

8

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 2411/2007
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SECTION OFFICER (Judl.)

Hahli
09/10/17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

1. Original Application No. 241/07
2. Misc Petition No. _____/
3. Contempt Petition No. _____/
4. Review Application No. _____/

Applicant(s) Arjun Kumar Gupta -VS- Union of India & Ors

Advocate for the Applicants:- A.K. Bhattacharyya, B.K. Singh, K.K. Bhattacharyya, A.K. Chandling, S. Mitra

Advocate for the Respondants:- Sr C.G.S.C. G. Baishya

Notes of the Registry	Date	Order of the Tribunal
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This application is in form
is filed/C F. for Rs. 50/-
deposited vide IPO/BD
No. 326/04857
Dated 28.8.07

P. Registrar

P. Registrar

Petitioner's copy for issue
notices are received with
envelopes. Copy served.

P. Registrar

11.9.2007

While the Applicant was working as
General Manager Telecom Department at
Alwar, for purchase of certain air
conditioners a charge sheet was issued
against him and subsequently advice of
UPSC was taken and a punishment of
censure had been imposed upon him
which is under challenge in this O.A.

The contention in the pleadings and
argument advanced on behalf of the
Applicant is that the procedure that has
been followed in the disciplinary
proceeding is not conformity with the Rule
16 of the CCS (CCA) Rules, 1965 with
specific reference to sub-Rule (3) to (23) of
Rule 14. Therefore, imposition of
punishment is challenged.

Heard Mr. A. K. Bhattacharyya,
learned Sr. Advocate for the Applicant. Mr.
G. Baishya, learned Sr. C.G.S.C. took notice
on behalf of Respondent Nos. 1 & 2. The
other Respondents being BSNL and UPSC
Registry is directed to issue notice to them
forthwith, returnable within six weeks.

Post on 7.11.2007.

Vice-Chairman

Dt. 11.9.07.

Please issue notices

✓

07 24 11 07

-2-

Notice & order sent to D/Section for issuing to resp. nos. 1 to 4 by regd. AID post.

~~Cas~~ 28/9/07. D/No-942 to Dt. 945 4/10/07.

① Service report awaited.

~~mp~~ 6.11.07.

Notice duly served

- 1911 R - 2

~~Cas~~ 13/11/07

W/s not filed.

~~mp~~ 27.12.07.

~~Dt.~~ 31.12.07.

Copies of this order be handed over to the learned counsels for both the parties.

~~mp~~

Order dt. 31/12/07 issuing to learned advocates for both the parties.

~~Cas~~ 1/10/08. D/No-14, 15

Dt. 21/1/08.

W/s not filed.

07.11.2007

Mr. B.K. Sinha, learned counsel for the Applicant is present. Mr. G. Baishya, learned Sr. C.G.S.C. appearing on behalf of Respondent Nos. 1 & 2 requests for some more time to file reply statement. Six weeks time is granted for filing of reply statement.

Call this case on 31.12.2007.

Member (A)

/bb/

31.12.2007

Despite adjournments granted to the Respondents, they have not filed any written statement in this case as yet.

Subject to legal pleas to be examined at the final hearing, this case is admitted.

Call this matter on 14.02.2008 awaiting written statement from the Respondents. Respondents, however, are hereby asked to cause production of the disciplinary proceeding file/records in this case by the next date.

Copies of this order be handed over to the learned counsel appearing for both the parties.

(M.R. Mohanty)
Vice-Chairman

/bb/

14.02.2008

No written statement has been filed in this case as yet by the Respondents. Mr. G. Baishya, learned Sr. Standing Counsel appearing for the Union of India, seeks time ^{till} ~~to~~ 26th February, 2008 to file written statement. He also undertakes to ^{produce the records of} disciplinary proceedings by that date.

Call this matter on 26.02.2008.


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

Lu

26.02.2008

Mr. B.K. Singh, learned counsel appearing for the Applicant and Mr. G. Baishya, learned Sr. Standing Counsel appearing for the Respondents are present.

Written statement has not been filed by the Respondents. Mr. G. Baishya, counsel for the Respondents wants little more time to file written statement by 5th March.

Call this matter on 05.03.2008.

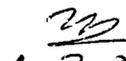
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26.2.08

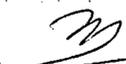
w/s not filed,


25.2.08

w/s not filed,


4.3.08

w/s not filed,


8.4.08

5.5.08
w/s submitted
by the Respondents.
Copy served.



U/H 241/07

1

05.03.08

Mr B.K.Singh, learned counsel for the applicant is present. Written statement has not yet been filed. Mr G.Baishya, learned Sr. C.G.S.C for the respondents seeks further four weeks time to file written statement.

Call this matter on 9.4.2008 awaiting written statement.

(Khushiram)
Member(A)

pg

09.04.2008

No written statement has yet been filed by the Respondents. Call this matter 22.05.2008, awaiting written statement by the Respondents.

(Khushiram)
Member(A)

(M.R. Mohanty)
Vice-Chairman

nkm

26.5.08

Rejoinder submitted by the Applicant. Copy served.

22.5.2008

On the prayer of learned counsel appearing for the Applicant, call this matter on 30.5.2008 awaiting rejoinder from the Applicant.

(Khushiram)
Member(A)

(M.R. Mohanty)
Vice-Chairman

lm

30.5.2008

Learned counsel appearing for the Applicant submitted that rejoinder has been filed, copy of which has also been served on Mr.G.Baishya, learned Sr. Standing counsel for the Union of India.

Call this matter for hearing on 24.07.2008.

(Khushiram)
Member (A)

The case is ready for hearing.

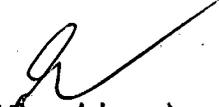
23.7.08

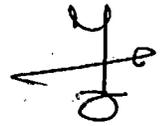
24.07.2008 Mr. B. K. Singh, learned counsel appearing for the Applicant is present. Mr. G. Baishya, learned Sr. Standing Counsel appearing for the Respondents seeks an adjournment in order to cause production of departmental proceedings file.

The case is ready for hearing.

see
18.08.2008

Call this matter on 19th August 2008, for hearing; when the records of Departmental proceedings file shall be produced by the Respondents.


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

Lm

~~19.08.2008~~

Mr. A.K. Bhattacharyya, learned Counsel appearing for the Applicant, is present. Mr G. Baishya, learned Sr. Standing Counsel for the Union of India, is also present. Heard in part.

Vide Orders dated 31.12.2007, 14.02.2008 and 24.07.2008, the Respondents were directed to cause production of the Departmental Proceedings File involved in this case.

By today, the entire records of the Departmental Proceedings has not been made available to the Sr. Standing Counsel. A part of the records have, however, been produced.

In the aforesaid premises, the learned Sr. Standing Counsel seeks an adjournment.

Call this matter on 03.09.2008 for hearing; when the entire records, connected with the Departmental

0

19.08.2008 Mr A.K. Bhattacharyya, learned Counsel appearing for the Applicant, is present. Mr G. Baishya, learned Sr. Standing Counsel for the Union of India, is also present. Heard in part.

Vide Orders dated 31.12.2007, 14.02.2008 and 24.07.2008, the Respondents were directed to cause production of the Departmental Proceedings File involved in this case.

By today, the entire records of the Departmental Proceedings has not been made available to the Sr. Standing Counsel. A part of the records have, however, been produced.

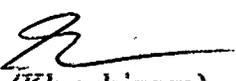
In the aforesaid premises, the learned Sr. Standing Counsel seeks an adjournment.

Call this matter on 03.09.2008 for hearing; when the entire records, connected with the Departmental Proceedings in question, shall be made available through the learned Sr. Standing Counsel.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

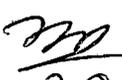
nkm
03.09.2008 Heard Mr A.K. Bhattacharyya, learned Sr. Counsel appearing for the Applicant, and Mr G. Baishya, learned Sr. Standing for the Union of India, and perused the materials placed on record. Hearing concluded. Orders reserved.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

nkm

The case is ready for hearing.


2.9.08

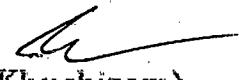
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17.09.2008

Judgment pronounced in open court, kept in separate sheets. The Application is allowed. No order as to costs.

Forward the records
Grantamur type
S+L+SC
26.11.08


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

nkm

26.11.08

Copy of the bid at
send to the office
for receipt the same
to the parties.

15.1.09

Issued vide of nos
4593 to 4597
1.12.08.



9

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI**

ORIGINAL APPLICATION NO 241 OF 2007

SHRI ARUN KUMAR GUPTA,

.....APPLICANT

-VERSUS -

UNION OF INDIA & OTHERS

.....RESPONDENTS

ADVOCATES FOR THE APPLICANT

SRI A. K. BHATTACHARYYA

SENIOR ADVOCATE

SRI B. K. SINGH

SRI K. K. BHATTACHARYYA

SRI A.K.CHAUDHURY

SRI S. DUTTA

ADVOCATES.

10

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.241 of 2007

DATE OF DECISION: 13/09/2008

Shri Arun Kumar Gupta

.....APPLICANT(S)

Mr A.K. Bhattacharyya (Sr. Advocate),
Mr B.K. Singh, Mr K.K. Bhattacharyya
and Mr S. Dutta.

ADVOCATE(S) FOR THE
APPLICANT(S)

- versus -

Union of India & Ors.

.....RESPONDENT(S)

Mr B. Baishya, Sr. C.G.S.C.

ADVOCATE(S) FOR THE
RESPONDENT(S)

CORAM:

The Hon'ble Mr. M.R. Mohanty, Vice-Chairman

The Hon'ble Mr Khushiram, Administrative Member

1. Whether reporters of local newspapers may be allowed to see the Judgment? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No
3. Whether to be forwarded for including in the Digest Being compiled at Jodhpur Bench and other Benches? Yes/No
4. Whether their Lordships wish to see the fair copy of the Judgment? Yes/No

.....
Vice-Chairman/Member

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.241 of 2007

Date of Order: This the 17th day of September 2008

The Hon'ble Shri M.R. Mohanty, Vice-Chairman

The Hon'ble Shri Khushiram, Administrative Member

Shri Arun Kumar Gupta.
S/o Shri Vijay Shankar Gupta,
Chief General Manager,
Bharat Sanchar Nigam Ltd.,
NE-1 Circle,
Resident of CTO Compound,
Shillong, Meghalaya.

..... Applicant

By Advocates Mr A.K. Bhattacharyya (Sr. Advocate),
Mr B.K. Singh, Mr K.K. Bhattacharyya and
Mr S. Dutta.

- versus -

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Communications and
Information Technology,
Department of Telecommunications,
20- Ashoka Road, New Delhi - 110001.
2. Member Services
Telecom Commission,
20- Ashoka Road, New Delhi - 110001.
3. Bharat Sanchar Nigam Limited
Personnel-I Section,
R.No.102/8, Statesman House,
148, Barakhamba Road,
New Delhi - 110001.
4. Union Public Service Commission
Dholpur House, Shahjahan Road,
New Delhi - 110011.

..... Respondents

By Advocate Mr G. Baishya, Sr. C.G.S.C.



.....

O.A.No.241/2007

ORDER

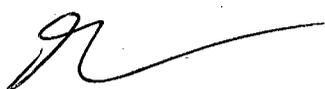
KHUSHIRAM, ADMINISTRATIVE MEMBER

The Applicant, while working as General Manager (Telecom) at Alwar, purchased 112 window type air conditioners for Ajmer, Tonk and Bundi Secondary Switching Areas. In connection with the said purchases, he was chargesheeted on 05.01.2004 and punished with "censure" on 10.08.2005. Meanwhile DPC was held in April 2005 and, since Departmental Proceedings were pending against him, the case relating to the promotion of the Applicant was consigned to sealed cover. Against the order of punishment dated 10.08.2005, the Applicant appealed to the President of India on 06.08.2007 and the Appellate Order rejecting the case of the Applicant was passed on 08.12.2006. Being aggrieved, the Applicant has approached this Tribunal with the present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985 seeking a direction (to the Respondents) to cancel or forbear from giving effect to and/acting upon the impugned orders dated 10.08.2005 and 08.12.2006 and to open the sealed cover (pertaining to the Applicant) and to promote him to the next higher grade with effect from 19.05.2006, i.e. the date on which officers juniors to him (Applicant) were promoted, with all consequential benefits.

2. The Respondents, having filed written statement, have stated that the Applicant committed irregularities; for which charge memo dated 05.01.2004 was served on him; that the Applicant was given the opportunity to defend himself by submitting written



statement of defence (and accordingly he submitted his written statement of defence vide letter dated 11.02.2004); that after completion of the departmental enquiry, the advisory opinion of the UPSC was sought for in the case (as per requirements of Article 320(3)(c) of the Constitution of India read with regulation 5(i) of the UPSC (Exemption from Consultation) Regulations, 1958); that the Commission, after examining the entire case in detail, advised imposition of statutory penalty on the Applicant; that the competent authority accepted the advice of the UPSC (after due consideration and application of mind) and imposed the penalty of "censure" upon the Applicant.; that the procedural rules were followed and irregularities committed by the Applicant were investigated and established in the disciplinary proceedings and that, similarly, the opinion of CVC (being mandatory) was sought for. It has been admitted in the written statement that the Applicant, vide letter dated 21.11.2004, had requested for inspection of documents and that, Vide letter dated 13.02.2004, the Applicant was asked to inspect the documents in the Office of the DGM (Vig)/Rajasthan Circle on a convenient date and that, meanwhile, the Applicant submitted his written statement of defence vide letter dated 11.02.2004 and that, at any stage during the proceedings against the Applicant, he did not bring to the notice of the Disciplinary Authority that relevant documents were not made available to him; that on conclusion of the vigilance case/disciplinary proceeding, on 10.08.2005, penalty of "Censure" was imposed on the Applicant; that since penalty of censure is a statutory penalty, the recommendation of the DPC was kept in sealed cover and were not acted upon and the Applicant was considered afresh in the subsequent DPC as per provision contained



in DOP&T O.M. dated 14.09.2007; that the recommendations of the subsequent DPC is actively under consideration of the ACC; that the Applicant's promotion will be considered as per the recommendations of the DPC in normal course; that in the disciplinary proceedings it was proved that the Applicant committed irregularities and that, as such, the relief asked for by the Applicant does not merit consideration as neither the statutory rules nor the principles of natural justice were violated in the conduct of the enquiry.

3. Mr A.K. Bhattacharyya, learned Sr. Counsel appearing for the Applicant, argued the matter at length and invited the attention of the Tribunal to the fact that the purchase of the window type air conditioners by the Applicant was made at DGS&D rates and as per the statements made in the statements of imputations of misconduct and misbehaviour against the Applicant," the OFC plan on the basis of which the proposal for purchase of 70 air conditioners was prepared and approved, was not in accordance with the OFC plan issued by Circle Office [as intimated by DE(TPS) o/o CGMT Jaipur vide No.RT/DES/OFC/BSNL/2003-04 dated 23-6-2003] to Circle Vigilance Cell". Another statement made in the statement of imputations is as under:

"A requisition had already been placed by TDE Tonk to XEN(Electrical) vide his letter No.114APP/96-97/4 dated 8.3.99 under intimation to GMTD Ajmer but a separate requisition was called on FAX from TDE Tonk on 22.3.99 at 18.46 hours and the same was processed & approved on the same day i.e. 22.3.99."

4. From the above it is clear that the Applicant had not purchased the air conditioners on his own, but there was anticipated demand for them and, accordingly, he had proceeded on. In para 4 of the order of punishment dated 10.08.2005, it is stated as follows:



"The Commission have, *inter alia*, observed that there was passion on the part of the Charged Officer for purchase of air conditioners rather than their utilization and following scrupulously the guidelines of the Department in that regard. However, there are also valid mitigating factors such as: -

- i) As admitted by the DA, the purchase was made through DGS&D as part of the process to keep the infrastructure ready for installation of telecom equipments.
- ii) The DO had made the purchase in advance keeping in view the requirements of the Department without any malafide intention. Also, according to the DA, the infrastructure had to be made ready much in advance before the actual execution of work particularly in view of the competition from private operators and in the best interest of BSNL.
- iii) The purchases were made by the Charged Officer through DGS&D rate contract and ITI, Manakpur (a GOI Undertaking). As such, there has been no financial loss suffered by the Government."

5. In view of the above factors, the Commission, after taking into account the facts and circumstances of the case in their totality as well as the mitigating factors, as of the view that "the charges against the Charged Officer are proved to the extent of negligence/carelessness in performance of the duty by not following the procedure as laid down under the relevant Department rules but seemingly without any malafide intentions....."

6. From the above, it is apparent that the competent authority has not applied its mind to arrive at the decision independently, but as given ^{by} ~~by~~ and large by the advice of the UPSC. The learned Sr. Counsel for the Applicant also argued that in a letter dated 31.03.2004, the Deputy General Manager (Vigilance) wrote to the Assistant Director General (VT), Department of Telecom, Vigilance

Wing as under:

"Window type air conditioners and 0+8 digital pair gain systems were purchased as per requirement of plan within the framework of rules and regulations existing at that point of time. However, due to change of planning/instructions later on, it took sometime to use the window type air conditioners".

In para 3 of the said letter it is stated as follows:

"It would be appropriate to mention that the case has already been sent for issue of recordable warning to Shri A.K. Gupta but in view of the facts and evidences adduced by Shri A.K. Gupta in his representation & the competitive environment being faced by BSNL from private operators, administering of recordable warning would be an injustice. It would therefore be appropriate to exonerate Shri A.K. Gupta from the charges leveled against him.

This issues with the approval of the CGMT Rajasthan Circle, Jaipur."

7. Obviously, CGMT, Rajasthan Circle, Jaipur, where irregularities were committed, were not in favour of even serving a recordable warning on the Applicant in view of the competitive environment being faced by the BSNL from private operators, his action was a progressive one.

8. The learned Sr. Counsel for the Applicant also argued that while arriving at a decision regarding penalty of "censure", the Disciplinary Authority have largely gone by the advice of the UPSC and have not taken the opinion of the CGMT, Rajasthan Circle. He also argued that since the Applicant did not receive the memo dated 13.02.2004, by which he was asked to inspect the documents in the Office of the DGM (Vig), Rajasthan Circle at a convenient date, the Applicant had requested to supply the documents on 21.01.2004 and not on 21.11.2004 as mentioned in the Written Statement (in paras 6 & 9). Since the Applicant did not have the opportunity to inspect the documents, as he did not receive the memo dated 13.02.2004 and his



request for supply of the documents for inspection made vide his letter dated 21.01.2004 was not responded to by the Respondents, there was violation of the principles of natural justice as he was not given an opportunity to ^{effectively} defend himself. The learned Sr Counsel for the Applicant, in support of his contentions, has cited the decision of the Apex Court in the case of Government of A.P. and others Vs. A. Venkata Raidu, reported in (2007) 1 SCC 338, wherein it was held as follows:

"It is a settled principle of natural justice that if any material is sought to be used in an enquiry, then copies of that material should be supplied to the party against whom such enquiry is held."

The learned Sr. Counsel has also cited the decision of the Apex Court in the case of Pandit D. Aher Vs. State of Maharashtra, reported in (2007) 1 SCC 445, wherein it was held as follows:

"A finding of fact has been arrived at that a copy of the inquiry report was supplied to him. A copy of the document which has not been relied upon, is not required to be supplied to a delinquent officer. The documents which are required to be supplied are only those whereupon reliance has been placed by the department."

9. Mr G. Baishya, learned Sr Standing Counsel appearing for the Respondents, submitted that since the purchase of air conditioners by the Applicant could not be justified by him no malafide intentions could be imputed to the actions of the Respondents and the fact that the air conditioners are being used by the Department, the Applicant has been served with the memorandum of penalty of censure. The learned Sr. Standing Counsel, however, did not have any answer regarding inspection of the documents as has come out in the Rejoinder and the letter from the Office of the CGMT, Rajasthan Circle, Jaipur dated 09.05.2008 to the effect that the DOT

letter dated 13.02.2004 was not forwarded to the Applicant, according to which the Respondents had asked the Applicant to inspect the documents in the Office of the DGM (Vig), Rajasthan Telecom Circle, Jaipur, at a convenient date.

10. We have considered the rival contentions made by the learned Counsel for the parties and have perused the records placed before us. Admittedly, the air conditioners were purchased by the Applicant in anticipation of the demands of the Department as the BSNL was working in a competitive environment and was facing competition from the private operators. The CGMT, Rajasthan Circle, Jaipur, had written to the Vigilance Wing that "administering of recordable warning would be an injustice. It would therefore be appropriate to exonerate Shri A.K. Gupta from the charges leveled against him". It is a fact on record and the Vigilance knowing fully well that the BSNL was facing competition from the private operators of the Telecom services, the action of the Applicant was a justifiable one. The Vigilance wing, in spite of those facts on record, proceeded to chargesheet the Applicant and on the advice of the UPSC on the Respondents mechanically applied their mind in passing the order against the Applicant (the words, as contained in the letter of the UPSC advice, has been quoted almost verbatim in the impugned order). It is also evident from the Rejoinder of the Applicant that, the request made by the Applicant vide his letter dated 21.01.2004 for inspection of the documents was not responded to as the letter dated 13.02.2004 (according to which the respondents had asked the Applicant to inspect the documents at a convenient date) was never forwarded to the Applicant. Therefore, the Applicant was deprived of the opportunity to put up an effective defence. In the case of State of

U.P. Vs. Shatrughan Lal and another, reported in (1998) 6 SCC 651, it was held under:

"the employee has to be expressly informed that he has an alternative course of inspecting the documents - Enquiry is vitiated if without informing him, it is left to him to inspect documents if he so wanted.

"If the appellant-State did not intend to give copies of documents to the respondent, it should have been indicated to the respondent in writing that he might inspect those documents. Merely saying that the respondent could have inspected the documents at any time is not enough. He has to be informed that the documents, of which copies were asked by him, may be inspected. Access to records must have been assured to him."

11. In the instant case the letter for inspection of documents dated 13.02.2004 was not forwarded to the Applicant and this was admitted by the Respondents vide letter dated 09.05.2008 in response to the Applicant's letter dated 05.05.2008 addressed to the CGM, Rajasthan Telecom Circle. The case of Krishna Choudhary Vs. Union of India and others (reported in ATJ 2005(3) 548) decided at Cuttack Bench of Central Administrative Tribunal was similar as that of the present one. Headnotes of the said report reads as under:

"Applicant charged for exercising his financial power beyond the limit delegated to him and that he had effected purchases in violation of prescribed procedure - No evidence or whisper of bribe taking or malafide involved in purchases - On facts of the case lapses on his part involved irregularities and not illegalities - Purchases so made were also subjected to scrutiny by the internal audit as well as statutory audit in the relevant years - Delay of 4 years in issuing chargesheet held to be wholly insufficient and smacks of prejudice - Disciplinary proceedings against the applicant not sustainable and quashed."

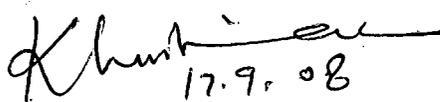
It was further held as follows:

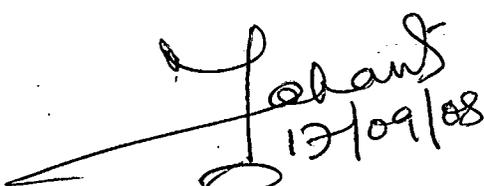
Chargesheet was drafted by vigilance branch - Disciplinary authority merely accepted whatever was directed by the vigilance department - A case of non application of mind - Disciplinary proceedings not sustainable and quashed."

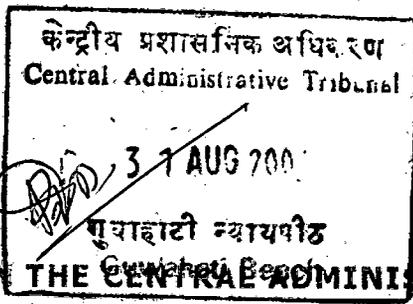
12. In view of the foregoing discussions and the citations, it is apparent that, in the instant case, the Applicant was chargesheeted at the instance of the Vigilance Wing; when the CGMT of Rajasthan Circle at Jaipur, had advised no action against the Applicant for the so called irregularities. No malafide had been attributed in the purchase of the air conditioners (which are being used by the Department) even by the Vigilance Wing and the Applicant did not have the opportunity to inspect the records and this has been proved by the letters written by the Respondents to him - thus rendering the Disciplinary Proceedings vitiated and not maintainable.

13. In the conspectus of the facts and circumstances of the case, we feel that the Applicant did not have full opportunity to put up an effective defence and principles of natural justice have been violated by the Respondents while chargesheeting the Applicant. Entire action of the Respondents smacks of vengeance and prejudice against the Applicant. The proceedings and the penalty against the Applicant are not sustainable in our considered opinion and, therefore, the same are set aside and quashed. As a consequence, the Applicant, obviously, will be entitled to all consequential benefits by opening of the sealed cover containing the recommendations of the DPC.

