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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 205/2007

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SECTION OFFICER (Judl.)

Bahis
06.10.07

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O R D E R S S H E E T

1. Original Application No. 215/07

2. Misc Petition No. None

3. Contempt Petition No. None

4. Review Application No. None

Applicant(s) Ng. K. Moyon

-VS- Union of India & Ors

Advocate for the Applicants:- B.P. Sahu Tarun Kumar Sh. Thoiba
L. Monohar, N. Thoiba Singh

Advocate for the Respondents Adv. C.G.S.C. M.U. Ahmed

Notes of the Registry	Date	Order of the Tribunal
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This application is in form 21.8.07
is filed, F. for Rs. 50/-
deposited vide IPO No. 346/07
Dated 6.8.07

[Signature], Registrar

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.

Heard Mr B.P.Sahu, learned counsel for the applicant and Mr M.U.Ahmed, learned Addl.C.G.S.C for the respondents. Respondents counsel prays for four weeks time to take instruction.

Post on 21.9.2007 for admission.

Per Kous Chie for issue
notice is received
with envelope.

[Signature]
20/9/07

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.M.U.Ahmed, learned Addl. Standing counsel for the Central Government undertakes to file reply statement by tomorrow. 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)

order dt. 21/8/07
issuing to both
the parties.
3/9/07

2-11-07

In instruction

pg

/bb/

OA. 215/07

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)

/bb/

22.11.2007

Mr.B.P.Sahu, learned counsel for the Applicant is present. Mr.M.U.Ahmed, learned Addl. 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

/bb/

13-11-07

W/s filed
by the respondents.
Copy not served.



W/s filed.

22
21.11.07.

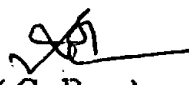
W/s filed.

10
10.12.07.

O.A. NO. 215/2007

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.

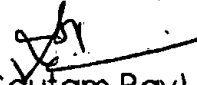

(G. Ray)
Member (A)


(M.R. Mohanty)
Vice-Chairman

12.12.2007

Heard Mr.B.P.Sahu, learned counsel appearing for the Applicant and Mr.M.U.Ahmed, learned Addl. Standing counsel appearing for the Respondents.

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


(Gautam Ray)
Member (A)


(M.R. Mohanty)
Vice-Chairman

/bb/

Recd
7/1/08
BOD. CGSC.

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: Ukhul, 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 Gangle
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

P.O: & P.S: Kamjong and
 District: Ukhul 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. Koshing Moyon vs UOI & Ors)
 O.A. No.216/2007 (Smt. Lhingjalam Gangle vs UOI & Ors)
 O.A. No.217/2007 (Shri K. Benjamin vs UOI & Ors)

ORDER (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} ~~are~~ 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 authorily 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 counsellss 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.

SD/
M. R. MOHANTY
VICE-CHAIRMAN.

SD/
G. R. A.
MEMBER (ADMN).

10 AUG 2007

[Signature]

गुवाहाटी बेंच
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. 218 OF 2007

Shri Ng. Koshing Moyon

.... APPLICANT

- Versus -

The Union of India & Ors.

..... RESPONDENTS

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Contd...2/-

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Dated/ Imphal Guwahati
The 9th August, 2007.

N. Thoiba Singh.
Signature of the counsel for
the Applicant.

SYNOPSIS

The Applicant was initially appointed as Clerk/Typist of the office of the Accountant General (A&F), Manipur in the year 1989. Thereafter, he was promoted to the post of Accountant vide the order dated 12-4-2001. The Deputy Accountant General (A&F), Manipur vide the order dated 16-9-2005 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 proceeding 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 proceeding 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 eyewash the general public and the applicant had 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. Thus, the impugned order of suspension dated 16-9-2005 is liable to set aside.

LIST OF DATE

Sl. No. (1)	Dates (2)	Particulars (3)	Annexure (4)
1.	08-05-1989	The applicant was initially appointed as Clerk/Typist of the office of the Accountant General (A&E).	
2.	12-04-2001	The applicant was promoted to the post of Accountant in the scale of pay of Rs. 4000-100-6000/- p.m. by an order issued by the office of the Accountant General (A&E), Manipur, Imphal.	
3.	16-09-2005	The Deputy Accountant General (A&E), Manipur, Imphal issued an order whereby a disciplinary proceedings was contemplated to be initiated against the Applicant and he was placed under suspension with immediate effect.	<u>A/1</u>
4.	30-11-2005	The Applicant submitted a representation to the Deputy Accountant General (A&E), Manipur, Imphal praying for reviewing/modifying/altering/canceling the order dated 16-09/2005.	<u>A/2</u>
5.	20-06-2006	The Applicant submitted an another representation to the Deputy Accountant General praying for reviewing the said order of suspension by highlighting the facts.	<u>A/3</u>
6.	02-03-2007	The applicant submitted another representation to the Accountant General (A&E), Manipur, Imphal	<u>A/4</u>
7.	05-06-2006	The Senior Accounts Officer (Admn), office of the Accountant General (AII), Manipur issued an order whereby ordered that the applicant alongwith 10(ten) other incumbents/employees of the office of the Accountant General (AII), Manipur were restricted to enter into the office premises without specific written permission.	<u>A/5</u>

Filed by:-

Consent to the Petitioner

Filed by the applicant
through N. Thiba Singh
Advocate, 9/8/08

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

ORIGINAL APPLICATION NO. OF 2007

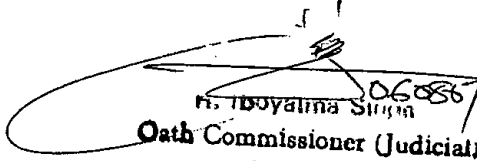
Shri Ng. Koshing Moyon, aged about 42
years, S/O Ng. Anglenchon Moyon, resident
Komlathabi Village, P.O. , P.S. and District
Chandel, Manipur.


.... APPLICANT

- Versus -

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

..... RESPONDENTS.


H. Joyalima Singh
Oath Commissioner (Judicial)
Manipur.



DETAILS OF THE APPLICATION

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

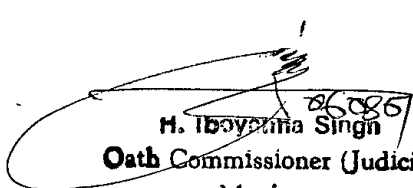
This application is directed against the order No. Estt. (A&F)/ Order No. 121 dated 16-9-2005 issued by the Deputy Accountant General (A & F), Manipur, Imphal thereby placing the applicant under suspension in contemplation of a disciplinary proceedings under sub-rule (1) of Rule 10 of the Central Civil 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. Ibeyama Singh
Oath Commissioner (Judicial)
Manipur.



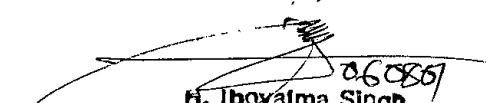
4. FACTS OF THE CASE:

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 Clerk/Typist of the Office of the Accountant General (A & F), Manipur, Imphal in the year 1989 vide the order dated 8-5-89. Since then he has been serving to the full satisfaction of his superior officer as well as the public in general.

4.3. That, while the Applicant had been serving as Clerk/Typist of the Office of the Accountant General (A&F), Manipur Imphal, being satisfied with the services rendered by the applicant issued an order on 12-4-2001 whereby the applicant was promoted to the post of Accountant in the scale of pay of Rs. 4000-100-6000/- p.m. with effect from the date of his taking over the charge of Accountant.

4.4. That, while the applicant was serving as Accountant and posted at the office of the Sr. Deputy Accountant General (A&F), Manipur, to the great shock and surprise the Deputy Accountant General (A&F), 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


H. Ibaya Singh
Oath Commissioner (Judicial),
Manipur.

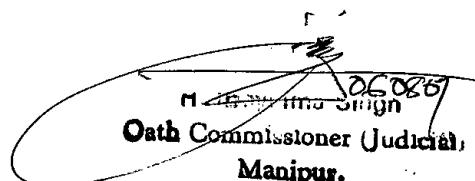


immediate effect in exercise of the powers conferred by sub-rule (1) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules 1965. The said order further stated that during the period of suspension the Head quarter of the applicant shall be at Imphal and he shall not leave the Head quarter without obtaining previous permission of the Deputy Accountant General (A&F), Manipur.

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

- 4.5. That, being aggrieved by the said order dated 16-9-2005 placing the applicant under suspension in contemplation of a disciplinary proceedings the applicant submitted a representation on 30-11-2005 to the Deputy Accountant General (A&F), Manipur, Imphal praying for reviewing/modifying/altering/canceling 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 & F), Manipur to take him back in service by reviewing/recalling/canceling/altering the said order of suspension. A copy of the said representation was also endorsed to the President, Indian Accounts Association.

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

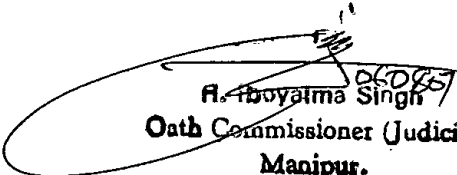

Oath Commissioner (Judicial),
Manipur.



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 concluding 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 review/recall the said order of suspension order, thereby the applicant submitted an another representation on 20-6-2006 to the Deputy Accountant General praying for reviewing the said order of suspension by highlighting the said facts. A copy of the said representation was also submitted to the President, Civil Accounts Association.

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

4.7. That, though the applicant submitted the aforesaid representations (Annexures -A/2 & A/3) the authorities concerned failed to consider his request for reviewing/recalling/canceling 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&F), Manipur, Imphal


H. Joyalima Singh
Oath Commissioner (Judicial)
Manipur.

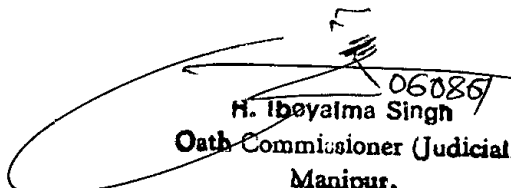
MM

praying for reviewing the said order dated 16-9-2005 thereby placing him under suspension. Even the Accountant General (A&F), 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.

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

- 4.8 That, instead of considering the representations submitted by the applicant praying for recalling/ canceling/ reviewing the said suspension 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. 4 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/5



H. Ibeyalma Singh
Oath Commissioner (Judicial)
Manipur.

06086

JKM

5. GROUND 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 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-chequer. The applicant is/was serving as an Accountant, the work, which is more or less to 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 signature on the calculation made by the applicant and same was approved by authorities concerned. Therefore, the applicant is not the authority for sanctioning/approving

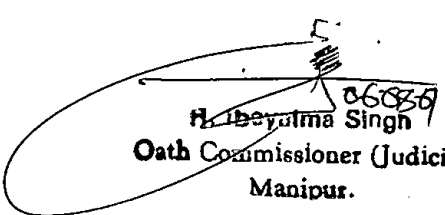

H. Ibeyalma Singh
Oath Commissioner (Judicial)
Manipur.



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 was calculating 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.

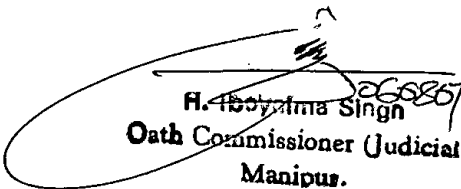
5.4. For that, if there is/was any irregularities on the part of the applicant while he was /is discharging his duties as Accountant, the authorities concerned should have framed the charges for which the departmental enquiry was proposed to be initiated against him and the same should have been proceeded in time and appropriate punishment could have been awarded to him if the enquiry authorities established the charges. However, in the instant case,


H. Jeyulma Singh
Oath Commissioner (Judicial)
Manipur.

Handwritten signature

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 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 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&F), Manipur, Imphal. The applicant is/was not the authority to ascertain the genuineness of the documents under which he calculated the amounts of money. In other words, he calculated 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.


H. Abayama Singh
Oath Commissioner (Judicial)
Manipur.

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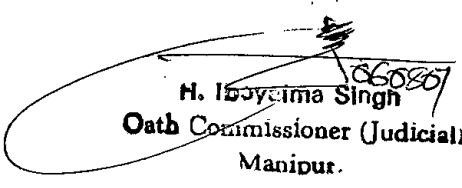
5.6. For that, by adopting the aforesaid principle of law i.e. prolong suspension is bad in the eye of law the Hon'ble Administrative Tribunal as well as the Hon'ble Gauhati High Court have passed orders in many cases under similar circumstances, thereby quashing the suspension order or by directing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


H. Ibeyima Singh
Oath Commissioner (Judicial)
Manipur.



8. RELIEF SOUGHT FOR :

The impugned order dated 16-9-2005 issued by the Deputy Accountant General (A&F), 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 Accountant of the office of the Accountant General (A&F) forthwith with all the consequential benefits.

