departmental proceedings were stopped for sometime. The CBI declined to accept this case due to paucity of time vide their letter No.1171/30/COMP/SLC/NER/2005 dated 7 June 2006. The cadre controlling authority of the said Sr. Accounts Officer has now been vested with Accountant General (A&E), Manipur vide Accountant General (A&E), Assam D.O. letter No.AG/Sep/Gr.'B'/2006 dated 28 July 2006. Accordingly, a memorandum has been issued to the said Sr. AO by this office vide Estt(A&E)/Disp.Act/Con-HP/2005-06/515 dated 20 August 2007. The reply dated 25-08-07 of the said Sr. Accounts Officer was not found satisfactory and therefore a charge sheet had since been issued vide this office Memorandum No.Estt(A&E)/PF/YM/Sr.AO/2007-08 dated 31-08-07. Further, the Principal Director, R.T.I, Shillong has been requested to relieve him and join the office of the Sr. DAG(A&E), Manipur for facilitating departmental proceedings.

Further, as per findings in the preliminary report of this office, the gravity of the irregularities committed by the concerned employees have been discussed and measured initially by this office. The official who received pensioners' copies of pension payment authorities in bulk without any authority to do so apart from other irregularities were suspended as their offence was grave. Eight other officials were also involved in committing various irregularities. However, they had not received pensioners' copies of pension payment authorities in bulk. Therefore, those officials were not suspended but were transferred to less sensitive sections and memorandums were issued of those officials also. Their replies were not found satisfactory and therefore charge sheets were

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Gramam Bishnu
issued to these officials. Thus, this office is committed to take disciplinary action against all the officials involved and will not show any leniency towards any one.

13. That with regard to statement made in the paragraph 5.4 of the original application, the respondents beg to state that as stated at paragraphs 5, 6 and 7 above the charge sheet against the applicant could not be framed without thorough investigation with proper documentation. Now a charge has been framed and issued to the applicant.

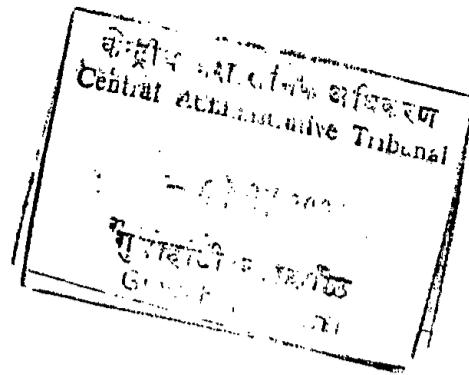
14. That with regard to statement made in the paragraph 5.5 of the original application, the respondents beg to state that as stated at paragraph 13 above, a charge sheet has been framed for gross irregularities committed by him with conduct wholly unbecoming of a Govt. Servant and inconsistent to his official duties etc. under the CCS(Conduct) Rules, 1964. Hence, the allegation of the applicant of being scapegoat as per his statement may be rejected.

15. That with regard to statement made in the paragraph 5.6 of the application, the respondents beg to state that the applicant had committed gross irregularities with conduct unbecoming of a government servant in his official duties and in the matter of many pension revision cases of Head Pandits/Head Masters of Lower Primary/Primary Schools and accordingly, a charged sheet has been framed and issued to him. The respondents further state that the grounds set forth in the original application are neither tenable in law nor on facts and are not good grounds for which the application is liable to be dismissed.

16. That with regard to the statements made in paragraphs 6 and 7 of the original application, the Respondents beg to state that those are within the specific knowledge of the petitioner and the respondents beg to offer no comment.

17. That with regard to the statements made in paragraphs 8 and 9 of the original application, the Respondents beg to state that the applicant has committed gross irregularities with conduct wholly unbecoming of a Govt. servant in his official duties and in the matter of the pension revision cases of Head Pandits/Head Masters of Lower

[Signature]



Primary/Primary Schools, and a charge sheet has been framed against the applicant.
Hence, his prayer could not be sustained and may be rejected for the end of justice.

18. That the respondents beg to submit that in view of the submissions above, the Original Application is without merit and is liable to be dismissed.


Signature of the deponent

दप्त-महालेखाकार (स. ए. एफ.)
Deputy Accountant General (A & E)
सर्वोच्च महालेखाकार (लेखा) का कार्यालय
Office of the Sr. Dy. Accountant General
मणिपुर, ईम्फाल
Manipur, Imphal

VERIFICATION

I, Viswanath Singh Jadon, Dy. Accountant General(A&E), Manipur do hereby verify that the contents of the above paragraphs ...!.... to !?.... are true to the information based on records which I believe to be true and those of the annexures are true copies of the original and I believe the same to be true and I have not suppressed any thing.


Signature of the deponent

Dated/ Imphal

The

दप्त-महालेखाकार (स. ए. एफ.)
Deputy Accountant General (A & E)
सर्वोच्च महालेखाकार (लेखा) का कार्यालय
Office of the Sr. Dy. Accountant General
मणिपुर, ईम्फाल
Manipur, Imphal

OFFICE OF THE SR.DY.ACOUNTANT GENERAL(A&E)
MANIPUR : IMPHAL

No. Esu (A&E)/DP/LSR/2007-08/560

Dated. 17.9.07...

M E M O R A N D U M

The undersigned proposes to hold an inquiry against Shri L.S. Ramyo, Clerk/Typist (now under suspension) under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witness by whom, the articles of charge are proposed to be sustained are also enclosed (Annexures III and IV).

2. Shri L.S. Ramyo, Clerk/Typist is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

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

4. Shri L.S. Ramyo, Clerk/Typist is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the C.C.S.(C.C.A.) Rules, 1965 or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him ex parte.

Devaraj Tuglak
Copy

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

6. The receipt of the Memorandum may be acknowledged.



6/9/67
(V.S. Jadon)

Dy. Accountant General(A&E), Manipur

O/C

To

Shri L.S. Ramyo, Clerk/Typist
A.G. Colony, Lampheipat
Imphal, Manipur.

ANNEXURE - III

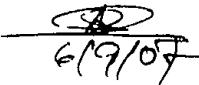
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List of documents by which the articles of charge framed against Shri L.S. Ramyo, Clerk/Typist (under suspension) of the office of the Sr. DAG (A&E); Manipur, Imphal are proposed to be sustained.

1. Revised Pension Report of PPO/SM/12903 with no signature of the Sr. Accounts Officer/Pension Revision and Revised Pension authority of the same.
2. Pension records received by L. S. Ramyo on 19-3-2004 as per Register of Pension Section.
3. Pension Authority written by Shri L.S. Ramyo in respect of PPO/SM/7378
4. Receipt of personal copies of the pensioners by Shri L.S. Ramyo.
5. ZEO(CDL) letter No.2/25/97(CDL) dated 07-12-2003.
6. Copy of Sr.DAG(A&E) order No.3 dtd. 12-07-1993.

ANNEXURE-IV

List of witness by whom the articles of charge framed against Shri L.S. Ramyo, C/T (under suspension) are proposed to be sustained.

1. Shri L. Iboyama Singh, the then AAO/ Pension Revision.


6/9/07

ARTICLE - III

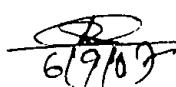
That, the said Shri L. S. Ramyo, C/T while working in Pension Section during the said period wrote the authorities of pension revision of Head Pandit/Head Masters of Lower Primary/Primary Schools and submitted without his signature direct to the concerned Sr. Accounts Officer of Pension Revision for approval, without any official authorization in this respects. The signature of the concerned AAO/Pension Revision was also not available in many pension revision authorities and the reasons for non submission through AAO/Pension Revision were also not recorded in the concerned authority cases put up by the said Shri L.S. Ramyo, C/T. As for instance, the said Shri L.S. Ramyo, C/T wrote the pension authority Sl.No.4505 in respect of pensioner M. Gourahari Singh, Head Pandit holder of PPG/SM-7378. However, his signature as a token of writing the revised pension authority was not available in the approved authority itself. The signature of AAO/Pension Revision was also not available showing that the said authority was put up direct to concerned Sr.AO of Pension Revision and unauthorisedly bypassed the concerned AAO/Pension Revision who was his next and immediate superior officer.

The said Shri L. S. Ramyo, C/T thereby failed to discharge his official duties properly by conducting himself to lack of integrity and insubordination repeatedly in the discharge of his official duties and hence violated Rule 3(1)(i) of the CCS(Conduct) Rules,1964.