14. The Original Application is accordingly allowed. No order as to costs.


17.9.08
(KHUSHIRAM)
ADMINISTRATIVE MEMBER


17/09/08
(M. R. MOHANTY)
VICE-CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI

filed By:

Shri Arun Kumar Gupta

APPLICANT

THROUGH:

Shri Arun Kumar Gupta
27.08.2007

ORIGINAL APPLICATION NO 241 OF 2007

SHRI ARUN KUMAR GUPTA,

.....APPLICANT

-VERSUS -

UNION OF INDIA & OTHERS

.....RESPONDENTS

SYNOPSIS

The Applicant while posted as General Manager, Telecom Department at Alwar received a letter dated 30.06.2003 (Annexure 1) from the Deputy General Manager (Vigilance) [in short 'DGM(Vigilance)'] requesting the Applicant to clarify the points relating to purchase of 112 Air conditions for Ajmer, Bundi and Tonk Secondary Switching Areas. The Applicant submitted his parawise comments vide letter dated 18.07.2003 (Annexure 2) to the DGM (Vigilance). Thereafter the Additional Director General (VT) Ministry of Communications, New Delhi proposed a disciplinary action against the Applicant vide Memorandum dated 05.01.2004 (Annexure 3) bringing in certain imputations of misconduct or misbehaviour against the Applicant in connection with purchase of window type air conditioner. The Applicant submitted his written statement/ reply dated 11.02.2004 (Annexure 5) explaining the entire circumstances and denying the allegations brought against him and prayed to withdraw the imputations of misconduct / misbehaviour leveled against him. Meanwhile, the DPC was held in April, 2005 for

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considering the promotion of the Applicant and other similarly situated persons to the Higher Administration Grade. However, the findings of the DPC has been put under seal cover procedure due to ongoing action against the Applicant. By Order dated 10.08.2005(Annexure-6A), the Disciplinary Authority in consultation with the UPSC advice (Annexure 6B), Orders for imposition of penalty of Censure on the Applicant. Against the Order dated 10.08.2005 of the Disciplinary Authority, the Applicant filed various representation / Appeal before the Hon'ble President of India. The Applicant on 06.08.2007 received the Appellate Order dated 08.12.2006 in the Office of the Chairman cum Managing Director, BSNL, New Delhi. By the said Order, the Reviving Authority came to the conclusion that as new material on evidence has been brought to notice by the Applicant, therefore the competent Authority i.e., the President of India ordered that the Petition submitted by the Applicant is devoid of merits and thus stands rejected. Hence this Application is being filed before his Hon'ble Tribunal Challenging the Orders dated 10.08.2005 (Annexure 6A) and 8.12.2006 (Annexure 14B) on various grounds.

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LIST OF DATES

30.06.2003 Deputy General Manager (Vigilance) [in Short 'DGM(Vigilance)'] requested the Applicant to clarify on the points relating to purchase of 112 air conditioners for Ajmer, Bundi & Tonk SSAs.

PARA 6 / PAGE 8

ANNEXURE 1 / PAGES 39-40

18.07.2003 Parawise comments of the Applicant explaining the reasons for purchase of 112 air conditioners.

PARA 7 / PAGE 8

ANNEXURE 2 / PAGES 41-49

05.01.2004 Memorandum dated 05.01.2004 issued by Assistant Director General (VT) informing the Applicant, the then GMTD, Ajmer that the President of India proposes to take action against him under Rule 16 of the CCS (CCA) Rule, 1965.

PARA 8 / PAGE 9

ANNEXURE 3 / PAGES 50-56

21.01.2004 The Applicant vide letter dated 21.01.04 requested the DGM (Vigilance) to supply 5 nos. of documents to enable him to submit his representation.

PARA 9 / PAGE 10

ANNEXURE 4 / PAGES 57

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⊗ Superior
Officers
able to exonerate

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11.02.2004 That Applicant his Written Statement against memorandum dated 05.01.2004 denying the allegations brought against him and making a prayer to withdraw the imputations of misconduct / misbehaviour leveled against him

31.03.2004

01.11.2004 - Ref. to OPSE (P/102) PARA 10 / PAGE 10
04/05 - DPL ANNEXURE 5 / PAGES 58-98

10.08.2005 Vigilance Section of Ministry of Communication & Information Technology Department of Telecommunication vide its Order dated 10.08.2005 imposed penalty of 'Censure' on the Applicant.

PARA 12 / PAGE 11
ANNEXURE 6A / PAGES 99-100

17.06.2005 UPSC by its letter dated 17.06.2005 forwarded its advice on disciplinary proceedings against the Applicant to the Secretary to Govt. of India, Department of Telecommunication. The UPSC in its advice opined that ends of justice would met if the penalty of Censure is imposed on the Applicant, Shri A.K. Gupta.

PARA 12 / PAGE 11
ANNEXURE 6B / PAGES 101-113

14.10.2005 The Applicant filed an Appeal before the Hon'ble President of India making a prayer for reconsidering the decision and to exonerate him from the charges and to withdraw the penalty of Censure.

PARA 13 / PAGE 12
ANNEXURE 7 / PAGES 114-117

Shri A.K. Gupta

19.05.2006 - Applicant was superseded?

E

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31.05.2006 The Applicant filed an Appeal before the Hon'ble President of India requesting to reconsider the decision of imposing the penalty of Censure and to exonerate him from the charges so that findings of DPC is made available for promotion to the Grade of HAG from SAG.

PARA 14 / PAGE 12

ANNEXURE 8 / PAGES 118-120

22.09.2006 The Applicant filed an Appeal before the Hon'ble President of India to reconsider the decision of imposing the penalty of Censure and to exonerate him from the charges and to promote him after considering the outcome of DPC.

PARA 14 / PAGE 12

ANNEXURE 9 / PAGES 121-123

8/12/2006

24.03.2007 The Applicant filed an Appeal before the Secretary, Department of Telecom, New Delhi requesting to consider his case sympathetically and to take necessary action for considering his promotion to the Grade of HAG along with the Officers who have already been promoted vide Order dated 19.05.2006.

PARA 14 / PAGE 12

ANNEXURE 10 / PAGES 124-125

24.04.2007 Letter issued by the Joint Deputy Director General (Pers) to the Deputy Director General (ESTT) where by the Applicant's Appeal dated 24.03.2007 was forwarded to take necessary action.

PARA 15 / PAGE 13

ANNEXURE 11 / PAGE 126

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16.07.2007 The Applicant filed an Appeal before the Hon'ble President of India praying to exonerate him from the charges and to withdraw the penalty of Censure.

PARA 16 / PAGE 12

ANNEXURE 12 / PAGES 127-129

19.07.2007 Letter issued by the Director (VP) to the Chairman and Managing Director (in short ' CMD), BSNL wherein it was stated that they have already issued the Appellate order to the Applicant on 08.12.2006 and a copy of the same is forwarded once again to the CMD, BSNL, New Delhi to be served upon the Applicant.

PARA 17 / PAGE 14

ANNEXURE 13 / PAGES 130

06.08.2007 Letter issued from the Office of the CMD, BSNL, New Delhi requesting the Applicant to acknowledge the receipt of the Order dated 08.12.2006.

PARA 18 / PAGE 14

ANNEXURE 14A / PAGE 131

08.12.2006 Appellate Order whereby the Appeal of the Applicant is rejected.

PARA 18 / PAGE 14

ANNEXURE 14B / PAGES 132-134

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गुवाहाटी न्यायपीठ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI

APPLICATION NO 241 OF 2007

SHRI ARUN KUMAR GUPTA,

.....APPLICANT

-VERSUS -

UNION OF INDIA & OTHERS

.....RESPONDENTS

I N D E X

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1.	Copy of the Application		1-38
2.	Verification		38A
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4.	Letter dated 30.06.2003 issued by the Deputy General Manager (Vigilance) requesting the Applicant to clarify on the points relating to purchase of 112 air conditioners for Ajmer, Bundi and Tonk SSAs.	1	39-40
5.	Parawise comments dated 18.07.2003 of the Applicant explaining the reasons for purchase of 112 air conditioners for Ajmer, Bundi and Tonk SSAs.	2	41-49
6.	Memorandum dated 05.01.2004 bringing in certain imputations of misconduct or misbehaviour against the Applicant in connection with purchase of window type air conditioners.	3	50-56



7. Letter dated 21.01.2004 by the Applicant requesting the DGM (Vigilance) to supply certain documents to enable him to submit the representation against the memorandum. 4 57
8. Written Statement dated 11.02.2004 submitted by the Applicant explaining the entire circumstances and denying the allegations brought against him and making a prayer to withdraw the imputations of misconduct / misbehaviour leveled against him. 5 58-98
9. Order dated 10.08.2005 issued by the Assistant General Manager (Vigilance) imposing the penalty of Censure on the Applicant. 6A 99-100
10. UPSC's advice dated 17.06.2005 advising imposition of penalty of Censure. 6B 101-113
11. Appeal Petition dated 14.10.2005 filed by the Applicant before the Hon'ble President of India making a prayer for reconsidering the decision and to exonerate him from the charges and to withdraw the penalty of Censure. 7 114-117
12. Appeal dated 31.05.2006 filed by the Applicant before the Hon'ble President of India requesting to reconsider the decision of imposing the penalty of Censure and to 8 118-120

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exonerate him from the charges so that findings of DPC is made available for promotion to the Grade of HAG from SAG.

- 13. Appeal dated 22.09.2006 filed by the Applicant before the Hon'ble President of India to reconsider the decision of imposing the penalty of Censure and to exonerate him from the charges and to promote him after considering the outcome of DPC. 9 121-123

- 14. Appeal dated 22.03.2007 by the Applicant before the Secretary, Department of Telecom, New Delhi requesting to consider his case sympathetically and to take necessary action for considering his promotion to the Grade of HAG along with the Officers who have already been promoted vide Order dated 19.05.2006. 10 124-125

- 15. Letter dated 24.04.2007 issued by the Joint Deputy Director General (Pers) to the Deputy Director General (ESTT) where by the Applicant's Appeal dated 24.03.2007 was forwarded to take necessary action. 11 126

- 16. Appeal dated 16.07.2007 filed by the Applicant to the Hon'ble President of India praying to exonerate him from the charges and to withdraw the penalty of Censure. 12 127-129

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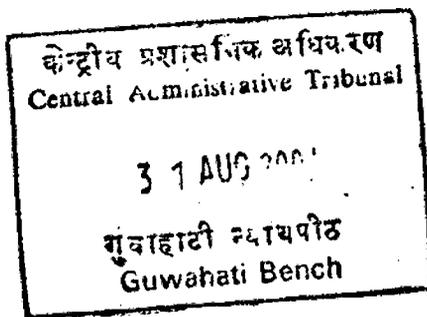
- 17. Letter dated 19.07.2007 issued by the Director (VP) to the Chairman and Managing Director (in short 'CMD), BSNL wherein it was stated that they have already issued the Appellate order to the Applicant on 08.12.2006 and a copy of the same is forwarded once again to the CMD, BSNL, New Delhi to be served upon the Applicant. **13** 130

- 18. Letter dated 06.08.2007 issued from the Office of the CMD, BSNL, New Delhi requesting the Applicant to acknowledge the receipt of the Order dated 08.12.2006. **14A** 131

- 19. Appellate Order dated 08.12.2006 whereby the Appeal of the Applicant is rejected. **14B** 132-134

Filed by
Binod
(BINOD KUMAR SINGH)
Advocate

Binod Kumar Singh



FILED BY:

Shri. Munim Gupta

APPLICANT

THROUGH: ✓

Shri. Munim Gupta

Advocate

27.08.2007

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI**

ORIGINAL APPLICATION NO OF 2007

IN THE MATTER OF :

An Application under Section 19 of
Administration Tribunal Act, 1985.

-AND-

IN THE MATTER OF :

Order dated 10.08.2005 under memo No.
8/413/2003-Vig-II issued by the Vigilance-II
Section, Ministry of Communications and
Information Technology, Department of
Telecommunications, Government of India.
imposing penalty of 'Censure'.

-AND-

IN THE MATTER OF :

Order dated 08.12.2006 under memo No. 2-
10/2005- Vig-III issued by the Director (VP),
Ministry of Communication and Information
Technology, Department of Telecommunications

Shri. Munim Gupta

rejecting the petition / appeal filed by the applicant against the Order dated 10.08.2005 imposing the penalty of 'Censure' on the Applicant.

-AND-

IN THE MATTER OF :

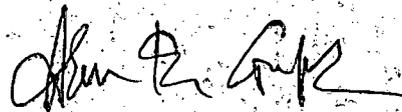
Inaction of the Respondent in not promoting the Applicant to Higher Administrative Grade of Indian Telecommunication Services Group 'A' whereas 19 Officers junior to him has been promoted to HAG of ITS Group 'A'.

-AND-

IN THE MATTER OF :

SHRI ARUN KUMAR GUPTA,
Son of Shri Vijay Shankar Gupta,
Chief General Manager,
Bharat Sanchar Nigam Ltd.
NE-1 Circle,
Resident of CTO Compound,
Shillong, Meghalaya.

.....**APPLICANT**



- **VERSUS** -

1. UNION OF INDIA,

Represented by the Secretary
to the Government of India,
Ministry of Communications and
Information Technology,
Department of Telecommunications,
20- Ashoka Road, New Delhi-110001.

2. MEMBER SERVICES,

Telecom Commission,
20- Ashoka Road, New Delhi-110001.

3. Bharat Sanchar Nigam Limited.

Personnel-I Section
R. No. 102/B, Statesman House
148, Barakhamba Road,
New Delhi-110001.

4. Union Public Service Commission,

Dholpur House, Shahjahan Road,
New Delhi-110011.

.....**RESPONDENTS**



A. PARTICULARS OF THE ORDERS AGAINST WHICH THE APPLICATION IS MADE.

(a) Order dated 10.08.2005 under memo No. 8/413/2003-Vig-II issued by the Vigilance-II Section, Ministry of Communications and Information Technology, Department of Telecommunications, Government of India imposing penalty of 'Censure'.

(b) Order dated 08.12.2006 under memo No. 2-10/2005- Vig-III issued by the Director (VP), Ministry of Communication and Information Technology, Department of Telecommunications rejecting the petition / appeal filed by the Applicant against the Order dated 10.08.2005 imposing the penalty of 'Censure' on the Applicant.

(c) Action of the Respondent in disposing of the representation / appeal filed by the Applicant without application of mind to the facts of the case.

(d) Inaction of the Respondent in not promoting the Applicant to Higher Administrative Grade (in Short 'HAG') of Indian Telecommunication Services (in short 'ITS') Group 'A' whereas 19 Officers junior to him has been promoted to HAG of ITS Group 'A'.

Shankar Gupta

B. JURISDICTION OF THE TRIBUNAL :

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

C. LIMITATION :

The Applicant further declares that the Application is within limitation prescribed under Section 21 of the Administrative Tribunal, Act. 1985 as the impugned order dated 08.12.2006 was received by the Applicant on 06.08.2007.

D. FACTS OF THE CASE:

1. That the Applicant is presently resident of Central Telegraph Office compound, Shillong and is a citizen of India. The Applicant is entitled to the Fundamental Rights and other Rights guaranteed and ensured by the Constitution of India.
2. That the Respondent No. 1 is the Union of India represented by the Secretary to the Government of India, Ministry of Communications and Information Technology, Department of Telecommunications. The Respondent No. 2 is Member Services, Telecom Commission. Being the instrumentalities of the State all the Respondents are legally and constitutionally duty bound to act fairly, justly and non arbitrarily and to follow the Principles of Natural Justice in all matters while dealing with the employees working under them.

3. That the Applicant has been serving in the Department of Telecommunications since 06.01.1978 and as Chief General Manager (in short 'CGM'), NE-1 with effect from 10.04.2006 with all sincerity and devotion to the duties entrusted to him from time to time. The Applicant in the capacity of General Manager, Telecom District (in short 'GMTD') Ajmer, apart from doing other normal duties was required to see that for the implementation of any Telecom Project, action is always initiated to complete the infrastructural works much before the main telecom equipment is received. The Applicant also had the power to make purchase of telecom equipment on DGS&D rate contract. As per plan, estimates are prepared / sanctioned and action is initiated by the competent authority to procure the materials / equipment. It may be pertinent to mention herein that the Applicant is on deputation in Bharat Sanchar Nigam Limited since its formation on 01.10.2000 and has not taken absorption and that the Applicant belongs Indian Telecom Service, Group 'A'.

4. That in the year 1998-1999, the Applicant as GMTD, Ajmer purchased 112 window type air conditioners through DGS&D for use in Ajmer, Tonk and Bundi Secondary Switching Areas (in short 'SSAs'). The aforesaid purchase of window type Air conditioners was made for Ajmer SSA. The aforesaid air conditioners were purchased also for Tonk and Bundi SSAs as per the requirement received from them for their development works. Similarly 0+8 Digital Pair Gain System (in short 'DPGS') were also purchased for Exchanges having long waiting lists

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and were technically non feasible for long time due to which no New Telephone Connections (in short 'NTCs') were being released. The DPGS are used to make the area feasible for a short time by using single pair to provide more number of connections. It may be pertinent to mention herein that when the regular cable laying work is completed these can be recovered and reutilized in other parts which are non feasible. In this connection, the planning section of the Tonk and Bundi SSAs had examined and justified the requirement and sent the requisition to the Applicant for procurement of the same. Accordingly, the 0+8 DPGS were procured.

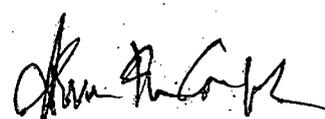
5. That all the action taken by the Applicant as GMTD, Ajmer also were in interest of the department for expediting the development work of the Department within the delegated financial powers, observing all departmental procedures, keeping departmental interest uppermost in mind and without any malafide intentions. It may be stated herein that the Applicant had made infrastructure ready in advance before the actual execution of work particularly in view of the cut throat competition from the private operators and in the best interest of the BSNL.



6. That the Applicant in due course of time was transferred in the same capacity i.e. GMTD to Alwar in the year 2001. After serving at Alwar for three years, the Applicant was transferred as General Manager (operation) and was posted at Chandigarh. Thereafter the Applicant was again transferred as Chief General Manager in North East-1 Circle, Shillong. The Applicant is working as such since 10.04.2006 in North-East-1 Circle, Shillong. The Applicant while posted as GMTD at Alwar, received a letter dated 30.06.2003 under memo no. INV-731/2001/45 from the Deputy General Manager (Vigilance), Office of the Chief General Manager Telecommunications, BSNL, Rajasthan Circle, requesting the Applicant to clarify the points relating to purchase of 112 air conditioners for Ajmer, Bundi and Tonk SSAs. Vide aforesaid letter the Applicant was asked to send his reply within 15 days from the date of receipt of the letter.

A copy of the aforesaid letter dated 30.06.2003 is annexed herewith and marked as **ANNEXURE-1**.

7. That the Applicant on receipt of the aforesaid letter dated 30.06.2003 submitted his parawise comments vide letter dated 18.07.2003 to Deputy General Manager (Vigilance)

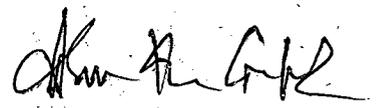


explaining the reasons for the purchase of 112 air conditioner for Ajmer, Bundi and Tonk SSAs.

A copy of the aforesaid Applicant's letter dated 18.07.2003 is annexed herewith and marked as **ANNEXURE-2**.

8. That the Additional Director General (VT), Ministry of Communications and Information, Department of Telecommunication, New Delhi proposed a disciplinary action against the Applicant vide Memorandum No. 8-413/2003-vig.II dated 05.01.2004 under Rule 16 of the CCS (CCA) Rules 1965, bringing in certain imputations of misconduct or misbehaviour against the Applicant in connection with purchase of window type air conditioner. The allegations pertained to purchase of window type air conditioners and purchase of Digital pair gain systems.

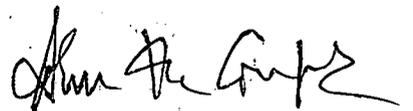
A copy of the aforesaid Memorandum dated 05.01.2004 along with statement of imputations of misconduct or misbehaviour is annexed herewith and marked as **ANNEXURE-3**.



9. That on receipt of the aforesaid Memorandum dated 05.01.2004, the Applicant vide his letter dated 21.01.2004 requested the DGM (Vigilance), Rajasthan Telecom Circle to supply certain documents to enable him to submit the representation against the memorandum. However, the Applicant was not furnished with the documents asked for nor was he called for inspection of the relevant documents.

A copy of the aforesaid letter dated 21.01.2004 is annexed herewith and marked as **ANNEXURE-4**.

10. That inspite of the above request, the Applicant was not furnished with the copies of the documents nor he was called to inspect the relevant documents for which the Applicant was prejudiced in taking effective defence and was deprived of reasonable opportunity of giving proper reply. Situated such the Applicant submitted his Written Statement / reply vide letter dated 11.02.2004 to the Assistant Director General (VT), Department of Telecommunication, explaining the entire circumstances and denying the allegations brought



against him and making a prayer to withdraw the imputations of misconduct / misbehaviour leveled against him.

A copy of the aforesaid Written Statement dated 11.02.2004 is annexed herewith and marked as **ANNEXURE-5**.

11. That meanwhile the Applicant was due for promotion to the Higher Administrative Grade (in short HAG) In the year 2005 along with similarly placed officers. Accordingly, the DPC was held in April, 2005 for considering the promotion of the Applicant and other similarly situated persons to the Higher Administrative Grade. However, the findings of the DPC has been put under seal covered procedure due to ongoing disciplinary action against the Applicant. The Applicant has reason to believe that on consideration of his case, DPC promoted him to the next higher grade and kept the same in the sealed cover as stated above.

12. That the Assistant General Manager (Vigilance) forwarded the copy of the Order No. 8/413/2003-Vig II dated 10.08.2005 along with the copy of UPSC advice No. 03.167/2004-51 dated 17.06.2005 to the Applicant. By said Order the President, the Competent Disciplinary Authority after considering the Written



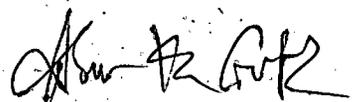
Statement of the Applicant and having accepting the advice of UPSC, Orders for imposition of penalty of "Censure" on the Applicant.

Copies of the aforesaid Order dated 10.08.2005 along with the copy of advice of the UPSC dated 17.06.2005 are annexed herewith and marked as **ANNEXURE-6A and 6B** respectively.

13. That against the aforesaid Order dated 10.08.2005 of the Disciplinary Authority, the Applicant filed an Appeal Petition before the President of India on 14.10.2005 making a prayer for reconsidering the decision and to exonerate him from the charges and to withdraw the penalty of "Censure".

A copy of the aforesaid Appeal Petition dated 14.10.2005 is annexed herewith and marked as **ANNEXURE-7**.

14. That the Applicant again submitted an Appeal before the President of India, New Delhi-1 on 31.05.2006 requesting to reconsider the decision of imposing the penalty of Censure and to exonerate him from the charges so that findings of DPC is



made available for promotion to the Grade of HAG from SAG. As nothing was done on aforesaid representation the Applicant again filed a similar appeals on 22.09.2006 to the President of India and on 24.03.2007 before the Secretary, Department of Telecom, New Delhi-1 through the Chairman and Managing Director, BSNL, New Delhi.

Copies of the aforesaid appeals dated 31.05.2006, 22.09.2006 and 24.03.2007 are annexed herewith and marked as **ANNEXURE-8, 9 and 10** respectively.

15. That the Applicant received a copy of the letter dated 20.04.2007 under Memo No. 315-23/2006-Pers -I issued by the Joint Deputy Director General (Pers) to the Deputy Director General (ESTT), Department of Telecommunications, New Delhi whereby the letter dated 24.03.2007 of the Applicant is forwarded to the Deputy Director General (Estt) to take necessary action.

A copy of the aforesaid letter dated 20.04.2007 is annexed herewith and marked as **ANNEXURE-11** respectively.



16. That the Applicant again submitted an appeal to the President of India vide his letter dated 16.07.2007 reiterating his earlier prayer for exonerating him from the charges and to withdraw the Penalty of "Censure".

A copy of the aforesaid appeal dated 16.07.2007 is annexed herewith and marked as **ANNEXURE- 12.**

17. That the Applicant received a copy of the letter dated 19.07.2007 under Memo No. 2-10/2005-Vig. III issued by the Director (VP) to the Chairman and Managing Director, BSNL stating that they have already issued the Appellate Order to the Applicant on 08.12.2006, a copy of the same is forwarded once again to the CMD, BSNL, Corporate Office, New Delhi-110001 to be served upon the Applicant. However, the said order was not received by the Applicant till 06.08.2007.

A copy of the aforesaid letter dated 19.07.2007 is annexed herewith and marked as **ANNEXURE- 13.**

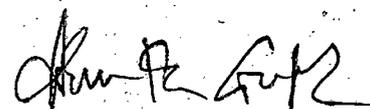
18. That on receipt of the aforesaid letter, the Applicant went to the Office of the CMD, BSNL, New Delhi on 06.08.2007 and received the Appellate Order dated 08.12.2006, by

Shamir Gupta

acknowledging the receipt of the same by signing on the forwarding letter dated 19.07.2007. By the said Order it is stated that the Reviewing Authority i.e. the Hon'ble President has considered the submissions made by the Applicant in his petition and has come to the conclusion that no new material or evidence has been brought to notice by the Applicant. Therefore the Competent Authority i.e. Hon'ble President ordered that petition dated 14.10.2005 submitted by the Applicant is devoid of merits and thus stands rejected.

Copies of the forwarding letter dated 06.08.2007 along with the Appellate Order dated 08.12.2006 are annexed herewith and marked as ANNEXURE- 14A and 14B respectively.

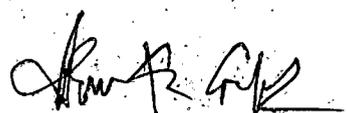
19. That the Applicant states that the allegations brought against the Applicant in proceedings in question were misconstrued and unfounded as there was no financial loss caused to the department on account of any negligence / carelessness in performance of duty, as alleged. Therefore, the disciplinary authority ought not to have proceeded to impose any penalty in the case.



20. That the Applicant states that he was not furnished with the copies of the documents as requested by him nor the Applicant was called by the Authority to inspect those documents which was asked for. As such, the Applicant was deprived of reasonable opportunity in giving proper reply. The Applicant further states that the Authority by not furnishing the copies of documents nor calling the Applicant to inspect the documents asked for, the Applicant was prejudiced in taking effective defects.