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 Accountant immediately.

10. PARTICULARS OF IPO.

No. of IPO - 346 672901

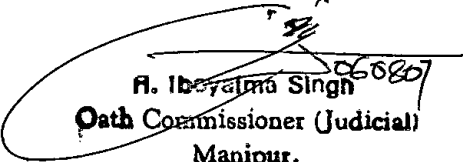
Name of the issuing post office :- (P.O.) Imphal

Date of issuance of Postal order :- 6.8.07.

Post Office at which payable :- Chawapati

11. LIST OF ENCLOSURES :-

As per Index.


R. Ibeyama Singh
Oath Commissioner (Judicial)
Manipur.



VERIFICATION

I, Ng. Koshing Moyon, aged about 42 years, S/O Ng. Anglenchou Moyon, resident Komlathabi Village, P.O. , P.S. and District Chandel, Manipur do hereby verify that the contents of paragraph Nos. 1-5-5 are true to my knowledge and paragraphs No. 5-6-11 are believed to be true on legal points and that I have not suppressed any material facts.

Place : - IMPHAL

Date : - 6-8-07

Ng. Koshing Moyon
Signature

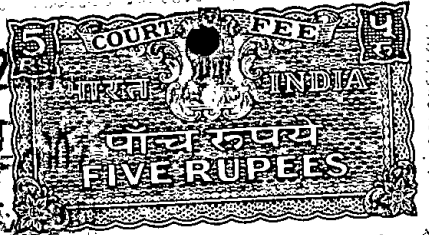
Entirely affirmed before me on 6-8-07
at 11:10 AM
in the court premises the declarant who
is identified by Kh. Tomba Jish Advocate
The declarant seems to understand the con-
tents fully well on their being read over
and explained to him.

H. Iboyama Singh
Oath Commissioner (Judicial)
Manipur.

06 AUG 2007

06 AUG 2007

CANCEL



- 13 -

AFFIDAVIT

I, Ng. Koshing Moyon, aged about 42 years, S/O Ng. Anglenchou Moyon, resident Komlathabi Village, P.O. , P.S. and District Chandel, Manipur do hereby solemnly affirm and state as under :-



1. 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 July, 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 thereof.

Ng. Koshing Moyon
DEPONENT/APPLICANT

Identified by :-
Advocate: *Kh. Tomba Singh*

Solemnly affirmed before me on 6-8-07
at 11.00 AM
in the court premises by the declarant who
is identified by *Kh. Tomba Singh*
The declarant has read the contents of the
affidavit and has signed over
and executed the same.

Kh. Soyalsingh
Oath Commissioner (Judicial)
Manipur.

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

Estt (A&E)/Order No. 121
Dated, Imphal, the 16th September, 2005.

WHEREAS a disciplinary proceeding against Ng. Koshing Moyon, Accountant 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 (1) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, hereby places the said Shri Ng. Koshing Moyon, Accountant under suspension with immediate effect.


It is further ordered that during the period that this order shall remain in force the headquarters of Shri Ng. Koshing Moyon, Accountant should be Imphal and the said Shri Koshing Moyon, Accountant shall not leave the headquarters without obtaining the previous permission of the undersigned.

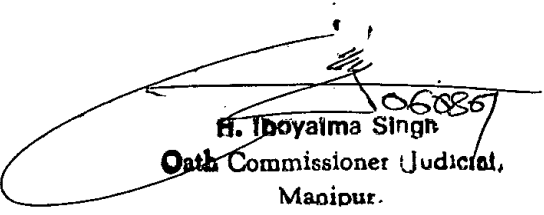
Sd/-
Deputy Accountant General (A&E)
Manipur, Imphal

Memo No. Estt. (A&E)/Disp-Act/Con-HP/2005-06/2263 Dated, 16-09-05

Copy to :-

1. Shri Ng. Koshing Moyon, Accountant, Office of the Sr. D.A.G (A&E), Manipur, Imphal.

ATTESTED
TRUE COPY

ADVOCATE


H. Ibayaime Singh
Oath Commissioner Judicial,
Manipur.

To

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

Sub: Request to review/alter/cancel the order dated 16-9-2005 of
the Deputy Accountant General (A&E), Manipur referred
to above and allow me to continue in my service as
Accountant.

Reference:- The Order dated 16-9-2005 issued by the Deputy
Accountant General (A&E) Manipur Imphal
suspending me from my service with immediate
effect.

Sir/madam,

I, the undersigned, most respectfully beg to submit the following
for favour of kind consideration and for issuing favourable order for
review/modity including revocation of suspension order subject to any
condition which may imposed by the authority.

That, Since my joining of the service as a temporary clerk/typist
on 8-5-1989 following my appointment order issued by the competent
authority of the Accountant General, Manipur, I have been sincerely
discharging my duty and responsibility without any adverse remark
against me. My efficiency in the discharge of duty will get a show by
the fact that I have been promoted to the post of Accountant on 12-4-
2001 by the competent authority of the Accountant General, Manipur-
Imphal.

That, Since the date of my joining service in office of the
Accountant General, Manipur on 8-5-1989, I have been posted in
various sections like (K)E section, Compilation section, General,
Provident Fund section, Pension section, Book section etc. during these
various postings that I have been serving, I discharged all duties and
responsibilities to the best of my abilities including compliance of
instruction of higher authority. Further, I am to state that I have never
disobeyed my allocated duty and responsibilities at any given time.

Contd...2/-

ATTESTED
TRUE COPY

ADVOCATE

H. Iboyama Singh
Oath Commissioner (Judicial)
Manipur.

That, on 16-9-2005, I have received the shock of my life when the competent authority by issuing an order no. Estt(A&E)/order no. 121 dated 16-9-2005 was please to place me under suspension in contemplation of a disciplinary proceedings, against me. The suspending order, however has not mentioned any specific reason requiring initiation of disciplinary proceedings. Such suspension order has considerably caused mental anguish and depression since my joining in service. Further, by the fact that I have not been supplied with the specific reason of my suspension order, my right to file appeal against the suspension order has been deprived of.

In the facts and circumstances stated above, I request your goodself to keep into consideration my position of a subordinate staff who cannot disobey the instruction of controlling officer to review my suspension order by taking me back in service so that office culture is not destroyed.


Dated/Imphal
the 30th Nov. 2005

Yours faithfully,
Sd/-
(Ng. Koshing Moyon)
Accountiani.

Copy to :-
The President,
Indian Accounts Association,
O/o the AG(A&E),
Manipur, Imphal.

ATTESTED
TRUE COPY


ADVOCATE


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

To,

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

Subject : Request to review/alter/cancel the order dated
16/09/2005 of the Deputy Accountant General
(A&E), Manipur referred to above and allow me to
continue in my service as Accountant.

Madam,

I, the undersigned, most respectfully beg to submit the following
for favour of kind consideration and for issuing favourable order for
review/modify including revocation of suspension order subject to any
condition which may be imposed by the authority.

That, I was placed under suspension by the competent authority
vide order no. Esii. (A&E)/order no. 121 dated 16/09/2005 in
contemplation of a disciplinary proceedings against me. The suspension
order, however did not mention any specific reasons requiring initiation
of disciplinary proceedings.

That, on 30th November 2005, I had given a representation to the
competent authority requesting to review/alter/cancel the order dated
16/09/2005 of the Deputy Accountant General (A&E), Manipur
suspending me from service with immediate effect and allow me to
continue in my service as Accountant (Copy enclosed) but till now, I
have not received any positive intimation from the competent authority.

That, now, my suspension period has exceeded 9(nine) months.
As such, I and my family are facing maximum hardship (Financial,
Mental etc.).

In the facts and circumstances stated above, I request your
goodself to review my suspension order by taking me back in service
so that I and my family stop facing hardship (Financial, Mental etc).

For which act, I shall be grateful to you.

Yours faithfully,

Sd/-

(Ng. Koshing Moyon)
Accountant.

Dated/Imphal
the 20th June, 2006.

Copy to :-

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

ATTESTED
TRUE COPY

ADVOCATE

H. Iboyalma Singh
Oath Commissioner (Judicial)
Manipur.

To

The Accountant General (A&F)
Manipur.

Sub : - Humble prayer for review of order No. Estt. (A&F)/Order No. 121 dated 16th Sept. 2005 placing Ng. Koshing Moyon, Accountant of the (A&F) Manipur under suspension for more than 1 year.

Sir,

I, the undersigned, have the honour to submit the following for your sympathetic consideration and favourable order :-

That, in contemplation of a disciplinary proceeding against me and without disclosing the reasons for suspension I was placed under suspension in a haphazard way with effect from 16-9-2005 vide D.A.G. (A&F), Manipur order No. Estt. (A&F)/Order No. 121 dated 16-9-2005 and remain the same in force till date.

Now more than one year has been elapsed since the suspension. Though I have been drawing $\frac{3}{4}$ of my pay as subsistence allowance, it constitute a very hardship and it effects mental and Financial problems.

In view of the above, I most respectfully request the Accountant General, manipur kindly to review my suspension order cited above and allow me to resume my duty after revoking the suspension order an early date.

For the act of your kindness I as duty bound shall ever remain grateful to you.

Dated/Imphal
2nd March 2007

Yours faithfully,

Sd/-

(Ng. Koshing Moyon)

Accountant,

Now under suspension

Copy to :-

The President
Civil Accountants Association
O/o D.A.G. (A&F), Manipur.

Sd/-

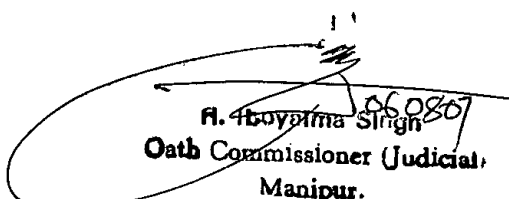
(Ng. Koshing Moyon)

Accountant,

Now under suspension

ATTESTED
TRUE COPY

ADVOCATE


R. Koyama Singh
Oath Commissioner (Judicial)
Manipur.

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.	Chungkhulun 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. Koshing Moyon, Acctt.	16.09.2005
5.	Ihingzalam Gangte, Acctt.	16.09.2005
6.	Sh. Ranjit Singh, Acctt.	16.09.2005
7.	L.S. Ramyo, C/T	16.09.2005
8.	K. Haokip, Sr. Acctt.	16.09.2005
9.	K. Benjamin, Sr. Acctt.	16.09.2005
10.	V. Nunihuk, Acctt.	18.01.2006
11.	Th. Kapiba, Gr. D.	30.09.2004

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

Sd/-

Sr. Accounts Officer,
(Admn)

Memo No. Welfare/Permission/AG(Au)/2005-06 Dated, 05.06.2006.

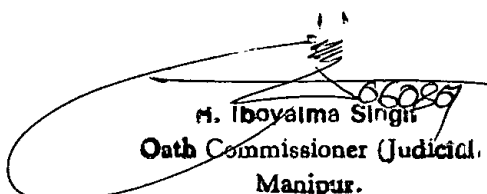
Copy to :-

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

Sd/-

(T. Shantikumar Singh)
Welfare Assistant.

ATTESTED
TRUE COPY
ADVOCATE


H. Ibayaama Singh
Oath Commissioner (Judicial)
Manipur.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

KAMRUP AT GUWAHATI

O.A. No. 215 of 2007

Shri Ng. Koshing Moyon

..... Applicant

-Vs-

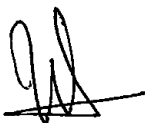
Union of India & Ors.

..... Respondents.

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

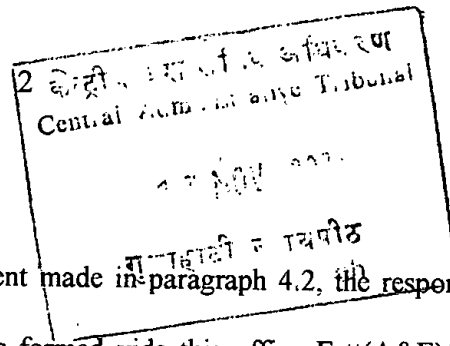
WRITTEN STATEMENT OF THE RESPONDENTS

1. That the deponent has 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 statements made in paragraph 1, the Respondents beg to state that to hold an inquiry against Shri Ng. Koshing Moyon, Acctt. under Rule 14 of the CCS(CCA) Rules, 1965 a charge sheet had since been framed and issued to the applicant vide this office Memorandum No. Estt(A&E)/DP/NKM/2007-08/564 dated 7 September, 2007 (Copy of the same is enclosed as Annexure-X/1).
3. That with regard to the statements made in paragraphs 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 statement made in para 4.1, the Respondents have no comment.