ARTICLE - IV

That, the said Shri L. S. Ramyo, C/T while functioning as C/T in Pension Section received many pensioners' pension authority copies in bulk on many days without any official authorization. The pensioner's pension authority copy would be dispatched to the concerned and individual pensioner by post in the absence of any official authorization to receive it by authorized person. The said Shri L. S. Ramyo received 97 copies of pension revision authorities during the months of September, 2003 to February, 2004. For an instance, he received 10(ten) pensioners' pension authority copies on 15-12-03 without any official authorization vide this office record Nos.Rev/2984,2990,2996,2999,3002,2987,2981,2993,3008,3005 under his signature dated 15-12-03.

The said Shri L. S. Ramyo, C/T thereby failed to discharge his duties properly & honestly with conduct of wholly unbecoming a Government servant and hence violated Rules 3(1)(i)& (iii) of the CCS(Conduct) Rules,1964.


6/9/07

Statement of imputation of misconduct or misbehaviour in support of the articles of charge framed against Shri L.S. Ramyo, C/T (under Suspension) of the office of the Sr. DAG(A&E), Manipur.

ARTICLE - I

That, Shri L. S. Ramyo held the post of a Clerk Typist in Pension Section during the period from 29-12-2001 to 12-07-2005 in the office of the Sr.DAG(A&E),Manipur. Shri L.S. Ramyo while functioning as Clerk Typist in Pension Section was allotted the works of Receipt & Diarising, Typing of letters, writing of Pension Revision Authorities.

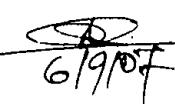
That, the said Shri L.S. Ramyo, C/T during the said period did not diarise many important letters as per office order dated 12-07-1993. As for an instance, he did not diarise the ZEO(CDL) letter No.2/25/97(CDL) dated 07-12-2003 under which the Service Books of 8(eight) pensioners holding PPO Nos. SM/5018, 8552 etc were forwarded. As such the said Shri L.S.Ramyo violated the order of Sr.DAG(A&E),Manipur Order No.3 dated 12-07-1993. Further, he wrote the pension revision authority of Head Pandit holding PPO No.SM/12903 on the basis of the report made by the concerned Dealing Assistant without having the approval and signature of the concerned Sr. Accounts Officer of Pension Revision in violation of the normal procedure.

That, the said Shri L. S. Ramyo, C/T thereby failed to discharge his duties properly by conducting himself to the acts inconsistent to his official duties with deliberate breach of office rules and regulations and thereby violated Rule 3(1)(ii) of the CCS(Conduct) Rules,1964.

ARTICLE - II

That, the said Shri L. S. Ramyo, C/T while working in Pension Section during the said period, received pension records of PPO/SM/10929 on 18-02-2004, and that of PPO/SM/19546, SM 7511 on 19-03-04 from the Record Keeper of Pension Section without any recorded reasons and without receiving any permission/order from the superior officer(s) to receive such records.

The said Shri L.S. Ramyo, C/T thereby conducted himself improperly in his official duties with deliberate breach of office rules and orders and thus violated Rule 3(1)(i)&(ii) of the CCS(Conduct) Rules,1964.


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ARTICLE - IV

That, during the aforesaid period and while functioning as C/T in Pension Section the said Shri L. S. Ramyo, C/T received many pensioners' pension authority copies in bulk on many day's under his signature without official authorization.

The said Shri L. S. Ramyo, C/T thereby failed to discharge his duties properly & honestly with conduct of wholly unbecoming a Government servant and hence he is charged under Rules 3(1)(i)& (iii) of the CCS(Conduct) Rules,1964.


6/9/07

ANNEXURE - I

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Statement of articles of charge framed against Shri L. S. Ramyo, C/T (under suspension) of the office of the Sr. DAG(A&E), Manipur, Imphal.

ARTICLE - I

That, the said Shri L. S. Ramyo while functioning as C/T in Pension Section from 29-12-2001 to 12-07-2005 in the office of the Sr. DAG(A&E), Manipur was allotted the works of Receipt & Diarising, Typing of letters, writing of Pension Revision Authorities.

However, the said Shri L.S. Ramyo did not discharge many important letters. Further, he wrote and prepared pension authority on the basis of the report made by a Dealing Assistant without having prior approval and signature thereof of the Sr. Accounts Officer of Pension Revision.

That the said Shri L. S. Ramyo, C/T thereby failed to discharge his duties properly by conducting himself to the acts inconsistent to his official duties with deliberate breach of office rules and regulations and thereby violated Rule 3(1)(ii) of the CCS(Conduct) Rules, 1964.

ARTICLE - II

That, the said L. S. Ramyo, C/T while functioning as C/T in Pension Section during the said period, received Pension Records from Record Keeper of Pension Section, without official authorization.

The said Shri L. S. Ramyo, Clerk/Typist thereby failed to discharge his duties properly and honestly by conducting himself to the acts inconsistent to his official duties with deliberate breach of office rules and orders and hence charged under Rule 3 (1)(i) & (ii) of the CCS (Conduct) Rules, 1964.

ARTICLE - III

That, the said Shri L. S. Ramyo, C/T while functioning as C/T in Pension Section during the said period wrote all authorities of pension revision of Head Pandit/Head Masters of Lower Primary/Primary Schools, and submitted direct to the concerned Sr. AO of Pension Revision bypassing the concerned Assistant Accounts Officer/Pension Revision without any office order or written instructions from his superior officer(s) and unauthorisedly bypassed the concerned AAO/Pension Revision who was his next and immediate superior officer for the submission of the pension revision authorities. The said Shri L. S. Ramyo also did not sign the pension revision authorities which he wrote and submitted to the concerned Sr. Accounts Officer of Pension Revision.

The said Shri L.S. Ramyo, C/T thereby failed to discharge his duties properly by conducting himself to lack of integrity and insubordination to superior officer(s) in the discharge of his official duties and hence he is charged under Rule 3(1)(i) of the CCS(Conduct) Rules, 1964.

6/9/07

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For my information - 1/2
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Preliminary Reports on investigation of alleged Fraudulent drawal of pensionary benefits of Head Master/Head Pandits of Primary/Lower Primary Schools under Government of Manipur.

1. Introductory:-

Shri Ch. Joykumar Singh, Sr. Accounts Officer (Adm.) has been appointed as Investigation Officer to investigate the case of alleged fraudulent drawal of arrears of pension and pensionary benefits in respect of School Head Pandits/Head Pandits in-charge of Government of Manipur.

He will be assisted by the following 3 (three) sub-teams:-

Team No.1. (a) N. Sachibuson Singh, AAO
(b) M. Premkumar Singh, Sr. Acctt.

Team No.2. (a) The Ibohal Singh, AAO
(b) L. Deben Singh, Sr. Acctt.

Team No.3. (a) Y. Devanand Singh, AAO
(b) P. Iboyaima Singh, Acctt.

The Investigation should be started from 31-05-05 and its findings (Preliminary Report) should be submitted to DAG(A&E), Manipur.

[A photocopy of Estt(A&E) Order No.44 dated 31-05-05 is enclosed for reference as Annexure-A]

1. A brief reference to some orders/correspondence issued by Government of Manipur.

(a) Grant of Head Master's scale of pay to retired teachers in lower primary/primary schools and drawal of pension arrears and salaries - cancellation of orders thereto.

There is no scale of pay prescribed for the Head Master of a Lower Primary School as per Government Records. The rules provide for a scale of pay specific only for a Head Master in Primary School as evident from the pay scales indicated in the Revision of Pay (ROP) Rules, 1966 and all subsequent ROPs, with a provision, till 1-1-96, for grant of charge allowance to teachers acting as in-charge Head Master/Head Pandits in LP/JB/Primary Schools at the rate of Rs. 5/- p.m. if the number of Assistant teachers in the school is 3 and Rs. 10/- p.m. if the number of teachers exceeds 3.

All such orders that have been passed by the Director of Education (S) and any other officials in the Directorate on or after 5.5.03 for grant of Head masters pay scale to retired teachers without approval of the Govt. and have not been passed in

My 20/6/05 True copy
S. Venkateswaran

compliance of specific court orders with necessary Govt. approval stand cancelled with effect from the date of passing of those orders, and the status prior to 5.5.03 in respect of the pay scales and pensions due to such retired teachers will be deemed to have been restored.

[Reference to Govt. of Manipur, Secretariat Education Dept (Schools) Orders No. 1/11/05-SE(S) dated 21-4-2005 issued by R.R. Rashmi, Commissioner (Edu/S) Govt. of Manipur and a photocopy enclosed as Annexure "B"]

(b) Fraudulent drawals of arrears and pensions by HeadMasters/Head Pandits :-

Since the House Committee is currently enquiring into the case and is of the view that the fraud, if any, committed by the officials involved in the Directorate of School Education and other Agencies should be immediately detected through proper investigation of all aspects and examination of all documents, it is considered necessary that the Revised P.P.O.s issued by A.G. Office on the advice of Director, Education (S) are suspended and kept in abeyance till completion of full investigation.