21. That the Applicant states that the Respondents after the receipt of the Applicant's show cause reply ought to have held an inquiry. The Authority without giving any reasons as to why inquiry will not be held referred the matter to the UPSC for its advice. The Disciplinary Authority denied Natural Justice to the Applicant by not holding any inquiry nor giving any hearing whatsoever to the Applicant.

22. That the Applicant states that the UPSC by recommending imposition of penalty of 'Censure' on the Applicant has exceeded its jurisdiction. Moreover, the advice of the UPSC regarding imposition of penalty is not binding on the Disciplinary Authority. As the power to impose penalty rests upon Disciplinary Authority and the authority have to exercise their judicial discretion giving due regard to the facts and



circumstances of each case. The UPSC acted without jurisdiction while advising in imposition of penalty, as no third party can dictate the Disciplinary Authority and the Appellate Authority as to how they should exercise their power and what punishment they should impose on the charged officer.

23. That the Applicant states that the action of Authority while issuing Order dated 10.08.2005 imposing the penalty of Censure shows its vindictiveness and arbitrariness towards the Applicant as the authority did not apply its own independent mind and also did not cite any reasons in imposing penalty of Censure.

24. That the Applicant states that though impugned Order dated 10.08.2005 and 08.12.2006 taken by the Disciplinary Authority and the Appellate Authority but the final orders were not issued by that authority but issued by a lower authority that too much lower ranked than the Applicant. As both the Disciplinary Authority and Appellate Authority exercise quasi judicial powers and as such they cannot delegate their powers to their subordinates. Thus the impugned Orders dated 10.08.2005 and 08.12.2006 having been passed by the subordinates that too much lower ranked than the Applicant and in non compliance of legal requirements. So these orders cannot be allowed to stand.

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25. That the Applicant states that even after disposal of the disciplinary proceeding, the authorities ought to have opened the seal cover of the applicant's promotion matter. The Applicant had a strong belief that in the seal cover procedure, Applicant's promotion to the next higher grade has been considered by the DPC. But the matter of Applicant's promotion has been kept hanging without any justified reasons. Thus the Applicant has been unjustly deprived of his due promotion with the consequence of deprivation of higher scale of pay and perks and other consequential benefits.

26. That the Applicant states that the Authority while imposing minor penalty did not follow the procedure as stipulated in the statutory rules. The Authority has violated Rule 16 of CCS (CCA) Rules, 1965 while imposing the penalty of 'Censure' on the Applicant.

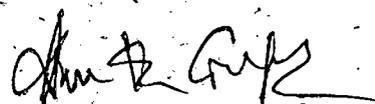
27. That the Applicant states that the entire facts and circumstances would reveal that the unjust and arbitrary action of the Respondents have made an inroad in the Applicant's Fundamental Rights guaranteed under Articles 14, 19 and 21 and so also the Constitutional Right under Article 300A of the Constitution of India besides denying fair play and natural justice to the Applicant.



28. The Applicant states that the Authorities unnecessarily took about 2 years after submission of his written statement to the charges leveled, to dispose of the proceedings, which caused grave prejudice to the Applicant resulting in grave miscarriage of justice. Infact the guidelines prescribed by Central Vigilance Commission (in short 'CVC') vide its notification No. 000/VGL/18 dated 23.05.2000, have clearly indicated that the minor penalty cases should be completed within 2 (two) months from the receipt of the defence statement. However, by taking about 2 years to dispose of the proceedings the authorities completely breached this notification in the present case. This aspect of the matter assumes much more importance in the instant case as the promotion of the Applicant to the next higher grade had been held up on the basis of this petty ground of pendency of the Departmental proceedings.

E. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

(I) For that, the Applicant states that the allegations brought against the Applicant in proceedings in question were misconstrued and unfounded and the Applicant had duly clarified the Imputations made against him. Therefore, the Authority ought to have duly considered the clarifications of the Applicant and ought not to have proceeded to impose any



penalty in the case. By imposing the penalty of 'Censure' the Authority has acted whimsically, unjustly and improperly.

(II) For that, the Applicant states that no financial loss whatsoever was caused to the Department on account of any negligence / carelessness in performance of duty, as alleged and in that view of the matter also, the Authority ought not to have proceeded any further on the allegations. Therefore, the action of the Authority in imposing the penalty is vitiated by non-consideration of relevant facts and circumstances and also by bias and perversity.

(III) For that the Applicant states that in the same way the Appellate Authority was also not justified in coming to the conclusion that as no new material on evidence has been brought to notice by the Applicant which would change entire complexion of the case and as such the appeal petition is devoid of merits and thus stands rejected. The Appellate Authority also failed to consider the relevant facts and circumstances and thereby took wrong decisions to uphold the penalty of censure.

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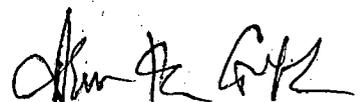
(IV) For that the Applicant states that the Authority in its order had taken note of observation made by the UPSC in its advice that :

" (i) As admitted by the DA, the purchase was made through DGS&D as part of the process to keep the infrastructure ready for installation of telecom equipments.

(ii) The CO had made the purchases in advance keeping in view the requirements of the Department without any malafide intention. Also, according to the DA, the infrastructure had to be made ready much in advance before the actual execution of work particularly in view of the competition from private operators and in the best interest of BSNL.

(iii) The purchases were made by the CO through DGS&D rate contract and ITI, Manakpur [a GOI Undertaking]. As such, there has been no financial loss suffered by the Government."

In view of the aforesaid observation the Disciplinary Authority ought to have taken lenient view in the matter, taking



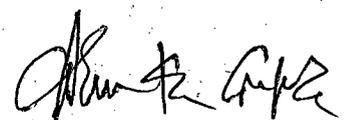
into account the conduct and past performance of the Applicant and should have ignored the minor lapses of the Applicant even if there was any, particularly in view of the fact that the Department had not suffered any financial loss for any negligence / carelessness as alleged on the part of the Applicant.

(V) For that, the Applicant by his letter No. GMTD/ALW/AKG/Cont/2004/1 dated 20.01.2004 (Annexure - 4) requested the DGM (Vigilance) to furnish him copies of certain documents mentioned in the said letter, to enable him to make a full and effective representation against the charges leveled against him. But unfortunately, the DGM (Vigilance) had neither replied to the said letter nor was the Applicant furnished with the copy of those documents as required by him. As a result he was sufficiently prejudiced which rendered him incapable in meeting the charges as effectively as possible. The documents asked for were absolutely relevant and necessary to meet the charges leveled against the Applicant. The non-furnishing of the copies of the documents infected the disciplinary proceeding by the vice of violatim of principles of natural justice. It has also infected the mandatory provisions of Rules 65. Therefore, the punishment of "Censure" awarded against the Applicant is liable to be set aside and quashed on that ground alone.

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(VI) For that, the records of the proceedings show that the Appointing Authority who is also a Disciplinary Authority of the Applicant had completely abdicated its power to the vigilance cell which alone had initiated the disciplinary proceeding against the Applicant and ended the same. The Disciplinary Authority under the law is only empowered to take disciplinary action against the Applicant in the capacity of being an Appointing Authority. However, in the present case the role of the Disciplinary Authority was relegated to the background in as much as it is the vigilance cell who had managed the entire show of initiating & conducting the disciplinary proceedings against the Applicant. It is a settled law that no authority other than the Higher authority or the Appointing authority (Disciplinary Authority) can take any disciplinary action against a government servant. This basic principle of service jurisprudence has been nakedly violated in the disciplinary proceeding initiated against the Applicant. Therefore, the impugned order is liable to be set aside and quashed in the interest of justice and fair play.

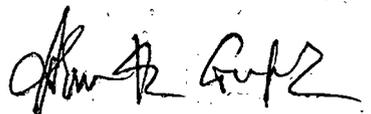
(VII) For that, a close and careful perusal of the facts and the records of the present proceeding would clearly reveal that the impugned punishment of "Censure" imposed upon the Applicant at the dictation of Union Public Service Commission in



as much as before recording any findings of guilt against the Applicant, the matter was referred to the Union Public Service Commission requesting for its advice in the matter of nature of punishment to be awarded to the Applicant. Therefore, the impugned Order violates the mandatory provisions of Rule 16 of the Rules, 1965.

(VIII) For that, a close and careful forensic perusal of Article 320 of the Constitution of India and Rule 16 of the Rules, 1965 makes it absolutely clear that the Disciplinary Authority cannot rely and / or depend legally on the opinion of the Union Public Service Commission in respect of question of punishment to be awarded to the Applicant. Though the Disciplinary Authority is required to consult the Public Service Commission in the matter of disciplinary proceedings, yet the opinion given by the Commission is merely advisory and not binding upon the Disciplinary Authority. But in the present case, the impugned punishment of 'Censure' is awarded to the Applicant solely on the advice of the Public Service Commission which vitiated the entire proceeding rendering it liable to be set aside and quashed.

(IX) For that, a mere perusal of the impugned Order shows that it is the UPSC which dictated the Respondents to award the impugned punishment of Censure upon the Applicant



and the Respondent without any Application of mind and without having regard to the provisions of the Article 320 of the Constitution of India and Rules 16 of the Rules, 1965 mechanically acted upon the opinion given by the commission. AS such, the impugned orders are liable to be set aside and quashed.

(X) For that, the Respondents most arbitrarily and unreasonably withheld the promotion of the Applicant, though his juniors were long back promoted to the next higher grade, taking advantage of the punishment of censure awarded to the Applicant. It is most unfair, arbitrary and unreasonable to withhold the promotion of the Applicant for an indefinite period only on the ground of a minor penalty of censure awarded to the Applicant on the basis of the factually wrong materials and presumptions. It not only violates the principles of natural justice but also caused infraction of Article, 14,16 and 21 of the Constitution of India. Therefore, this Hon'ble Tribunal will kindly direct the Respondent to promote the Applicants to the next higher grade.

(XI) For that the UPSC has no authority of law within the scheme of Article 320 of the Constitution of India and Rule 16 of the Rules 1965. The Respondent failed to apply its mind to this aspect of the matter and readily accepted the



punishment prescribed by the UPSC and thereby committed a gross error of law causing grave prejudice and failure of justice of the Applicant.

(XII) For that, the Respondents most arbitrarily and unreasonably withheld the promotion of the Applicant, though his juniors were long back promoted to the next higher grade, taking advantage of the punishment of censure awarded to the Applicant. It is most unfair, arbitrary and unreasonable to withhold the promotion of the Applicant for an indefinite period only on the ground of a minor penalty of censure awarded to the Applicant on the basis of the factually wrong materials and presumptions. It not only violates the principles of natural justice but also caused infraction of Article, 14, 16 and 21 of the Constitution of India. Therefore, this Hon'ble Tribunal will kindly direct the Respondent to promote the Applicants to the next higher grade.

(XIII) For that, the Applicant has come to know from reliable sources that DPC had considered his case and promoted him to the next higher grade. But the same has been kept in a sealed cover during the pendency of the disciplinary proceeding initiated against the Applicant. Therefore, the said sealed envelope ought to have been opened immediately after

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conclusion of the departmental proceeding and promoted the Applicant on the basis of the finding of the DPC. The Respondents not having done so, caused grave prejudice to the Applicant which resulted in miscarriage of justice.

(XIV) For that, the Applicant states that the Respondents ought to have given due consideration to the representations and appeals made by the Applicant pointing out the unjustifiability of the penalty and anomalies in the order of Authority which resulted imposition of penalty of 'Censure'.

(XV) For that, the Applicant states that inspite of the demand made by him for supply of copies of the relevant documents, the copies of the relevant documents were not supplied to him nor was he called by the Authority to inspect such documents, disabling the Applicant to make proper reply. Thus the Applicant was not treated fairly and was not afforded reasonable opportunity to defend his case and thus Natural Justice was denied to him.

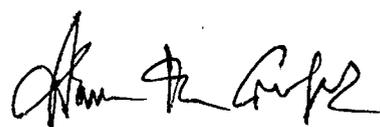
(XVI) For that, the Applicant states that he should have been heard in the matter of the penalty of 'Censure'. But no hearing whatsoever was given to the Applicant in the matter which was in total disregard to the principles of Natural Justice.



Mere issuance of show cause notice and obtaining a reply thereto is no hearing at all, inasmuch as, Natural Justice demands that in such matters, personal hearing of the incumbent with the assistance of the Counsel should be given. Therefore, the impugned Order dated 10.08.2005 and the appellate Order dated 08.12.2006 having been passed in violation of Natural Justice cannot be allowed to stand.

(XVII) For that, the Authority ought to have held an inquiry after the receipt of the Applicant's show cause reply dated 11.02.2004, against the statement of imputations of misconduct, misbehaviour, served on him along with the show cause notice. But the Authority in this case did not hold any inquiry and sought for UPSC advice. The Authority after due consideration should have come to the conclusion after giving detail reasons as to why inquiry is not necessary. The Authority, while not giving reasons that the Authority has applied its mind in coming to the conclusion that holding of inquiry is not necessary, has denied Natural Justice to the Applicant.

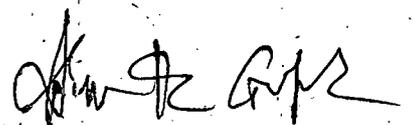
(XVIII) For that the Authority referred the matter to the UPSC for advice and the Commission vide advice No. 3/167/2004-SI dated 17.06.2005 has recommended that may be



imposed upon the Applicant the penalty of 'Censure'. Such advice given by the UPSC is wholly without jurisdiction and plainly contrary to the statutory rules governing disciplinary matters.

(XIX) For that, the advice tendered by the Union Public Service Commission (in short "UPSC") is not binding on the Authority. It is not obligatory upon the punishing Authority to accept the advice of the UPSC. The power to impose penalty is upon Disciplinary Authority and the Authority have to exercise its judicial discretion having regard to the facts and circumstances of each case. No third party can dictate the Disciplinary Authority and the Appellate Authority as to how they should exercise their power and what punishment they should impose on the charged Officer.

(XX) For that, it has been a settled point of law not only in our country but also in most civilized countries that the power of awarding punish to an official rests solely upon the appointing authority and never on anyone else. In the instant case the Appointing Authority is the Telecom Commission under the Ministry of Communications and Information Technology which appoints all the commissioned officers of BSNL. In the instant case, the Telecom Commission's penalizing power is



exercised by its Disciplinary Authority. So it is only the Disciplinary Authority who is solely authorized to punish, penalize or reprimand the Applicant. But in the instant case the penalty was solely imposed by the UPSC, who is a third party and had nothing to do with trial imposition of punishment upon the Applicant. And the Disciplinary Authority merely acted as a rubber stamp in imposing the penalty to the Applicant and thus failing to act on its own and failing to apply its own mind.

(XXI) For that, it is true that the Disciplinary Authority can consult the UPSC under Rule 16 (e) of Central Civil Service (CCA) Rules when necessary. However the rules specifically show consultations are optional and not mandatory. And also that the suggestions of the UPSC are not binding upon the Disciplinary Authority. The UPSC advice can at best be suggestive. The UPSC advice or suggestion in no way takes away the powers of the Disciplinary Authorities to act on its sole discretion of impose penalties against charged officers. However in the instant case the UPSC suggestions are given a binding effect by the Disciplinary Authority which is illegal and smack of an unauthorized influence of the UPSC over the Respondents.

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(XXII) For that, the Authority did not apply its mind and did not exercise its power in considering the merit of the case. The Disciplinary Authority imposed on the penalty of 'Censure' on the Applicant in obedience to the advice of the UPSC, which was given without having regards to the merits of the case and being contrary to statutory rules governing the Departmental inquiries.

(XXIII) For that, both UPSC and Authority as well as Appellate Authority have not applied their minds judiciously because on one hand they categorically accepted that

" (i) As admitted by the DA, the purchase was made through DGS&D as part of the process to keep the infrastructure ready for installation of telecom equipments.

(ii) The CO had made the purchases in advance keeping in view the requirements of the Department without any malafide intention. Also, according to the DA, the infrastructure had to be made ready much in advance before the actual execution of work particularly in view of the competition from private operators and in the best interest of BSNL.



(iii) The purchases were made by the CO through DGS&D rate contract and ITI, Manakpur [a GOI Undertaking]. As such, there has been no financial loss suffered by the Government."

and on other hand they are holding that the charged Officer is guilty of negligence / carelessness in performance of duty. This shows that they have not properly appreciated the facts and circumstances of the case.

(XXIV) For that, the Authority while passing the Order dated 10.08.2005 imposing the penalty of Censure on the Applicant did not cite its own reasons. The action of the Authority can be termed as nothing but vindictiveness and arbitrariness against the Applicant in not applying its own independent mind and also not citing any reasons in imposing the penalty of Censure.

(XXV) For that, the Applicant states that the Applicant was due for promotion to the Higher Administrative Grade (in short 'HAG') in the year 2005. Accordingly, the DPC was held in April, 2005 for promotion of the Applicant and other similarly situated officers to the HAG. However, the findings of the DPC with regard to the Applicant has been put under seal cover

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procedure due to ongoing disciplinary action against the Applicant. The Applicant further states that even after disposal of the Disciplinary proceeding, the Authority has not opened the seal cover and the Applicant's promotion has been kept hanging without any justified reasons. Thus the Applicant has been unjustly deprived of his due promotion with the consequence of deprivation of higher scale of pay and perks and other consequential benefits.

(XXVI) For that, the Applicant states that by unjustly depriving the Applicant of his due promotion to the next higher grade and by keeping the matter hanging without opening the seal cover for the purpose of promotion of the Applicant, the Respondents have acted arbitrarily towards the Applicant and thereby impinged upon the Applicant's Fundamental Rights guaranteed by the Constitution of India and also in violation of the principles of Natural Justice.

(XXVII) For that, the incident for which departmental proceeding was initiated relates to the purchase of 112 numbers of air conditioners in the year 1998-99. Whereas the penalty of censure was imposed in the year 2006. The Applicant was show caused on 05.01.2004 after five years of incident which is a clear pointer that the authorities are not very serious and sure about the involvement of the Applicant in the

alleged misconduct or misbehaviour. The penalty of censure imposed on the Applicant after a long lapse of time from the date of actual incident is clear negation of the principles of Natural Justice.

(XXVIII) For that, the Applicant states that the unjustified, arbitrary and whimsical action of the Respondents in inflicting the penalty of censure is an unacceptable inroad into the Applicant's right of equality before law as guaranteed under Article 14 of the Constitution of India and equal protection of law and is also in violation of the principles of Natural Justice and also the Applicant's Fundamental Rights guaranteed under Articles 16, 19 and 21 of the Constitution of India.

(XXIX) For that, the Applicant states that by not promoting the Applicant, the Respondents have deprived the Applicant of his higher salary in the higher rank and has thus infringed the Applicant's Constitutional right under Article 300 A of the Constitution of India.

(XXX) That the penalty of Censure which the Authority imposed on the Applicant is only a minor penalty according to the CCS (CCA) Rules. But against this penalty of Censure the Applicant was made to pay a far heavier price because he was not promoted to the Higher Administrative Grade (in short

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'HAG') which he was due for as early as in the first part of 2006. But now even after more than one year have passed he has still not been promoted to the HAG. This is a far more serious punishment than due the one.

(XXXI) For that, the Applicant states that the entire facts and circumstances would reveal that the unjust and arbitrary action of the Respondents have made an inroad into the Applicant's Fundamental Rights guaranteed under Articles 14,16 and 21 and so also the Constitutional Right under Article 300A of the Constitution of India besides denying fairplay and natural justice to the Applicant.

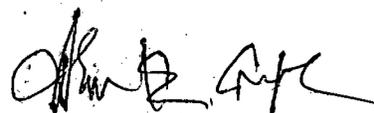
(XXXII) That the Applicant states that in view of the clear violation of the service regulation and the guidelines, as aforesaid, and for the deliberate breach of the principles of Natural Justice, the penalty of Censure against the Applicant need to be quashed to obviate unnecessary harassment to the Applicant and to prevent misuse of the process of law.

(XXXIII) For that the Applicant states that in the entire circumstances of the case and in any view of the matter the impugned Orders dated 10.08.2005 and 08.12.2006 cannot be allowed to stand and the same is therefore liable to be set aside and quashed.



(XXXIV) For that, in any view of the matter, the impugned punishment of "Censure" is liable to be set aside and the Applicant ought to be promoted to the next higher grade with effect from the date on which officers juniors to the Applicant were promoted to the next higher grade.

In the premises aforesaid, your humble Applicant prays before this Hon'ble Tribunal to be gracious and kind enough and be pleased to admit this Application, call for the relevant records of the case, calling upon the Respondents to show cause as to why the Disciplinary Proceeding, the **impugned Order dated 10.08.2005** passed by the Disciplinary Authority and the **impugned Order dated 08.12.2006** passed by the Appellate Authority and as to why seal cover of the Applicant shall not be open and as to why promotion of the Applicant to the such higher grade with effect from 19.05.2006 shall not be given and after perusing the causes shown, if any and hearing the parties, be pleased to direct the Respondents and each and every one of them to withdraw, cancel or forbear from giving effect to and acting upon the aforesaid **impugned Orders dated 10.08.2005**



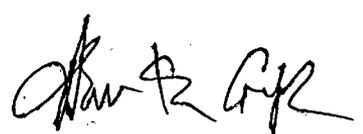
and 08.12.2006 (Annexure 6A and 14B) and further to immediately open the seal cover of the Applicant and to promote him to next higher grade with effect from 19.05.2006, the date on which officers junior to the Applicant were promoted with all consequential benefits and / or pass any Order or Orders as the Hon'ble Tribunal deem fit and proper.

F. DETAILS OF REMEDIES EXHAUSTED:

The Applicant had submitted various representations / appeals before the President of India (Appellate Authority) but the Appellate / Reviewing Authority by its Order dated 08.12.2006 rejected the appeal on the ground that as no new materials on evidence has been brought to notice by the Applicant which would change the entire completion of the case.

G. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT :

The Applicant declares that he had not previously filed any writ petition or suit regarding the matters in respect of which this Application has been made before any Court or any other Authority or any other Bench of the Tribunal nor any such application, Writ Petition or Suit is pending before any of them.



H. INTERIM PRAYER, IF ANY PRAYED FOR:

In the interim, the Hon'ble Tribunal may kindly be pleased to direct the Respondents to open the seal cover of the Applicant immediately and to promote the Applicant to next higher grade with effect from 19.05.2006, the date on which the officers junior to the Applicant were promoted.

I. PARTICULARS OF THE POSTAL ORDER IN RESPECT OF THE APPLICATION FEE:

IPO No 325 040857 dated 20.08.2007.

Issued by Guwahati Post Office.

J. List of Enclosure:

As stated in the Index.



VERIFICATION

I, **Shri Arun Kumar Gupta**, son of Shri Vijay Shankar Gupta, Chief General Manager, Bharat Sanchar Nigam Ltd. NE-1 Circle, resident of CTO Compound, Shillong, Meghalaya and am the Applicant in this accompanying application and do hereby verify that the contents of paragraphs A,B,C, D(1) to D(5), D(7), D(9), D(10), D(11), D(13), D(14), D(16), D(19) to D(28), E(I) to E(XXXIV) are true to my knowledge and those in paragraphs D(6), D(8), D(12), D(15), D(17) and D(18) are believed to be true on legal advice and that I have not suppressed any material fact.

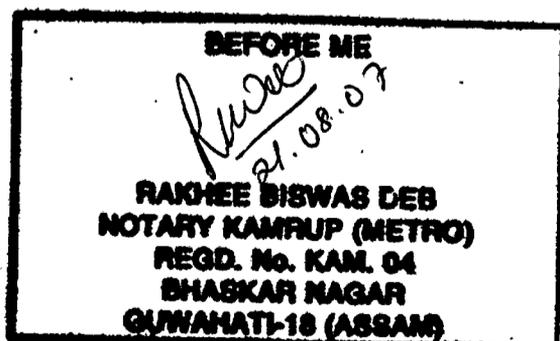
And I sign this verification on this 21st day of August, 2007, at Guwahati.

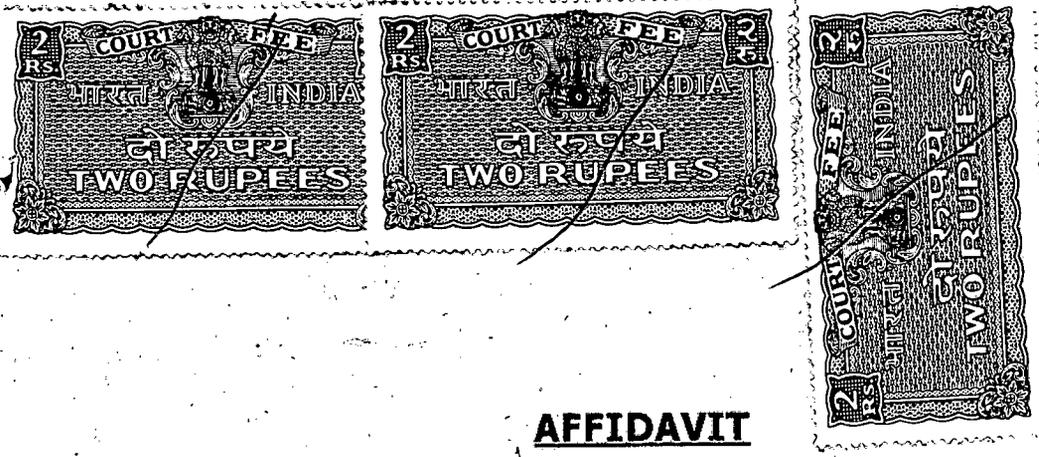
Date: Guwahati, the 21st August, 2007

Place:



Signature of the Applicant





38 B

AFFIDAVIT

aged about 56 years.