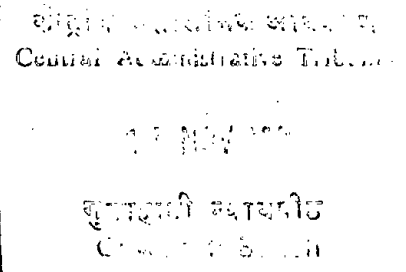


Contd..... P/

Filed by
The Respondents through
M. U. Sharma
Addl Cusc
07/11/07



5. That with regard to the statement made in paragraph 4.2, 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 also for submission of a preliminary report (Copy enclosed as Annexure-X/2). 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, the Sr. Accountants/Accountants and Shri Y. Manaobi Singh, the then Sr. A.O.(Pension Revision) in collusion with each other ignored the said provision and allowed pension revision of 1458 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 above mentioned 200 cases were revised by the applicant and other staff of this office, in collusion with Shri Y. Manaobi Singh, Sr. A.O. (Pension Revision) who was looking after the work of pension revision with effect from 12 August 1999. It may also be mentioned that the concerned Sr. AO (Pension Revision) himself 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 of Education(S), Government of Manipur, with a copy endorsed to the Director of Education(S) for information and necessary action vide his letter No.Pen/ROP-90/90-91/713-14 dated 21 November 2003. However, the same Sr. AO (Pension Revision) in collusion with the applicant and other staff of this office continued to approve and authorize the said irregular pension revision cases of Head Pandits/Head Masters after he had pointed out the irregularities to the Government, without having



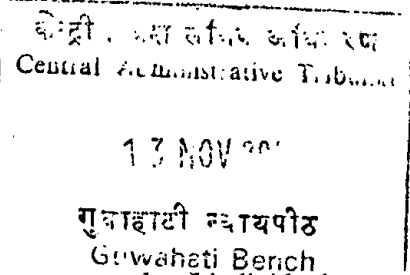
any clarification from the Govt. and obtaining necessary orders from his higher authority in this respect.

That the applicant, Shri Ng. Koshing Moyon while functioning as Accountant in Pension Section from 11.06.01 to 05.04.04 in the office of the Sr. DAG(A&E), Manipur, was allotted the works of pension for the offices of the ZEO-Zone IV, D.I. Moirang, Electricity, Medical, CAG's letters and Policy files. However, he processed many Pension Revision cases of the schools of the ZEO- Churachandpur, Chandel and ZEO-Zone-I without receiving any office orders/authority to do so in addition to his allocated duties. As for instance, Shri Ng. Koshing Moyon processed the revision case of Head Pandit/Head Master holding PPO/SM/6310 (Copy enclosed as Annexure X/3).

That, the said Shri Ng. Koshing Moyon, Accountant thereby failed to discharge his duties properly by conducting himself repeatedly to the acts inconsistent to his official duties with deliberate breach of office order and committing unauthorized interferences to the officially allotted duties of other staff.

The applicant processed many pension revision cases by opening "Part Files" containing the only documents received by that time and no effort was made to link with the original pension files containing other important documents. As for instance, he processed the revision cases of the pensioners holding PPO Nos. SM/11506, SM/11593 by opening part files and no office order or written instruction from his superior officer(s) was obtained for such opening of "Part Files". Hence, the said Shri Koshing Moyon, Accountant thereby failed to discharge his duties properly by conducting himself to gross negligence repeatedly in the discharge of his official duties

That, the said Shri Ng. Koshing Moyon received under his signature, many pensioners' pension authority copies in bulk without any official authorization in violation of the Sr. DAG(A&E), Manipur office order No. 3 dated 12-07-1993. The



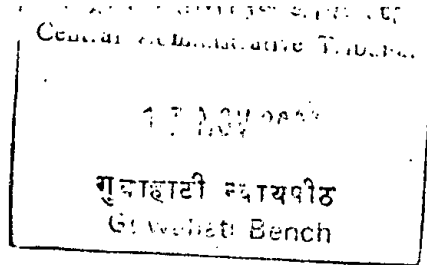
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pensioner's pension authority copy would be despatched to the concerned and individual pensioner by post in the absence of any official authorization to receive it by authorized person. That Shri Ng. Koshing Moyon received in bulks such 5 pensioners' copies on 17-02-2004, 10 copies on 24-02-04 and 12 copies on 15-03-04 without any official authorization in record to do so. By doing so, the said Shri Ng. Koshing Moyon, Accountant failed to discharge his duties properly and honestly, with conduct of wholly unbecoming a Govt. servant (Copy of the receipt is enclosed as Annexure X/4).

That the applicant processed many pension revision cases of Head Pandits/Head Masters of Lower Primary/Primary Schools on the basis of letters, Service books which were neither received officially nor diarised in the Sectional Diary Registers in violation of the order of the Office of the Sr. Dy. Accountant General (A&E), Manipur Order No.3 dated 12-07-1993.

For instance, the said Shri Ng. Koshing Moyon, Accountant processed the pension revision of a pensioner holding PPO No.SM/12222 on the basis of Z.E.O.(Chandel) letter No.9/13-ZEO(CDL)/1 dated 28-02-2004, under which the Service Book and LPC of the pensioner was enclosed. The said letter dated 28-02-2004 was neither officially received nor diarised in violation of the office order dated 12-07-93. He put up the said pension revision under PPO No.SM/12222 to the Sr. A.O. of Pension Revision on 10-03-04.

That, the said Shri Ng.Koshing Moyon, Accountant processed and put up the pension revision case holding PPO No SM/14717 before the receipt of related Government Order enclosing Service Book from Department. In that Pension Revision case, the ZEO (Kakching) forwarded the Service book of the pensioner holding No.SM/14717 to the Accountant General Manipur vide ZEO (Kakching) letter No.1/7/98-ED (ZEO-K) dated 22-02-04 for regularization of pension arrears. The said letter dated 22-02-04 along with service book was found diarised as SB/2343 dated 15-



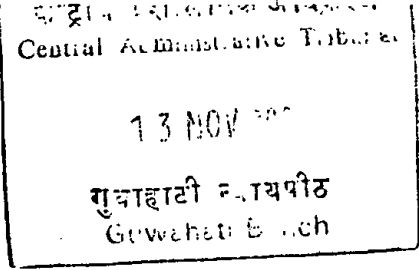
03-04. However, without any recorded reasons the said Shri Ng. Koshing Moyon, Accountant processed and put up the pension of the said pensioners on 10-03-04 to his higher officer before receipt of the said letter and Service Book of the concerned pensioner on 15-03-04. As such, the said Shri Ng. Koshing Moyon, Accountant thereby committed gross irregularities and exhibited gross negligence in the discharge of his official duties.

The matter was also examined by the Enquiry Committee of the Manipur Legislative Assembly. The report of the Committee was presented to the House on 18 July 2005. The report pointed out that the total amount drawn on pension, gratuity and commutation after revision of pension being around Rs. 12.66 crores (**Copy of the said Report is enclosed herewith as Annexure X/5).**

6. That with regard to the statement made in paragraph 4.3, the Respondents beg to offer no comment.

7. That with regard to the statement made in paragraph 4.4 of the application, the Respondents beg to state that since the applicant had committed gross irregularities in the processing of pension revisions of the Head Pandits/Head Masters of the Lower Primary/Primary Schools 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.

8. That with regard to the 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 11 June 2001 to 5 April 2004. Since the applicant was posted to Pension Section for almost 3 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.



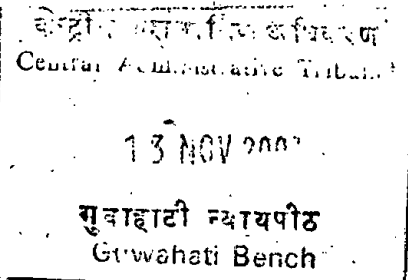
9. That with regard to the statement made in paragraph 4.6 of the instant application, the Respondents beg to reiterate that the representation submitted by the applicant on 20 June 2006 could not be considered as the gravity of the irregularities committed by the said applicant could not be measured meaningfully at that time although it had been established that the applicant had done gross irregularities in the processing of pension revision cases. Now a charge sheet has been framed against the applicant for committing various irregularities in his official works as well as lack of integrity as a Govt. employee.

10. That with regard to the statement made in paragraph 4.7 of the instant application, the respondents beg to reiterate the paragraphs No. 8 and 9 above and state further that his representation could not be considered as thorough investigation of the various irregularities committed by him could not be completed at that time but ^{now} the charge sheet has been prepared and issued.

11. That with regard to the statements 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.

12. That with regard to the statements made in paragraph 5.1 of the instant original application, the Respondents beg to state that as stated in paragraphs 8 and 9 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.

13. That with regard to the statements made in paragraph 5.2 of the application, the Respondents beg to state and reiterate the statement made in paragraphs 5, 8 and 9 above and to state further that the applicant had committed gross irregularities and



showed lack of integrity in the processing of pension revision cases. His processing of 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.

14. That with regard to paragraph 5.3 of the instant application, the respondents beg to state that the said Sr. Accounts Officer was, in the meantime, transferred to AG(A&E), Meghalaya vide Admn-I Order No. 39 dated 13 May 2005 of the Office of the A.G. (A&E), Assam. Subsequently, he was transferred to R.T.I, Shillong on deputation by AG(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 DAG/Cell/Misc/2005-06/111 dated 25 May 2006 for further investigation in view of the 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 the Accountant General, Manipur vide A.G.(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 officials who received pensioners' copies of

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Gujarati Bench

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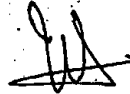
pension payment authorities in bulk without any authority to do so apart from other irregularities were suspended as their offence was grave. Eight other officials were also involved in committing various irregularities. However, they had not received pensioners' copies of pension payment authorities in bulk. Therefore, those officials were not suspended but were transferred to less sensitive sections and memorandums were issued to those officials also. Their replies were not found satisfactory and therefore charge sheets were issued to those officials also. Thus, this office is committed to take disciplinary action against all the officials involved and will not show any leniency towards any one.

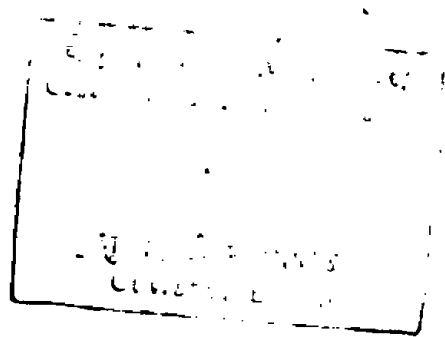
15. That with regard to paragraph 5.4 of the original application, the Respondents beg to state that as stated at para 5, 8 and 9 above, the charge sheet against the applicant could not be framed without thorough investigation with proper documentation. Now a charge sheet has been framed and issued to the applicant.

16. That with regard to the statements made in paragraph 5.5 of the original application, the Respondents beg to state that as stated at para 15 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 scape goat as per his statement may be rejected.

17. That with regard to the statements made in paragraph 5.6, the Respondents beg to state that the applicant had committed gross irregularities with conduct unbecoming of a government servant in the process of many pension revision cases of Head Pandits/Head Masters of Lower Primary/Primary Schools and accordingly, a charged sheet has been framed and served on him. The Respondents further beg to 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.

18. That with regard to the statements made in paragraphs 6 and 7 of the original application, the Respondents beg to offer no comments.





19. That the applicant has committed gross irregularities with conduct wholly unbecoming of a Govt. servant in the pension revision cases of Head Pandits/Head Masters of Lower 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.

20. 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

उप महालेखाकार (वि. व. हक.)
Deputy Accountant General (A & E)
उप महालेखाकार (वि. व. हक.) का कार्यालय
Office of the Sr. Dy. Accountant General
मणिपुर, इम्फाल
Manipur, Imphal

VERIFICATION

I, Viswanath Singh Jadon, Dy. Accountant General(A&E), Manipur do hereby verify that the contents of the above paragraphs 1.. to 20.. 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.