The examination of the documents will involve not only scrutiny of the orders passed by the Director, Education(s) or officials at other levels but also the Service Books of the concerned retired teachers who benefited from irregular drawals based on these orders and the revised PPOs.

[Reference to Commissioner Education(s) R.R. Rashmi's D.O. letter No. 1/11/05-SE(S) dt. 21-4-05 addressed to Shri P.K. Kataria, A.G. (Audit), Manipur and a photocopy of the order enclosed as Annexure "C".]

3. Classifications sought to the Govt. of Manipur in the Month of Nov & Dec/2003 by the Sr. Accounts Officer (Pension) in respect of irregularities in granting of Higher Scales to Head Pandits.

(a) The Sr. Accounts Officer (Pension) who has been dealing with revision of pension cases, has pointed out various irregularities in granting of higher scales to the Head Pandits and requested for immediate action to remove the above irregularities to the Commissioner (Edu/S), Govt. of Manipur, with a copy endorsed to Director of Education (S) vide his letter No. Pen/R.O.P.-90/90-91/713-14 dt. 21-11-03.

[A photocopy of the letter dt. 21-11-03 signed by Shri Y. Manaobi Singh, Sr. A.O. (Pen) is enclosed as Annexure 'D' for reference]

(b) The Sr. Accounts Officer (Pension) who has been dealing with the normal pension cases without revision cases has referred the pension

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case in respect of Shri N. Angou Singh, Retd. HeadPandit of Netaji L.P. School to the Commissioner, Finance (P.I.C.), Govt. of Manipur with a copy endorsed to the Commissioner Education(s) vide his letter No. Pen/1-4/Supn/1014/2003-04/849-52 dt. 17-12-03, pointing out the irregularities and seeking classification of the eligibility/ineligibility of the Scale of Rs. 1400-2300/- to the head master of L.P. Schools by enclosing the Service Book of Shri N. Angou Singh for reference.

[A copy of the letter dt. 17-12-2003 signed by H. Doruma, Sr. Accounts Officer(Pen) is enclosed for reference as Annexure "E".]

4. List of officials posted in pension Section dealing with Education Department and related cases of pension Revisions.

Sl. No.	Name and Designation	Period of posting	Works allocated
1.	H. Jadumanu Singh, Sr. Acctt.	14-3-2000 to 20-5-2003	Directorate of Edn(S), Zonal Education Offices including Primary to Junior High School excepting Zone-III & IV.
2.	K. Sumitibala Devi, Sr. Acctt.	21-5-2003 to 18-5-2004	L.P., Primary, Junior High Schools, Z.E.Os.(Jiribam, Kangpokpi, Kakching, Chandel, Ukhrul, Senapati, Churachandpur and Wangoi) Z.E.O. -I & II
3.	K. Benjamin, Sr. Acctt.	6-7-2004 to 13-5-2005	L.P., Primary, Junior High Schools, Z.E.Os.(Jiribam, Kangpokpi, Kakching, Chandel, Ukhrul, Senapati, Churachandpur and Wangoi) Z.E.O. -I & II
4.	Sh. Ranjit Singh, Acctt	11-6-2001 to 5-4-2004	High Schools, Colleges, Higher Secondary Schools, ZEO III (Thoubal)
5.	Y. Ibomcha Singh, Sr. Acctt.	6-4-2004 to 12-7-2005	High Schools, Colleges, Higher Secondary Schools, ZEO III (Thoubal)
6.	Ng. Kosning Moyon, Sr. Acctt.	11-6-2001 to 5-4-2004	ZEO -IV, DI (Moirang) Electricity etc, Medical.
7.	Y. Sharat Meitei, Sr. Acctt	8-4-2004 to 12-7-2005	ZEO -IV, DI (Moirang) Electricity etc, Medical.
8.	L.S. Ramyo, C/T	29/12/2001 to 12-7-2005	Receipt & Diarising, Typing of letters, writing of pension Revision Authorities.
9.	Chungkhulun Kuki, R/K	9-10-98 to 15-5-2005	Keeping of pension records of pensioners
10.	Lhingzalam Gangte, Acctt.	13-9-2000 to 5-4-04	Dispatcher, issue of Try A/cs (DAA Broadsheet) 7 MR, 8 MR, IRB (11,12,13)

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11.	N. Nirpen Meitei, Gr. D	1-12-2002 to 5-4-2004	He was promoted to C/T from 1-1-04 but no work allocation as C/T was found to issue.
12.	P. Rahuman Singh, A.A.O.	27-9-2000 to 24-11-2003	Pension Revision
13.	L. Iboyaima Singh, A.A.O.	25-11-2003 to 16-1-2005	Pension Revision
14.	Y. Manaobi Singh, Sr. A.O.	Period 2001 upto 26-11-2005	Pension Revision

[Reference to Sr. A.O. (Pension) confidential letter No. Pen/Policy/2004-05/327 dt. 18-5-05 (Annexure "F" enclosed) and Allocation of duties of Pension Section Annexure "G" enclosed]

5. A list of names of Accountants who are taking part in dealing of school pension revision cases of Head Pandits (not exhaustive) and are not allocated to do the works of pension revision of Head Pandits as per allocation of duties at the point of time of Revision. Some are not even posted to Pension Section at that time of the pension revision.

Sl No.	Name of Accountant	Works allocated for Education	Head Pandit Revision cases done	Name of ZEOs where pension case relates	Remarks.
1.	Ng Kosning, Accnt.(Pension)	ZEO-IV & DI (Moirang)	SM/12222 SM/12975 SM/14932 SM/6310 SM/2708	ZEO (CCPur) -DO- Chandel CCPur Zone-I	Not allocated to him -DO- -DO- -DO- -DO- -DO-
2.	Sh. Ranjit Singh, Accnt (Pension)	ZEO-III	SM/11620 SM/3494 SM/7080	ZEO-I ZEO-II Wangoi	Not allocated to him -DO- -DO-
3.	H. Jadumani Singh, Sr. Accnt. (Pension)	ZEOs except Zone-III & IV	SM/4768 SM/12247 SF/2282	Zone-IV Zone-IV Zone-III	Not allocated to him -DO- -DO-
4.	K. Sumitbala Devi, Sr. Accnt. (Pension)	ZEOs except Zone-III & IV	SM/12810 SM/7987 SM/5987	Zone-IV Zone-IV Zone-IV	Not allocated to her -DO- -DO-
5.	K. Haokip, Sr. Accnt. (Pension)	Education not allotted to him	SM/10775 SM/10298 SM/12510	ZEO(Ukhrul) ZEO, Chandel ZEO, KPI	Not allocated to him -DO- -DO-

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6.	Th. Jayanta Singh, Sr. Acc't. (Pension)	Education not allotted to him	SM/12980 SM/14642 SM/8920	ZEO, Wangoi ZEO-II Edn(s)	Not allocated to him -DO- -DO-
7.	Y. Ibomcha Singh, Acc't (Pension)	ZEO-III	SM/14614	ZEO-IV	Not allocated to him.
8.	K. Benjamin, Sr. Acc't	Not in Pension at that time	SM/5889 SM/7378	ZEO-Ukl ZEO-IV	Not allocated to him -DO
9.	Lhingzalam Gangte, C/T. (Pension)	Not allocated to her	SM/2831 SM/7478 SM/12903	ZEO, Chandel ZEO, KPI ZEO, Chandel	Not allocated to her -DO- -DO-
10.	Lamkhohao, Sr. Acc't.	Not in Pension	SM/12904 SM/10605	ZEO, Chandel ZEO, UKL	Not allocated to him -DO-

[Statements from Pension Section enclosed as Annexure "H" for reference].

6. A short list (not exhaustive) of pension revision cases of Head Pandits where office procedures have been seriously neglected and revision of pension cases settled abruptly without vital information in record (e.g. pay regulation, pension reports and service books etc.). Cases were never put up to AAO as signatures of AAO was not available in every case produced to Investigation Teams. Furthermore, initials of dealing Accountants in the Pension Authority office copy are not available.

Sl. No.	Name of dealing Accountant	Name of pensioners	PPO No	Remarks
1.	No signature found.	N. Mangi Singh	SM/14854	Pay regulations and report not available.
2.	Sh. Ranjit Singh	Th. Nabakishore Md. Maheiruddin	SM/5813 SM/6820	Pay regulations not available. P.R. and S.B. not available.
3.	K. Sumitibala Devi	S. Khomdonbi	SM/14622	Pay regulations not available.
4.	Lhingzalam Gangte	Thangkhamang	SM/12903	Pay regulations not available.
5.	Lamkhohao	N. Yarpang	SM/10605	Pay regulations not available.
6.	Lamkhohao	M. Ningahei	SM/10153	Pay regulations not available.
7.	K. Benjamin	G. Kabuichung	SM/5889	Pay regulations not available.