I, **Shri Arun Kumar Gupta**, son of Shri Vijay Shankar Gupta, Chief General Manager, Bharat Sanchar Nigam Ltd. NE-1 Circle, resident of CTO Compound, Shillong, Meghalaya do hereby solemnly state and affirm as under:-

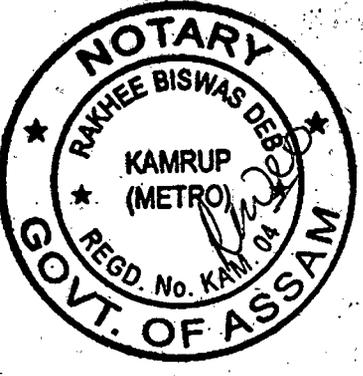
1. That I am the Applicant in this instant Application as such I am fully conversant with the facts and circumstances of the case.
2. That the statements made in this Affidavit and those made in paragraphs A,B,C, D(1) to D(5), D(7), D(9), D(10), D(11), D(13), D(14), D(16), D(19) to D(28), E(I) to E(XXXIV) of the Application are true to my knowledge and those made in paragraphs D(6), D(8), D(12), D(15), D(17) and D(18) of the Applicant being the matters of record are true to my information derived therefrom which I believe to be true and rests are my humble submissions.

And I sign this verification on this 21st day of August, 2007, at Guwahati.

Arun K Gupta
DEPONENT

Identified by
Binod Kumar Singh
Advocate's Clerk

BEFORE ME
Rakhee Biswas Deb
21.08.07
RAKHEE BISWAS DEB
NOTARY KAMRUP (METRO)
REGD. No. KAM. 04
BHASKAR NAGAR
GUWAHATI-18 (ASSAM)



Confidential / Registered

BHARAT SANCHAR NIGAM LIMITED

(A Government of India Enterprise)

Office of the Chief General Manager Telecommunications,
Rajasthan Circle, Sardar Patel Marg, Jaipur 302 008

No. INV-731/2001/45

Dated at Jaipur, the June 30, 2003

To,

Shri A.K.Gupta,
GMTD Alwar

Sub : Purchase of air conditioners by GMTD Ajmer.

A. While reviewing the files relating to purchase of 112 air conditioners for Ajmer, Bundi & Tonk SSAs in the capacity of GMTD Ajmer vide POs (Ann.1)

- 1) No: Eng 67(1)/Area/Dev 198-99/11 dated 23-3-99 for Tonk SSA.
- 2) No. Eng 67(1)/Area/Dev 98-99 dated 23-4-99 for Bundi SSA.
- 3) No. S-7/MM/98-99/4 dated 17-12-98 for Ajmer SSA &
- 4) No. S-7/MM/99-2000/14 dated 22-4-99 for Ajmer SSA

It has been observed that :

1. As per letter No. 33-40/96-TPL(OFF)/PTM dated 31-3-97 (Ann.2), there was no need of air conditioners for 8 MB OLTE. Similarly as per instructions contained in specification manual of C-DOT 128 exchanges (Ann.3), there is no need of air conditioners for C-DOT 128 and C-DOT 256 exchanges.
2. This being an electrical work, requisitions should have been placed on Electrical Wing as per para 4 of office order No. 22-7/12/89-W(T)335 dated 19-3-90 reiterated vide DoT letter No.15-14/98-W(T) dated 2-9-98 & circulated vide Circle Office Jaipur endorsement No. Bldg/T/I-14/Ch.IV/43 dated 11-9-98 (Ann.4) wherein it was impressed that "All the CGMs/GMs Telecom Circles and Telephone Districts are requested to give a specific written instructions to the TDMs/Area Managers/DETs that no civil/electrical and petty works as well as maintenance of telecom buildings should be carried out by telecom units, and these must be handed over to the Civil/Electrical wings of the DoT. Therefore, no zonal contracts should be fixed by the DETs, except in respect of those works which are petty/minor and come under day to day maintenance costing maximum upto Rs.5,000/-. No DET/Area Manager etc are empowered to execute any civil work of any type costing more than Rs.5,000/-. The existing instructions regarding carrying out maintenance/petty works by AE(MCW) are hereby stands withdrawn and modified as indicated above w.e.f. 1/4/1990." In view of these instructions, the requisitions should have been sent to the Electrical Wing but the proposals were concurred for approval resulting into irregular & injudicious purchase of air conditioners.

Control.

Certified to be true copy


Advocate

3. The A/Cs could not be utilized immediately after purchase at the places & purposes for which it were proposed to be installed. The period of utilization spreads over 2 years from the date of purchase which indicates that the purchases were not justified. Moreover, the status of the exchanges for which the air conditioners were purchased and utilized also did not justify provisioning of air conditioners even as on 31-3-2000 and 31-3-2001, as could be seen from the annexure enclosed (Ann.5).
4. As per POs, installation charges were required to be paid @ Rs.750/- each. When these A/Cs were utilized over a period of two years, then how the installation charges were paid.

B. Similarly while going through the files relating to purchase of digital pair gain systems for Bundi and Tonk SSAs, vide following purchase orders (Ann.6),

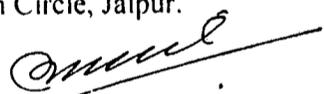
- 1) No.Eng-64/98-99/Allot of Stores dt 17-5-99 for Rs.9,73,254 for Tonk SSA.
- 2) No. Eng-62/98-99/Area Stores dated 17-5-99 for Rs. 9,73,254 for Tonk SSA.
- 3) No. Eng-62/98-99/Allot of Stores dt 24-5-99 for Rs.9,73,254 for Bundi SSA.
- 4) No.Eng-62/98-99/Area Stores dt 16-4-99 for Rs.9,73,254 for Bundi SSA.

It is observed that :

- 1) As per instructions on the subject, digital pair gain systems fall within the category of decentralized items of stores for which purchase orders were required to have been placed only by the CGMT after concurrence of the Circle IFA within the budget provisions for the item and as per approved tendered rates. These powers have not been delegated to lower formations in Circle headquarters or in the field. But the purchases have been made which are in violation of these instructions.
- 2) Moreover, financial powers of GMTD for purchase of stores from PSUs at a time were Rs.5 lakhs whereas the value of each PO was more than this limit.
- 3) Purchases seem to have been made without any proper justification.

2. It is therefore, requested you to kindly clarify the above points. The reply may kindly be sent so as to reach this office within a period of 15 days from the date of receipt of this letter. Copies of the note sheets of respective files & purchase orders are enclosed for ready reference.

This issues with the approval of the CGMT Rajasthan Circle, Jaipur.


(Sanil Purohit)
Dy.General Manager (Vigilance)

From : A.K Gupta
GMTD
Alwar

To : DGM (Vigilance)
Rajasthan Telecom Circle
Jaipur

No. GMTD/ALW/ AKG/ Conf.

DT.18/07/2003

Sub : Purchase of Air conditioners by GMTD Ajmer
Ref. : No. INV-731/2001/45 , Dt. 30/06/2003

With reference to your above mentioned letter, the para-wise comments are as under :

- A.
- 1. It is understood that Annexure 2 of your letter was not available in the office, as it was not linked. However the point regarding airconditioning of all OFC stations had been discussed in various meetings at Circle Office and directions were given that considering the climate of Rajasthan, air-conditioning would be a must for all the OFC systems. In this regard, letter No.TP-5-118/99-2000/30 Dated 17.1.2000 from GMD, C.O., may kindly be referred (Annex- A) which had supported this aspect. Due to this reason only, most of the 8 Mb OFC stations have been air-conditioned almost everywhere.
- 2. a. The letter mentioned in Annexure 4 of your letter pertains to maintenance/ petty works. There is no specific order in my knowledge, which prohibits SSA head in procuring any item available on DG S&D rate contract and required as per justification.
- b. The purchase was done under DG S&D for which full powers were available with the GMTD.
- c. The issue of carrying out small electrical works, which can be easily carried out by SSAs at much lesser cost, in much lesser time, had been discussed at various meetings in Circle office and there had been general directions that smaller electrical works should be carried out by SSAs which included window Airconditioner works also. This point can be verified by comparing the estimates submitted by electrical wing and the cost incurred by SSAs for similar works.
- 3. There were periodic directions from C.O. to keep all the infrastructure works ready for all the OFC schemes planned for the year 1999-2000 as is evident from DGM

Certified to be true copy


Advocate

(SBP) C.O. letter no. RT/OFC/Corres-SSA/99-2000/44, Dtd 18.5.99 (Annex- B). A/Cs were provided as the immediate requirement of completing the infrastructure works of the OFC schemes. As the supply of stores for the planned schemes got delayed/ reduced. installation of A/Cs was also delayed/ diverted accordingly as per the revised plan/ requirements.

4. Detailed information in this regard may be obtained from Ajmer SSA.

B.

1. 0+8 DPG systems are not covered under the category of decentralised items of store. (Annex- C)

2. Financial power of GMTD for purchase of stores from PSUs is Rs 10 lakh on each occasion. (Annex- D)

3. 0+8 DPGs were purchased for exchanges having long waiting lists and were technically non-feasible for long time due to which no NTCs were being released. The DPGs are used to make the area feasible for a short time by using single pair to provide more number of connections. When the regular cable laying work is completed these are recovered and reutilised in other parts which are non-feasible. The Tonk and Bundi SSAs had examined and justified the requirement and sent the requisition accordingly for procurement. Detailed information in this regard may kindly be obtained from the respective SSAs.

It is for your kind information and further necessary action pl.

(A.K.Gupta)
GMTD, Alwar

T.D. ALWAR DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF G.M. TELECOMMUNICATIONS
RAJASTHAN TELECOMMUNICATION CIRCLE,
(DEVELOPMENT WING)

BAJAJNAGAR TELEPHONE EXCHANGE BUILDING,
BAJAJNAGAR, JAIPUR-302015.

No. TP:5-118/99-2000/30 Date: January 17, 2000.

All SSA heads & Area GMS
in this Circle.

Sub:- Standard Power Plant, Battery, E/A & Air Conditioner
for 8 Mbps OFC systems.

As per T&D circle norms, the prescribed capacity of
Power Plant, Battery and E.A. for standalone 8 Mbps OLTE
system are as follows-

Battery sets:- Two battery sets of 120 AH.

Power Plant:- Single phase power plant of (6+12)
Amp capacity.

Engine Alternator:- Single phase 10 KVA.

Note:- This E/A will carry the load of one 1.5 tone Air
conditioner along with load of Power Plant and
minimum light and fan load.

Further, at 8 Mbps OFC stations collocated with
exchange, the capacity of common battery, P/P etc. would
be determined by the combined load at that station.

The situation has been reviewed. Though it is
desirable to have two batteries of 200 AH with 25A Power
Plants primarily due to insufficient & erratic mains
supply, 8 Mbps OFC system may be commissioned with 2x120
AH batteries and 12 P/P also, in case 25A PP/200 AH
batteries are not available, as the load is within
permissible limits of 12A PP in case of CDOT 128/256
exchanges.

A copy of T&D circle letter on this subject, wherein
the above mentined capacities are proposed and the same
are now approved by T&D circle, is enclosed for ready
reference.

Photo copy attached

संय. मण्डल विकास योजना)
भारत संचार निगम लि.
काया. महा प्रबन्धक दूर संचार जिला
झलवर-301001

Contd.....2.

2. As regards Airconditioners, DOT guide lines state that 8 Mbps OFC system collocated with the exchange working in non air-conditioning environment may also be installed in non air-conditioning environment. A copy of TCMO letter in this regard is also enclosed.

In this case also, it is desirable to install 8 Mbps OFC systems in A/C environment taking into account climatic conditions in Rajasthan. However, for system commissioning, A/Cs are neither essential nor mandatory.

3. It is therefore, requested to take urgent necessary action for A/T of the 8 Mbps OFC systems keeping in view the above mentioned points.

Encls. a/a.

(Anurag Agrawal)
General Manager (D).

CC to: 1. G.M.(O), C.O. Jaipur.
2. Director (Telecom Projects), Jaipur/Jodhpur.

Encls. NO. - BW-106/111/25

Dated at Alwar, the 25/1/25

Copy for information and file to:-

1. DE Phones External/Internal/Installation Alwar
2. DE (Rural) Khairthal / Behror / Rajgarh / DE OFC Alwar
File NO. BW-109/12

J. B. Singh
31 मण्डल विकास (विद्युत) विभाग
महाराष्ट्र प्रबन्धन दूर संचार विभाग
सुलभ-301001

Photo copy attested

[Signature]
उप मण्डल विकास (विद्युत) योजना
भारत संचार निगम लि.
महाराष्ट्र प्रबन्धन दूर संचार विभाग
सुलभ-301001

Regis

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DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER TELECOMMUNICATIONS
RAJASTHAN TELECOMMUNICATIONS CIRCLE JAIPUR -302008

Sh. P. K. Gupta, D.M.T.D. Always
The SSA Heads & Area GMs
Rajasthan Circle

18.5.99

OFC/Corres-SSA/99-2000/44

OFC Plan for the year 1999-2000.

Kindly find enclosed herewith the OFC transmission plan for Year 1999-2000. This plan has been finalised after discussions with your SSA and the concerned Director Project.

It is requested that advance action regarding preparation of survey reports & sanction of Estimate may be taken on priority. Further as the Execution by 'C' scheme are to be done by the SSA itself against SSA's estimates and thus Tendering Process may be initiated them.

Regarding 'execution by PC' schemes, the project circle would execute the schemes against SSA's estimates & therefore material would be provided to them. Sanction Particulars of D/Es may kindly be conveyed to the respective Director Project under intimation to this office so that the Project Wing may commence necessary action for tendering. Further P/E & D/Es of Cable & ESBL under 'G & PG' category may be initiated to this office by 7th June so that PO for the Cable & ESBL may be placed.

The scheme of 'P' category would be executed by project wing against their own estimates. For execution of OFC Plan, close coordination may be maintained with project & maintenance wing. Further, action for readiness of infrastructure viz. Battery, power plant, E/A & A/C etc. may be started for all planned OFC scheme. A/T memo of these items is necessary for commissioning of OFC routes. This is required so that work may not be held up due to problems of infrastructure.

Enclosed: OFC Plan.

(D. P. Parihal)
Dy. General Manager (SBP)

AP immediately
DE (P/S) 22/5/99
For n/a pe. (S/Reg)

Photo copy attested

24/03-04
उप मण्डल अभियंता (वांजना)
कां.वि. महाप्रबन्धक दूरसंचार विभाग
बक्सर-301 001.

S.N.	Item	As per norms	Full	For TF	Remarks
8	Tie As per norms	Full	For TF	---	
9	Strut As per norms	Full	For TF	---	
10	Joining kit	As per norms	Full	---	All types
11	Connectors	As per norms	Full	---	All types
12	Tower of all types	As per reqmnt.	Full	For TF	---
13	Support Bracket	As per norms	Full	For TF	---
14	DP Box of all types	As per norms	Full	For TF	---
15	CT Box of all types	As per norms	Full	---	---
16	Jumper wire	As per reqmnt.	Full	---	---
17	PVC Twin wire	As per norms	Full	---	---
18	GI wire bare	As per norms	Full	---	All gauges
19	GI wire insulated	As per norms	Full	---	All gauges
20	KVA inverter	As per reqmnt.	Full	---	---
21	PDH Mux equipment	As per reqmnt.	Full	For III	---
22	Internet equipment	As per policy	Full	---	Inclld. expansion
23	DDFs	As per reqmnt.	Full	For III	---
24	Netw. Synch. Equpt.	As per policy	Full	For III	New item in network
25	CDoT CCS-7 cards	As per policy	Full	III/HTL	New item in network
26	Line cards all types	As per reqmnt.	Full	III/HTL	Rates to be conveyed
27	ISDN testers	As per reqmnt.	Full	---	---
28	EPBTs	As per norms	Full	For III	---
29	Boss-Sec. Instt.	As per reqmnt.	Full	For III	Change from '99
30	CBT 95	As per reqmnt.	Full	For TF, III	-do-
31	256 P Exchange	As per reqmnt.	Full	For TF, III	-do-
32	8 mbps optimux	As per reqmnt.	Full	For TF	-do-
33	CD Cabinets	As per norms	Full	For TF	---
34	Rigid PVC Pipe	As per norms	Full	---	---
35	5 Pair Cable	As per policy	Full	---	Subject to instructions vide 7-13/97-PHM, dt.01.06.'98

Note : While procuring the items at SL No.29 and 30 as per requirement, it must be ensured that the total justified quantity of all types of instruments, i.e., EPBTs, Boss-Sec. and CBT or any other such instruments should be worked out as per norms on exchange capacity and loading basis.

B. Additional Items Decentralised vide circular, dated 04.01.'00:

S.N.	Item	Quantity	Fin.	Reservation Power	Remarks
(a)	Internet equipment		As per policy	Full	Inclld. expansion
(b)	Towers of all types		As per reqmnt.	Full	For TF
(c)	Line cards all types		As per norms	---	---
(d)	Skip Mux equipment		As per reqmnt.	Full	For III
(e)	0+4 Digital Pair Gain System		As per norms	Full	For III

Subject to instructions vide No.115-143/97-MMD, dt.12.12.'97

It was also been decided that the items already decentralised for 1998-99 and before will continue on decentralised basis for 2000-2001 and onwards as well. The prescribed financial powers and instructions already issued on the subject will continue to be applicable in respect of these items.

D) Additional Items Decentralised from the year 2000-2001:

S.N.	Item	Quantity	Financial Power
1.	Solder Resin Core	As per req.	Full
2.	Arrestor and H/C Strips	As per req.	Full
3.	All types of switch board cables	As per req.	Full
4.	All types of Electronic Relay	As per req.	Full
5.	Buttonski Telephone with dial	As per req.	Full
6.	All types House wiring cable	As per req.	Full
7.	Cable splicing rig	As per req.	Full
8.	2 KVA / 3 KVA Invertor	As per req.	Full
9.	Tool Kit	As per req.	Full
10.	Hand kit	As per req.	Full
11.	Cable Fault Locator	As per req.	Full

Guidelines :

E. The following guidelines shall be followed by the Circles for the procurement of these items:

- (a) Procurement shall be done following transparent tendering procedure in consistency with the overall procurement policy of the department. (The rates of the cards, however, will be conveyed by TCHQ).
- (b) While procuring, the existing inventory and inventory in the pipeline should also be accounted for. Circles should take into account their consumption pattern while assessing their requirement of lines and wires and A&P sub's equipment. Care is also to be exercised in assessing the requirement of items where no norms are prescribed. Rate list number in respect of stocked items will continue to be retained till further instructions.
- (c) Procurement will be as per the latest specification applicable at the time of calling of tenders. The applicable specification should be indicated in the tender.
- (d) All purchases are to be made from sources having valid type approval and deliveries accepted after appropriate inspection and testing by QA wing.
- (e) The reasonableness of the rates obtained in the tender shall be examined and assessed, including by comparing them with the rates of the products / items at which these were procured in the last few years. The procurement will be done on reasonable rates.

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उप संवत्त ल... (कोषिका)
 कार्य: महासंचालक दफ्तार जिंटा
 1991

A similar proforma, for the Circle with a report will also be the Telecom Head quarters also. [A hard bound register, with a super paper having budget review proforma duly printed, be maintained at S. & Circle levels and it should be seen formally by the Head of office and Head Circle every quarter].

iv. Circles should obtain data in Annexure B from SSAs/Sub Units. and compile as whole for the Circle to Corporate Office. This statement is to be sent within two weeks after sending monthly accounts every month. (on lines of DoT Lr No.9-1/91-CB/163-93)

7.1 Accountability of Expenditure : Head of Circle

It is envisaged under Rule 61 of FHB Vol.I, that the Head of Circle must be in a position to assume complete responsibility for Dept. of Expenditure. The Telecom commission has therefore decided inter alia to emphasise that in order to enforce accountability of expenditure, each Head of Circle must assume the responsibility of Chief Budget officer to his Circle and take all necessary and appropriate steps to set right the control mechanism in his Circle with the help of his IFA so that ultimately he is able to control the expenditure within the budgetary allocations.

Since the Head of the Circle is ultimately accountable for excess in the budget, it should be in his own interest to get in touch with the concerned authorities in the Telecom Directorate for the allotment / orders modified/adjusted whenever any excess equipment allotment was made by the Directorate to keep financial demand within the budget allotment. (Vide DOT Lr.No.3-1/94-B, Dt.23-6-94)

8. Decentralised Items : Details & Conditions (issued by DOT)

Besides the items decentralised by DoT earlier 1999-2000, the list of items decentralised in 1999-2000 and the new items added to the list are given below. As some changes have been made in the instruction issued vide letter No.115-143/97-MMD, dated 04.01.99, these instructions superseded the instructions issued vide above mentioned letter dated 04.01.99. Whenever any change has been made in respect of items decentralised earlier, it is indicated by the word change in parentheses.

A. List of items already decentralised vide letter dated 04.01.99

S.N.	Items	Quantity	Fin. Powers	Reservation	Remarks
1.	Sole Plates B&C	As per norms	Full	For TF	--
2.	Anchor As per norms	Full	For TF	--	--
3.	SSNP As per norms	Full	For TF	--	--
4.	Caps with spikes	As per norms	Full	For TF	--
5.	4 wire brackets	As per norms	Full	For TF	--
6.	Stay shackle and rod	As per norms	Full	For TF	--

Photo copy attached

काशी नगरपालिका मुख्यालय
काशी-301001

Funds for centralised Purchases

Funds for Decentralised Purchases

a. Funds available under the relevant head.

b. Expenditure commitment already made, consisting of

i. Commitment w.r. to pending supplies against all earlier POs already placed or approved (including POs on ITI) (Liability Register is also to be consulted for this)

ii. Amount of ITI bills & ATDs received and pending for adjustment to final head of account.

c. Balance funds available (a-b)

(DOT Lr.No.51-6/91-MMC/Pt at 12-1-93 & 18.6.93)

6.2 Control Mechanism of Expenditure :

To have regulatory/control mechanism for ensuring that liabilities connected with procurements are not carried forward from year to year and actual expenditure is in tune with availability of funds so as to avoid budgetary excess, the following guidelines as issued by DOT are to be followed by all concerned officers of the Circle Office/SSAs.

7. Material input : Periodical Informations :

i. Circles are required to indicate itemwise their material input and break up of financial requirements as prescribed by Telecom Corporate office from time to time. This requirement is to be worked out based on physical targets, under different schemes, for current year and for next year.

ii. A commitment register in form A, shall be maintained at SSA and Circle levels.

iii. On receipt of funds flow information from Telecom Corporate Office, on the basis of trend of actual expenditure incurred during last three financial years, a quarterly allocation will be fixed by the Circle office to each SSA/Sub Units in the Circle. After submission of accounts for the quarter, actual expenditure position vis-a-vis the allocations made may be reviewed by each Sub unit/SSA and a report submitted to Circle office by due date in the prescribed proforma.

4.1	Purchase of Stores Centralised Items	Purchase of stores will require further scrutiny in view of huge financial implications. Also the detailed procedure outlined by the Corporate Office for material management and procurement need to be followed. The procurements be made only after the project estimate has been sanctioned. Full powers to the extent of the quantities authorized by the HQs at rates prescribed by Corporate office/DGS & D.	Full power to the extent of quantities authorized by the HQs at rates prescribed by the corporate office/DGS&D.	Nil
4.2	Decentralised Items a) For items which were being procured by BSNL HQ previously put decentralised later on.	Full powers for purchase against rate/prices finalized by tenders by the Head of Circle subject to the quantitative limits of materials and Budget allocation for the items prescribed by the BSNL Board and as per the standards.	Full Powers of purchase against rate/prices finalised by tenders by Head of Circle subject to quantitative limits of materials and budget allocation	Nil

1.28

4.3	b) for other items other than in (a) above. Procurement of spares and computers in Electronic Switching/Transmission Systems by Heads of Telecom Circle subject to release of foreign exchange by Corporate Office.	for the items prescribed by the BSNL board and as per standards. b(i) Purchase against rate contract prices prices finalised by DGS&D BSNL -full powers. Full powers as per actual requirements i.e. after ensuring the same is not available in circles.	ii. In other cases a. Rs.10 lakhs from PSUs on each occasion. b. Rs.4 lakhs from non PSUs on each occasion. Nil	ii. In other cases. a. Rs.5 lakhs from PSUs on each occasion. ii. Rs.2 lakhs from Non PSUs on each occasion. Photo copy attested उप मण्डल कार्यालय (बीजना) कार्यालय नहीमनगर इलाहाबाद जिला तारीख: 01.01.2002
-----	--	---	--	---

*Note : It is clarified that items which were earlier in centralised list and now decentralised will be procured by CGMs. For other items which were being procured by CGMs earlier to revision of power vide the above referred letter, their powers remain with them and also in respect of such items power for delegation down below will also remain with CGMs as deemed necessary by CGMs.
(BSNL Ir.No.6-15/2000-EB, dt.28.2.2002)

ANNEXURE - I

Delegated Powers to CGMs / PGMs / GMs / Dy.GMs & TDMs

Name of Items	CGMs of Telecom Circles*	PGM / GM** of SSA	Dy.G
1.0 Financial Powers			
1.1 General Powers	<p>Full powers to run/market the telephone system efficiently and to incur expenditure as is within the powers of CGMs of BSNL delegated from time to time to improve the services and run them efficiently. A committee consisting of CGM, IFA and GM of the concerned SSA will be formed and which will take decision in regard all such matters.</p> <p>All Financial powers will be exercised in consultation with IFA and the CGM may overrule the advice of IFA for reasons to be recorded in writing and intimated to the corporate office.</p>		
1.2 Sub delegation	CGM has full powers to sub dele-		

* Includes CGMs of Metro Districts/Maintenance Regions / Project Circles & other functional units of BSNL.
 ** includes Area GMs, GMs in Maintenance Regions & other functional units of BSNL.
 *** includes Dy.GMs of Maintenance & Project circles.