Dated/ Imphal

The

Signature of the deponent

उप महालेखाकार (वि. व. हक.)
Deputy Accountant General (A & E)
उप महालेखाकार (वि. व. हक.) का कार्यालय
Office of the Sr. Dy. Accountant General
मणिपुर, इम्फाल
Manipur, Imphal

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Annexure - X/1
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OFFICE OF THE SR.DY. ACCOUNTANT GENERAL(A&E)
MANIPUR :: IMPHAL

No. Estt (A&E)/DP/NGK/2007-08 563

Dated.7.9.07

M E M O R A N D U M

The undersigned proposes to hold an inquiry against Shri Ng. Koshing Moyon, Accountant (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 Ng. Koshing Moyon, Accountant 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 Ng. Koshing Moyon, Accountant 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.


[Signature]

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5. Attention of Shri Ng. Koshing Moyon, Accountant 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 Ng. Koshing Moyon, Accountant 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.


(V.S. Jadon)
Dy.Accountant General (A&E), Manipur

To

o/c

Shri Ng. Koshing, Accountant
A.G. Colony, Lamphelpat
Imphal, Manipur.

ANNEXURE-I

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Statement of articles of charge framed against Shri Ng. Koshing Moyon, Accountant (Under Suspension) of the office of the Sr. Dy. Accountant General (A&E), Manipur, Imphal.

Article - I

That, the said Shri Ng. Koshing Moyon while functioning as Accountant in Pension Section from 11.6.01 to 05.04.04 in the office of the Sr. DAG(A&E), Manipur, was allotted the works of pension for the offices of the ZEO-Zone IV, D.I. Moirang, Electricity, Medical, CAG's letters and Policy files. However, he processed many Pension Revision cases of the schools of the ZEO- Churachandpur, Chandel and ZEO-Zone-I without receiving any office orders/authority to do so in addition to his allocated duties. Such act is in violation of official orders for duties given to him and hence, the said Shri Ng. Koshing Moyon is charged under Rule 3 (1) (ii) of C.C.S. (Conduct) Rules, 1964 for deliberate breach of office rules and order.

Article - II

That, the said Shri Koshing Moyon, while functioning as Accountant in Pension Section during the said period, without official authorization, processed many pension revision cases of Head Pandit/Head Masters of Lower Primary/Primary Schools and submitted the said cases direct to the concerned Sr. AO of Pension Revision and unauthorisedly bypassed the concerned AAO who was his next and immediate superior officer for the submission of the pension revision cases. No office order or written instruction from his superior officer(s) was obtained for such bypass of the concerned AAO.

The said Shri Koshing Moyon, Accountant thereby failed to discharge his duties properly by conducting himself to insubordination and lack of integrity in the discharge of his official duties and violated Rule 3(1)(i) of the C.C.S.(Conduct) Rules, 1964 .

Article III

That, the said Shri Koshing Moyon, while functioning as Accountant in Pension Section during the aforesaid period, processed many pension revision cases of Head Pandit/Head Masters of Lower Primary/Primary Schools, by opening "Part files" containing the only documents received by that time and no effort was made to link with the "original Pension files" of the concerned pensioners. No office order or written instruction from his superior officer(s) was obtained for such opening of "Part files".

The said Shri Koshing Moyon, Accountant thereby failed to discharge his duties properly by conducting himself to gross negligence in the discharge of his official duties and thus violated Rule 3(1) (ii) of the C.C.S. (Conduct) Rules, 1964.

Article-IV

That, during the aforesaid period and while functioning as Accountant in Pension Section the said Shri Koshing Moyon received many pensioners' pension authority copies in bulk on many days, without official authorization. By doing so, the said Shri Koshing Moyon, Accountant conducted himself improperly and dishonestly in his official dealings with conduct of wholly unbecoming a Government Servant and thereby violated Rules 3(1)(i) and (iii) of the C.C.S. (Conduct) Rules, 1964.

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Article-V

That, during the aforesaid period and while functioning as Accountant in Pension Section in the aforesaid office, the said Shri Koshing Moyon processed many pension revision cases of Head Pandit/Head Masters of Lower Primary/Primary Schools on the basis of many letters, Service Books which were not received officially and diarised officially in violation of the office order of the Sr. DAG (A&E), Manipur Order No. 3 dated 12.07.93. He also committed gross irregularities by processing and putting up pension cases before receipt of the related service books officially by the office.

The said Shri Koshing Moyon, Accountant thereby committed gross irregularities and exhibited gross negligence in the discharge of his official duties and thus violated Rule 3 (1) (ii) of the CCS (Conduct) Rule, 1964.

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ANNEXURE - II

Statement of imputation of misconduct or misbehaviour in support of the articles of charge framed against Shri Ng. Koshing Moyon, Accountant (under suspension) of the Office of the Sr. Deputy Accountant General (A&E), Manipur.

Article - I

That, Shri Ng. Koshing Moyon held the post of Accountant in Pension Section during the period from 11-06-01 to 05-04-04 in the office of the Sr. Dy. Accountant General (A&E), Manipur. Shri Ng. Koshing Moyon while functioning as Accountant in Pension Section was allotted the works of pension for the offices of the Z.E.O.-IV, D.I. Moirang, Electricity, Medical, C&AG's letters and policy files as per the allocation of duties register of Pension Section.

That, the said Shri Ng. Koshing Moyon during the said period and while functioning as Accountant in the Pension Section, without official authorisation, processed many pension revision cases of Head Pandit/Head Masters of Lower Primary/Primary Schools which were not allotted to him as per allocation of duties register. As for instance, the said Shri Ng. Koshing Moyon, Accountant during the said period processed the pension revision cases of Head Pandit/Head Masters holding PPO Nos. SM/12975 & SM/6310 of the office of Z.E.O. (Churachandpur) on 18-03-04 and 16-10-03 respectively which were outside his allocation of duties. He also processed the pension revision of the pensioners holding PPO No. SM/2708 belonging to Z.E.O. (Zone-1) on 10-03-04 and SM/10363 of Z.E.O. (Ukhrul) on 17-11-03 without any authority. Such act is in gross violation of the duties given to him as per the allocation of duties register. That, the said Shri Ng. Koshing Moyon, Accountant as such failed to discharge his duties properly by conducting himself repeatedly to the acts inconsistent to his official duties with deliberate breach of office rules and order and committing unauthorized interferences to the officially allotted duties of other staff and thereby violated Rule 3(1)(ii) of the C.C.S. (Conduct) Rules, 1964.

Article -II

That, the said Shri Ng. Koshing Moyon, Accountant while working in Pension Section during the said period, without official authorization, processed many pension revision cases of Head Pandit/Head Masters of Lower Primary/Primary Schools and he submitted the said cases direct to the concerned Senior Accounts Officer of Pension Revision and unauthorisely bypassed the concerned Asstt. Accounts Officer who was his next and immediate superior officer. As for instance, he processed the revision cases of the pensioners holding PPO Nos. SM/6310, SM/10363, SM/6353, SM/6882, and submitted the cases direct to the concerned Sr. Accounts Officer of Pension Revision without any recorded order. The signature of Asst. Accounts Officer was not available in the pension revision cases processed by the said Shri Ng. Koshing Moyon. Reasons for non submission of files/cases through AAO/Pension Revision were also not recorded in the concerned cases by the said Shri Ng. Koshing Moyon, Accountant.

That, the said Shri Ng. Koshing Moyon, Accountant thereby failed to discharge his duties properly by conducting himself to insubordination and lack of integrity in the discharge of his official duties and violated Rule 3(1)(i) of the C.C.S. (Conduct) Rules, 1964.

That, the said Shri Ng. Koshing Moyon, Accountant while working in Pension Section during the said period, without official authorization, processed many cases of pension revision of Head Pandit/Head Masters of Lower Primary/Primary Schools by opening "Part Files" containing the only documents received by that time and no effort was made to link with the original Pension files containing other important documents of the concerned pensioners. As for instance, he processed the revision cases of the pensioners holding PPO Nos.SM/11506,SM/11593 by opening part files and no office order or written instruction from his superior officer(s) was obtained for such opening of "Part Files". Hence, the said Shri Koshing Moyon, Accountant thereby failed to discharge his duties properly by conducting himself to gross negligence repeatedly in the discharge of his official duties and violated Rule 3(1) (ii) of the C.C.S.(Conduct) Rules, 1964.

Article - IV

That, the said Shri Ng. Koshing Moyon while functioning as Accountant in the Pension Section during the said period received under his signature, many pensioners' pension authority copies in bulk on many days without any official authorization. The pensioner's pension authority copy would be despatched to the concerned and individual pensioner by post in the absence of any official authorization to receive it by authorized person. He received in bulks such 5 pensioners' copies on 17-02-2004, 10 copies on 24-02-04 and 12 copies on 15-03-04 without any official authorization in record to do so. By doing so, the said Shri Ng. Koshing Moyon, Accountant failed to discharge his duties properly and conducted himself improperly and dishonestly in his official dealings with conduct of wholly unbecoming a Govt. servant and thereby violated Rules 3(1)(i) and (iii) of the C.C.S.(Conduct) Rules, 1964.

Article - V

That, the said Shri Ng. Koshing Moyon, Accountant while working in the Pension Section during the said period, without official authorization, processed many pension revision cases of Head Pandit/Head Masters of Lower Primary/Primary Schools on the basis of many letters, Service Books which were neither received officially nor diarised in the Sectional Diary Registers in violation of office order of the Office of the Sr. Dy. Accountant General (A&E), Manipur Order No.3 dated 12-07-1993. For instance, the said Shri Ng. Koshing Moyon, Accountant processed the pension revision of a pensioner holding PPO No.SM/12222 on the basis of Z.E.O (Chandel) letter No.9/13-ZEO(CDL)/1 dated 28-02-2004, under which the Service Book and LPC of the pensioner was enclosed. The said letter dated 28-02-2004 was not officially received and not diarised in violation of the office order dated 12-07-93. He put up the said pension revision under PPO No.SM/12222 to the Sr. A.O. of Pension Revision on 10-03-04.

That, the said Shri Ng. Koshing Moyon, Accountant processed and put up the pension revision case holding PPO No SM/14717 before the receipt of related Government Order enclosing Service Book from Department. In that Pension Revision case, the ZEO (Kakching) forwarded the Service book of the pensioner holding No.SM/14717 to the Accountant General Manipur vide ZEO (Kakching) letter No.1/7/98-ED (ZEO-K) dated 22-02-04 for regularization of pension arrears. The said letter dated 22-02-04 along with service book was found diarised as SB/2343 dated 15-03-04. However, without any recorded reasons the said Shri Ng. Koshing Moyon, Accountant processed and put up the pension of the said pensioners on 10-03-04 to his higher officer before the receipt of the said letter and Service Book of the concerned Pensioner on 15-03-04. The said Shri Ng. Koshing Moyon, Accountant thereby committed gross irregularities and exhibited gross negligence in the discharge of his official duties and thus violated Rule 3(1) (ii) of the C.C.S. (Conduct) Rules, 1964.

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ANNEXURE-III

List of documents by which the articles of charge framed against Shri Ng. Koshing Moyon, Accountant (under suspension) of the office of the Sr. DAG (A&E), Manipur, Imphal are proposed to be sustained.

1. Pension Revised Report & Authority of PPO/SM/12975, PPO/SM/6310, PPO/SM/2708, PPO/SM/10363, PPO/SM/14717 & PPO/SM/12222
2. Revised Pension Report of PPO/SM/6353, PPO/SM/6882, PPO/SM/11593, PPO/SM/11506,
3. Receipt of Pensioner's personal copy dated 24-2-2004, 17-2-04 & 15-3-2004
4. ZEO (CDL)'s letter No. 9/13-ZEO (CL)I dated 28-2-2004.
5. Office order dated 12-7-1993
6. Z.E.O. Kakching letter dated 22-2-04 marking Service book No. 2343 dated 15-3-2004
7. Approximately 451 pension revision cases of Head Pandits/Head Masters dealt by Shri Ng. Koshing Moyon, Accountant. Available copies of the calculation sheets/reports/authorities in respect of PPO/SM/SF/10645, SM/2674, SM/10314, SF/9685, SM/13427, SM/14932, SM/18295, SM/12094, SM/3602, SM/8964 etc. are enclosed as exhibit examples.

ANNEXURE-IV

List of witness by whom the articles of charge framed against Shri Ng. Koshing Moyon, Accountant (under suspension) is proposed to be sustained.