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N.B. The names of the dealing Accountants are subject to verification by Sr. A.O. (Pension) who signed the Pension Authority copies as the signatures of AAO was not found in the Revision cases done

7. Serious negligence of office procedures in the settlement of pension revision cases of Head Pandits by dealing Accountants, AAO and Sr. Account officer.

Pension revision cases of the Head Pandits were never put up by the dealing accountants to the next higher authorities i.e., Asstt. Accounts Officers for checking and approval as per office procedures. Almost in every case no written records are available to "Note" Side of the Pension file and office procedures have been virtually neglected. It is not known how Sr. A.O. (Pen) was satisfied with such omissions and irregularities. Records received are not properly received and diarised.

As instances mentioned below, Sr. A.O. (Pen) has authorized the pension payments without checking by concerned AAO (Pen).

SM/12222, 5813, 12510, 14622, 13588, 12980, 7478, 14614, 7378, 12904 etc.

The Investigating Team at the outset, has got more than 200 (two hundred) cases of head Pandit Pension revisions not passed through AAO (Pension) for checking as per office procedures.

8. Unauthorised handing over of Pension records by Shri Chungkhon Kuki, Record Keeper to unauthorized persons.

Sl. No.	Name of unauthorized persons	Particulars of PPO Nos. of pension records	Date of handing over of the record papers including service books.
1.	V. Zingi, Sr. Acctt. (not in Pension Section)	SM/12742	10-03-2004
		SM/4441, SM/438, SM/1461,	} 01-04-2004
		SM/2884, SF/3729, SF/4630	
2.	W. Bilashini Devi (Audit Office)	SM/9309, SM/4560, SM/5403,	} 29-03-2004
		SM/4569	
		SM/5121, SM/14088,	
3.	N. Nirpen Meitei, C/T (Pension)	SM/8843, SM/13029, SM/17290,	} 19-03-2004
		SM/13671	
		SM/8652, SM/6740,	
4.	Sabir (Audit)	SM/17268, SM/8366, SM/9342,	} 02-03-2004
		SM/5278, SM/8353, SM/8187,	
		SM/9575	
		SM/12398	No date

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5.	L.S. Ramyo (Pension)	SM/10229 SM/19546, SM/7511	18-02-2004 19-03-2004
6.	Y. Sharat and Kumar of Try	SM/6820, SM/11141, SM/2986, SM/7620, SM/8934	} No date.

N.B. These are not exhaustive.

9. Unauthorised handing over of pensioners' pension authority copies in bulk and in block at a time to pension staff and unauthorized persons and receiving the same in bulk by them at a time instead of sending them by Post to pensioners concerned or to their authorized person/s by Despatcher in Pension Section.

As per allocation of duties of pension Section, Lhingzalam Gangte, C/T was allotted to do the dispatch work of Pension Section.

Name of the unauthorized persons who have taken the pensioners' copies in bulk are given below (not exhaustive)

Sl. No.	Name	No. of copies taken	Date
1.	C. Kuki, Record Keeper	8 7 5 3	15-01-04 19-01-04 05-02-04 17-02-04
2.	N. Nirpen Meitei, C/T	5 6 4	30-01-04 16-03-04 24-03-04
3.	K. Benjamin, Sr. Acctt.	11	14-10-03
4.	Ng. Koshing, Sr. Acctt.	5 10 12	17-02-04 24-02-04 15-03-04
5.	L.S. Ramyo, C/T	5 6 5 10 5 8 7 3 10 6 3 10 9 11	29-09-03 14-10-03 24-10-03 06-11-03 11-11-03 18-11-03 04-12-03 12-12-03 15-12-03 13-01-04 30-01-04 05-02-04 06-02-04 11-02-04

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		14	12-02-04	61
		4	13-02-04	
		6	18-02-04	
		5	01-03-04	
		8	05-03-04	
		7	11-03-04	
6.	Gyasuddin (Unauthorised outside person)	16	14-10-03	
		12	21-10-03	
		12	23-10-03	
		24	27-11-03	
		12	02-12-03	
		10	02-12-03	
		12	04-12-03	
		19	08-12-03	
		9	12-12-03	
		9	16-12-03	
		8	18-12-03	
		5	19-12-03	
7.	Sh. Ranjit Singh, Sr. Acctt.	10	09-02-04	
		2	18-02-04	
8.	Y. Sarat Meitei, Sr.Acctt.	3	13-01-04	
		4	04-03-04	
9.	Seiklum (Outside person)	12	10-10-03	
		13	29-12-03	
10.	Lhingzalam Gangte, C/T	6	06-01-04	
11.	K. Haokip, Sr.Acctt.	5	17-02-04	
12.	Md. Anwar Hussein (outside person)	7	29-01-04	
		5	30-01-04	
		6	30-01-04	

N.B. Treasury Payments are not authorized to bank by the Treasury Office for the pensioners who have not presented pensioners' copy to Treasury Office concerned.

10. Brief reference of cases having serious procedural lapses and overpayment of pensionary benefits thereof and observations:-

(a) Late Haochinthang, Head Pandit, Ngoiphai L.P.School PPO/SM/SF/6688

No requisition of Service Book from A.G. Office was made by the Department at any point of time. However, the Service book along with some documents for pension revision have been forwarded by ZEO vide its letter No. 1/10/01-ED(Ccpur.) dated 24-6-2003. There is no diarising of the forwarded pension records by Receipt Section and no marking by AAO/AO concerned. It was also found that AO(Pension) has given order to the dealing Assistant to correct the LPC as per his recording in the 'Note' side showing pay regulation at the pensioner's pension file. The order was not obeyed and put up the case by taking the wrong amount of pay. The actual pay should be Rs

put up

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1640/- but it has been taken as Rs. 2060/- instead which is not admissible as per entry made at P/3 of Service Book (new additional volume). ||

Pension authority has, however, been issued by Sr. AO(Pension) based on the wrong pay and accordingly overpayment of pensionary benefits have been authorized in addition due to negligence as the case may be. 62

(1) Excess authorization of gratuity	Rs. 10,992/-
(2) Excess authorization of enhanced family pension -	Rs. 210/- p.m.
(3) Excess authorization of normal family pension -	Rs. 126/- p.m.

The above case was not put up to check by AAO(Pension) nor entrusted to check it by AO(Pension). The overpayment was due to office procedural lapses committed in pension section resulting to losses of Government money.

(b) Md. Maheiruddin, Reid. Head Pandit, PPO/SM/6820

The Service book is not available in the pension record/personal file of the pensioner and revision of pension has been done without the Service Book.

While finalizing the case, the important letters, service book and some other papers were not available in the personal record file of the pensioner.

In the initial report the last pay drawn was Rs. 1200/- and in the revised calculation it has been taken as Rs. 1760/- without any basis. The case was put up direct to Sr. AO(Pension) and not to AAO(Pension) and finalized on 17-02-04 by AO(Pension).

Due to lack of proper checking of Service records and serious procedural lapses in the Pension Section the excess payment has been made/authorized resulting to loss of Government money.

(a) gratuity -	Rs. 3,465/-
(b) commutation -	Rs. 3,766/-

(C) Mangrai Tuboi, A/T, PPO No. SM/7274

The pension revision case was processed by opening a part file without approval of higher authority. All the original pension papers along with the original authority copies are not available. Cases was put up directly to Sr. AO(Pension) mentioning nothing to the "Note" side of the personal part file of the pensioner.

The pension revision report was not prepared and put up without it by dealing Assistant as evident from record. However, pension revision authority was signed by Sr. AO(Pension) without the pension report and pay regulation which are a must in the processing of pension case. The office copy of the pension authority issued vide No. Pen/Revision/95-96/4307 dated 16-2-04 do not have the initial signature of dealing Accountant/AAO.

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As per Record Keeper's Register of pensioner, the original Service Book Vol.I was found unofficially collected from Record Keeper by one 'H.P.' and found forwarded to A.G. Office, two volumes of Service Books including a fresh one along with placement order, LPC etc. for pension revision by Zonal Education Officer, Kangpokpi vide his letter No.2/27/2000-ZEO(KPI) letter dated 21-5-03. It is found that the ZEO, KPI letter dated 21-5-03 along with pension records was found not diarised in any section and there is no markings of AAO/Sr.AO etc. to the letter which has been processed.

(D) S. Mohon Singh, H/M (ZEO Kakching), PPO No.SM/14717.