1.19
 Photo copy attested

[Signature]
 उप महाप्रबन्धक (वित्त)
 कॉर्पोरेट मंत्रालय, नई दिल्ली (जि.सं.)
 बस.सं.-301/01,

81

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ANNEXURE - 3

82

No.8-413/2003-Vig. II
Government of India
Ministry of Communications & Information Technology
Department of Telecommunication
(Vigilance Wing)

West Block-I, Wing-2,
R.K. Puram, New Delhi-66

Dated 5-1-2004

MEMORANDUM

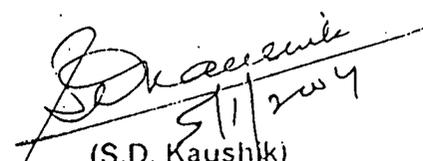
Shri Arun Kumar Gupta, the then GMTD, Ajmer, presently GMTD, Alwar, Rajasthan Telecom Circle (Staff No.499), is hereby informed that the President proposes to take action against him under Rule 16 of the CCS (CCA) Rules, 1965. A statement of the imputations of misconduct or misbehaviour on which action is proposed to be taken as mentioned above, is enclosed. A copy of the first stage advice of CVC for instituting minor penalty proceedings against Shri Arun Kumar Gupta, GM is also enclosed.

2. Shri Arun Kumar Gupta is hereby given an opportunity to make such representation as he may wish to make against the proposal.

3. If Shri Arun Kumar Gupta fails to submit his representation within 10 days of the receipt of this memorandum, it will be presumed that he has no representation to make and orders will be liable to be passed against him ex-parte.

4. The receipt of this memorandum shall be acknowledged by Shri Arun Kumar Gupta, GM.

By order and in the name of the President.


(S.D. Kaushik)
Assistant Director General (VT)

Shri Arun Kumar Gupta,
General Manager,
Alwar Telecom District,
Rajasthan Telecom Circle,
(Through CGMT, Rajasthan Circle)

Certified to be true copy


Advocate

Statement of imputations of misconduct or misbehaviour against Shri A.K.Gupta, the then General Manager Telecom District, Ajmer now GMTD Alwar in Rajasthan Telecom Circle.

Purchase of Window type air conditioners

Shri A.K.Gupta, while functioning as General Manager Telecom District, Ajmer during the period 1998-1999, purchased 112 window type air conditioners through DGS&D for use in Ajmer, Tonk & Bundi SSAs. Brief details of purchase of air conditioners are given below :-

1) 10 air conditioners were purchased for Ajmer SSA vide PO No. S-7/MM/98-99/4 dated 17-12-98 for Rs.2,72,163/- for installation at Masooda (4 Nos) & Paharganj RLU (6 Nos). The PO was released on 17-12-98 and A/Cs received on 14-1-99. These were utilized as under :

S.No.	Date	Particulars	Number utilized	Media capacity
1	20.02.1999	Paharganj Exchange	4	OFC 2000
2	16.03.1999	Rupangarh Exchange	2	OFC 384
3	27-3-99	Inspection quarter	1	-----
4	2-7-99	Saradhana	1	OFC 288
5	5.5.1999	GMTD Office	1	----

Balance 1

It is clear from the above, that the air conditioners were utilized at locations other than for which the requirement was projected and that too not immediately after purchase.

2) 70 air conditioners were purchased for Ajmer SSA vide PO No.S-7/MM/99-2000/14 dt.24.4.99 for Rs.17,84,930.00 on the basis of its proposed OFC plan for 1999-2000. Out of these 70 air conditioners, 28 were proposed to be procured for various RSUs located in Ajmer, 2 for SDH ring and remaining 40 were proposed for OFC plan of rural areas, details of which are given below along with status of exchanges & media as on 31-3-2000 & 31-3-2001.

SN	Name of exch.	Route planned	No.of ACs required	As on 31-3-2000	As on 31-3-2001	Media Exch.	Media Exch
1.	✓Bandarsindree	MJK-Bandersindree	2	C2	C1	C2	C1
2.	Kadera	KKI-Kadera	2	C2	C1	2C2	C1
3.	Sawar	Kadera-Sawar	2	2C2	C1	2C2	C1
4.	✓Tilonia	MJK-Tilonia	2	C2	OF8	C2	OF8
5.	Salemabad	RPN-Salemabad	2	C2	H1	C2	H1
6.	Fatehgar H	Sarwar - Fatehgarh	2	C2	C1	C2	C1
7.	Hatundi	Ajmer - Hatundi	2	2C2	H1	2C2	H1
8.	Jallia II	BJN-Jallia II	2	C2	H1	2C2	H1
9.	✓Rajiwawas	Dropping	2	2C2	OF8	2C2	OF8
10.	✓Bhagwanpura	Dropping	2	2C2	OF8	2C2	OF8
11.	✓Gegal	Ghugra-Gegal	2	2C2	OF8	SB2	OF8

12.	Govindgarh	PKR-Govindgarh	2	2C2	OF8	2C2	OF8
13.	Pisangan	PKR-PSGN	2	C2+SB1	OF8	SB2	OF8
14.	Kadel	PKR-Kadel	2	2C2	H1	2C2	H1
15.	Karkedi Salemabad-Kerkeri		2	C2	C1	2C2	C1
16.	Harmara						
	prop exchn.	Sursura-Harmara	2	C2	H1	C2	OF8
17.	Kharwa Dropping		2	2C2	OF8	2C2	OF8
18.	Jawaja	Dropping	2	2C2	OF8	C2	OF8
19.	Mangliawas	Dropping	2	2C2	OF8	S2B2	OF8
20.	Sarmalia	Dropping	2	C2	H1	2C2	H1
Total			40				

C-1 = C-DOT 128P, C-2 = D-DOT 256 P, M-1 = MILT 64 P, C-1 system = 3 Ch.Carrier.

For 30 air conditioners, the justification for urban area was as below:-

1.	Ajmer SDH Ring	SDH Ring	2
2.	AJ - GNR RSU	RSU Gandhinagar Aj	6
3.	Beawar RSU 1	RSU Telecom Col	6
4.	Beawar RSU 2	RSU RICCO Area	6
5.	MJK-RSU	RSU Industrial Area	6
6.	AJ-ANR RSU	RSU Adarsh Nagar	4

Air conditioners against purchase order dated were received on 30-6-1999 and were utilized as under:

SN	Date	Particulars	No.utilized	Media	Capacity
1.	2-7-99	Mangaliawas	2	OFC	336
2.	2-7-99	Saradhana	2	OFC	288
3.	20-8-99	Bhinai	4	C-1	344
4.	18-9-99	Pisangan	4	H-1	352
5.	12-11-99	Saradhana	2	OFC	288
6.	13-11-99	Saradhana	2	OFC	288
7.	18-12-99	Pushkar	2	OFC	1400
8.	19-4-2000	Nasirabad OFC	1	OFC	2800
9.	22-6-2000	Nasirabad	2	OFC	2800
10.	10-6-2000	Beawar GE	2	UHF	Karanti
11.	24-6-2000	Beawar GE	1	UHF	Karanti
12.	14-8-2000	Sarwar	4	OFC	700
13.	14-8-2000	Mangaliawas	4	OFC	352
14.	30-8-2000	Arain	4	C-1	336
15.	20-10-2000	Bandanwara	4	OFC	304
16.	21-10-2000	Ghooghra	2	OFC	896
17.	21-12-2000	AE Elect Ajmer for IQ	5		
18.	15-2-2001	Nasirabad OFC	4	OFC	2800
19.	15-2-2001	Masooda	6	OFC	312
20.	14-3-2001	Madanganj GE	2	OFC	632
21.	17-3-2001	Foysagar Ajmer	4	OFC	2500

22.	22-3-2001	SDOP III Aj (Subhashnagar)	2	OFC	7012
23.	12-4-2001	SDOP IV Dhola Bhata	2	OFC	4250
24.	3-5-2001	RLU Beawar	4	OFC	9300

Total 71 (70 + 1 balance B/F)

The OFC plan on the basis of which the proposal for purchase of 70 air conditioners was prepared and approved, ~~was not in accordance with the OFC plan issued by Circle Office~~ [as intimated by DE(TPS) % CGMT Jaipur vide No. RT/DES/OFC/BSNL/2003-04 dated 23-6-2003 to Circle Vigilance Cell]. → 7

Out of these 70 A/Cs, 40 were planned for rural exchanges. The P.O. for A/Cs was issued on 22-4-99 and they were received on 30-6-99 but only 18 could be utilized, that too, not as per plan up to 31-3-2000. Thus the very purpose of purchase was defeated.

Moreover, the status of the exchanges for which the air conditioners were purchased and utilized also did not justify provisioning of air conditioners even as on 31-3-2000 and 31-3-2001.

3) 12 air conditioners were purchased for Tonk SSA vide PO No. Eng.67(1)/Area/Dev/98-99/11, dated 23-3-99 for Rs.4,07,720/- for installation at Deoli and Newai for SW & transmission room (6 Nos. each). These air conditioners were utilized as under :

Date of issue	No. of Acs	Place	Purpose
17-5-99	4	Deoli	Shifting of exchange
10-8-99	2	Banasthali	Replacement of unserviceable ACs
3-5-2000	2	Malpura	Replacement of unserviceable ACs
15-3-2001	2	CSC Newai	New CSC
7-4-2001	2	Tonk	NEAX Exch, replacement of u/s Acs

These air conditioners were utilized over a period of 2 years from the date of purchase that too at locations other than projected, thus defeating the very purpose for which it were purchased.

A requisition had already been placed by TDE Tonk to XEN(Electrical) vide his letter No. 114APP/96-97/4 dated 8-3-99 under intimation to GMTD Ajmer but a separate requisition was called on FAX from TDE Tonk on 22-3-99 at 18.46 hours and the same was processed & approved on the same day i.e. 22-3-99. ←

4) 20 air conditioners were purchased for Bundi SSA vide PO No. Eng.67(1)/Area/Dev/98-99 dated 23-4-99 for Rs.7,41,620/-. Out of these 20 air conditioners, 14 were proposed for installation at OFC stations planned for the year 1999-2000.

The status of exchanges and media as on 31-3-2000 and 31-3-2001 is given below:-

SN	Name of exch.	As on 31-3-2000		As on 31-3-2001	
		Exch.	Media	Exch	Media
1.	Pech ki baori	C1	C1	C2	OF8
2.	Badayana gaon	C2	C1	C2	OF8
3.	Barodiya	C1	C1	C2	C1

The purchase of air conditioners was beyond the purview of telecom units as per instructions contained in DoT letter No. 22-7/12/89-W(T)335 dated 19-3-90 reiterated vide DoT letter No. 15-14/98-W(T) dated 2-9-98. According to these instructions Electrical Wing of the department should have been asked for procuring & providing the air conditioners.

Purchase of digital pair gain systems

That during the aforesaid period and while functioning in the aforesaid office the said Shri A.K.Gupta purchased digital pair gain systems for use in Bundi and Tonk SSAs. The purchases were made from ITJ Manakpur. The details of the purchases are as under :

SN	SSA	No.	PO No.	Amount
1.	Tonk	20	Eng64/98-99/Allotof Stores dt.17-5-99	Rs.9,73,254.00
2.	Tonk	20	Eng 62/98-99/Area Stores dt.17-5-99	Rs.9,73,254.00
3.	Bundi	20	Eng 62/98-99 dt.16-4-99	Rs.9,73,254.00
4.	Bundi	20	Eng 62/98-99 dt. 24-5-99	Rs.9,73,254.00
Total				Rs. 38,93,016.00

On examination of the records relating to the above purchases, it was observed that the purchases were made without any justification. The purchases were also in violation of the instructions on the subject. As per instructions, digital pair gain systems fall within the category of decentralized items of stores for which purchase was to be made by Head of Circle. These powers have not been delegated to lower formations.

Thus by his aforesaid acts the said Shri A.K.Gupta, formerly General Manager Telecom District, Ajmer now General Manager Telecom District, Alwar failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of a government servant, thereby contravening the provisions of Rule 3(1)(i),(ii) & (iii) of CCS (Conduct) Rules 1964.

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10/2

Most Immediate

27

CONFIDENTIAL

CENTRAL VIGILANCE COMMISSION

Subject: Pre-registered SIR No.22/2001 against Shri A.K Gupta, the then GMTD, Aimer and others.

Ref: DOT's File No. 4-25/2001-VM-III, dated 22.10.2003.

The Commission, in agreement with Department of Telecommunications, advises initiation of minor penalty proceedings against S Shri R.L.Meena, SDE; Mishri Lal, Sr.AO, K.Chandra, SDE, D.L.Sogta, DE, S.K.Bidwai, Dy. GM, A.K.Gupta, GMTD, CAO and Smt Shikha Mathur, Director. Further, the Commission advises DoT to convey Government's Displeasure to Shri D.R.Sharma, CAO as in his case imposition of minor penalty is not feasible at his retiring stage on 31.10.2003.

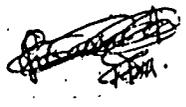
All the documents of the case received in the Commission are returned herewith in entirety.