1. Shri L. Iboyaima Singh, the then AAO Pension Revision.

17- Annexure-X/2

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 (Admn) 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 thereof.

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/JP/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

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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. Head Pandit 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	Woks 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. Koshing Moyon, Sr. Acctt.	11-6-2001 to 5-4-2004	ZEO -IV, DI (Moirang) Electricity etc, Medical.
-	Y. Sharat Meitei, Sr. Acctt	8-4-2004 to 12-7-2005	ZEO -IV, DI (Moirang) Electricity etc, Medical.
8.	L.S. Ramyo, CT	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	Despatcher, 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. Rahumani 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.	Prior 2001 upto 26-4-2005	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 Educatuion	Head Pandit Revision cases done	Name of ZEOs where pension case relates	Remarks.
1.	Ng Koshing. Acctt.(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-
2.	Sh. Ranjit Singh, Acctt (Pension)	ZEO-III	SM/11620 SM/3494 SM/7080	ZEO-I ZEO-II Wangoi Zone-IV	Not allocated to him -DO- -DO-
3.	H. Jadumani Singh. Sr. Acctt. (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. Sumitibala Devi. Sr. Acctt. (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. Acctt. (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. Acctt. (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, Acctt (Pension)	ZEO-III	SM/14614	ZEO-IV	Not allocated to him.
8.	K. Benjamin, Sr. Acctt.	Not in Pension at that time	SM/5889 SM/7378	ZEO-Ukl ZEO-IV	Not allocated to him -DO-
9.	Lhingzalam Gangte, C/T. (Penion)	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. Acctt.	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	Thangkhomang	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 in "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 Chungkholun 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 SM/4441, SM/438, SM/1461, SM/2884, SF/3729, SF/4630 SM/9309, SM/4560, SM/5403, SF/4569	10-03-2004 01-04-2004 29-03-2004
2.	W. Bilashini Devi (Audit Office)	SM/5121, SM/14088, SM/8843, SM/13029, SM/17290, SM/13671	19-03-2004 02-03-2004
3.	N. Nirpen Meitei, C/T (Pension)	SM/8652, SM/6740, SM/17268, SM/8366, SM/9342, SM/5278, SM/8353, SM/8187, SM/9575	22-03-2004 29-03-2004
4.	Sabir (Audit)	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
		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 Haachinhang, Head Pandit, Ngolphei 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.

- | | | |
|---|---|----------------|
| (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, Retd. 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) Mangrei 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 Koshing, 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) Thangkhomang Sithhou, 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-I.

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

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

12. 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 ^{did not have} do not obtain 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/marked in Pension Section.
- (d) Many original Service records (Service Books) were found to ^{be} 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.
- (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 authority

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

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**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.

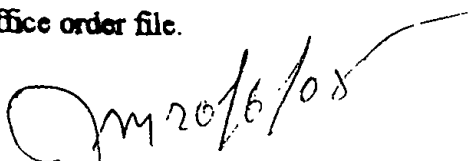

Sr. Accounts Officer/Admn.

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.

Annexure - 'B'

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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 thereof

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

DAE (A.E.) - on leave
S. A. D. (Pen)

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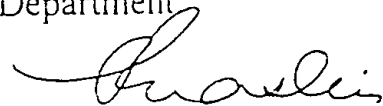
Manipur who prepared the Pension Payment orders and the Treasuries from where the pensions are drawn, is fully reconciled,

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.

This issues in consultation with the Finance Department



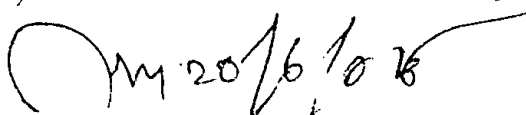
(R.R.Rashmi)

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

Continued to page 5



(214)

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-5-

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

M 26/6/05

Annexure - 'C'

35

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 canceling 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

M 20/6/05


(R.R. Rashmi)

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

DAG (A&E) - on leave
Sr- AO (Pen)

Please take immediate
necessary action as
directed by the



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

No. Pen/ROP-90/90-91/7-13-14
Dated 21-11-2003

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, J.B. School as per ROP 90 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 Departments 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. Tombi Sharma, 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 supercede 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. 125-4-145-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 60. 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

Telephone 0365-228526 (O)
Fax 0365-228525

Tele/Telegram : ACCOUNTS IMPHAL

M 20/6/03

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

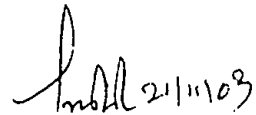
4. Zonal Education officers issued orders allowing to enjoy/draw the sr scale of pay of Rs.1640-2900/- to Head Pandit of LP/Primary school on being completion of 15 years of regular service in the grade of Head Pandit/head Master on recommendation of the District Level Screening Committee without issue 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/Apptt(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 Pensionary 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,

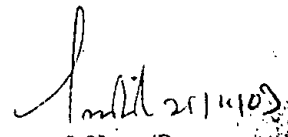

Sr. Accounts Officer/Pen.

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.

Annexum - F

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23

No.Pen/Policy/2004-05/327

Dated 18-05-05

To

The Deputy Secretary
Manipur Legislative Assembly.

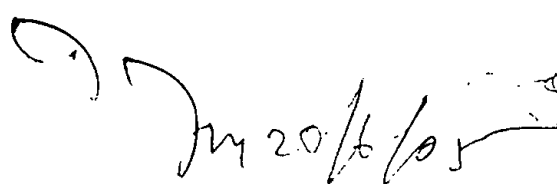
Subject:- List of officials posted in Pension Section and dealing
with Education Department.

Ma'am,

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 Ponds 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 L. Iboyaima Singh, AAO	25-11-03	16-01-05
7.	Shri Y. Manaobi Singh, Sr. AO	-	Upto 26-04-05

Yours faithfully,


Accounts Officer (Pension)

Annexure 'E'

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84

OFFICE OF THE SR. DEPUTY ACCOUNTANT GENERAL (C&A)
MANIPUR (IMPIAL)

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(P) 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

M 20/6/05

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1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

Yours faithfully,

82/92

100

Copy to:-

- 17/12/03

Om 20/6/05

9-6/12/17
Officer/Pension

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 Irong L.P. School
PPO No. SM/7379

42 -
1. Records of requisition and submission of service Book by the ZEO(Kangpokpi) for refixation 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.

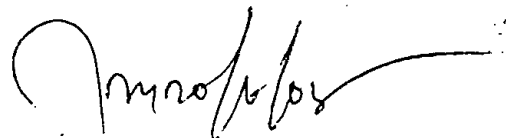
3. Letters are found not diarised.

4. Regulation of pay not done.

5. Case never put upto SO/AAO concerned

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

1. Part file opened without approval of higher authority.



- 43 -
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 20/6/08*

lh- 29
(m) Md. Salauddin
Retd. Head Pandit, PPO No. SM/16403.

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.

[Handwritten signature]

- 45 - - 18
Answer-X/3
80

REVISED/PENSION REPORT

Revision of pension of Shri/Smt. Ganga H. Mani
.....Reced/Ex.....

CONSEQUENT ON THE REVISION OF PENSION W.B.F. 1.1.1988:

PARTICULARS:

1. Date of birth : 3-12-1933
2. Date of appoint : 21-10-1952
3. Date of retirement : 31-12-1991
4. Net qualifying service: 33 yrs 7m 6d smp.
5. Original pension Rs. 675 p.m. vide PFO/SH/ 6310
6. Original DCRG/DG Rs. 675 p.m. vide GPO/SH/ 5791
7. Original commutation Rs. 7352 vide Comtn/ 6763
8. Regulation of pay Rs.
9. Revised Average Emolument: 1940 to 31-12-91 → 1940 x 10 → 19400
i.e. Average emolument Rs. 1940

10. REVISED PENSION: 50% of 1940 → 970

| | |
|-----------------|----------------------------|
| Revised Pension | Rs. 970 p.m. w.e.f. 1-1-92 |
| Less Original | Rs. 675 |
| Difference | Rs. 295 p.m. w.e.f. 1-1-92 |
| Revised relief | Rs. p.m. w.e.f. |

11. REVISED RETIREMENT GRATUITY/DEATH GRATUITY/TERMINAL GRATUITY.

$\frac{1940 \times 60}{4} \rightarrow 32,010$

| | |
|----------------------|------------|
| Revised RG/DG/TG | Rs. 32,010 |
| Less original amount | Rs. 22,275 |
| Difference | Rs. 9,735 |

12. REVISED COMMUTATION: $\frac{1}{3}$ of 970 → 323 x 12 x 10.46 → 40,543.

| | |
|----------------------|------------|
| Revised commutation | Rs. 40,543 |
| Less Original amount | Rs. 22,240 |
| Difference | Rs. 18,303 |

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649.
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13. Reduced pension after commutation is Rs. ⁶⁴⁷..... i.e. Rs. ⁹⁷⁰..... (-) Rs. ³²³.....) p.m. w.e.f. from the date of drawal of revised commutation amount.

14. REVISED FAMILY PENSION: 30% of 1940 → 582

| | |
|---------|--------|
| Normal | :- 582 |
| Enhance | :- 970 |

15. REVISED RELIEF IN FAMILY PENSION:

In the event of death of pensioner an enhance family pension @ Rs. ⁹⁷⁰..... is admissible to Sct./Shri. ^{Ughim}.....
..... W.O./H.O./Shri/Smt. ^{Tonga. Hman}.....
..... from the date following the date of his/her death for 7(seven) years or upto ²⁻¹²⁻⁹⁸..... whichever is earlier and thereafter normal family pension @ Rs. ⁵⁸²..... till death or re-marriage whichever is earlier.

Submitted for kind approval.

Acctt/Sr.Acctt.
^{16/10/03}

Supr/S.O/A.A.O

^{12/10/03}
A.O./Sr.A.O.(Pen)

(Full Address of Pensioner)

.....
.....
.....

Se vanja



REPORT

OF

THE ENQUIRY COMMITTEE OF THE HOUSE
TO EXAMINE THE ALLEGED FRAUDULENT
DRAWAL OF ARREARS AND SALARIES OF
294 HEADPANDITS/HEADMASTERS
IN THE EDUCATION DEPARTMENT.

(Presented to the House on 18-07-2005)

MANIPUR LEGISLATIVE ASSEMBLY
SECRETARIAT.

De-kan

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COMPOSITION OF THE
ENQUIRY COMMITTEE OF THE HOUSE:
2005

CHAIRMAN :

1. Shri. C. Doungel.
Hon'ble MLA.

MEMBERS :

1. Dr. Nimaichand Luwang, Hon'ble MLA.
2. Shri R.K. Thekho, Hon'ble MLA.
3. Shri. S. Iboh Singh, Hon'ble MLA.
4. Shri. Th. Tomba Singh, Hon'ble MLA.
5. Shri. M. Bhorot Singh, Hon'ble MLA.
6. Shri. W. Brajabidhu Singh, Hon'ble MLA.

SECRETARIAT :

1. Shri. Th. Chourajit Singh,
Secretary.
2. Shri. T. Joute,
Joint Secretary.
3. Smt. Lawmkimi,
Deputy Secretary.
4. K. Meghajit Singh,
Under Secretary.
5. Shri. Ksh. Shyamkumar Singh,
Committee Officer,

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(ii)

INTRODUCTION

I, the Chairman of the Enquiry Committee of the House to examine the alleged fraudulent drawal of arrears and salaries of 294 Headpandits/Headmasters in the Education Department, having been authorised by the Committee to submit the Report on their behalf and present this Report to the House.

The Committee was constituted by the House on 29th March, 2005 with the direction that the report of the Committee be submitted to the House within one month w.e.f. 2nd April, to 2nd May, 2005. But due to non receipt of some important related documents and the non completion of examination, the Committee was unable to submit its report to the House in time and the term of the Committee is extended for another 3 (three) months w.e.f. 3rd May, 2005.

The Committee, considered the draft report in its sitting held on 14-07-2005 and adopted it.

Shri. C. Doungel

Chairman,

Enquiry Committee of the House
Manipur Legislative Assembly.

Dated/Imphal
the 14th July, 2005.