No original papers i.e. the original pension papers submitted by the Department at the time of first authorization of pension are found in the file. Service Book and new documents only were found enclosed.

The case was re-submitted vide ZEO,Kakching letter No.1/7/98-ED(ZEO-K) dated 22-2-04. The letter has been marked by Sr.AO/Pension on 1-3-04 and on the face of the letter itself, Receipt Section's No.SB/2343 dated 15-3-04 with seal was embossed. Then AAO has marked to Dealing Assistant on 16-3-04 in the name of Kosning, Sr. Accountant. The case was put up by Dealing Assistant on 10-3-04 much before the pension papers were received by him on 16-3-04 and finalized the case on 17-3-04. No signature of AAO was found while processing for authorization of pension of the pensioner.

(E) M. Ghana Singh, Head Pandit, Zone-I, PPO/SM/3528.

Original forwarding papers are not available. But the Service Book along with new documents were received on 5-3-04 vide their letter No. 2/5-2/2004-ED/ZEO/Z-1(1) dated 5-3-04. Although the Government order was issued on 5-3-04, the case was received on 5-3-04 and put up by dealing Assistant on 5-3-04 and finalized the case on the same date i.e. 5-3-04. The case was not diarised and there is no marking of AAO/Sr.AO to the forwarding letter.

The signature of the pensioner in the forwarding letter is quite different from the signature of pensioner recorded in Service Book. The pensioner had retired long back in 28-2-1978 from service.

(F) Thangkhamang Sillhou, Head Pandit, ZEO(KPI), PPO/SM/12510.

No record for requisition of service book by the department and letter for returning it to the department by the A.G. Office are not found in the personal file of the pensioner.

However a new volume of service book after fixation alongwith a placement order, fixation statement and LPC without the original service book have been received.

It is found that the placement order dated 21-5-03 issued by the ZEO(KPI) vide his letter No. 2/27/2000-ZEO(KPI) dated 21-5-03 was not signed and hence the order itself should be treated as unauthorized copy of order dated 21-5-03 enclosed as Annexure-1.

However, the case was passed on 22-3-04 after taking into account the unsigned order dated 21-5-03.

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1. Findings in brief of irregularities of some pension authorisation are enclosed in the Annexure-J.

2. General observation in the revised pension authorization of Head Pandits:-

- (a) The Orders of granting higher scale with retrospective effect to the Head Masters/Head Pandits do not have the concurrence of Finance Department in violation of Rule 42-A of GFR.
- (b) All the Service Books available in connection of pension revision of Head Pandits are newly constructed with many omissions, and hence the authenticity is doubtful. It is not known the circumstances under which they could not be continued ~~to~~ the original service books and personal files which should be available to A.G. Office.
- (c) Almost all the new pension records pertaining to Pension revisions are not received properly through Receipt Section and not even diarised/mark in Pension Section.
- (d) Many original Service records (Service Books) were found to ~~hand over to unauthorized persons without proper requisition. Pensioner's pension Authority copies were also handed over to unauthorized persons in bulk instead of sending them to pensioners or to their authorized person.~~ ^{be}
- (e) It is found that many pension revision cases were done by unauthorized staff.
- (f) Some cases are finalized without pay regulation pension report and service book.
- (g) OFFICE Procedures required in connection of submission of cases to Higher Authority are grossly neglected. No records for submission of cases have been found in "Note" side of the pension record file, in most cases.
- (h) The initials of signatures of the dealing Accountants could not be verified as the signatures are different from those available in attendance register.
- (i) Almost all cases are put up abruptly and passed without proper scrutiny of the case. The signature of AAO(Pen) is not found recorded in ~~every~~ revision case thereby showing lack of proper scrutiny and procedural lapses and excess pension payment has been authorized resulting in loss of Govt. Money in some cases.

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(j) Some pension cases could not be produced by pension section inspite of requisition.

(k) Irregularities have already been pointed out by Sr. AO (Pen) to State Govt. on Nov/Dec. 2003 vide para 3 of this report. It is not known how further payments have been made without clarification from Govt and approval of higher authorit.

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(CH. JOYKUMAR SINGH)
Sr. A.O./Investigation Officer

OFFICE OF THE SR. DY. ACCOUNTANT GENERAL(A&E)
MANIPUR : IMPHAL

Estt(A&E) /Order No. 44

Dated, 31-05-2005

Shri Ch. Joykumar Singh, Sr. AO has been appointed as Investigation Officer to investigate the case of alleged fraudulent drawal of arrear of Pension and Pensionary benefits in respect of School Head Pandits/Head Pandit in-charge of Government of Manipur. He will be assisted by the following 3 sub-teams.

Team No. 1	a) N. Sachibhuson Singh, AAO. b) M. Premkumar Singh, Sr. Acctt.
Table No. 2	a) Th. Ibohal Singh, AAO. b) L. Deben Singh, Sr. Acctt.
Table No. 3	a) Y. Devanand Singh, AAO. b) P. Iboyaima Singh, Acctt.

The investigation should be started from 31-05-05 and its findings (Preliminary Report) should be submitted to DAG(A&E) on 8th June, 2005 positively.

Authority :- AG's order dated 30-05-05 at P/2^N of file No. Estt(A&E)/2-78/Press-C/2005-06.

S.K.
Sr. Accounts Officer/Admn.

Memo No. Estt(A&E)/2-78/Press-C/2005-06/482-85

Dated 31-05-2005

Copy to :-

1. Secy. to A.G, Manipur.
2. P.A. to DAG(A&E).
3. Person concerned.
4. Office order file.

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Sr. Accounts Officer/Admn.

No. 1/11/05-SE(S)
GOVERNMENT OF MANIPUR
SECRETARIAT : EDUCATION DEPARTMENT
(Schools)

Order by the Governor
Dated, 21st April, 2005, Imphal

Grant of Headmaster's scale of Pay to Retired Teachers in Lower Primary/Primary Schools and drawal of pension arrears and salaries-
Cancellation of Orders therof

Whereas it has come to the notice of the Government that a large number of orders were passed, without Government approval, on and after 5.5.2003 at the level of Director, Education (schools) and other officials in the Directorate granting the pay scale of Headmaster of Primary schools to the retired teachers in Lower Primary/Primary schools who had functioned as in-charge headmaster/Headpandits in such schools,

Whereas the benefit of higher scale of pay of Headmaster of Primary school has been granted, vide the Orders in question, to the Teachers of L.P. Schools who are retired and the benefits have been given with retrospective effect i.e. from the date from which such teachers had been deemed to act as in-charge headmaster/Headpandits in the Lower primary/primary schools,

Whereas there is no scale of pay prescribed for the Headmaster of a Lower Primary school as per Government records; the rules provide for a scale of pay specific only for a Headmaster in Primary school as evident from the pay-scales indicated in the Revision of Pay (RoP) Rules 1966 and all subsequent RoPs, with a provision, till 1.1.1996, for grant of charge allowance to teachers acting as in-charge Headmaster/Headpandits in L.P./J.B./Primary schools at the rate of Rs. 5/- per month if the number of Assistant Teachers in the school is 3 and Rs. 10/- per month if the number of teachers exceeds 3,

Whereas the Director, Education (S) had already cancelled, vide order

*DRAILED - on leave
JY 20/6/05
S. P. B. (Pen)*

*Please take
immediate necessary
action*

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no 46/32/2000-ED(V) dated 28.1.2002, all previous orders of the the Zonal Education Officers and Deputy Inspectors of Schools relating to utilization of services/declaration of teachers as Headmasters of L.P. Schools on look-after/in-charge basis and repatriation of such teachers to their substantive posts, with further directions to the subordinate officials to submit afresh necessary proposals only in such cases where there are appropriate court directions,

Whereas the higher scales are now found to have been granted by the Director, Education (S) to the retired teachers of L.P./Primary schools in violation of the said orders dated 28.1.2002 and there is no evidence of any other compelling circumstances such as the existence of court orders or Government instructions, or otherwise for issue of the orders passed after 5.5.2003 in respect of the retired teachers,

Whereas, it is found that, in the past, similar orders for grant of higher pay scales to teachers in L.P./Primary schools were passed by the Government or the Director, Education (S) for serving teachers only after following the necessary procedure as described above and, in compliance of the applicable directions of the Court, and such orders, therefore, stand on a totally different footing and can not be deemed to have provided a basis for the orders passed by the Director, Education (S) or other officials on or after 5.5.2003 ,

Whereas the Government rules and procedures oblige that the orders granting higher scale of pay are passed only after ascertaining the availability of posts and obtaining the necessary recommendations from the duly constituted Departmental Promotion Committees (DPCs) and, thereafter securing the approval of the Government,