Immediate
23/10/03


PURAN SINGH
Deputy Secretary

1032
30/10/03

~~D(VM)~~

~~~~

Be
24/10/03

Department of Telecom (Shri G.S. Grover, Sr. DDO, 12, NCT, Delhi)
CNC LD File No. 003 P&T 2003, dated

~~ADG(VM-III)~~

30 OCT 2003

Ms
20/10
MARI

5541
30.10.2003

Part 1 : Service and related Particulars

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1. Name of the charged officer and the service on which borne
2. (i) ^{Staff No} Whether temporary/permanent/contract service
- (ii) If confirmed date of confirmation
- (iii) Post if any in which quasi-permanent
3. Post held substantively, if in permanent service
 - a) Designation
 - b) Scale of Pay(Indicating stages, EB etc)
 - c) Pay drawn
 - d) Date from which pay shown against item (c) is drawn
 - e) Date of increment
4. Post held at present
 - a) Designation
 - b) Scale of Pay(Indicating stages, EB etc)
 - c) Pay drawn
 - d) Date from which pay shown against item (c) is drawn
 - e) Date of next increment
5. The next lower post (along with pay scale/grade, the officer would have held but for his appointment to the present post he is holding
6. Date of birth
7. Date of joining government service
8. Due date of retirement or actual date of retirement if already retired

Contd.....

7

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ANNEXURE - 4

89

Confidential/ Registered

From : A.K Gupta
GMTD
Alwar

To : DGM (Vigilance)
Rajasthan Telecom Circle
Jaipur

No. GMTD/ALW/ AKG/ Conf/2004/1

DT.21/01/2004

Sub : Minor Penalty proceedings against Sh. A.K. Gupta, GM
Ref. : No. Vig. 2-312/2003/Ch-II/5, Dt. 9/01/2004

In refrence to the above kindly arrange to supply the following documents

- 1 Ref:- Para 2) of the Memorandum :- Copy of DE(TPS) % CGMT JP No. RT/DES/OFC/BSNL/2003-04, Dt. 23-6-03 to Circle Vigilance Cell.
- 2 Ref:- Para 3) of the Memorandum:- Copy of letters and concerned note sheets in respect of para ... " A requisition had already been i.e. 22-3-99".
- 3 The Policy and initial OFC plan for the year 1999-2000of Rajasthan Telecom Circle, and material actually received in terms of route Kms / No. of stations
- 4 Initial OFC plan for the year 1999-2000of Ajmer, Tonk and Bundi SSAa material actually received in terms of route Kms and No.of Stations.
- 5 Copy of estimates sanctioned by Ajmer, Tonk and Bundi SSAs for installation of WA/c's through Elect. Wing during 1998-99 and 1999-2000.

These documents are required to enable me to submit my representation pl.


(A.K. Gupta)
GMTD, Alwar

Copy to Sh. S.D.Kaushik. ADG(VT), West Block -I, Wing-2, R.K.Puram, N.Delhi-66

Certified to be true copy


Advocate

From : A.K Gupta
GMTD
Alwar

To : Sh. S.D. Kaushik
Asstt. Director General (VT)
Department Of Telecommunication
Ministry of Communication & Information Technology
New Delhi-66

No. GMTD/ALW/ AKG/ Conf/2004/4

Dt. 11/02/04

(Through proper channel)

Sub : Minor Penalty proceedings against Sh. A.K.Gupta, GM
Ref. : No. 8-413/2003-Vig II Dt. 5-01-04

I am extremely shocked to receive the imputations of misconduct or misbehaviour on which action is proposed to be taken against me. I hereby deny the imputations of misconduct or misbehavior as stated in the above memo and submit the following in this regard for your kind consideration pl. :-

A. Purchase of Window Type Airconditioners for Ajmer SSA

For the implementation of any Telecom project, action is always initiated to complete the infrastructural works much before the main telecom equipment is received. As per plan, estimates are prepared/ sanctioned and action is initiated by the competent authority to procure the material/ equipment. As per provisions, cumulative material requirement is assessed and procured. But it is always not possible to implement the initial plan due to various reasons and the material is reallocated according to changed circumstances/ plan and bookings are also revised accordingly. It is true for all type of equipment, i.e., Switching, Radio, OFC, Battery, Power-Plants, Cables, etc.,

The DOT letter Dt 19/3/90 pertains only to the maintenance/ petty works. The WA/Cs though an electrical item, when installed in office, is charged to the head "Contingencies" under abstract of "Office Expenses" and when installed in switch room/transmission room forms part of "A&P" and expenditure is charged to under "A&P exchange". All the works falling under "A&P", "L&W", "Cables" etc are executed by Telecom wing and all the material requirements are also procured by Telecom wing in this regard. The materials to be procured are further classified as Centralized- to be procured at the level of DOT/BSNL H/Q, Decentralized, to be procured at Circle level. Window A/c's fall under "Other than decentralized items" and accordingly may be procured and installed at the SSA level.

Besides there is no specific order in my knowledge, which prohibits SSA head in procuring WA/c's for A&P on DG S&D rate contract, which are required

Certified to be true copy


Advocate

as per justification. This purchase was made under DG S&D for which full powers were available with the GMTD.

As has been explained above, WA/c's under A&P works were not covered by the DOT order Dtd 19.3.90 and many SSAs were procuring electrical items as per the exigencies of the Project. As there are no orders stating that the procurement of WA/c's are beyond the purview of Telecom units, SSAs and other wings of the DOT such as Projects/ Regions have been procuring window A/c's, the POs issued by some of the SSAs are placed as **Annex-I and II** for kind perusal. The WA/c's were being procured by Ajmer SSA in the past also and Internal check or Audit had never pointed it out as an irregularity.

Though instructions were issued vide DOT letter Dtd 19/3/90 to make over petty works and maintenance to Civil/ Electrical wing, but Electrical wing could not take over the works because of staff limitations etc (**Annex III A-1 & 2**) and SSAs had to continue to do the works in the interest of service. At Ajmer, Electrical wing was represented by a single AE only. The reason for doing Electrical works by SSAs have been due to inherent delay in the execution of works by Electrical wing. This point is further substantiated by the CO. letter issued by DGM(SWP) Dt.22-1-02 and 4-2-02 that SSAs may exercise their discretion with regard to procurement of Window A/cs. The letter is enclosed at **Annex-III B**

It has been the general experience that the cost of the small electrical works which doesn't require any specialization is much higher when got executed through Electrical wing, Moreover, many important projects get delayed on account of this, the issue of carrying out small electrical works, which can be easily carried out by SSAs at much lesser cost and in much lesser time, had been discussed at various meetings in Circle office and there had been general directions that smaller electrical works should be carried out by SSAs which included window Airconditioner works also. Reference may again kindly be made to **Annex-III-B** mentioned above in this regard. The cost of the work carried by SSA and by the Electrical wing can also be verified by comparing the estimates submitted by electrical wing **Annex-IV** (the cost for one WAC installation is Rs. 34,000/- approx.) and the cost incurred by SSAs for similar works comes out to be only Rs. 25,700/- approximately (cost of just one unit of WAC + Taxes + Rs.750/- installation charges, Annex-I and II may kindly be referred in this regard)

The switching and transmission plans are prepared in the beginning of the financial year as per the direction /guidelines of the CO and targets set by the CO. There were periodic directions from C.O. to keep all the infrastructure works ready for all the OFC schemes planned for the year 1999-2000 (**Annex V - A-1/5**). As is evident from DGM (SHP) C.O. letters no.TP 3-118/98-99/26, Dtd 29/7/98 and RT/OFC/Corres-SSA/99-2000/44, Dt 18.5.99 (**Annex-V-B 1 & 2**), aircondition- ing was required as part of the infrastructural works against planned OFC schemes. The requirement of WA/c's was worked out by the

planning cell for the infrastructural works for which the procurement was to be made in advance. The proposal was approved by the undersigned after the financial concurrence.

However, at this point of time it was not known that requirement of airconditioning was not mandatory for 8 MB OFC stations. The DOT letter Dtd. 31.3.97 was not available in the office, as it was not linked. However, the point regarding airconditioning of all OFC stations had been discussed in various meetings at Circle Office and directions were given that considering the climate of Rajasthan, air-conditioning would be a must for all the OFC systems. In this regard, letter No.TP-5-118/99-2000/30 Dated 17.1.2000 from GMD, C.O., may kindly be referred enclosed as Annex-VI, which supports this aspect. Due to this reason only, most of the 8 Mb OFC stations have been air-conditioned in most SSAs. The initial planning was also done keeping this fact into the mind. However, after the receipt of GMD's letter Dt 17/1/2000, enclosing the DOT letter Dtd. 31.3.97, 8MB stations were not provided with window A/c's and subsequently were redeployed resulting in delayed utilization but avoiding the non-effective utilization. Other SSAs went ahead and provided A/Cs at all the planned stations though provision of the OFC could be done much later. There are SSAs for example Udaipur and Alwar where it doesn't justify the use of WA/c's at many stations even on date, which in fact were installed during 99-2000, 2000-2001 (Annex-VII). By redeploying the WA/c's only at justified places, lots of recurring expenditures in terms of energy consumption, maintenance cost etc was, in fact, avoided.

DOT reduced the overall allotment of OFC cable and other accessories for Rajasthan Circle against what was initially planned. This resulted into reduced allotment to all SSAs and many of the routes/ schemes, which were targeted to be completed during 99-2000, couldn't be completed in that year. In fact the allotment of only 93 km of 6F and 6 km 12F, covering only 17 OFC stations was made to Ajmer SSA by CO, letter of DGM SBP enclosed at Annex-VIII, against initial planning which was done for 26 OFC stations. Installation of WA/c's were also delayed/ diverted accordingly as per the revised plan/ requirements. Such a situation couldn't have been foreseen in the beginning of the financial year.

The WA/Cs were finally utilized at only justified places, which can be seen from the utilization sheet placed at Annex-IX. Further, the dates shown in memorandum for utilization of no. of A/Cs at different locations/ exchanges is actually the date of issue of A/Cs from the store and media and capacity shown in the memorandum is actually the status of that location/exchange on the date of issue. Therefore, A/Cs issued on a particular date for a particular station may not justify the media or exchange capacity on that date. These A/Cs are part of infrastructural and environmental works which are required to be executed in advance and are to be kept ready at the time of actual commissioning of the switching and transmission equipment.

Purchase approval for Tonk and Bundi SSAs :-

While undersigned was working as GMTD Ajmer, three other SSAs, i.e.; Tonk, Bundi and Sawaimadhopur were also reporting to undersigned for administrative purpose. These SSAs were independently doing their planning and execution activities and were sending cases beyond their financial powers to GMTD Ajmer for approval. As no separate staff was given for area-working, one SDE was given additional responsibility to deal with the area-cases. Though administrative interface could be maintained, it was not possible to keep track of all the actions/activities of the three SSA heads who were fully responsible for the day-to-day activities in their respective SSAs.

Due to similar reasons of keeping the infrastructure ready for the development works, as has been explained above, approval was given under the financial competence of GMTD Ajmer, for procurement of WA/c's for Tonk and Bundi SSAs also, as per the requirement received from them for their developmental works. The same couldn't be utilized due to reasons cited above as can be verified from the reply given by the subsequent SSA heads to the Audit etc enclosed as Annex-X and XI.

B. Purchase of 0+8 Digital Pair Gain System

0+8 DPGs were purchased for exchanges having long waiting lists and were technically non-feasible for long time due to which no NTCs were being released. The DPGs are used to make the area feasible for a short time by using single pair to provide more number of connections. When the regular cable laying work is completed these are recovered and reutilised in other parts which are non-feasible.

The Tonk and Bundi SSAs had examined and justified the requirement and sent the requisition. Accordingly, procurement action was initiated.

0+8 DPG systems are not covered under the category of decentralised items of store as may be seen from Annex-XII. Approval for the procurement was given under financial powers of GMTD for purchase of stores from PSUs at Rs 10 lakh on each occasion, letter enclosed as Annex- XIII.

I may further add in the end that I belong to 1974 batch of ITS Group "A" services and have now put in close to 26 years of service. During my long career, the interest of the Department has always been uppermost in my mind. My hard work has always been recognized by the Deptt. and I have been given responsible positions to discharge my duties. I have twice been deputed for foreign training also and I was part of the group which was instrumental in introducing the digital

electronic switching for the first time in India by way of E-10B switching systems.

It is, therefore, submitted again that during my stint as GMTD, Ajmer also, all the actions taken by undersigned were in the interest of service, for expediting the development works of the Department, within the delegated financial powers, observing all departmental procedures, keeping departmental interest uppermost in the mind and without any malafide intentions. It is, therefore, requested to kindly withdraw the imputations of misconduct/misbehaviour against me in view of the fully justified and prevailing circumstances enumerated above.

Thanking you.

Yours Sincerely



(A.K. Gupta)
GMTD, Alwar

ORDER OF THE DIRECTOR GENERAL OF SUPPLIES AND DISPOSALS RATE OF RUNNING CONTRACT

(The Director General of Supplies and Disposals is not authorised to arrange for the purchase of stores for private Parties or for private use of Govt. Officer)

Office of the: General Manager Telecom Distt.
Station: Udaipur (Raj) - 313 001

Supply Order No. S-3/CG. H/DS&D/97-98/17 Dated 26.02.98 against DGS&D Rate Contract No. ME-3/RC-4131/AC/96-97/03/VIDEOCON/COAB/967 dated 28-2-97 valid upto 27-2-98.

(Period of Rate/Running Contract till 27.2.98)

This order which is intended for the supply of the stores detailed in the schedule below, in accordance with the terms and conditions of the Director General of Supplies and Disposals Rate/Running contract mentioned above and in the manner specified herein shall operate to create a specific contract between the contractor (with whom the contract referred to and the requisition are placed) of the one part and the President of India (Govt) of the other part.

Destination of Indenting Officer: General Manager Telecom District Udaipur. To be filled in when requisitions and indent for the same are different.

Item No. of Indent	Item No. of Contract	Description of goods	No. or Qty. in the same unit as in the contract	Unit	Rate per Unit	Total cost
					Rs. P.	Rs. P.
1		Window type Air Conditioner conforming to IS:1391(Part-1)/92 as per technical details and suitable for operating on 230 volt \pm 10% 50 Hz. single phase AC supply capable of cooling, dehumidifying air circulation, ventilation and filtering in the sizes of normal cooling capacity.	10		18470/-	184700/-

Excise Duty @ 30% Extra Rs. 56220/-
Sales Tax @ 4% Extra Rs. 7386/-
Installation Charges Extra @ Rs. 750/- each Rs. 7500/-
FOR Destination
TOTAL Rs. 255808/- (Rs. Two Lakh Fifty five Thousand Eight Hundred and Eight) Only.

Date of Delivery: As per Tender (It is requested to supply immediately)
Authority Holding Sealed Particulars: DG S&D New Delhi.
Destination and address of: Director of Inspection DG S&D

Inspecting authority: A) Director of Quality Assurance (Director of Inspection),
Aaykar Bhavan Annex
New Marine Lines Bombay-400020

June Singh
Atty
[Signature]
उप महा प्रबन्धक (प्र. एवं बा.)
Dy. General Manager (A&R)
कार्या. महा प्रबन्धक दूर संचार जि. उदयपुर
O/o G.M.T.D., Udaipur

:2:

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76

B) The Sr. Quality Assurance Officer (V)
Quality Assurance Estt.
Vikhroli, Bombay

Designation and full address
of the Consignee

: As given below

Divisional Engineer Phones(E)
C/O. Incharge
Telephone Exchange Building
SUKHER Distt. UDAIPUR-313 001

Railway Station to which goods are to be consigned : Goods to be despatched by Road transport

To be despatched by Road transport duly insured FOR destination.

Designation of the Accounts Officer : Accounts Officer, O/o GMTD Udaipur of the consignee.

Head of Account to which the cost is debitable. : 5225 BB(2)(1) Capital Exchange, A&F.

→ A.G. NAIK 6/4/98
(A.G. NAIK)

Divisional Engineer (Fig-1)
O/o General Manager मंडल प्रबन्धक (प्र. एवं सा.) Udaipur

(1) Videocon Appliances Limited.
15 th km Stone, Aurangabad-Faithan Road
Chitgaon.
AURANGABAD-431 005 (Maharashtra)

Divisional Engineer (Fig-1)
कार्या. महा प्रबन्धक दूर संचार जि. उदयपुर
O/o G.M.T.D. Udaipur

Copy forwarded for information to the :

1. Indenting Officer, G.M Telecom Distt. Udaipur.
2. Consignee : D.E.Phones (External) C/O I/C Tele.Exge Bldg SUKHER
3. A.O. O/o GMTD Udaipur
4. Inspecting Officer (2 Copies) Director of Inspection, Baykar Bhawan, New Marine Lines, Bombay-400 020
5. Dy. Controller of Accounts, Deptt. of Supply, Bombay/New Delhi
6. Controller Controllerate of Quality Assurance (Air Conditioners), Ahmednagar - 414 001 (Maharashtra)
7. Videocon Appliances Ltd, D-148-AII BANI-PARK, Jaipur-302 001

Jee Gmy
Att/2

मंडल प्रबन्धक
उप महा प्रबन्धक (प्र. एवं सा.)
Dy. General Manager (A&R)
कार्या. महा प्रबन्धक दूर संचार जि. उदयपुर
O/o G.M.T.D., Udaipur

THE CENTRAL SALES TAX
(REGISTRATION AND TURNOVER) RULES 1957

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9A

FORM : D

FORM OF CERTIFICATE FOR MAKING GOVERNMENT PURCHASE
SEE RULE 12 (1)

To be used when making purchase by Government not being a registered dealer.

Name of Government : Central Government
Name of issuing Ministry : Ministry of Communication
Name & address of the office of issue : General Manager Telecom Distt.
49, Panchwati
Udaipur-313 001

To.

M/s Videocon Appliances Ltd.
15th km. Stone, Aurangabad-Paithan Road.
Chitgaon,
Aurangabad-431 005 (Maharashtra)

Certified that the goods ordered in our purchase Order No. S-
9/ChII/DGS&D/97-98/17 Dtd. 26-02-98

Cash Memo stated below :

Supplied under your challan No.

and are purchased by us are on behalf of the
Government of the India.

Date : 26-02-98

26/2/98
Divisional Engineer (Plg-I)
O/o General Manager Telecom Distt.
Udaipur-313 001
मण्डल अभियंता (प्लग-1)
Divisional Engineer (Plg.)
कार्या. महा प्रबन्धक दूर संचार जिला, उदयपुर
O/o G.M.T D. Udaipur

Seal of the duly authorised
Officer of the Government.

Particulars of bill/cash memo.

*True copy
Attended*

[Signature]
उप महा प्रबन्धक (प्र. एवं ग्रा.)
Dy. General Manager (A&R)
कार्या. महा प्रबन्धक दूर संचार जि. उदयपुर
O/o G.M.T.D., Udaipur

66 28
Department of Telecommunications
Office of the GMTD Udaipur-313 001

7-9/Ch. 11/DGS&D/97-98/18 Dated 09-03-98

Sub:- Supply of window type A/c on Rate Contract.

Ref:- This office Purchase order of even number dated 26-02-98.

Following amendments may kindly be incorporated in the said purchase order regarding Excise Duty, Sales Tax and Freight charges.

Please read the above clause as follows :

"Excise Duty, Sales Tax and Freight charges will be as applicable."

(A.G. Naik)

D.E. Planning-1,
Office of the GMTD (वीडन) Udaipur-313 001
Divisional Engineer (Plg.)

Copy to:-

कार्या. महा प्रबन्धक दूर संचार विभा, उदयपुर
O/o G.M.T.D. Udaipur

- (1) Videocon Appliances Limited.
15 th km Stone, Aurangabad-Paithan Road
Chitgaon,
AURANGABAD-431 005 (Maharashtra)

Copy forwarded for information to the :

1. Indenting Officer, G.M Telecom Distt. Udaipur.
2. Consignee : D.E. Phones (External) C/O I/C Tele. Exge Bldg. SUKHER
3. A.O. O/o GMTD Udaipur.
4. Inspecting Officer (2 Copies) Director of Inspection, Aaykar Bhawan New Marine Lines Bombay-400 020
5. Dy. Controller of Accounts, Deptt. of Supply, Bombay/New Delhi
6. Controller Directorate of Quality Assurance (Air Conditioners), Ahmednagar - 414 001 (Maharashtra)
7. Videocon Appliances Ltd, D-148-AII BANI-PARK Jaipur-302 001

True Copy

ATD

[Signature]

उप महा प्रबन्धक (प्र. एवं ग्रा.)
Dy. General Manager (A&R)
कार्या. महा प्रबन्धक दूर संचार वि. उदयपुर
O/o G.M.T.D., Udaipur

67

ANNEX-II

99

BHARAT SANCHAR NIGAM LIMITED
 NORTHERN TELECOM PROJECT CIRCLE
 Office of Dy. General Manager, Telecom Project, BSNL,
 6, Patel Nagar Colony, Nadesar
 Varanasi Cantt.-221002

ORDER FORM

For

Stores to be purchased on Approved Suppliers of DGS&D on Rate Contract
 M/s. Daikin Shriram Airconditioning Pvt.Ltd.
 12th Floor, Surya Kiran Building, 13- K.G.Marg,
 New Delhi-110001.

Order No. 234-2/DGMTP-VS/Electrical Items/IV/03-04/17 dated at Varanasi,
 03.06.2003.

Subject : Supply of Air Conditioner against DGS&D, New Delhi rate Contract
 No. ME-3/RC-14080205/92002/D-875/1149 dated 09.10.2002.

- 1) Please refer to above DGS&D, New Delhi Rate Contract No. --
 As above-- dated 09.10.2002 for supply of Air Conditioner as under to the
 consignee shown in the dispatch instructions, as per the Terms & Conditions
 and Rules given in above referred Rate Contract of DGS&D, New Delhi.

Sl. No	Item	Qty	Unit	Rate/Unit/ Mtr./MT /No (in Rs.)	Total Value (in Rs.)	Inspection Charges @ 0.5% (half percent of total Value of material	Grand Total (including inspection charges)
1	Window mounted type Room Air Conditioners confirming to IS: 1391 (Part-I) 1992 with Amdt.No.1 &2 and as per specs. of above DGS&D R/C, 1.5 Ton capacity, 4500K Cal/Hr. Store Code 14080205102.	02	No. E/D@ 32% plus S/T extra as applicable	16,950/-	--	@ 0.5 %	--

- 2) The store shall be inspected by Director, Quality Assurance, DGS&D, before despatch. For this purpose. An amount of 0.5% (half percent) of the total value of stores will be deposited by the Supplier to the DGS&D as inspection Fee and this fee will be reimbursed to the Supplier by the Paying Authority of BSNL on production of dispatch documents supported by Quality Assurance Certificate issued by the inspection Wing of DGS&D. The despatch of goods / materials will be as per despatch instructions given below.

Page 1/2

Accounts officer
 o/o Director Telecom (P)
 Varanasi

23/9/2024

Phocopy
 Akshay
 h/s

DESPATCH INSTRUCTIONS

Sl. No.	Address of the Consignee	Brief Description of Material	Rate-Contract No.	Quantity of Goods/ Materials	F.O.R. Destination Station
1	SDE (MM) O/o DE (TP), Sukhnath Kunj, Nahar Road, Daud pur, Gorakhpur	Air Conditioner as per specs. of Rate Contract.	As given above	02 No.	Gorakhpur

- 3) The 100% Bill in triplicate should be submitted directly to the consignee for prompt payment within a week, alongwith a copy of the Rate Contract duly certified by the proprietor / Managing Director of the firm or his authorized signatory to be correct and complete with amendment letters issued by DGS&D from time to time.
- 4) Sale Tax : As applicable
- 5) Exise Duty : As applicable.
- 6) Delivery Period : The supplies may be completed within 30 days.
- 7) Inspecting Authority & Officer : ADG (Quality Assurance), New Delhi and Director Quality Assurance, DGS&D, in the area concerned or his authorized representative.
- 8) Paying Authority : Accounts Officer O/o Dy.G.M. (TP), Varanasi.
- 9) All the terms and conditions of the above referred Rate Contract must be complied with strictly.

You are requested to send the progress of supply within 7 days and its progress every fortnight till the supply is completed.

Please acknowledge the receipt of this Order.

Yours Faithfully,

2/6/2003

Divisional Engineer (AHQ)

Bharat Sanchar Nigam Ltd.

6, Patel Nagar Colony, Nadesar

VARANASI - 221002

Copy for favour of information to the :

- 1) General Manager Telecom Project, Lucknow
- 2) Director (QA), DGS&D, J. T. Bldg, 5, Parliament Street, New Delhi.
- 3) Cosinee : SDE (MM), O/o DETP, Gorakhpur.
- 4) Accounts Officer O/o Dy.G.M.(TP), Varanasi

*Photocopy
A/12/64
A/12/64*

22/9/64
Accounts office Page 2/2
o/o Director Telecom (P)
Varanasi

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER
RAJASTHAN TELECOMMUNICATIONS CIRCLE

UDAIPOUR
TELECOMMUNICATIONS
JAIPUR-302008

To: The GMTD, Ajmer/Jodhpur/Kota/SUR/UDP.
The TDM Engineer.

No:- OPS-43/99-2000/2 Dated at Jaipur the 07-03-2000.
Sub:- Expenditure on maintenance of electro mechanical services
in telecom exchanges.

1. Enclosed kindly find here with the Sr. DDO (Electrical) TCMO NO letter number 5-1-92/EW/99 Dated 14-02-2000 regarding expenditure on maintenance of electro mechanical services in telecom exchanges.

2. A case for fixation of norms for providing fund. for maintenance of electro mechanical services in telecom building is under examination as at number of places the maintenance is carried out by the telecom units.

3. You are kindly requested to submit the information of your SSA in the prescribed proforma of enclosed letter latest by 15-03-2000 for onward transmission to TCMO NO Divison.

Encl... A/A

Rajesh K. Agarwal
(RAJESH K. AGARWAL)
AGM(OP)

श्री. D. K. Agarwal
Archival Copy to Electrical wing
J.E. (Central)

Index No. B-1/RLG/III/102 dt. 13-4-2000
copy for inf n r/o to:-
14

- ① The D.E. Internal, Udaipur
- ② The D.E. Rural, Udaipur
- ③ The XEN, Telecom. Elect. En. off. B.N. College, Udaipur

W-7/10/00-01 dt. 20.04.00

copy to -
ACR SDOS for inf & n/a

प्र. ए. एवं बा.
Sub Divisional Engineer (P & T)
कार्या. महा प्रबन्धक दूर संचार जिला-उदयपुर
O/o G.M.T.D., Udaipur

True copy attached

DEPARTMENT

True copy Attached

उपमण्डल अभियन्ता (एम.एम.)
Sub. Divisional Engineer (M.M.)
कार्या. महा प्रबन्धक दूर संचार जिला-उदयपुर
O/O GMTD, Udaipur

प्र. ए. एवं बा.
Dy. General Manager (A&R)
कार्या. महा प्रबन्धक दूर संचार जि. उदयपुर
O/o G.M.T.D., Udaipur

70
102

हिन्दी का मातृ : राष्ट्र का सम्मान

संचार विभाग
दूरसंचार विभाग
संचार भवन, 20 अशोक रोड,
नई दिल्ली - 110009
Government of India
Department of Telecommunications
Sanchar Bhawan, 20, Ashok Road,
New Delhi - 110001

No.5-1-42(E.W/99)
February 14, 2000

25 FEB 2000

All Chief General Managers,
Deptt. of Telecom.

Subject: Expenditure on maintenance of Electro Mechanical Services
In Telecom exchanges.

A case for fixation of norms for providing funds for maintenance of Electro Mechanical Services in Telecom buildings is under examination. For finalisation of the norms, Finance desired to know expenditure carried out by the Telecom units on the maintenance of Electro Mechanical Services as at number of places the maintenance is carried out by the Telecom units.