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REPORT

The Enquiry Committee of the House to examine the alleged fraudulent drawal of arrears and salaries of 294 Headpandits/Headmasters in the Education Department (Schools) was constituted by the House on 29th March, 2005 with the following members :

1. Shri. C. Doungel, Hon'ble MLA, - Chairman.
2. Dr. Nimaichand Luwang, Hon'ble MLA, - Member
3. Shri R.K. Thekko, Hon'ble MLA, - Member
4. Shri. S. Ibohah Singh, Hon'ble MLA, - Member
5. Shri. Th. Tomba Singh, Hon'ble MLA, - Member
6. Shri. M. Bhorot Singh, Hon'ble MLA, - Member
7. Shri. W. Brajabidhu Singh, Hon'ble MLA, - Member

The Committee is to submit its report within 1 (one) month w.e.f. 2nd April to 2nd May, 2005.

That due to its wide scope and complexity of the matter, the Committee could not examine all the related documents furnished by the Department of Education (S), Finance Department, Directorate of Treasury and Office of the Accountant General, Manipur in such short period and as such extension was sought for another period of 3 (three) months w.e.f. 3rd May, 2005.

BACKGROUND HISTORY OF THE CASE

This case relates to the alleged fraudulent drawal of pay arrears, pension arrears and other benefits by the teachers in the Department of Education (Schools) in 2003 and 2004. A series of orders were issued by the Director of Education (Schools), Government of Manipur, mostly in 2003 and 2004 (upto March, 2004) under which ex-teachers, pandits who were serving as in charge Headpandit/Headmaster of erstwhile Lower/Primary/Junior Basic Schools were allowed to draw the scales of pay of Headpandit/Headmaster of

Primary/JB Schools with effect from the date of their holding charge of the Schools for getting pensionary benefits. In some cases the benefits accorded by the orders go back as far as 01-04-1964.

Another set of orders were also issued by the Director of Education (S) allowing senior scale of pay to the Ex-Headpandits/ Head Masters of LP/Primary/Junior High School on completion of 15 years of regular service in their respective grades.

Zonal Education Officers also issued similar orders allowing Headpandits of JB/Primary Schools to draw senior scale of pay (Rs. 1640 - 2900) of Headpandits of JB/Primary School on completion of 12/15 years of service in regular establishment. These orders were made effective from 01-01-1986.

The Committee examined 22 orders issued in respect of 294 teachers for allowing to draw the pay scales of Headmasters/ Headpandits of L.P./Primary Schools. These orders had been issued by the Department of Education (S) in 2003 - 2004.

During the course of further examination, many new cases were detected rising the present number to 934 cases as reported by Directorate of Treasuries & Accounts. The number is likely to increase further.

That in course of examination of some related documents submitted by the Directorate of Education and information received from the Director of Treasury Office, Government of Manipur, the Committee detected new cases on fraudulent drawal of arrears/ salaries of the retired Headmasters/Headpandits of L.P. Schools.

As the number of persons involved in the irregular drawal of arrears/salaries of the Headmasters/Headpandits are increasingly large, the task before the Committee was enormous. Further, as the nature of offence being criminal in nature, the Committee decided that the Government of Manipur, particularly the Police Department be urged to constitute a Special Investigation Team to investigate

the case in addition to the examination taken up by the Enquiry Committee of the House.

The Police Department issued an order constituting a special Investigation Team consisting of 4 (four) Police Officials under the supervision of the S.P. CID (Crime Branch) (See Annexure - A). In another order issued on 7th June, 2005, 3 (three) Police Officials have been added in the Special Investigation Team (See Annexure - B).

In another order by the D.G.P. Manipur dated 01-06-2005 Shri. A. Romenkumar Singh, I.G.P. (L.O. - II) Manipur was placed in overall charge of the investigation of the said case and the SIT officers will work under his supervision and direction. On the direction of the Committee, the Department of Education (Schools) Government of Manipur lodged FIRs about the fraudulent drawal of pension arrears and salaries to the S.P. Imphal West and the Officer in charge, Police station, Lamphel on 28-04-2005 and 29-04-2005 respectively.

On receipt of the written report from the Education Department, Government of Manipur a regular FIR No. 71(4)05LP/P.S. U/S 420/468/120-B/PC was registered at Lamphel Police Station.

The SIT in their letter No. 10/04/2005-IG(LtO-II)(Pt-I)370 dated 21-06-2005, has submitted to the Committee actions so far taken by the Police Department in the course of investigation.

The SIT reported that after the rejection of the interim anticipatory bail by the Hon'ble Additional Session Judge, Manipur East, the following accused persons have been arrested by them so far :-

1. Shri. N. Surjit Singh, ZEO/ Thoubal.
2. Shri. Ch. Ibohal Singh, Retd. ZEO/Imphal East.
3. Smt. Boboi Gangte, i/c ZEC/Churachandpur.
4. Md. Nur Khan LDC/DA Education(S).

5. Shri. Siman Manithoi Singh, UDC, Education(S).
6. Shri. Athokpam Shamu Singh, ZEO/DDO, Education(S).
7. Shri. Ningthoujam Khomci Singh, DI/DDO, Zone-I, Education(S).
8. Shri. Ningthoukhongjam Rajen Singh, Head Clerk, Zone-I Education(S).
9. Ningombam Nirpen Meitei, Clerk Typist of A.G. Office.

Important accused persons who are still absconding are :-

1. Shri. N.K. Shimray, Addl. Director of Education (S) (Hills).
2. Shri. Th. Shamungou Singh, Retd. Director, Education (S).
3. Shri. M. Vaorci, ZEO, Tamenglong.
4. Shri. P. Akha, Joint Director, Education (S).
5. Shri. Nakao Jacob, ZEO, Senapati.
6. Shri. Kh. Iboyaima Singh, Retd. ZEO, Bishnupur.
7. Shri. Nengkhomang, DI, Hills.
8. Shri. N. Ibofianbi Singh, DI (Zone-III).
9. Shri. Asem Kirankumar Singh, UDA/DA, Education (S).
10. Shri. Kh. Labango Singh, UDA/DA, Education (S).
11. Shri. Athokpami Biren Singh, UDA/DA, Education (S).
12. Shri. Hijam Ibungo Singh, UDA/DA, Education (S).
13. Shri. Heisnam Yaima Singh.
14. Smt. Mayanglambam Damayanti Devi.
15. Shri. Moirangthem Sanatombi Singh of Heirok Part - I.
16. Md. Nazir, Accountant, ZEO, Kakching.
17. Shri. Thokchom Sudan Singh, LDC, ZEO, Thoubal.
18. Shri. Ngangom Chandrabas Singh, UDC, ZEO, Churachandpur.
19. Shri. Ngultuolian, Head Clerk, ZEO Churachandpur.
20. Shri. Lienchongkung Hmar, Sr. Accountant, ZEO Churachandpur.

In order to arrest the accused persons raids have been conducted at various places. As submitted coercive proceedings under Sec. 82

CrPC to declare them as proclaimed offenders are being taken up by the Investigating Team.

SEIZURE OF DOCUMENTS

Number of Districtwise documents seized from all the Districts are :-

| | | |
|---------------------------|---|------|
| 1. Imphal West District | - | 142. |
| 2. Imphal East District | - | 40. |
| 3. Thoubal District | - | 7. |
| 4. Bishinupur District | - | 12. |
| 5. Senapati District | - | 7. |
| 6. Ukhrul District | - | 9. |
| 7. Tamenglong District | - | 8. |
| 8. Churachandpur District | - | 8. |
| 9. Chandel District | - | 10. |

As per investigation reports submitted to the Committee, the following persons are found to be instrumental in co-ordinating amongst the Education Department, A.G. Office and Treasury Office :-

1. Shri. Manihar Singh, of Kakching.
2. Modhumangol, Sr. Accountant, A.G. Office.
3. Md. Gyasuddin of Thoubal Moijing, a/p, K.R. Lane.
4. Shri. Lairikyengbam Bhogiro Singh of Khurai Lamlong Bazar, Retd. A.I.
5. Md. Saukat Ali of Yairipok Tuliha, Angtha Toupokpi.
6. Shri. Jugindro Singh of Yairipok.
7. Shri. Nongyai Singh of Nambol a/p Sangaiprou.
8. Shri. Manglem of Nambol.
9. Shri. Nirpen Singh of Khongman, Clerk Typist of A.G. Office.

10. Shri. Kumar Singh of Tera Wangthonbi Leirak, Retd. Head Pandit.
11. Shri. Kwaklei of Sagoltongba near Recent Hr. Secondary.
12. Md. Anwar Ali of Thoubal Moijing.
13. Shri. Chaoba Singh of Thoubal Ningombam (expired).
14. Mr. Singneng (60 yrs) of Churachandpur.

So far till this report is presented 117 witnesses have been examined in connection with the case. The investigation team has also succeeded in recovering Rs. 42,700 as a part of the money fraudulently withdrawn by the accused persons. They have also frozen 10 bank accounts of the accused persons.

SUBMISSION OF THE EDUCATION DEPARTMENT (SCHOOL SECTION)

During examination of Officials of the Education (S) Department, the Committee had been intimated that the Director of Education (S), issued orders allowing the benefits of pension arrears and pay arrears to the Headpandits and Headmasters of L.P. School, though the absence of such posts are evident from the fact that no pay scale had even been prescribed for such post either in the Manipur Employees (ROP) Rules 1996 or in the ROP 1975, 1982 and 1990. Even in the ROP 1999 (effective from 01-01-1996) which prescribed, a pay scale for the Headmaster of primary school, together with that of JB. School, the nomenclature "*Headpandit/ LP School*" was absent. L.P. Schools did not have sanctioned posts of Headpandits. Such orders passed blindly either in compliance to court orders or at times, independently to accommodate the demands of so called affected teachers were done on the basis for the orders passed in 1998. Fresh application by the left out teachers demanding similar benefits also were justified on the same basis.

However, the orders are unauthorised as they had been passed without obtaining necessary approvals from the Government and

are clearly designed to grant extra ordinary financial benefits to the teachers with retrospective effect which was neither the practice nor the intention of the Government in passing the previous orders.

On examination of the officials of the Accountant General Office, Manipur, it was submitted to the Committee that as per the initial examination of records conducted by the office of the Sr. Deputy Accountant General (A & E), the following pension revision cases were finalised by that Office between 19-06-2002 to 16-04-2004 on the basis of orders issued by various authorities in the Government.

| Sl. No. | Particulars | Total numbers of cases in which pensionary benefits have been revised between 19.6.2002 to 16.4.2004 based on orders issued by various authorities in the Government including Director of Education (S). | | Grand Total. |
|---------|-----------------------|---|-----------------------|--------------|
| | | 19.6.2002 to 4.5.2003 | 5.5.2003 to 16.4.2004 | |
| 1. | Head Pandit | 104 | 919 | 1023 |
| | Head Master | 51 | 384 | 435 |
| | Sub-Total | 155 | 1303 | 1458 |
| 2. | Asstt. Teachers | 243 | 55 | 298 |
| 3. | Unidentified category | nil | 205 | 205 |
| | Total: | 398 | 1563 | 1961 |

The revision of pensionary benefits has been done on the basis of various orders issued by the Government, Director of Education (S) and Zonal Education Officers.

Out of 1458 cases revised during the period 19-06-2002 to 16-04-2004, cases revised on the basis of orders issued by Director of Education (S) are being identified. So far 100 cases have been identified in which pensionary benefits of Ex- Headpandits/ Head masters were revised on the basis of orders issued by the Directorate of Education (S) (92) cases and ZEOs (8) cases.

At the same time the A.G. Office also had been exercising for sorting out and identifying the case files of Ex-Headpandits/Headmasters who were allowed the said benefits by reviewing the office records and files. As a result of this exercise, details of 502 cases have been submitted to the Commissioner, Education. The financial implications in these sorted out cases is appended below :-

| Particulars | Pension | | Arrears of | |
|--|---------------------|--------------------|---------------------|------------------------|
| | Original
(in Rs) | Revised
(in Rs) | Gratuity
(in Rs) | Commutation
(in Rs) |
| 1 st Batch of
100 pensioners | 1,78,543 | 2,29,885 | 21,71,465 | 24,61,214 |
| 2 nd Batch of
119 pensioners | 1,33,540 | 1,91,242 | 24,08,521 | 26,16,848 |
| 3 rd Batch of
108 pensioners | 1,30,312 | 1,79,451 | 20,63,371 | 68,84,486 |
| 4 th Batch of
175 pensioners | 3,56,944 | 4,94,840 | 56,58,828 | 68,84,486 |
| Total 502
cases | 7,99,139 | 10,95,418 | 1,23,02,185 | 1,88,47,034 |

The Committee also examined the officials of the Directorate of Treasuries and Accounts, Manipur, as the Committee feels that Treasury Offices are playing an important role in the preparation of pension/arrear pension bills.