Whereas no such procedure was followed in respect of the teachers covered by the orders in question; the orders were issued without the knowledge or approval of the Government, and there are no other extenuating circumstances on record warranting issue of such orders,

Whereas it is noticed that the Director Education (S) had passed an

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order dated 6.4.2004 cancelling all orders passed by his office pertaining to the grant of scale of pay of headmaster/headpandit to the ex-headmasters/pandits of L.P./primary schools, without however indicating the steps necessary to recover the irregular drawals made on the basis of his previous orders,

Whereas, on the basis of the orders of the Director, Education (S), the Office of the Accountant General, Manipur had already revised the pensions and issued fresh pension payment orders, resulting in entitlements to and drawals of large sums of pension and pay arrears by the retired teachers, and further, such retired teachers have, since continued to draw the pensions at the enhanced scale,

Whereas the orders in question have allowed the revision of pay of the retired teachers of L.P./Primary schools with effect from the date of holding charge of headmaster/Headpandits in the Lower primary/primary schools (in some cases as far back as 1.4.1964) as distinguished from the other orders issued prior to 5.5.2003 by the Government or the Director, Edn (S) granting such benefits only notionally with actual payments to begin only from 2.12.1996 or 16.12.1996, i.e. the date of framing the R/Rs for the post of Headmaster of Primary school,

Whereas the nature of the orders passed and the sequence of events clearly establishes that the said orders were irregular, and were passed with an ulterior motive of providing undue financial gain to the beneficiaries involved,

Whereas it is considered necessary, in public interest, to annul all such irregular orders passed after 5.5.2003 in respect of the retired teachers of L.P./Primary schools, which do not have the approval of the Government and have not been passed in compliance of specific court orders with necessary approvals,

Whereas the actual number of retired teachers in whose respect such orders were irregularly passed can not be fully and correctly established at this stage until the information provided by the Directorate of School Education who passed the orders, the office of the Accountant General,

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Manipur who prepared the Pension Payment orders and the Treasuries from where the pensions are drawn, is fully reconciled,

While this process involves considerable effort and time and, in the meantime, it is necessary to prevent further unauthorized and illegal drawals of pensions and pension arrears by the teachers covered by the said orders and effect recovery of the unauthorized amounts drawn,

Now, therefore, it is hereby ordered that all such orders that have been passed by the Director, Education (S) and any other officials in the Directorate on or after 5.5.2003 for grant of headmaster's pay scale to the retired teachers without the approval of the Government and have not been passed in compliance of specific court orders with necessary Government approval, stand cancelled with effect from the date of passing of those orders, and the status prior to 5.5.2003 in respect of the pay-scales and pensions due to such retired teachers will be deemed to have been restored.

Further, the Accountant General, Manipur will, immediately cause a scrutiny of the service books of the teachers covered by such orders of the Director, Education (S) and other officials in the Directorate and effect a review of the pension payment orders including recovery of the irregular pensions and pay drawn by such teachers on the basis of such orders.

1 This issues in consultation with the Finance Department

Rashmi
(R.R.Rashmi)
Commissioner (Edn/S),
Govt. of Manipur

Copy to:

- (i) Secretary to Chief Minister
- (ii) The P.S. to Hon'ble Minister, Education (S)
- (iii) The Chief Secretary, Government of Manipur
- (iv) The Principal Secretary, Finance, Government of Manipur
- (v) Accountant General, Manipur : with a request to review all

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special authorities for payment of pensions in respect of retired teachers of L.P./Primary schools who were granted higher scale of headmaster's pay on the basis of the orders passed by the Director, Education (S) and any other officials in the Directorate on or after 5.5.2003. He is also requested to take action for recovery of the arrear pensions and pay drawn on the basis of these orders. He is, further, requested to ensure, that, in future, all revisions of the pay scales or special authorities for payment of arrears on account of grant of higher scale of pay to the retired or serving government servants are made in consultation with the Finance Department.

- (vi) The Director, Education (S)
- (vii) All Treasuries officers/Sub-Treasuries, Government of Manipur: They are requested to make further payments of pensions to those retired teachers of L.P./Primary schools in whose case special authorities had been received from the AG Manipur for payment of revised pensions and arrears on and after 5.5.2003 only after obtaining further confirmation and advice from the AG Manipur.
- (viii) Branch Managers, SBI MG Avenue/UBI, MG Avenue/UCO bank, Thangal Bazar: with advice as in case of (vii) above
- (ix) All Zonal Education Officers/Deputy Inspector of Schools, Government of Manipur
- (x) Guard File/Order Book

26/6/05

Maxine - 'C'

3/2

Subject : *Fraudulent drawals of arrears and pensions by Head Masters/Head Pandits.*

No. 1/11/05-SE(S) :

Imphal, the 21st April, 2005

Dear Shri Kataria,

This refer to the correspondence between us on the matter of fraudulent drawals of pay and pension arrears by retired teachers functioning as Head Masters/Head Pandits in LP/Primary Schools on the basis of revised PPOs issued on or after 5.5.2003.

Since the House Committee is currently enquiring into the case and is of the view that the fraud, if any, committed by the officials involved in the Directorate of School Education and other agencies should be immediately detected through proper investigation of all aspects and examination of all documents, it is considered necessary that the revised PPOs issued by your office on the advice of Director, Education(S) are suspended and kept in abeyance till the completion of full investigation. The examination of the documents will involve not only scrutiny of the orders passed by the Director, Education(S) or officials at other levels but also the service books of the concerned retired teachers who benefited from irregular drawals based on these orders and the revised PPOs.

The Department of School Education is separately issuing orders cancelling the irregular orders passed by the Director, Education (S). Orders for recovery of the unauthorized pension drawn are also being issued.

I shall be grateful if immediate actions are taken to implement the decision of the Govt. and prevent further irregular drawals of pensions and pension arrears. The list of such persons who have drawn arrear pensions on the basis of revised PPOs on or after 5-5-2003 which was sought vide letter of even number dated 11-4-2005 is still awaited. I will appreciate if this is expedited.

With regards

Rashmi
(R.R.Rashmi)

Am 26/6/05

Shri P.K.Kataria,
Accountant General (Audit),
Manipur, Imphal.

DAG (A&E) - on leave.
Sr AD (Gen)

Please take immediate
necessary action as
directed by the
Govt.



Annexure 'D'
- 34 -

OFFICE OF THE

SENIOR DEPUTY ACCOUNTANT GENERAL (A&E)
MANIPUR, IMPHAL - 795 001

No. Pen/ROP-90/90-91/713-14
Dated 21-11-2003

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To

The Commissioner Education(S)
to the Government of Manipur, Imphal.

Subject :- *Irregularities in granting higher scales to the Head Pandit*

Sir,

Scrutiny of Pension papers/documents/orders of school teachers reveals the following irregularities.

1. In compliance with Hon'ble Guwahati High Court's orders the state Government allowed to enjoy the pay of Head Master of Primary School with effect from the date from which they were made in charge Head Master of Primary schools in the scale of Rs. 1400-2300 p.m. (Pre-revised) notionally and actual payment will be made with effect from 16-12-96 vide No.12(HC)/327/2001-SE(S) dated 15-12-2001 (copy enclosed) Annexure-I whereas the scale of pay of Rs. 1400-2300 is the scale of pay of Head Master, JB School as per ROP 96 effecting from 01-01-86. The State Government granted the pay scale of Rs. 1400-2300 of Head Master, J.B. School to the Head Pandit/Head Master of LP/Primary School from the date from which they were made in charge Head Pandit/Head Master of LP/ Primary School.

A copy of Finance Department's order for granting the scale of Rs. 1400-2300 to the Head Pandit/Head Master of LP/Primary school may kindly be made available as there is no prescribed pay scale of Head Pandit in ROP 90.