In light of above, information on the following lines may kindly be provided for 4 or 5 sample telephone exchange buildings. Sample may contain small as well as big TE buildings.

AIR CONDITIONING

- (i) Size of A.C. plant;
- (ii) Maintenance Expenditure (for one year)
 - A. In case departmental maintenance :
 - Amount spent on
 - (i) salaries of Mtce. & Operation staff - Rs. ___
 - (ii) Materials --Rs. ___
 - B. In case comprehensive maintenance thru' agency :
 - (i) Total Expenditure -- Rs. ___
 - (ii) Any other relevant, point like departmental su refrigerant / material etc. with cost on this account -- Rs. ___

2. ENGINE

- (i) Capacity of the Engine;
- (ii) Maintenance Expenditure (for one year)
 - A. In case departmental maintenance :
 - Amount spent on
 - (i) salaries of Mtce. & Operation staff, -- Rs. ___
 - (ii) Materials -- Rs. ___

Handwritten notes on the left margin:
DGM/CP
PF send
letter to S.S.A. (selected)
begin elasta
by 15-3-2000
SPE (OP)
Action on above
G.M.(E)
D.F.H.
C.H.C.(R)

Handwritten circled numbers:
556
554

Discussed
G.M/O may
see for
OP cell or
taking fee

True copy
Attached

Dy. General Manager (A&R)
कार्या. महा प्रबन्धक दूर संचार जि. उदयपुर
O/o G.M.T.D., Udalpur

CO

- B. In case comprehensive maintenance thru' agency :
 - (i) Total Expenditure -- Rs. _____
 - (ii) Any other relevant point like supply of diesel/ materials etc. with cost on this account -- Rs. _____

3. E.I. & FANS, SUB STATION, COMPOUND LIGHTING, PUMPS ETC.

- (a) No. of floors;
- (b) Total Floor area of the building
- (c) Maintenance Expenditure
 - A. In case departmental maintenance :
 - Amount spent on
 - (i) salaries of Mtce. & Operation staff -- Rs. _____
 - (ii) Materials -- Rs. _____
 - B. In case comprehensive maintenance thru' agency :
 - (i) Total Expenditure -- Rs. _____
 - (ii) Any other relevant point and cost on this account -- Rs. _____

4. FIRE DETECTION AND FIRE FIGHTING

- (A) Number of detectors;
- (B) Maintenance Expenditure
 - a. In case departmental maintenance :
 - Amount spent on
 - (i) salaries of Mtce. & Operation staff -- Rs. _____
 - (ii) Materials -- Rs. _____
 - b. In case comprehensive maintenance thru' agency :
 - (i) Total Expenditure -- Rs. _____
 - (ii) Any other relevant point and cost on This account -- Rs. _____

It is requested that this information may please be provided by the end of March 2000 so that the case can be finalised early.

S N Bhatnagar
 (S N BHATNAGAR)
 Sr. DDG (Electrical)

Copy to all Chief Engineers (Elect.), DOT

Inve copy

Attested

M. S. D. S.
 Sr. Asst. Manager (A&R)
 G.M.T.D., Udaipur

(19)

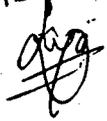
73

105

FORMAT FOR JOINT TEST REPORT

(TO BE CARRIED OUT IN THE LAST WEEK OF EACH MONTH)

NAME OF BUILDING :

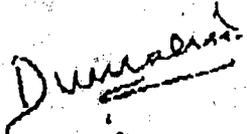
SR. NO	NAME OF INSTALLATION	STATUS SATISFACTORY/UNSATISFACTORY	REMARKS
1. 2. 3. 4. 5. 6. 7.	III & IVS COMPOUND LIGHTING PUMPS EA SITS SUB STATION AC PLANT FIRE DETECTION	<p>Contents attested</p> 	

REPRESENTATIVE OF SSA REPRESENTATIVE OF ELECTRICAL WING CONTRACTOR

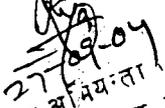
Ends No:- BE-1 / Elect:- (Genl) / 2000-01 / Ajmer St- 18-06-2001

Copy to:- Following for information & m/c to:-

- (i) D.E.T. Beawar / DE (Rural) / DE City I/II, Ajmer
- (ii) S.D.E. Tek Exch HC M.J.K. / Beawar / KH2 / B.J.M. / N.S.D.
- (iii) S.D.O.T. Ajmer
- (iv) S.D.E. (Genl) Exch. M.J.K. / Beawar / KH1 / B.J.M. / N.S.D.
- (v) D.E. (Rural) Ajmer.
- (vi) S.D.E. Power Plant Ajmer.
- (vii) S.D.E. (Genl) H.O. G.M.O. Ajmer.
- (viii) D.E. (Admin) H.O. G.M.O. Ajmer.


 Sub Div. Engineer (Planning-II)
 BHARAT SINGH
 Bhoret Bancher
 O/o Genl. Manager Telecom Dept.

Contents attested.


 27/6/01
 उप मण्डल अभियंता (राजता)
 कार्यालय महाराजगढ़क हनु सचर जिला
 झलवर-301 001.

ALL RIGHTS RESERVED

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ANNEX-III

108

BHARAT SANCHAR NIGAM LIMITED
Office of the Chief General Manager Telecom, Rajasthan Telecom Circle
(Development Wing)
1st Floor, Telephone Exchange Building, Bajaj Nagar, Jaipur - 302 015

No: Bdt/01/01-02/28

Date: 22.1.2002

To
The SuperIntending Engineer(Electrical)
C-137, Dayanand Marg,
Tilak Nagar, Jaipur.

Sub : Procurement and Installation of Window ACs.

In review meetings with field units it is repeatedly point out by SSA Heads that timely commissioning of exchanges are delayed due to delay in installation of window air conditioners in switch rooms by Electrical Wing. The issue has been examined and it is felt that procurement and installation of window ACs can be got executed at SSA level to avoid delay in commissioning of switches/ exchanges.

In view of above it is now decided that instead of Electrical Wing, SSA Heads themselves may get this work executed at their level after observing all usual formalities.

This issues with the approval of CGMT.

Avinash
(Avinash Agarwal)
Dy. General Manager(SWP)

Copy to:

1. All SSA Heads in Rajasthan Telecom Circle - for Information and n/a please.
2. The Chief Engineer(Electrical), New Delhi.
3. Area GM (South) Udalpur/GM(West)Jodhpur.
4. General Manager (Operations)/General Manager(Finance) Circle Office, Jaipur.
5. Guard File.

Photo copy attested.

[Signature]
उप निदेशक (सा. विभा.)
कार्यालय, राजस्थान टेलीकॉम सर्किल
बाजज नगर, जयपुर.

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ANNEX-VI

601

BHARAT SANCHAR NIGAM LIMITED
 (A GOVT. OF INDIA ENTERPRISE)
 % THE GENERAL MANAGER TELECOM DISTRICT,
 "SANCHAR BHAWAN" MOTI DUNGRI ALWAR-301001

Memo No. 10111/Elctrc/S.D.U./7
 Dated At Alwar - 12-9-2002

Administrative approval of the G.M.T.D Alwar is hereby conveyed

for making expenditure of Rs. 228019..... (In word) *Two lacs Twenty eight thousand*
Nineteen only..... to the Asstt. Engineer /Civil on account of the
 work *S.I.T.C. P-5 TR Window Type A e Units in 1K RSU Edge*
S.D.U. Telecom Colony Alwar

subject to that as soon as work is completed, the site will be handed over to
 the S.D.E./SDO/DE of the area under intimation to the D.E (Plg) Alwar.

This expenditure is debitable to the Head of *140310*.....

S.D.U.
 Sub Divisional Engineer(Plg),
 % G.M.T.D Alwar-301001

Copy forwarded for information to & necessary action to:-

1. The Asstt. Engineer Electrical/Civil Alwar
2. The DE/SDE/SDO *Phan...* He will supervise the work & take over
 the charge of site after completion of the work & report to the D.E (Plg) %
 G.M.T.D. Alwar.
- 3 The Accounts Officer % GMTD Alwar.

Photo copy attested

[Signature]
 उप मण्डल अधिकारी (राजना)
 कार्यालय: महाप्रबन्धक दूर संचार जिला
 बालघर-301001.

**ANNEXURE-II
PRELIMINARY ESTIMATE**

76

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Work S.I.T.C. of 1.5 TR window type A.C. Units in 1 KRSU Exchange
SWB TELECOM COLONY ALWAR.

S.No.	Description of Items	Qty	Rate	Unit	Amount	Remarks
1.00	a) Supplying of 1.5 TR window type A.C. units conforming to IS specification of 1.5 TR Capacity(4500 K.Cal/hrs.) window type A.C. units suitable for operation on 230 volts +/- 10%, 50 HZ, Single phase AC supply capable of performing function of cooling, air circulation, dehumidifying etc. /c all accessories as reqd.	6.00	Nds	17000.00	Each	102000.00
	b) Installation, Testing, Commissioning of 1.5 TR window type A.C. units complete as reqd.	6.00	Job	3000.00	Job	18000.00
	c) P/F controlling devices, wiring in steel conduit with copper wire and compressor guard ectc. complete as reqd.	6.00	Job	5000.00	Job	30000.00
					Total	150000.00

ASSISTANT ENGINEER (P&D)
BSNL TED JAIPUR

HEAD OF ACCOUNT 140310
A.O.
BSNL, TED, JAIPUR

E. Duty @ 30%	30600.00
TOTAL Rs.	180600.00
S.TAX @ 15% on cost of AC and E.D.	19890.00
TOTAL Rs.	200490.00
Add 0.5% inspection charge for A.C. units	762.45
Total	201252.45
Add 3% contingency	6037.57
TOTAL Rs.	207290.02
Add 10% Over heads	20729.00
G.Total Rs.	228019.03
Says Rs.	228019.00

This preliminary estimate approved for Rs. 228019.00

EXECUTIVE ENGINEER
BSNL TELECOM ELECTRICAL DIVISION
JAIPUR.

Technically Checked
SDE (PIG)
O/o G.M.T.D. ALWAR

B 2,28,019/-
(Rs Two lac Twenty eight thousand nineteen and)

उप महा प्रबंधक
कार्या. महा प्रबंधक दूर संचार विभाग
बलवर - 301001

Photo copy attested

उप महल अभियंता (योजना)
कार्या. महा प्रबंधक दूर संचार जिला
बलवर-301001.

Handwritten calculations and notes:
187304
73190
286579
1538427
38000
228019
6
2,28,019
287211
59
53

77
7311

59 AMTET I A
St. No. 26 AUG 1998
G.M. T.D. ALWAR
109

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF G.M. TELECOMMUNICATIONS,
RAJASTHAN TELECOMMUNICATIONS CIRCLE, JAIPUR - 302008

General Manager (D)

Tel: 0141-365822
Fax: 0141-365550

80/98-99/D.F.C./92

Dated: August 20, 1998.

All SSA leads in Circle.
Area GMs Jodhpur/ Udaipur.

Subject: Readiness of infrastructure at enroute stations:

A large number of stations which are enroute on the or planned OFC routes in various SSAs can be provided reliable media connectivity quickly as soon as OLTEs are available. It is necessary to ensure that at these stations basic infrastructures like PPs (25 Amps or more) with matching battery Engine Alternators etc. duly ATed, suitable building for location of OLTE rack (about 9 ft.) etc. are made available ready. Also coordination and liason may be kept with Engineering and Maintenance wings for guidance/ discussions/ technicality etc.

Sufficient number of 8 Mb and 34 Mb optimuxes have already been ordered and are likely to be received in due course.

A list of such stations as available in this office is enclosed. Needful may kindly be done and names of all those stations where infrastructure has been made ready may be progressively sent to this office so that optimuxes can be allotted for installation at these places.

a/a.

(Signature)
(Anurag Agrawal)
General Manager (D).

- The Director Telecom (Maintenance), Jaipur.
- The Director Telecom (Projects), Jaipur/ Jodhpur.
- The G.M.T.D, Alwar

BR-186/10/57 Dated 23/8/98
Information circd N/S-6/-
External Alwar/ De Ruzal Ishairdial

Photo copy attested

एच मण्डल अभियन्ता (योजना)
कार्यालय: महा प्रबन्धक दूर संचार विभाग
अलवर-301001

27/09/04
एच मण्डल अभियन्ता (योजना)
कार्यालय: महा प्रबन्धक दूर संचार विभाग
अलवर-301001

STATIONS FALLING ENROUTE ON EXISTING & ONGOING OFC SCH.

STATIONS

Sardhana, Mangal iyawa, Kharwa, Jawaia, Sarmalia, Tharwa, Kakri,
 Sarwar, Juniya, Srinagar.
 Malakhera, Rajgarh, Kathumar, Kherli, Bahala, Nowgaon, Govindgarh,
 Bhatol, Lohariya, Sabla, Aspur.
 Nagar, Deeg, Kumher, Bari, Sarmathura, Daseri, Jaluki, Sikri, Kaman,
 Bahari, Jurahena.
 Chhatargarh, Nokha, Deshnok.
 Mandal, Banera.
 Sangrar, Chhoti, Sadri.
 Chhapar, Bidasar, Parihara, Lohahalt, Gogasar, Ratan nagar,
 Sujangarh, Sardar Shahar,
 Aklera, Asnawar.
 Govindgarh, Itwabhopaji, Mandawari, Lalsot, Lawan, Toonga, Banskho
 Jatwara, Bhandarej, Sikandran, Baswa, Phngi, Chitora-Renwal.
 Parasrampura, Jejusar, Mukandgarh, Guda Gorjika, Udaipur Wati,
 Chirana, Jakhai, Barwasi.
 Banar.
 Morak, Chhechat, Khatoly, Mangrol, Itawa, Kishanganj, Bhanwargarh,
 Kelwara, Sarmania, Shahbad.
 Roll, Jayal, Ladhun, Ren, Kuchera, Marwar Mundwa, Merta Road,
 Gotan, Padu Kallan, RiyanBari, Daulatpura, Maulasar, Manglaha,
 Degana, Kuchaman Road.
 Gundoj, Guda Endla, Jadan, Chandawal, nagar, Pipaliyan Kalan,
 Raipur Marwar, Bar, NimbaJ, Sendra, Nadol, Narlai, Desuri,
 Ghanerao, Sadri, Mundara, Marwar Junction.
 Pipalai, Bamanwas, Bhadoti, Soorwal, Ajnoti, Behrandakhurd,
 Khandar, Bonli, Toda Bhim, Malarna Chaur, Malarna Doongar.
 Rasidpura, Ghagu ka Bas, Roll Ghabsar, Daulatpura, Beri, Kudan.
 Melawala, Mahlanwali, Ganeshgarh, 10-2, Mirzowala, K. Singhpur,
 Pusewala, 3-0, Srikananpur, 15-FF, Sameja Kottli, 33-BB, Gharsana,
 Rawla Mandi, Banwali, Nagrana, Thalka, Pillibanga, Dabli.
 Palri, Naya Senwasa, Nadia, Pindwara, J. K. Puram, Swaroopganj,
 Bharja, Kiwarli, Maval, Velangiri, Sirodi, Anadra, Reodar, Mandar,
 Mount Abu, Bishangarh, Mandawala, Ummedabad, sayla, Siyana,
 Revtra, Bakra Road.
 Kakor, Uniara, Aligarh, Banetha, Malpura.
 Kelwa, Mavli, Lambori, Charbhujaji, mungana, Parsola, Khunta,
 Dhariabad, Salumber.

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Photo copy attested

27/09-04
 उप मण्डल अभियन्ता (संभल),
 कार्यो. महाप्रबन्धक इ. स. र. वि.
 अलवर-301 001

79 ANNEXIA-2

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF G.M. TELECOMMUNICATIONS,
RAJASTHAN TELECOMMUNICATIONS CIRCLE, JAIPUR - 302000.

Amrta Agrawal
Area Manager (D)

Tel: 0141-365822
Fax: 0141-365550

TELETYPE NO. 3-160/98-99/OFC

Dated: October 22, 1998.

All SSA Heads in Circle
Area GM Jodhpur/ Udaipur.

Kindly refer to our earlier letters of even no. dated 16.6.98, 20.7.98 and 20.8.98 regarding OFC works to provide reliable media connectivity to various exchanges in all the SSAs.

During last year, a transmission plan to provide reliable media connectivity to all exchanges in all SSAs was prepared by SSAs and Circle Office team jointly. This plan is enclosed for your reference.

It is likely that in some cases the situation might have changed and some modifications in the plan may have now become necessary. Nevertheless, this plan can generally be taken as a reference plan over which each SSA may carry out modifications if required.

The matter has been reviewed by CGM and it is felt that since the time available to provide reliable media connectivity to all exchanges within the target date set by DOT (year 2002) is very short, it is necessary that all SSAs take immediate action to carry out survey and prepare survey reports, float tenders and prepare infrastructure work like pipe laying etc. so that as and when cable and equipments are made available, no further time is lost in implementing the transmission plan.

We have already taken up with TCHO to issue authorisation for procurement of HDPE pipe.

✓ DGM

Phot copy, attested

27/10/98
उप मण्डल अभियन्ता (योजना),
भा.या. महाप्रबन्धक इ.संवार वि.सं.
जयपुर-301 001.

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Close coordination with Project and Maintenance wings is necessary to ensure that neither there is any duplication of work nor there are any subsequent problems regarding built up of circuits, installation of equipments, making over / handing over equipments etc.

Each SSA may work out their requirement of HDPE pipe and 6 & 12 F cable which they plan to lay starting from the year 1999 to year 2001 - 2002. Of the above, requirements of HDPE pipe for 98-99 and 99-2000 may be sent immediately to Circle Office by 1st week of November '98 alongwith detailed estimate numbers with sanction datas..

It is reiterated that immediate action may be taken to carry out detailed survey of various routes, preparation of survey report and float tenders for those routes which the SSA plans to carry out during the current year. Financial allocation for each SSA on this shall be communicated shortly.

Similarly the planned towers for which material is already available need to be erected on priority so that as and when radio equipment is available it can be installed without any further delay.

(Signature)
(Anurag Agrawal)
General Manager (D).

ccs.
Representative Transmission
Plan for the SSAs.

G.M.T.D ALWAR

Photo copy attested

(Signature)
27/07-01
उप मण्डल कमिश्नर (योजना)
कार्या. महाप्रबन्धक दूर संचार विभाग
अलवर-301 001.

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ANNEETA
SI. No. 8423
O/o G.M.T.T. ALWAR
1999

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER TELECOM.
RAJASTHAN TELECOM CIRCLE, JAIPUR-8

Dated 4/1/99

10/01/98-99/164

SSA Leads & Area G.Ms. in Rajasthan Circle.

Installation of OLTEs & Site preparation for enroute OFC droppings

This has reference to our earlier letter of even No. dated 20th
of the subject cited above.

59/C

As the supply against the pending Optimux POs has already start-
ed and the remaining quantity is expected shortly, the names
of enroute stations where infrastructure is ready & media can be
provided by the installation of Optimux only may be intimated to this
for allotment of OLTEs.

The details of such sites may be provided in the proforma as
in Annexure-I.

Efforts involved in cable laying at enroute station are not much.
It has been planned that all enroute station should be put on OFC. It
is therefore, re-emphasised that readiness of infrastructure includ-
ing installation of prescribed capacity of Battery, P/P, & E/A and
preparation may be done. Also Tenders may be finalised for
cable laying if cable laying is required.

A list of such enroute stations, circulated earlier, is enclosed
in Annex-II for ready reference.

Photo copy attested

4/1/99

(D.P. Parihar)
Dy. General Manager (SBP)

27-01-99
उप मण्डल कमिश्नर (योजना), Dy. General Manager (SBP)
कार्यालय: महाप्रबन्धक दूर संचार विभाग
खलबंद-301 001

G.M.T.D. Alwar

DECP/13

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(82)

महान्वक दूर संचार विभाग
जयपुर-301001
18 JAN 1999
Sl. No. 0420
O/o G.M.D.D.
ALWAR

IA-4

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Department of Telecommunications
Office of the Chief General Manager Telecommunications
Rajasthan Telecom Circle, Jaipur-302008

TELE-160/OFC/98-99/

Jaipur the Jan, 05, 1999

All SSA Heads and Area GMs.

Infrastructure works for OFC enroute dropping stations.

A few 8 MB OLTEs are available in CTSD and a large number is expected to be received during this month. Please take immediate action to complete infrastructure works for providing enroute dropping on stations which are falling on existing OFC routes. In this respect please refer my earlier letter of even number dated 20th Aug, 98 also.

You are requested to immediately indicate the names of places where infrastructure and other works are completed so that 8 MB OLTEs can be allotted for providing reliable media to these stations before March, 99.

Photo copy, attested

(Anurag Agrawal)
General Manager (Development)

27-01-04
उप महाप्रबन्धक दूर संचार विभाग
जयपुर-301001

ANNEX I A-5

भारत सरकार

दूरसंचार विभाग

राजस्थान दूरसंचार परिभाषण
सरदार पटेल मार्ग, जयपुर-302008

Government of India
Department of Telecommunications
Rajasthan Telecom Circle
Sardar Patel Marg, Jaipur - 302008
Tel: (0141) 366811 • Fax: 314181

February 10, 1999

DO No. TP.3-160/OFC/SSA/98-99/

My dear Shri Gupta,

Yr letter no. 214-98/97-TPL(CX) dated 29.1.1999 (copy enclosed) DOT has allotted 4100 KMs of OFC to Rajasthan Circle and intimated that the allotment will be converted to purchase order only after receipt of BE particulars, route details and consignee details. This information is required by 15.3.99 in the Directorate.

2.0 During the last few weeks OFC routes required for connecting all exchanges in various SSAs have been identified and you are supposed to be carrying out the survey of these routes expeditiously and prepare the Project/Detailed Estimates. Out of this, priority routes for 99-2000 may be identified and details sent to this office for consolidation and sending the same to the Directorate. At this stage we do not intend sub-allotting the quantum allotted by the Directorate to the SSAs without knowing the full requirement of SSAs. However, depending on the capacity for each SSA to carry out the work, maximum quantity will be allotted. Keeping this in view you are requested to send the requirement for 99-2000 and also plan the requirement for 2000-2001.

3.0 To enable the information to be sent to Directorate by 15.3.99, you are requested to send your details by 1.3.99.

4.0 Incidentally I have asked the GM(D) to send you a proforma to get the progress on monthly basis on various items in execution of OFC projects by you. Kindly send the monthly report for my information and further corrective action where necessary.

With best wishes,

Yours sincerely,

(N. NARASIMHAN)

✓ Shri P.K.Gupta,
G.M.T.D., Alwar.

Photocopy attested

24/02/99
उप.मण्डल अभियन्ता (योजना)
कार्या. महाप्रबन्धक दू. सज्जद जिला
जयपुर-301 001.

ANNE I B-1

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DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER TELECOMMUNICATIONS
RAJASTHAN TELECOMMUNICATIONS CIRCLE JAIPUR - 302001

To
All SSA Heads.

11 JUL 1998

July 25, 1998

No. TP 3-118/98-99/26

Sub: Guidelines for Transmission System.

Kindly find enclosed here with guidelines for transmission system. The general guidelines are in Annexure-A and a detailed check list for OTC and Microwave system installation is enclosed in Annexure-B.

Encls: a/a

(Signature)
30/7/98

(Ram Shankar)
Dy. General Manager (SRP-I)
A-12, Dwarika Puri, J.L. Bajaj Rd
C-Scheme, Jaipur

Tel. 0141-377904
FAX 0141-371325

*Copy to be given
to D.E.W.*

G.M.T.D. 11/11/98

11/11/98

Encls. No. W-180/98-99/81 dated 15.8.98

✓ copy forwarded to the D.E. Rural, Rajsamandal
Jaipur for information & necessary action.

Contents attested

(Signature)
21/07/98
उप मण्डल अभियन्ता (राजता)
कार्या. महाप्रबन्धक दू. सवार जिला
झलवार-301 001.

(Signature)
मण्डल अभियन्ता (ग्रामीण II)
Divisional Engineer (Rural II)
जाय. महाप्रबन्धक
U.P.

4. Checking of wiring. Min. 6 No. of wires.
5. Laying of power cables/signal cables on the runway.
6. Laying of all the cables.
7. Display of MUX diagram/Alarm wiring diagram in the equipment room.
8. Tool box containing all the tools must be available at site.
9. Alarm panel (Visual and Audible).
10. System designation strips on the FDF.
11. Fire extinguishers.
12. OFC patch cords must be taken through a flexible pipe. A few spare caps must be kept at each station for optical patch cords.
13. Wherever any OFC connector is taken out, it must be fitted with a cap immediately so as to avoid the dust, which once entered is very difficult to get rid off.
14. List of spares/Instrument to be made over to Mten. and their status.
15. Air conditioning of the terminals and dropping stations.
16. Colour and Gauge of the power cables, earthing cables as per standard.

C. ELECTRICALS

1. Power cable entry.
2. D.P. Cable entry.
3. Buzzing of all the cables before energization of the equipment.
4. Testing of the equipment.
 - a. Voltage I/P and O/P check.
 - b. Monitoring with PCR.
 - c. BER Test.
 - d. Stability test.
 - e. Alarms checking.
 - f. Jitter Test.

Contents attested

27/04/04
उप मण्डल अभियन्ता (योजना)
कार्यालय महाप्रबन्धक दूर-संचार विभाग
अलवर-301 001.

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ANNEX-B2

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER TELECOMMUNICATIONS
RAJASTHAN TELECOMMUNICATIONS CIRCLE JAIPUR -302008

Sh. P. K. Gupta, DMTD Alwar,
the SSA Heads & Area GMs
Rajasthan Circle.

OFC/Corres-SSA/99-2000/44

18.5.99

OFC Plan for the year 1999-2000.

Kindly find enclosed herewith the OFC transmission plan for year 1999-2000. This plan has been finalised after discussions with your SSA and the concerned Director Project.

It is requested that advance action regarding preparation of survey reports & sanction of Estimate may be taken on priority. Further, execution by 'C' scheme are to be done by the SSA itself against SSA's estimates and thus Tendering Process may be initiated.

Regarding execution by 'P' schemes, the project circle would execute the schemes against SSA's estimates & therefore material would be provided to them. Sanction Particulars of D/Es may kindly be conveyed to the respective Director Project under intimation to this office so that the Project Wing may commence necessary action for tendering. Further, P/E & D/Es of Cable & Equip. under 'C & P' category may be initiated to this office by 7th June so that PO for the Cable & Equip. may be placed.

The scheme of 'P' category would be executed by project wing against their own estimates. For execution of OFC plan, close coordination may be maintained with project & maintenance wing. Further, action for readiness of infrastructure viz. Battery, power plant, E/A & A/C etc. may be started for all planned OFC scheme. A/T memo of these items is necessary for commissioning of OFC routes. This is required so that work may not be held up due to problems of infrastructure.

Enclosed: OFC Plan.

Sh. P. K. Gupta

DE (pls) 22/5/99
For n/a pe. 5/5/99

(D. P. Parihal)
Dy. General Manager (SBP)

Photo copy attested

24/09-04
उप मण्डल अभियन्ता (योजना)
कार्यालय महाप्रबन्धक दूरसंचार जिला
बसवदर-301 001

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ANNEX-VI

T.D., ALWAR DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF G.M. TELECOMMUNICATIONS
RAJASTHAN TELECOMMUNICATION CIRCLE,
(DEVELOPMENT WING)

BAJAJNAGAR TELEPHONE EXCHANGE BUILDING,
BAJAJNAGAR, JAIPUR-302015.

No. TP.5-118/99-2000/30 Date: January 17, 2000.

To: All SSA heads & Area GMS
in circle.

Sub:- Standard Power Plant, Battery, E/A & Air Conditioner
for 8 Mbps OFC systems.

As per T&D circle norms, the prescribed capacity of
Power plant, Battery and E.A. for standalone 8 Mbps OLTE
system are as follows-

- Battery sets:- Two battery sets of 120 AH.
- Power Plant:- Single phase power plant of (6+12)
Amp capacity.
- Engine Alternator:- Single phase 10 KVA.

Note:- This E/A will carry the load of one 1.5 tone Air
conditioner along with load of Power Plant and
minimum light and fan load.

Further, at 8 Mbps OFC stations collocated with
exchange, the capacity of common battery, P/P etc. would
be determined by the combined load at that station.

The situation has been reviewed. Though it is
desirable to have two batteries of 200 AH with 25A Power
Plants primarily due to insufficient & erratic mains
supply, 8 Mbps OFC system may be commissioned with 2x120
AH batteries and 12 P/P also, in case 25A PP/200 AH
batteries are not available, as the load is within
permissible limits of 12A PP in case of CDOT 128/256
exchanges.

A copy of T&D circle letter on this subject, wherein
the above mentined capacities are proposed and the same
are now approved by T&D circle, is enclosed for ready
reference.

Photo copy attached

संयोजक (संचार योजना)
भारत संचार निगम लि.
काया महा प्रबन्धक दूर संचार जिला
झलवर-301001

Contd.....2.

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2. As regards Air conditioners, DOT guide lines state that 8 Mbps OFC system collocated with the exchange working in non air-conditioning environment may also be installed in non air-conditioning environment. A copy of TCHQ letter in this regard is also enclosed.

In this case also, it is desirable to install 8 Mbps OFC systems in A/C environment taking into account climatic conditions in Rajasthan. However, for system commissioning, A/Cs are neither essential nor mandatory.

3. It is therefore, requested to take urgent necessary action for A/T of the 8 Mbps OFC systems keeping in view the above mentioned points.

Encls: a/a.

(Signature)
(Anurag Agrawal)
General Manager (D).

CC to:- 1. G.M. (O), C.O. Jaipur.
2. Director (Telecom Projects), Jaipur/Jodhpur.

Encl no. - BW-186/11/25 Dated at Alwar the 25/1/25

Copy for information and A/T:-
The De phones External/Internal Installation Alwar
The De (Rural) Khairthal / Beloor / Rajgarh / DE OFC Alwar

File no. BW-109/11

(Signature)
उप मण्डल कार्यालय (विमान)
काया महा प्रबन्धक दूर संचार जिला
बलवर-301004

Photo copy attested

(Signature)
उप मण्डल कार्यालय (विमान)
भारत संचार निगम लि.
काया महा प्रबन्धक दूर संचार जिला
बलवर-301004

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ANNEX-III

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TENTATIVE OFC PLAN FOR 1999-2000