ARREARS DRAWN

With the direction of the Committee, the Directorate of Treasuries and Accounts also investigated cases on payment of arrears of pension to the Ex-Headmasters/Headpandits. The findings of the Department so far had revealed that payment of arrears of pension have been made to 934 Headmasters/Headpandits. The table showing the number of pensioners and the amounts of arrears drawn Treasury wise are shown as :

Treasury-wise consolidated statement

| Name of Treasury | 2003-04 | | | 2004-05 | | | 2003-04 | | | Total | | | 2004-05 | | | Total | | |
|------------------|---------|-----|-------|---------|----|-------|----------|----------|----------|-----------|---------|----------|---------|---------|---------|----------|-------|-----------|
| | SM | SF | Total | SM | SF | Total | Pension | Gratuity | Comin | 2003-04 | Pension | Gratuity | Comin | 2004-05 | Pension | Gratuity | Comin | Total |
| 1. Jibam | 9 | 2 | 11 | - | - | - | 1272272 | 280871 | 273506 | 1826619 | - | - | - | - | - | - | - | 1826619 |
| 2. Bodech | 4 | 1 | 5 | - | - | - | 464882 | 90882 | 93136 | 653900 | - | - | - | - | - | - | - | 653900 |
| 3. Buphal P. ar | 56 | 10 | 66 | 3 | - | 3 | 267436 | 191911 | 194962 | 654309 | 221258 | 37568 | 48950 | 308076 | - | - | - | 962385 |
| 4. T. munglung | 39 | 12 | 51 | - | - | - | 4923326 | 3373060 | 3276781 | 11573157 | - | - | - | - | - | - | - | 11573157 |
| 5. Kakeching | 1 | - | 1 | - | - | - | 44291 | 44104 | 19456 | 107851 | - | - | - | - | - | - | - | 210751 |
| 6. Uthol | 125 | 18 | 143 | - | - | - | 13723351 | 5049484 | 5611919 | 24384784 | - | - | - | - | - | - | - | 24384784 |
| 7. Kamphobpit | 30 | 19 | 49 | - | - | - | 4276280 | 1556414 | 1348513 | 7181207 | - | - | - | - | - | - | - | 7181207 |
| 8. Chundabhapur | 60 | 11 | 71 | - | - | - | 4981546 | 2341185 | 2240037 | 9362758 | - | - | - | - | - | - | - | 9362758 |
| 9. Chandel | 31 | 13 | 44 | - | - | - | 3653152 | 1670891 | 1255403 | 6559446 | - | - | - | - | - | - | - | 6559446 |
| 10. Bishampur | 83 | 6 | 89 | - | - | - | 5896089 | 1612907 | 1851432 | 9360428 | - | - | - | - | - | - | - | 9360428 |
| 11. Seapuri | 28 | 7 | 35 | - | - | - | 3617944 | 1152733 | 1219105 | 5989782 | - | - | - | - | - | - | - | 5989782 |
| 12. Thokel | 80 | 17 | 97 | - | - | - | 7980969 | 1821810 | 1997917 | 5956090 | - | - | - | - | - | - | - | 5956090 |
| 13. Buphal | 223 | 46 | 269 | - | - | - | 29881918 | 6308146 | 6271288 | 42461352 | - | - | - | - | - | - | - | 42461352 |
| Total | 769 | 162 | 931 | 3 | - | 3 | 72263456 | 25494388 | 25658475 | 126272223 | 221258 | 37568 | 48950 | 308076 | - | - | - | 126580299 |

| | | | | | | | |
|---------------------------|-----|---------|-----|---------|-----|-------|--|
| Total Nos. of Pensioners: | | 2003-04 | | 2004-05 | | Total | |
| SM | 769 | SF | 162 | SM | 931 | | |
| SM | 3 | SF | 3 | | | | |
| Total | 772 | | 162 | | 934 | | |

The Committee has been intimated that the above data can not be treated as the final figure. The large discrepancy between the figure of 294 detected by the Education (S) Department and the 934 pensioners detected by the Treasuries and the total number of cases (1453) in which pensionary benefits have been revised for the Headpandit/Headmaster by the Office of Account General, Manipur need to be reconciled.

There are 11 Treasury Offices and 5 Sub-Treasury Offices in the State, out of this, 10 Treasuries and 3 Sub-Treasuries handle pension matters. All these 13 Treasuries are involved in the present overdrawals.

The pleadings of the Officials of the Directorate of Treasuries and Accounts is that the Treasury Offices are preparing pension arrears bill on the strength of the PPO issued by the Accountant General.

EXCESS AMOUNT DRAWN PER MONTH

Treasury-wise consolidated statement of excess monthly pension drawn after Revision of pension is appended to herewith :-

Treasury-wise Consolidated Statement of Excess monthly Pension drawn after Revision of Pension.

| Sl. No | Name of Treasury | Excess amount drawn per month. |
|--------|------------------------|--------------------------------|
| 1. | Changthangpur Treasury | 78,655 |
| 2. | Imphal East | 8,17,305 |
| 3. | Bishangpur | 56,412 |
| 4. | Kangpokpi | 40,070 |
| 5. | Chandei | 36,702 |
| 6. | Imphal | 13,090 |
| 7. | Ukhul | 1,48,902 |
| 8. | Moroh | 9,810 |
| 9. | Thoubal | 6,69,178 |
| 10. | Serapati | 35,250 (average amount) |
| 11. | Imphal | 1,65,847 |
| 12. | Tamenglong | 67,340 |
| 13. | Kalching | 10,488 |
| | Grand total: | 21,49,049 |

TOTAL AMOUNT SO FAR FRAUDULENTLY DRAWN:

1. Excess monthly pension drawn for 10 months is estimated to be around Rs. 2,14,90,490/-, after revision of pension.
2. Total amount drawn on pension, gratuity, commutation after revision of pension is calculated to be around Rs. 12,65,80,299/-

SUBMISSION OF FINANCE DEPARTMENT,

GOVERNMENT OF MANIPUR:

On requisition of information from the Finance Department, Government of Manipur, by the Enquiry Committee, it has been submitted to the Committee that

- 1) The Education Department should take action for deletion of the nomenclature " *L.P. Schools* " appearing in the RRs for the post of Head Master, Primary School issued vide notification No.2/12/1996 since there is no post of Headmaster/Headpandit in the L.P. School.
- 2) Percent of charge allowance only to teachers serving as Headpandit of L.P. School should be considered by the Finance Department (PIC).
- 3) Concurrence of Finance Department (PIC) should be obtained for grant of higher scales of pay wherever there is specific court's order and such benefit should not be extended automatically in cases where there is no such court's order.
- 4) All cases pertaining to notional and retrospective promotion/upgradation should be referred to Finance Department (PIC) for examination.
- 5) As regards the pay scales of Headpandits in L.P. Schools, it is clear that there has been no prescribed pay scale for the Headmasters in L.P. Schools even in ROP, 1996.
- 6) In cases of refixation of the pensions involving higher pay with retrospective effect, concurrence of the Finance Department is needed

under GFR (Rule 42-A). In these cases, the pension cell of the AG Office should have obtained advice of the Finance Department in this matter before issuing fresh authorities.

The submission of the Finance Department, Government of Manipur is that all the Financial precedents/rules have been violated by the Directorate of Education (S) and the Office of the A.G.

ORDERS ISSUED ON DIFFERENT STAGES:-

The Committee, during the course of examination detected the following orders granting Headmasters scale to Ex- Headpandits/ Headmasters of L.P./Primary Schools.

LIST OF ORDERS GRANTING HEADMASTERS SCALE TO EX-HEADPANDISTS/HEADMASTERS OF L.P./ PRIMARY SCHOOLS

| Sl.No. | Orders No./date | No. of teachers |
|--------|-----------------------------------|-----------------|
| 1. | 46/15/99-ED(V) dt. 17-1-2004 | 10 |
| 2. | -do- dt. 15-1-2004 | 18 |
| 3. | 46/25/2003-ED(V)(I) dt. 23-1-2004 | 16 |
| 4. | 46/25/2003-ED(V)(I) dt. 17-1-2004 | 17 |
| 5. | -do- dt. 16-1-2004 | 19 |
| 6. | -do- dt. 17-12-2003 | 19 |
| 7. | 46/12/2003-Ed(V) dt. 14-1-2004 | 21 |
| 8. | -do- dt. 5-1-2004 | 21 |
| 9. | -do- dt. 17-12-2003 | 13 |
| 10. | -do- dt. 15-12-2003 | 13 |
| 11. | -do- dt. 4-12-2003 | 9 |
| 12. | 46/71/98-ED(V)(I) dt. 20-1-2004 | 9 |
| 13. | 46/70/97-ED(V) dt. 5-5-2003 | 5 |
| 14. | 46/8/99-ED(V) dt. 11-12-2003 | 2 |
| 15. | 46/70/97-ED(V) dt. 17-11-2003 | 6 |
| 16. | -do- dt. 2-12-2003 | 10 |

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| | | | |
|--------|----------------------|---------------|-----|
| 17. | 46/8/99-ED(V) | dt. 12-2-2004 | 9 |
| 18. | 46/8/99-ED(V)(I) | dt. 21-1-2004 | 22 |
| 19. | 46/8/99-ED(V) | dt. 30-1-2004 | 41 |
| 20. | 46/21/03-ED(V)(I) | dt. 32-1-2004 | 3 |
| 21. | 46/21/2003-ED(V)(ii) | dt. 22-1-2004 | 14 |
| 22. | 46/21/2003-ED(V) | dt. 19-1-2004 | 7 |
| Total: | | | 294 |

&

ORDERS PASSED IN 1990, 98 AND 2001.

| | | | |
|--------|-----------------------|----------------|-----|
| 23. | 12(HC)/107/90-SE(S) | dt. 8-3-2001 | 74 |
| 24. | 12(HC)/238/2000-SE(S) | dt. 30-3-2001 | 20 |
| 25. | 12(HC)/322/2001-SE(S) | dt. 15-12-2001 | 41 |
| 26. | 46/27/97-ED(V) | dt. 5-8-1998 | 196 |
| 27. | 46/43/88-ED(V) | dt. 5-5-1990 | 130 |
| 28. | 46/43/88-ED(V) | dt. 12-10-1990 | 35 |
| Total: | | | 496 |

The irregularities/anomalies noticed in the orders issued by Zonal Education Officers were:-

| Sl.No. | Name | Orders No./date | No. of teachers |
|--------|---------------|-------------------------------------|-----------------|
| 1. | Senapati | No. 2/18-ZEO-Spt/50 dt. 19-7-2003 | 8 |
| 2. | Churachandpur | No. 2/17/90-ED(CCI) dt. 25-3-2003 | 3 |
| 3. | Chandel | No. 2/25/97-ZEO(CDI) dt. 28-10-2003 | 2 |

It has been established that most of the orders issued at various stages had been done by Shri Th. Bira Singh, Director, Education (S), Shri. Th. Shamungou Singh, Director, Education (S) and Shri. N.K. Shimray, Director, Education (S).

On being presumably aware that Vigilance Department is making enquiries into numerous cases of un-authorised drawals of pensions, arrear pensions and arrear pay amounting to over Rs. 12.00 crores from the Government Account by the retired Headmasters/Headpandits of Lower Primary Schools under the Department of Education (Schools) on the basis of irregular orders passed by the

former Director of Education (S) and the Zonal Education Officers at various points of time, Shri. N.K. Shimray, Director of Education (S) issued an order dated 6.4.2004 cancelling all the previous orders passed by his office pertaining to the grant of scale of pay of Headmaster/Headpandits of L.P./Primary Schools. The said order is appended hereto:-

GOVERNMENT OF MANIPUR
OFFICE OF THE DIRECTOR OF EDUCATION (S)

O R D E R S

Imphal, the 6th April, 2004.

No.46/8/2004-ED(V): All orders issued by this office pertaining to grant of Head Pandit/Head Master's scale of pay to ex- Head Pandit/Head Master of L.P./Primary School for pensionary benefits stand cancelled.

S/d-

(N. K. Shimray)

Director of Education (S),
Government of Manipur.

Memo No.46/8/2004-ED(V): Imphal, the 6th April, 2004

Copy to:-

1. The Accountant General, Manipur.
2. The Vigilance Commissioner, Manipur.
3. The Commissioner (Edn./S), Govt. of Manipur.
4. The Treasury/Sub-Treasury Officer Concerned.
5. The Zonal Education Officer/Deputy Inspector of Schools concerned.
6. The Schools concerned.
7. The persons concerned.
8. The D.A. concerned.
9. The Orders Book.