2. The state Government in their order No.12(HC)/380/2001-SE(S) dated 03-10-2002 (copy enclosed) Annexure-II allowed 41 teachers to enjoy the pay and allowances attached to the post of Head Master, LP/Primary school till 28-01-2002. However, Director of Education(S) in his order No.46/32/2002-ED(V) dated 12-02-2003 (Copy enclosed) Annexure-III allowed to enjoy the scale of pay of Rs. 5500-175-9000/- p.m. with effect from 29-01-2002 till retirement to Shri G. Tonbi Sharina, Head Master, Naorem Girl's L.P. School, Zone-IV who appeared at Sl. No.12 of WP(C) No.1872 of 2001 of the Annexure to the order dated 03-10-2002. It may kindly be clarified whether Director's order dated 12-02-2003 is to supersede state Government order dated 03-10-2002

3. Director of Education(S) has issued a number of orders allowing Ex-Teachers/teachers/Pandits who were/are serving as Head Pandit/Head Master in charge of LP/JB School with effect from the date of their holding in-charge of the Head Pandit of the school with retrospective effect as far as 01-04-64 to draw the pay scale of Rs. 125-1-145-E-4-165-EB-5-200/- p.m. without assigning any reasons. The scale was granted to under Matric trained/matriculate teachers as per ROP 66. In some of the orders, it is mentioned that the grant of higher scale is only for getting retirement/pensionary benefits. A copy of order No.3/20/2003-ED(H)4 dated 29-09-03 is enclosed (Annexure-IV). It is seen from the Service Book that pay is regulated and revised from 125-200/- to 260-500/- (ROP 75), Rs.260-500/- to Rs. 540-1230/- (ROP 82) and 540-1230 to 1400-2300(ROP 90) where as the revised scale of Rs. 125-200/- was Rs.240-390 ROP 75 and 240-390 to 500-1020(ROP 82). The correctness of pay regulation may kindly be confirmed and also be clarified whether the pay fixed from time to time in accordance with the

Mobile/Phone : 0385-228526 (O);
Fax : 0385-228525

ATM/Telecom : ACCOUNTANT

20/11/03

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various ROPs would be payable to the pensioner. If the grant of higher scale is only for pensionary benefits, it would be contrary to the provisions of the MGS Pension Rule 1977.

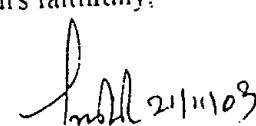
4. Zonal Education officers issued orders allowing to enjoy/draw the sr. scale of pay of Rs.1640-2900/- to Head Pandit of LP/Primary school on being completion of 15 years of regular service in the grade of Head Pandit/head Master on recommendation of the District Level Screening Committee without issue of formal order allowing to draw the scale of Rs 1400-2300 to Head Pandit of LP school and Head Master of primary school with effect from 01-01-86 whereas there is no prescribed pay scale of Head Pandit/Head Master of LP/Primary schools under ROP 90. Copy of orders No.6/5/96-EB(TML) dated 22-03-2002 is enclosed (Annexure-V) and order issued by ZEO without recommendation of District Level Screening Committee vide no.1/11/03-ED(CCP) dated 07-10-2003(copy enclosed) Annexure-VI

5. ZEOs declared/appointed Head Pandits/Head Masters without indicating the pay scales to be drawn vide No.2/18/AEO-Spt/50 dated 19-07-03 and No.Estt-22/Apppt(ii)/80-DEO(UKL) dated 21-05-1981 (copies enclosed) Annexure-VII for ready reference The pay scale of Rs.1400-2300/-, prescribed pay scale of Head Master/JB school, is granted to the Head Pandit of LP school without upgradation of the school to the Primary/JB school. In some cases the pay scale of Rs.1400-2300/- and its Sr.Scale of Rs.1640-2900/- are granted to the head Pandit who became Asstt. Teacher after upgradation of LP school to the Primary/J.B. school.

The above irregularities are illustrative but not exhaustive. No specific mention has been made in any of the orders issued by the State Government/Director/Zonal Education Officers regarding payment of Pensionery benefits for the Head Pandits/Head Master who died/retired on or before 16-12-96 the date on which Recruitment Rules for the post of Head Master of Primary School were framed by the Government.

Immediate action may kindly be taken to remove the above irregularities under intimation to this office.

Yours faithfully,

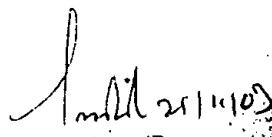

Sr. Accounts Officer/Pen.

Dated -11-2003

No.Pen/ROP-90/90-91/

Copy to :-

The Director of Education(S)
Government of Manipur, for information and necessary action


Sr. Accounts Officer/Pen.

8/2

Am 20/10/03

Annexure - F

36

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25

No.Pen/Policy/2004-05/327

Dated 18-05-05

To

The Deputy Secretary,
Manipur Legislative Assembly.

Subject:- List of officials posted in Pension Section and dealing
with Education Department.

Madam,

I am to state that in the meeting of the Enquiry Committee of the House Manipur Legislative Assembly held on 16-05-05 in the Committee Room of the Assembly Secretariat, the Hon'ble Chairman advised the Dy. Accountant General (A&E), Manipur to furnish the name of the officials who dealt with the revision of pension cases of Head Master/Head Pandit of L.P./Primary Schools. Accordingly, I am to furnish the names of the officials who were posted to the tables dealing with revision cases of the Education Department as follows:-

Sl.No.	Name & Designation	From	To
1.	Shri Ng. Koshing Mayon, Sr. Accountant	11-06-01	05-04-04
2.	Shri Sh. Ranjit Singh, Sr. Accountant	11-06-01	05-04-04
3.	Shri H. Jadumani Singh, Sr. Accountant	14-03-2000	20-05-03
4.	Smt. K. Sumitibala Devi, Sr. Accountant	21-05-03	18-05-04
5.	Shri P. Raghuman Singh, AAO	27-09-2000	24-11-03
6.	Shri I. Iboyaima Singh, AAO	25-11-03	16-01-05
7.	Shri Y. Manaobi Singh, Sr. AO	-	Upto 26-04-05

Yours faithfully,

Parashuram Singh

Deputy Accountant Officer (Pension)

My 20/6/05

Annexure 'E' - 37 -

OFFICE OF THE SECRETARY TO THE ACCOUNTS AND GENERAL TAXES
MANIPUR: IMPHAL.

No. Pen/1-4/Supn/1014/2003-2004/ 849-52

Dated: 17/12/03

To

The Commissioner Finance (PIC)
Government of Manipur.

Subject:-Pension case in respect of Shri N. Angou Singh, Retd. Head
Pandit of Netaji L. P. School and regulation of pay thereof.

Sir,

I am to state that the Joint Secretary (Pension), Department of Personnel Government of Manipur has forward to this office the pension papers alongwith Service Book in respect of Shri N. Angou Singh, Retd. Head Pandit of Netaji L. P. School vide letter No. 28/1/99-Edn-S/PC(Pt) dated 20-10-2003.

2. On the preliminary examination of the service book and regulation of pay therein, it is noticed that the retired employee was appointed by the Government w.e.f. 1-4-78, consequent on conversion of the School, as Head Pandit of the Netaji L. P. School in the Scale of Rs. 240-390/- (+) charge allowance of Rs. 5/- as there was no separate scale of Head Pandit of L. P. School under ROP 75, vide order No. 4/4/78-ED(P)(1) dated 26-10-78. The employee served as Head Pandit of Netaji L. P. School till his retirement on 31-7-2003. He was initially appointed as Head Pandit on 1-8-61 in the scale of Rs. 40-1-60/- by the Secretary of Managing Committee with the approval of the Manipur Territorial Council while the School was an Aided School. The Government of Manipur under order No. 12(HC)/107-99-SE(S) dated 9-3-2001 read with corrigendum of even No. dated 10-3-2001 allowed the employee to enjoy Rs. 1400-2300/- from 1-8-61 as if they were made in charge of Head Master of Primary/J.B. School by the Government.

3. In this regard, it is noticed from the Service Book and other related orders that the Netaji L. P. School was not upgraded to J.B. School or Primary School on 1-8-61 or afterwards. Moreover, no scale was existed in all the ROP Rules from ROP 66 to ROP 99 for the posts of Head Pandit of L.P. School. As such, Rs. 5/- was given to the Head Pandits as charge allowance in addition to the Scale of Pay on which they were appointed. In the cases of the Head Master of J.B/Primary Schools they were given Rs. 20/- as Special Pay upto ROP 75 which was merged in ROP 82 in the scale of Rs. 540-1230. It, therefore, appears that these two posts are not equal or similar in status and responsibilities. As such, the grant of the Scale of the

Am 20/12/03

Head Masters of J.B. School to the Head Pandit of L. P. School and that also while the School was an Aided School, appears irregular.

4. Further as seen from entries in his Service Book, the Government of Manipur did not appoint him in charge of any other J.B./Primary School on 1-8-61 while the School was under the control of the Managing Committee of the Aided School. With the grant of the said scale by the said order in question from the date of initial appointment, it supercedes the initial appointment made by the Managing Committee, resulting to a notional appointment for a long period which is also appears to be irregular.

5. It is, therefore, requested kindly to examine the irregularities observed above and clarify the eligibility/ineligibility of the scale of Rs. 1400-2300/- to the Head Master of L.P. School in the present case as well as to other general cases. Necessary order (s) may also be issued in this regard, if necessity arises.

The Service Book of Shri Singh is enclosed herewith for ready reference.

Enclosed:- As stated above.

Yours faithfully,

Sr. Accounts Officer/Pension

Dated:

No. Pen/1-4/Supn/1014/2003-2004/

Copy to:-

1. The Joint Secretary (Pension) Department of Personnel
Government of Manipur.
2. The Commissioner Education (S), Government of Manipur.
3. Shri N. Angou Singh, Retd. Head Master of Netaji L.P.School.

Sh. Kanta Singh
17/12/03

On 20/12/03

6/12/03

Sr. Accounts Officer/Pension

DESPATCH
Office of the Accounts General (A&E)
Mao Pui, Imphal

f.c.c.

O/c

10/12/03

Irregularities observed as in Pension Authorisation (in brief)

(a) Shri N. Gambhir Singh
Retd. Asstt. Teacher Kalika L.P. School PPO No. SM/10007.

1. 'Note' side of pension file is not maintained.
2. The pensioner was retired on 29-02-96 (AN) and he was allowed to enjoy the Sr. Scale of Rs. 1640-2900 with effect from 1-1-86 as Head Master L.P. School vide Edn(s) dated 30-6-2003 without concurrence of Finance Department. However, revised pension has been authorized.
3. The scale of Head Master/Head Pandit of L.P. School are not existed separately in R.O.P.'90 effecting from 1-1-86.
4. Irregularities in granting higher scale to Head Master/Head Pandit of L.P. School were pointed out by Sr. Accounts Officer pension vide his letter dated 21-11-03. However, he continued to authorise revised pension on the higher scale without any intimation from Govt. and approval from DAG/AG.
5. One New and two old Service Books of the pensioners were found forwarded vide ZEOs letter dt. 23-2-04. However no requisition letter of the two old service books by ZEO to AG Office beforehand was not available and the three service books are found not diarised.
6. The case was never put up to SO/AAO concerned.
7. The signature of the dealing Assistants were not available in the office Pension Authority copy in violation of Office Procedure Manual.

(b) Shri H.T. Shingkhokai, Retd. Asstt. Teacher,
Maokot Junior High School. PPO No. SM/1978.

1. Pension was revised by taking Rs. 715 as the last pay drawn of the pensioner. However no record of entry of such pay was available in the Service Book. The pensioner retired on 31-12-83 and the revised pension was issued on 5-2-04.
2. There was no document for requisition of original Service Book of the pensioner by the concerned department for revision of pay. However it was found forwarded by ZEO vide his letter dt. 3-2-2003 (3 was erased and overwritten)
3. The case was never put up to SO/AAO concerned.

(c) Shri S. Ibemcha Singh
Retd. Asstt. Teacher Iront L.P. School
PPO No. SM/7379

- 40 -

1. Records of requisition and submission of service Book by the ZEO(Kangpokpi) for relaxtion and revision of pension caould not be available.

2. No records of being Head Pandit/Head Master during his service were noticed except in the recent ZEO order dated 14-1-2004 and in the newly constructed service book found in the section.

3. The case was never put up to SO/AAO concerned.

• (d) Shri N. G. Nungshichao
Retd. Asstt. Teacher Mangkhand Primary School, Chandel
PPO No. SM/5771.

1. Pension paper were found not diarised.
2. No 'Note' side maintained.
3. Pay regulation and pension report not available.
4. The case was never put up to SO/AAO concerned.

(e) L. Tomba Singh
Retd. Head Pandit, Leimarom L.P.School
PPO No. SM/14614

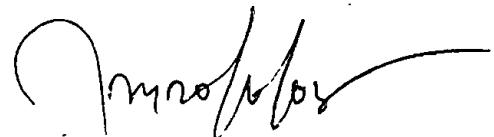
1. Regulation of pay is not available.
2. Case was not put up to SO/AAO.
3. Signature of dealing Assistant not available in the pension authority copy.

(f) Jamkhotil Mate
H.P. Lamyang L.P. School.
PPO No. SM/12904.

1. Part file maintained. Original not available.
2. Original pension authority copy not available.
3. Letters are found not diarised.
4. Regulation of pay not done.
5. Case never put upto SO/AAOconcerned

(g) Thangkhomang
Head Pandit PPO No. SM/12903.

1. Part file opened without approval of higher authority.



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- 2. Pay regulation for revision of pension not available
- 3. Case not put up to SO/AAO concerned.

(h) N. Yarpang, Head Pandit.
PPO No. SM-10605.

- 1. Part file opened without approval of Higher Authority.
- 2. Hand Writings in the Service Book, other departmental documents and revised report of pension revision needs verification.
- 3. Case was not put up to SO/AAO concerned.
- 4. Pay regulation not found.

(i) Shri M. Ninghei
Head Pandit PPO No. SM/10153.

- 1. Original pension papers not available.
- 2. Pay regulation not available.
- 3. Case was not put up to SO/AAO concerned.

(j) Keishing John
Retd. Asstt. Teacher PPO No. SM/7724

- 1. Handwritings in Service Books, LPC, Pension calculation report needs verification.
- 2. Calculation of Pension emoluments had been enhanced leading to overpayment.
- 3. Case never put up to SO/AAO concerned.

(k) G. G. Kabichung
Head Paandit PPO No. SM/5889

- 1. The handwritings in the Departments documents and pension Report prepared by Dealing Assistants appear to be the same which needs verification.
- 2. Case was not put up to SO/AAO concerned.

(l) Kh. Mohendro Singh
Retd. Head Pandit, PPO No. SM/7684.

- 1. Part file opened without approval.
- 2. Calculation sheet of Revised Pension not available.
- 3. Original pension paper file not available.
- 4. Pay regulation not available.
- 5. Case not put up to SO/AAO concerned.

My 20/10/08

(m)

Md. Salauddin
Retd. Head Pandit. PPO No. SM/16403.

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1. As per the Service Book, the pensioner was allowed to look after as Head Pandit with effect from 20-7-83 and given charge allowance of Rs. 20/- p.m. w.e.f. 14-3-99.. However, he was allowed refixation to get the revised pay of Head Pandit w.e.f. 1-1-73 without seeking further classification from Govt.
2. No. L.P.C. available.
3. The case was not put up to SO/AAO concerned.

(n)

L. Biren Singh
Head Pandit PPO No. SM/7358.

1. Handwritings of the dealing Assistant to the revised pension report and that signed in the Report appears different with different ink.
2. Case not put up to SO/AAO concerned.
3. Forwarding letters not diarised.



- 4B -

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11256 5/11/3 San. A.O. Mamas 01/8/34

ony 12778

ony 11956, ony 5575

ony 2038, ony 2003, ony 11143, ony 10286

ony 1296, ony 1659

2708

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9-3-09

sm 1800 sm 2903 sm 9158 sm 6538 sm 301

sm 3101 sm 4116

6 cm PSF/Ao Mamas 10-3

sm 12553 sm 15220 sm 20115 sm 6521 A.O. Mamas
sm 1652 SE/7568 SE/3520 sm 50 11-3-09

sm 16006 sm 14150 sm 4409 sm 13298/SE/7329 12-3-09

sm 5001

12-3-09

sm 15291 sm 13560 sm 13211 A.O. Mamas 15-3-09

sm 12949 sm 115328 sm 20427 sm 8229 sm 4910 11-3-09

sm 19137 sm 15125 Jangte dt 11/3/09
sm 14860 18-3-09

sm 151 and sm 14088 10-3-09

sm 14954-1517511 19-3-09

Deer

44- (Formerly 2/4 83)

Rev/9103

Rev/9237

PPAft/9111

Rev/2978

PPAft/429

PPAft/9117

PPAft/9114

PPAft/137

Rev/2984

Rev/2990

Rev/2996

Rev/2999

Rev/3002

Rev/2997

Rev/2981

Rev/2993

Rev/3008

Rev/3005

PPAft/9120

Rev/9233

W. Goorabbi Singh → W. Shobhaji Singh 18/12/03 Actt

nd. Parcha → 20/6/03 9/12

K. Bir Singh → M. Parcha Singh Rev/

P. Birsen Kisan Singh → P. Birsen Singh

Doukhopar Dhakia → Thakur PPAft/

(C) Thambal Saman Singh → (C) Thambal Singh 18/12/03

(C) Tillotam Singh → P. Singh Rev/30

W. (C) Parcha Singh → Debkinarayan (Aman) 18/12/03

B. Nandan Baiti Rev/30

G. Kachchung dep 305

K. Arain dep 305

M. Mingling dep 305

R. Mardanghi dep 305

M. Chhersongjat 18/12/03

S. K. Mishra Rev/307

L. Elangar Rev/3065

K. V. Narengar Rev/3065

R. S. Khanra Rev/306

P. Thambal Singh 18/12/03

W. Parcha 18/12/03

Signature