S/d-

(N. K. Shimray)

Director of Education (S),
Government of Manipur.

However, the orders does not indicate the actual number and the names of ex-Headmasters/Headpandits covered by the orders and also does not indicate the steps necessary to recover the fraudulent drawals made on the basis of PPOs issued by the AG Manipur. It appears that there was no intention to rectify the matter at all.

The Committee took serious view on the irregular orders issued at various stages by the Directorate of Education (S) and accordingly instructed the Departments concerned to initiate appropriate disciplinary action on the officers and staff involved in the fraud.

Following direction given to the Department of Education, the following Officers/Officials of the Education (S) Department had been suspended:-

List of suspended Officers/Officials of Education (S)
Department, Manipur.

| Sl. No. | Name of Officers/Officials | Office |
|---------|---|---------------------------|
| 1. | Shri. N.K. Shimray, Addl. Director of Education (S/Hills) | - Directorate of Edn. (S) |
| 2. | Shri. M. Sanatombi Singh, ZEO | - Zone-III |
| 3. | Shri. N. Surjit Singh, ZEO | - Zone-III |
| 4. | Smt. Boboi Gangte, i/c ZEO | - C.C. Pur. |
| 5. | Shri. A. Shamu Singh, i/c ZEO | - Wangoi |
| 6. | Shri. N. Jacob, i/c ZEO | - Senapati |
| 7. | Shri. M. Vaorci, i/c ZEO | - Jiribam |
| 8. | Shri. S. Lekhendra Singh, i/c ZEO | - Kakching |
| 9. | Shri. M. Kumar Singh, D.I./D.D.O. | - Zone-II, Bishnupur |
| 10. | Shri. N. Ibopishak Singh, D.I./D.D.O. | - Zone-I |
| 11. | Shri. N. Khomei Singh, D.I./D.D.O. | - Thoubal |
| 12. | Shri. N. Ibohanbi Singh, D.I./D.D.O. | - ZEO Office, CCPur. |
| 13. | Shri. Ngultuolian, Hd. Clerk | |

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OBSERVATION

The fact is established in a meeting held on 12-10-2004 at 3:00 P.M. in the Office Chamber of the Principal Secretary (Finance) Government of Manipur therein the following Officers were present to discuss matters relating to grant of pay scale to Headpandits of L.P. Schools and retrospective promotion in respect of school teachers:

1. Shri. R.C. Mishra,
Principal Secretary (Finance),
Government of Manipur.

2. Shri. P. K. Kataria, Accountant General, Manipur
3. Shri. P. Bharat Singh, Commissioner (Education Schools), Government of Manipur
4. Ms. Rina Akojam, DAG (A&E), Manipur
5. Shri. Ch. Jayanta Singh, Director of Education (schools), Manipur

In the meeting, the Accountant General, Manipur highlighted certain irregularities that were detected in the course of examination of pension papers of retired teachers, particularly the irregularities in granting higher pay scale to the teachers who had worked as Headpandit of L.P. School and retrospective promotions given to them without the concurrence of Finance Department. The Deputy A.G., Manipur also pointed out in some cases the pay scale prescribed for the post of Headmaster, J.B. School was granted to Headpandits of L.P./Primary Schools from 01-04-1973 onwards.

The representative of the Education (S) Department clarified that there is no sanctioned/created post of Headpandit of L.P. Schools. However, some teachers who had obtained court's order for payment of higher pay scales for the period during which they rendered service as Headpandit were allowed to draw higher pay scales in compliance to court's directive.

The Director of Education (Schools) explained that schools having classes upto class - II are categorised as L.P. School while schools having classes upto Vth standard are J.B./Primary Schools. He also submitted that there is no sanctioned/created post of Headpandit/L.P. Schools although the post of Headpandit/L.P. School is included in the Recruitment Rules.

The decisions taken in the meeting are :

- i) Since there is no post of Head Pandit, L.P. School, the Director of Education (Schools), should take immediate steps for deletion of the nomenclature "L.P. Schools" appearing in the R/R for the post Head Masters, Primary Schools issued vide Notification No. 1/24/96-RR/DP, dated 02/12/1996.

ii) E.D. (PIC) should consider grant of charge allowance to the teachers serving as Head Pandit of L.P. Schools by reverting back to the position that existed in the ROPs prior to 1999 instead of equating them with Head Master of Primary/J.B. Schools. E.D. (PIC) should initiate action in this regard.

iii) Wherever there is a specific court's order for grant of higher pay scale, it should invariably be done with the concurrence of Finance Department (PIC) as per the Rules of Business/Service Rules; and in case where there is no such court's order, the benefit should not be extended automatically.

iv) The Administrative Department of Education Department (Schools) should consult *Shri Ashok Palsangbam*, Senior Advocate in respect of the pending court cases relating to payment of higher pay scales with retrospective effect and find ways and means to stop grant of higher pay retrospectively.

v) All cases pertaining to notional and retrospective promotion/upgradation should be referred to Finance Department (PIC) for examination.

2. The Committee finds it incomprehensible that despite being aware that such large scale frauds were taking place, no further action either to recover huge sums so drawn were initiated or steps taken to identify and book the culprits. However, on the direction of the Committee, payment of pensions to all involved pensioners have been stopped since May, 2005.

The Committee also observed that there is lack of response and ready co-operation from the concerned Departments at the time of enquiry.

2. The Committee observes that all these irregularities in the fraudulent drawal of pay arrears, pension arrears and other benefits enjoyed by the teachers in the Department of Education (Schools) are masterminded by some Officers/Officials and some brokers in collusion with the Director of the Education Department (S).

3. The Committee, in the course of examination had found that many of the Ex-Headmasters/Headpandits were not even aware of the arrears, gratuity and commutation to them following the revision of pay scales by the Directorate of Education (S) through

a series of orders commencing from 05-05-2003. The Committee's suspicion that the entire exercise had been masterminded and engineered by certain persons (*broker*) associated with the Directorate of Education (S), the A.G.'s Office and perhaps with the knowledge of Treasuries is proved beyond doubt.

4. The Committee took serious view of A.G.'s involvement in indiscriminately issuing revised PPO without any check whatsoever.

The A.G. Office, on receiving the orders on the subject of pension arrears and other benefits, should have asked the Finance Department whether confirmation of the pension arrears to retired Headmasters/Headpandits is in conformity with ROP 1999. The facts could also be ascertained from the Department of Education, Government of Manipur.

5. The submission of the Treasury is that unless there are glaring facts and circumstances which have been brought to their notice, the Treasury is generally expected to comply with the A.G.'s authority. Normally this is general procedure.

However, the Committee finds it difficult to accept that the Treasury should take shelter on the above. The Treasury is also expected to verify whether the pension revision and arrears benefits mentioned in the orders were in conformity with the ROP 1999 (effective from 01-01-1996) which prescribed the pay scale for the Headmaster of primary School, together with that of the J.B. School. L.P. School did not have sanctioned posts of Headpandits. The sheer number of such orders should have raised some suspicion and they could have been more careful instead of hastily preparing bills and passing them without any verification. The Committee would like the Finance Department to look into this serious dereliction of duties.

The observation of the Committee is that the Directorate of Education (S), A.G. Office and the Directorate of Treasuries are

Accounts are equally responsible that led to the irregular drawal of arrears, salaries of the Headpandits/Headmasters of L.P. Schools.

6. The Committee appreciated the commendable job performed by the SIT in arresting some important accused persons. At the same time the Committee desires that the SIT should not spare any one whether big or influential in the course of its investigation if the evidence of their involvement are established in the case.

The Committee regretted to note that important officers, officials, who are alleged to have been involved in the case are still absconding and evading arrests.

RECOMMENDATION

1. The Committee strongly recommends that the Government should come out with clean hands by fixing responsibilities to the Officers/Officials of the Directorate of Education (S) who masterminded the fraudulent drawal of pension arrears and salaries of Headmasters/Headpandits of L.P. Schools.

2. The Committee has established the involvement of some Officers/Officials of the A.G. Office. The SIT is handicapped to properly investigate the cases as the A.G. is centrally Administered Office and as such certain procedures are required to be followed in case accused persons are to be summoned/arrested for interrogation by the SIT.

The Committee, therefore recommends that the SIT should initiate legally accepted steps while performing their duties for the arrest of the accused persons.

3. The role of lookers who actively acted as agent had also been proved beyond doubt. The Committee recommends that these persons should also be booked. Appropriate action should also be taken on involved officers who retired.

4. So far the Directorate of Treasuries and Accounts is concerned, a list of Officers/Officials are yet to be prepared by the S.I.T. Also no arrest have been made, though the list of names had been made available. The Committee is of the view that the Directorate of Treasuries and Accounts, Manipur must have knowledge of the irregularity of orders issued by the Director of Education (S). Copies of various pay orders issued from time to time by the Finance Department are usually endorsed to the Director of the Treasuries and Accounts.

The Committee therefore, recommends that the Government of Manipur (especially Finance Department) should take steps to detect the officers/officials of the Treasury Offices who knowingly entertained the fraud PPOs issued by the A.G. Office for their personnel monetary benefits and to take strong disciplinary action against the erring officials.

5. Though the exact amount drawn in connection with this case has not yet been ascertained, it is estimated to be more than Rs. 13 crores.

The Committee, therefore strongly recommends that the Government should take steps for recovery of the excess amount drawn by the teachers, retired Headmasters and Headpandits of L.P. Schools. Pensions withheld (i.e. 3 months) estimated to be around Rs. 64,47,147 should be adjusted against excess drawals by individual pensioners.

The Government of Manipur should intimate to the House the steps/actions so far taken up for recovery of the excess drawn by the retired Headmasters/Headpandits of L.P. Schools as soon as possible with the amount so far recovered.

6. The Committee is of the view that taking into account the widespread nature of the fraud involving the Education Department, Accountant General, Treasuries/Banks and non-G.E.S. brokers,

the State Government with its present preoccupation and limitations may not be in a position to complete the investigations within a reasonable period of time. It is therefore recommended that the investigation should be handed over to independent agency i.e., Central Bureau of Investigation.

ANNEXURE - A

**GOVERNMENT OF MANIPUR
POLICE DEPARTMENT**

Orders by the Director General of Police, Manipur, Imphal.
Imphal, the 12th May, 2005.

No. IC/9(47)/2005-PHQ(P): A Special Investigation Team consisting of the following officers is hereby constituted under the over-all control of Superintendent of police, CID (CB) for smooth and speedy investigation of cases FIR No. 71(4)05 Lamphel Police Station u/s 420/424/468/120-B IPC and other cases registered in connection with the fraudulent drawal of pension, arrears and salaries by Ex- Headmasters/Headpandits in the education (S) Department:-

1. Shri. Kh. Dhanachandra Singh, MPS,
Dy. SP(i/c Addl. SP-Prosecution)
2. Shri. M. Rameshore Singh,
Inspector, CID (Crime Branch)
3. Shri. Gaitholung Longmei,
S.I. of Imphal Police Satation.
4. Shri. Th. Manihar Singh,
S.I. of Lamphel Police Satation.

The Superintendent of Police, CID (Crime Branch) will directly and closely supervise the investigation of the cases which may be undertaken by the SIT in this behalf and submit quarterly progress report of the cases to the undersigned.

A.K. Parashar

Director General of Olice,
Manipur, Imphal.

ANNEXURE - B**GOVERNMENT OF MANIPUR
POLICE DEPARTMENT**

Orders by the Director General of Police, Manipur, Imphal.
Imphal, the 7th June, 2005.

No.IC/9(47)/2005-PIR(Pt): In continuation of this orders of even number dated 12.5.2005 and 1.6.2005, the following officers are hereby attached to Special Investigation Team, which was constituted for investigation of FIR case No.71(4)05 of Lamphel Police Station u/s 420/424/468/120-B IPC registered in connection with the fraudulent drawal of pension, arrears and salaries by Ex- Headmasters/Headpandits in Education (S) Department, with immediate effect : -

1. S.I. L. Meghobarna Singh of wangoi Police Station, Imphal West District.
2. S.I. N. Ingochia of City Police Station, Imphal West District.
3. S.I. T. Inachia of Perampat Police Station, Imphal East District.

The concerned District SP should direct them to report to SP, CID(CB) immediately.

A.K. Parashar
Director General of Police,
Manipur, Imphal.