 (C:\vpe\SSA\1398\plan24.frm)
 P->Executed by Project, PC->Not Arranged by Circle & Ex-
 cuted by Project, C->Executed by Circle.

UPGR No	CON ADE VER	NAME OF STATION A	NAME OF STATION B	TYPE	NAME OF ROUTE	FIBRE 6F KM	FIBRE 12F BY	EXE-
SSA: Ajmer								
1	0	1 Ajmer Gandhi Nagar (P)	AJ	OF3	AJ MAIN-AJ GANDHI NAGAR	0.0	6.0	C
1	0	1 Arain	Arain	OF8	MADANGANJ-ARAIN	30.0	0.0	PC
1	0	1 Baghwarf	BHAWANIKHERA	OF8	DRPG ON NSD-BHAWANIKHERA	1.0	0.0	PC
1	0	1 Bandra Indri	Tilonia	OF8	DRPG ON AJ-JP OF ROUTE	2.0	0.0	PC
1	0	1 Barra	Madanganj	OF8	DROPPING ON MJK-ARAIN	0.0	0.0	PC
1	0	1 Bhagwanpura	Fushkar	OF8	DPPG ON PUSHKAR-PISANGAON	1.0	0.0	C
1	0	1 Cegla	Chooghra	OF8	GHOOGHRA-CEGAL	9.0	0.0	C
1	0	1 Govindgarh	Bhagwanpura	OF8	SPUR ON PUSHKAR-PISANGAON	5.0	0.0	C
1	0	1 Junia	Kekri	OF8	DPPG ON JP-KEKRI	1.0	0.0	PC
1	0	1 Kherwa	Sarmalia	OF8	DPPG ON AJ-BEAWAR	1.0	0.0	PC
1	0	1 Mangliawas	Sardhana	OF3	DPPG ON AJ-BEAWAR	2.0	0.0	PC
1	0	1 Pilsageon	Bhagwanpura	OF8	PUSHKAR-PISANGAON	30.0	0.0	C
1	0	1 Rajawas	Beawar	OF8	DPPG ON BEAWAR-BHIN	1.0	0.0	PC
1	0	1 Sardhana	Ajmer	OF3	DPPG ON AJMER-BEAWAR	1.0	0.0	PC
1	0	1 Srinagar	Nasirabad	OF8	DPPG ON AJ-MASTRABAD-KEKRI	1.0	0.0	PC
1	0	1 Tilonia	Madanganj	OF8	DPPG ON AJ-MJK-JP	8.0	0.0	C
Subtotal						16	0	16
						93.0	6.0	
SSA: Alwar								
1	0	1 Alwar HK Newat RLU (P)	Alwar Main	OF1	Alwar-HK Newat RLU	7.0	0.0	C
1	0	1 Alwar MIA	Alwar	OF3	ALU MAIN-ALW MIA	4.0	0.0	C
1	0	1 Baroda Mec	Laxmangarh	OF8	JALUKI-B-MEO ON LNG-GOVINDGARH	8.0	0.0	PC
1	0	1 Barodakan	Kathumar	OF8	DPPG ON ALU-BTP	2.0	0.0	C
1	0	1 Barrad	Behror	OF8	DPPG ON BEHROR-KHAIRTHAL	1.0	0.0	C
1	0	1 Bhindusi	Tizara	OF8	DPPG ON K.G.BAS-TIZARA	1.0	0.0	C
1	0	1 Bbirani	Gothra	OF8	DPPG ON K.G.BAS-KOT QUASIM	0.0	0.0	PC
1	0	1 Burja	Alwar	OF8	DPPG ON ALU-BSA	2.0	0.0	C
1	0	1 Degawada	Rajgarh	OF8	DPPG ON ALU-RAJGARH	2.0	0.0	C
1	0	1 Gendala	Behror	OF8	BEHROR-GANDALA	10.5	0.0	C
1	0	1 Garhi Sawairam	Pinan	OF8	RENI-G.SAWAIRAM	25.0	0.0	C
1	0	1 Gothda	Kishangarh Bsa	OF2	DPPG ON K.G.BAS-KOT QUASIM	0.0	0.0	PC
1	0	1 Govindgarh	Laxmangarh	OF8	DPPG ON LNG-GOVINGARH-SIKRI	0.0	0.0	PC
1	0	1 Hersoli	Mandawar	OF8	DPPG ON BEHROR-KHAIRTHAL	1.2	0.0	C
1	0	1 Khanpur Mawan	K.G.Bas	OF8	DPPG ON ALU-BEHROR	28.0	0.0	PC
1	0	1 Kutkasim	Bibirani	OF8	K.G.BAS-KOT KASIM	0.0	0.0	C
1	0	1 Mocheri	Rajgarh	OF8	DPPG ON RAJGARH-G.SAWAIRAM	14.0	0.0	C
1	0	1 Marapur	Thonagazi	OF8	THANAGAZI-MARAYANPUR	2.0	0.0	C
1	0	1 Meemrana	Behror	OF3	DPPG ON BEHROR-DELHI	23.0	0.0	C
1	0	1 Reni	Mocheri	OF8	RAJGARH-RENI	4.0	0.0	C
1	0	1 Sahdoli	Bahala	OF8	DPPG ON ALU-RAJGARH	2.0	0.0	C
1	0	1 Shyara Ganga	Melakhara	OF8	DPPG ON ALU-BTP	2.0	0.0	C
1	0	1 Sodawas	Mandawar	OF8	DPPG ON BEHROR-KHAIRTHAL	1.0	0.0	C
Subtotal						23	1	21
						137.7	0.0	
SSA: Banswara								
1	0	1 Abapura	Banswara	OF8	BSW-ABAPURA ON BSW-RATLAM	10.0	0.0	PC
1	0	1 Anandpuri	Maharpura	OF8	Bagidore-Anandpuri	0.0	38.3	PC

Contents attested.

27/09/04
 उप महासूचना (योजना)
 कार्यो महासूचना दू सुचारु विज्ञा
 301/001

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ANNEX IX

Utilization of ACs in Ajmer SSA

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No.	Date (of issue of Acs)	Particulars	No. Utilized	Media	Capacity	Remarks & Justification.
				(during the month of issue of Acs)		
1	20.2.99	Paharganj exchg.	4	OFC	2000	New xchg. 2000 lines E-10B RLU at Paharganj Ajmer commissioned on 26/3/99
2	16.3.99	Rupangarh exch.	2	OFC	384	SBM xchg. Commissioned on 27-3-99
3	27.3.99	Inspection Quarter	1	---	---	Old I/Q at Main T.E. bldg. Suite 1.
4	2.7.99	Saradhana	1	OFC	288	Replacement of old faulty & commissioning of OFC system at Saradhana. 1 unit diverted by SDOT Ajmer.
5	2.7.99	Saradhana	2	OFC	288	
6	12.11.99	Saradhana	2	OFC	288	SBM exchange commissioned on 26.12.99 at Saradhana.
7	13.11.99	Saradhana	2	OFC	288	
8	5.5.99	GMTD Office	1	---	---	Visitors room at O/o GMTD.
9	2.7.99	Mangliawas	2	OFC	336	OFC & SBM & LM2 exchange commissioned at Mangliawas on 31-3-2001
10	14.8.2000	Mangliawas	4	OFC	352	
11	20.8.99	Bhinai	4	CI	344	SBM commissioned on 31-8-99 at Bhinai
12	18.9.99	Pisangan	4	HI	352	SBM commissioned on 31-1-2000 at Pisangan.
13	18.12.99	Pushkar	2	OFC	1400	Mtcc. Wing OFC room expansion for accomodating further 140 Mb OLTEs for inter SSA.(Aj.-Nagaur) & dependent stns. Routes.
14	29.4.2000	Nasirabad OFC	1	OFC	2800	Addition of LM2 in SB3+SB2 and shifting of second SB3 in another room at old T.E. bldg. Nasirabad for opening of CSC.
15	22.6.2000	Nasirabad	2	OFC	2800	
16	10.6.2000	Beawar GE	2	UHF	Karanti	UHF system commissioned between Masuda-Karanti- Ajmer- Beawar



(Sd/-)

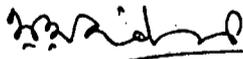
M. General Manager (1200)

Ajmer

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17	24.6.2000	Beawar GE	1	UHF	Karanti	
18	14.8.2000	Sarwar	4	OFC	700	34 mb OFC & SBM with LM-1 exchg. At Sarwar.
19	30.8.2000	Arain	4	CI	336	SBM exchange commissioned on 30-11-2000 at Arain.
20	20.10.2000	Bandanwara	4	OFC	304	SBM exchange commissioned on 6-3-2001 at Bandanwara.
21	21.10.2000	Ghoogra	1	OFC	896	8 mb OFC & 1k E-10B RLU at Ghoogra.
22	21.12.2000	AE(E) ajmer for IQ	5	---	---	Officers new I/Q behind O/o GMTD, 3 suites, 1 drawing room, 1 dining room, old I/Q at Mn. Xchg. converted for Gr. 'C' & 'D' officials.
23	15.2.2001	Nasirabad OFC	4	OFC	2800	Shifting of OFC stations (consisting of 34 Mb, 140 Mb systems) of Mtee. Wing in newly constructed 4 bay departmental bldg. (for MBM installations) at Nasirabad, from old building.
24	15.2.2001	Masooda	6	OFC	312	OFC installation & SBM shifting with LM1 expansion at new deptl. Bldg. (from old rented bldg.) at Masooda.
25	14.3.2001	Madanganj GE	2	OFC	632	140 mb OFC installation in another room at Madanganj.
26	17.3.2001	Foysagar Ajmer	4	OFC	2500	New EWSD RSU 2500 lines commissioned at Ajmer on 31-3-2001.
27	22.3.2001	SDOP III Aj.(Subhash nagar)	2	OFC	7012	Second 34 mb OFC system with 2k EWSD RSU commissioned at Subhashnagar, Ajmer.
28	12.4.2001	SDOP IV Dholabhata	2	OFC	4250	750 lines EWSD expansion & new 140 mb OF installation.
29	3.5.2001	RLU Beawar	4	OFC	9300	New RSU at Telecom. Colony Beawar.
			Total	80		



(S.K. BISWAL)
उप महा प्रबन्धक (प्र. एवं मा.)
Dy. General Manager (ASR)



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ANNEX - X

BHARAT SANCHAR NIGAM LIMITED

(A Government Enterprise)

O/o Telecom District Manager Tonk

BHARAT SANCHAR NIGAM LTD.

To,
Shri N.K.Narang
General Manager (GP)
O/o The C.G.M.T. Jaipur.

No :- W-1/Audit/KW/ 86

Dated 4.01.2002.

Subject :- Audit para regarding purchase of window type Acs.

Ref :- Your office No. GM(O)/DAP/2002/1 dated 03.01.2002.

Kindly refer your letter mentioned above and it is submitted that (12) window type A/Cs were required for following six exchanges which were planned to connect with O.F.C.

- | | | | |
|-------------------|-----------|-----------|-----------|
| 1. To da Raisingh | 2. Bawari | 3. Piploo | 4. Jirana |
| 5. Melindwas | 6. Chhan. | | |

But due to delay in commissioning O.F.C. in above exchanges those A/C were utilized in other exchanges as already intimated vide this office letter of even number dated 26.11.2001 (copy enclosed) delay in commissioning O.F.C. in above exchanges was due to delay in approval of O.F.C. Tenders and subsequently non receipt of O.F. Cable for those routes.

Further it is submitted that A/C were essentially required but could not be used for that purpose due to administrative reasons and used in other exchanges which was also essential and in the interest of service as detailed below :-

Sl.No.	Dated of issue	No of A/Cs	Exchange	Reason
1.	17/05/99	2	Deoli	Shifting of exchange in departmental Building
2.	10/08/99	2	Bansthali	Replacement of faulty ACs
3.	3/5/2000	2	Malpura	Replacement of faulty unrepairable ACs
4.	15/03/01	2	CSC Newai	New CSC
5.	07/04/01	2	Tonk NEX	Replacement of faulty ACs

A/Cs were received on 14/05/99 and there is no balance at present. Kindly arrange to drop the Audit para.

Encl :- One

Accepted
जन प्रबन्धन प्रविणता (योजना)
ए वरहचार विभा प्रबन्धक

(Kallash Chandra)
Telecom District Manager

The G.M.
% G.M.T.D.,
Alwar

Letter No. - Electrical work/A.C/BND/03.04/7
Sub. - Utilization of Air conditioners.

Dated 21.1.2004

As per telephonic discussion with you ~~on 28.7.99~~ the utilization of 20 numbers A/C received on dated 28.7.99 is as follows.

Name of exchange	Nos. of A/Cs installed	Dated of issue of A/Cs	Status of exchange on the date of installation of A/Cs	Status of exchange as on 31-03-03	If any change (capacity) date of change	Status of media on the installation of A/Cs	Status of media as on 31-03-03	If any change in the media then date of change
Bichki Bawari	01	30-7-99	C-1	C-2	March-2K	C-1 System	OFC	March-2K
Bahaya	01	30-7-99	C-2	C-2+ C-2	March-2K1	C-1 System	OFC	March-2K
Bhodiya	01	30-7-99	M-1	C-2+ C-2	March-2K1	C-1 System	OFC	March-2K
Alodi	01	30-7-99	C-2	C-2+ C-2	March-2K1	C-1 System	OFC	March-2K1
Dabiana	01	30-7-99	C-2	C-2+ C-2	March-2K1	C-1 System	OFC	March-2K1
Guthara	01	30-7-99	C-1	C-2	March-2K1	C-1 System	OFC	March-2K1
Jajwar	01	30-7-99	C-1	C-2	March-2K1	C-1 System	OFC	March-2K1
Namana	01	30-7-99	C-2	C-2+ C-2	March-2K1	C-1 System	OFC	Aug-2K1
Namana Road	01	30-7-99	C-1	C-2	March-2K1	C-1 System	OFC	Aug-2K1
Nanagar	01	30-7-99	C-2	C-2+ C-2	March-2K1	C-1 System	OFC	Nov-2K1
Gudhathawat	01	30-7-99	C-2	C-2+ C-2	March-2K1	C-1 System	OFC	June-2K2
Munda	01	30-7-99	C-2	C-2+ C-2	March-2K1	C-1 System	OFC	March-2K3
Prasli	02	6-8-99	C-2	SBM + C-2	March-2K2	C-1 System	OFC	Aug-2K2
Lakheri	01	10-8-99	SBM	SBM-3	July-2K2	30 Ch UHFD	OFC	March-2K1
Lalji ka barana	01	10-8-99	M-1	C-2	June-2K1	C-1 System	C-1 System	C-1 system
Badakhera	01	10-8-99	M-1	C-2	June-2K1	C-1 System	OFC	Sep-2K2
Bundi TR section	01	31-5-2000	TR Section	TR Section	---	---	---	---
J.S. Dam	02	9-6-2000	C-2	C-2	---	UHF	UHF	UHF

T

This is submitted for your kind information.

Photo copy attached
[Signature]
SDE (HRD)
B.S.N.L. O/o TDM, BUNDI (Raj.)

TELECOM DISTRICT MANAGER
BUNDI

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Funds for centralised Purchases

Funds for Decentralised Purchases

- a. Funds available under the relevant head.
- b. Expenditure commitment already made, consisting of
 - i. Commitment W.r. to pending supplies against all earlier POs already placed or approved (including POs on ITI) (Liability Register is also to be consulted for this)
 - ii. Amount of ITI bills & ATDs received and pending for adjustment to final head of account.
- c. Balance funds available (a-b)

(DOT Lr.No.51-6/91-MMC/PT at 12-1-93 & 18.6.93)

6.2 Control Mechanism of Expenditure :

To have regulatory/control mechanism for ensuring that liabilities connected with procurements are not carried forward from year to year and actual expenditure is in tune with availability of funds so as to avoid budgetary excess, the following guidelines as issued by DOT are to be followed by all concerned officers of the Circle Office/SSAs.

7. Material input : Periodical Informations :

- i. Circles are required to indicate itemwise their material input and break up of financial requirements as prescribed by Telecom Corporate office from time to time. This requirement is to be worked out based on physical targets, under different schemes, for current year and for next year.
- ii. A commitment register in form A, shall be maintained at SSA and Circle levels.
- iii. On receipt of funds flow information from Telecom Corporate Office, on the basis of trend of actual expenditure incurred during last three financial years, a quarterly allocation will be fixed by the Circle office to each SSA/Sub Units in the Circle. After submission of accounts for the quarter, actual expenditure position vis-a-vis the allocations made may be reviewed by each Sub unit/SSA and a report submitted to Circle office by due date in the prescribed proforma.

photo copy attached

A similar proforma, for the Circle with a report will also be maintained at the Telecom Head quarters also. [A hard bound register, with a separate paper having budget review proforma duly printed, be maintained at SSA & Circle levels and it should be seen formally by the Head of office and Head of Circle every quarter].

iv. Circles should obtain data in Annexure B from SSAs/Sub Units and compile as whole for the Circle to Corporate Office. This statement is to be sent within two weeks after sending monthly accounts every month.

(on lines of DoT Lr.No.9-1/91-GB dt.6-3-93)

7.1 Accountability of Expenditure : Head of Circle

It is envisaged under Rule 61 of FHB Vol.I, that the Head of Circle must be in a position to assume complete responsibility for Dept. of Expenditure. The Telecom commission has therefore decided interalia to emphasise that in order to enforce accountability of expenditure, each Head of Circle must assume the responsibility of Chief Budget officer to his Circle and take all necessary and appropriate steps to set right the control mechanism in his Circle with the help of his IFA so that ultimately his is able to control the expenditure within the budgetary allocations.

Since the Head of the Circle is ultimately accountable for excess in the budget, it should be in his own interest to get in touch with the concerned authorities in the Telecom Directorate for the allotment / orders modified/adjusted whenever any excess equipment allotment was made by the Directorate to keep financial demand within the budget allotment.

(Vide DOT Lr.No.3-1/94-B, Dt.23-6-94)

8. Decentralised Items : Details & Conditions (issued by DOT)

Besides the items decentralised by DoT earlier 1999-2000, the list of items decentralised in 1999-2000 and the new items added to the list are given below. As some changes have been made in the instruction issued vide letter No.115-143/97-MMD, dated 04.01.99, these instructions superseded the instructions issued vide above mentioned letter dated 04.01.99. Whenever any change has been made in respect of items decentralised earlier, it is indicated by the word change in parentheses.

A. List of items already decentralised vide letter dated 04.01.99

S.N.	Items	Quantity	Fin. Powers	Reservation	Remarks
1.	Sole Plates B&C	As per norms	Full	For TF	--
2.	Anchor	As per norms	Full	For TF	--
3.	SSNP	As per norms	Full	For TF	--
4.	Caps with spike	As per norms	Full	For TF	--
5.	4 wire brackets	As per norms	Full	For TF	--
6.	Stay shackles and rods	As per norms	Full	For TF	--

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ANNEX - XII

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7	Stay attachment	As per norms	Full	For TF	--
8	Tie As per norms	Full	For TF	--	--
9	Strut As per norms	Full	For TF	--	--
10	Joining kit	As per norms	Full	---	All types
11	Connectors	As per norms	Full	---	All types
12	Tower of all types	As per reqmnt.	Full	For TF	--
13	Support Bracket	As per norms	Full	For TF	--
14	DP Box of all types	As per norms	Full	For TF	--
15	CT Box of all types	As per norms	Full	---	--
16	Jumper wire	As per reqmnt.	Full	---	--
17	PVC Twin wire	As per norms	Full	---	--
18	GI wire bare	As per norms	Full	---	All gauges
19	GI wire insulated	As per norms	Full	---	All gauges
20	IKVA inverter	As per reqmnt.	Full	---	--
21	PDH Mux equipment	As per reqmnt.	Full	For III	--
22	Internet equipment	As per policy	Full	---	Incl. expansion
23	DDFs	As per reqmnt.	Full	For III	--
24	Netw. Synch. Eqpt.	As per policy	Full	For III	New item in network
25	CDOT CCS-7 cards	As per policy	Full	III/HTL	New item in network
26	Line cards all types	As per reqmnt.	Full	III/HTL	Rates to be conveyed
27	ISDN testers	As per reqmnt.	Full	---	--
28	EPBTs	As per norms	Full	For III	--
29	Boss-Sec. Instt.	As per reqmnt.	Full	For III	Change from '99
30	CBT 95	As per reqmnt.	Full	For TF, III	-do-
31	256 P Exchange	As per reqmnt.	Full	For TF, III	-do-
32	8 mbps optimux	As per reqmnt.	Full	For TF	-do-
33	CD Cabinets	As per norms	Full	For TF	--
34	Rigid PVC Pipe	As per norms	Full	---	--
35	5 Pair Cable	As per policy	Full	---	Subject to instructions vide 7-13/97-PHM, dt.01.06.'98

Note : While procuring the items at SL.No.29 and 30 as per requirement, it must be ensured that the total justified quantity of all types of instruments, i.e., EPBTs, Boss-Sec. and CBT or any other such instruments should be worked out as per norms on exchange capacity and loading basis.

B. Additional Items Decentralised vide circular, dated 04.01.'00:

S.N.	Item	Quantity	Fin. Power	Reservation Power	Remarks
(a)	Internet equipment	As per policy	Full	---	Incl. expansion
(b)	Towers of all types	As per reqmnt.	Full	For TF	--
(c)	Line cards all types	As per norms	---	---	--
(d)	Skip Mux equipment	As per reqmnt.	Full	For III	--
(e)	0+4 Digital Pair Gain System	As per norms	Full	For III	Subject to instructions vide No.115-143/97-MMD, dt.12.12.'97

Photo Copy attested


12.12.'97
 उप नरेश (विभा. विजन)
 कार्या. महाप्रबन्धक दूर संचार विभाग
 दूर संचार विभाग

C. It has also been decided that the items already decentralised for 1998-99 and before will continue on decentralised basis for 2000-2001 and onwards as well. The prescribed financial powers and instructions already issued on the subject will continue to be applicable in respect of these items.

D) Additional Items Decentralised from the year 2000-2001

S.N.	Item	Quantity	Financial Power
1.	Solder Resin Core	As per req.	Full
2.	Arrestor and H/C Strips	As per req.	Full
3.	All types of switch board cables	As per req.	Full
4.	All types of Electronic Relay	As per req.	Full
5.	Buttonski Telephone with dial	As per req.	Full
6.	All types House wiring cable	As per req.	Full
7.	Cable splicing rig	As per req.	Full
8.	2 KVA / 3 KVA Inverter	As per req.	Full
9.	Tool Kit	As per req.	Full
10.	Hand kit	As per req.	Full
11.	Cable Fault Locator	As per req.	Full

Guidelines :

E. The following guidelines shall be followed by the Circles for the procurement of these items:

- (a) Procurement shall be done following transparent tendering procedure in consistency with the overall procurement policy of the department. (The rates of the cards, however, will be conveyed by TCHQ).
- (b) While procuring, the existing inventory and inventory in the pipeline should also be accounted for. Circles should take into account their consumption pattern while assessing their requirement of lines and wires and A&P sub's equipment. Care is also to be exercised in assessing the requirement of items where no norms are prescribed. Rate list number in respect of stocked items will continue to be retained till further instructions.
- (c) Procurement will be as per the latest specification applicable at the time of calling of tenders. The applicable specification should be indicated in the tender.
- (d) All purchases are to be made from sources having valid type approval and deliveries accepted after appropriate inspection and testing by QA wing.
- (e) The reasonableness of the rates obtained in the tender shall be examined and assessed, including by comparing them with the rates of the products / items at which these were procured in the last few years. The procurement will be done on reasonable rates.

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Purchase of Stores			
4.1	Centralised Items	Purchase of stores will require further scrutiny in view of huge financial implications. Also the detailed procedure outlined by the Corporate Office for material management and procurement need to be followed. The procurements be made only after the project estimate has been sanctioned. Full powers to the extent of the quantities authorized by the HQs at rates prescribed by Corporate office/DGS & D.	Full power to the extent of quantities authorised by the HQs at rates prescribed by the corporate office/ DGS&D.
4.2	Decentralised Items a) For items which were being procured by BSNL HQ previously but decentralised later on.	Full powers for purchase against rate/prices finalized by tenders by the Head of Circle subject to the quantitative limits of materials and Budget allocation for the items prescribed by the BSNL Board and as per the standards.	Full Powers of purchase against rate/prices finalised by tenders by Head of Circle subject to quantitative limits of materials and budget allocation

1.28

	b) for other items other than in (a) above:	for the items prescribed by the BSNL board and as per standards. b(i) Purchase against rate contract prices prices finalised by DGS&D BSNL -full powers.	ii. In other cases a. Rs.10 lakhs from PSUs on each occasion. b. Rs.4 lakhs from non PSUs on each occasion.	ii. In other cases. a. Rs.5 lakhs from PSUs on each occasion. ii. Rs.2 lakhs from Non PSUs on each occasion.
4.3	Procurement of spares and computers in Electronic Switching/Transmission Systems by Heads of Telecom Circle subject to release of foreign exchange by Corporate Office.	Full powers as per actual requirements i.e. after ensuring the same is not available in circles.	Nil	<p><i>Photo copy attested</i></p> <p>उप मण्डल (योजना) कार्यालय, नरसिंहराज, सुन्धार जिला अलवर - 201001.</p>

*Note : It is clarified that items which were earlier in centralised list and now decentralised will be procured by CGMs. For other items which were being procured by CGMs earlier to revision of power vide the above referred letter, their powers remain with them and also in respect of such items power for delegation down below will also remain with CGMs as deemed necessary by CGMs. (BSNL Ir.No.6-15/2000-EB, dt:28.2.2002)

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ANNEXURE - I
Delegated Powers to CGMs / PGMs / GMs / Dy.GMs & TDMs

Item No.	Name of Items	CGMs of Telecom Circles*	PGM / GM** of SSA	Dy.G
1.0	Financial Powers			
1.1	General Powers	<p>Full powers to run/market the telephone system efficiently and to incur expenditure as is within the powers of CGMs of BSNL delegated from time to time to improve the services and run them efficiently. A committee consisting of CGM, IFA and GM of the concerned SSA will be formed and which will take decision in regard all such matters.</p> <p>All Financial powers will be exercised in consultation with IFA and the CGM may overrule the advice of IFA for reasons to be recorded in writing and intimated to the corporate office.</p>		
1.2	Sub delegation	CGM has full powers to sub dele-		

* Includes CGMs of Metro Districts/Maintenance Regions / Project Circles & other functional units of BSNL.

** includes Area GMs, GMs in Maintenance Regions & other functional units of BSNL.

*** includes Dy.GMs of Maintenance & Project circles.

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Photo copy attested


 उप महाप्रबन्धक (वोजना)
 कार्यालय महाप्रबन्धक सूचनाएं जिला
 बल्लार-301 001,

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No. 8/413/2003-Vig.II

Government of India

Ministry of Communications and Information Technology
 Department of Telecommunications
 (Vigilance-II Section)

ANNEXURE - 6A

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915, Sanchar Bhawan, 20-Ashoka Road
 New Delhi : 11 00 01.

Dated, the 10-08-2005

ORDER

WHEREAS minor penalty proceedings were instituted against Shri A.K. Gupta, the then GMTD, Ajmer presently GMTD, Alwar vide Memo. of even number dated 05.01.2004 under Rule 16 of CCS(CCA) Rules, 1965. The imputations of misconduct has been detailed in the aforesaid Memorandum.

2. WHEREAS against the aforesaid charge memo. dated 05.01.2004, Shri A.K. Gupta submitted his written statement of defence vide his representation dated 11.02.2004. Disciplinary Authority in this case i.e. the President after considering and evaluating the submissions made by the Charged Officer in his representation dated 11.02.2004 has held that the allegations are proved and take a tentative decision that the Charged Officer deserves to be punished with one of the minor penalties specified under Rule 11 of CCS (CCA) Rules, 1965. Accordingly the disciplinary authority referred the case to the UPSC for seeking their statutory advice in the matter.

4. AND WHEREAS the UPSC have tendered their advice in this matter vide their letter No. 3/167/2004-SI dated 17.06.2005. The Commission have, inter-alia, observed that there was passion on the part of the Charged Officer for purchase of air conditioners rather than their utilization and following scrupulously the guidelines of the Department in that regard. However, there are also valid mitigating factors such as :-

- i) As admitted by the DA, the purchase was made through DGS&D as part of the process to keep the infrastructure ready for installation of telecom equipments.
- ii) The CO had made the purchases in advance keeping in view the requirements of the Department without any malafide intention. Also, according to the DA, the infrastructure had to be made ready much in advance before the actual execution of work particularly in view of the competition from private operators and in the best interest of BSNL.
- iii) The purchases were made by the Charged Officer through DGS&D rate contract and ITI, Manakpur [a GOI Undertaking]. As such, there has been no financial loss suffered by the Government.

The Commission after taking into account the facts and circumstances of the case in their totality as well as the mitigating factors, as brought out hitherto, are of the view that the charges against the Charged Officer are proved to the extent of negligence/carelessness in performance of the duty by not following the procedure as laid down under the relevant Departmental rules but seemingly without any malafide intentions. The Commission after taking into account all other aspects relevant to the case has opined that the ends of justice would be met in this case if the penalty of "Censure" is imposed on Shri A.K. Gupta.

[Contd.....2]

Certified to be true copy


 Advocate

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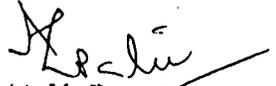
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NOW THEREFORE, after careful consideration of the submissions made by A.K. Gupta, the Charged Officer, in his written statement of defence vide his representation dated 11.02.2004, the advice tendered by the UPSC, vide their aforesaid letter dated 17.06.2005 and relevant facts and circumstances of the case, the President, the Competent Disciplinary Authority hereby accepts the advice of UPSC and orders for imposition of penalty of "Censure" on Shri A.K. Gupta.

The receipt of this Order shall be acknowledged by Shri A.K. Gupta.

By order and in the name of the President,

Encl. : Copy of UPSC's letter No. 3/167/2004-S1
dated 17.06.2005


(A.K. Patro)
Desk Officer((Vig.II)

✓ Shri A.K. Gupta,
General Manager,
Alwar Telecom District,
Alwar, Rajasthan.
(Through the CGM, Rajasthan Telecom Circle, Jaipur).

Patro

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CONFIDENTIAL

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ANNEXURE - 6B

ADVICE OF
UNION PUBLIC SERVICE COMMISSION
IN THE
DISCIPLINARY PROCEEDINGS
AGAINST
SHRI A.K. GUPTA, GM.
MINISTRY OF COMMUNICATIONS AND I.T.

Certified to be true copy


Advocate

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Confidential
F.No.3/167/2004.S.I

UNISERGOM

UNISERGOM

Tele: 031-62677

Tele: 011-3385345

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No.

संघ लोक सेवा आयोग
धनलाल बाकुम, शाहजहाँ रोड
UNION PUBLIC SERVICE COMMISSION
(SANGH LOK SEVA AYOJ)
DHOLPUR HO|JSE, SHAHJAHAN ROAD

महाराष्ट्र

नई दिल्ली-110011

New Delhi-110011

Dt. 17.6.05

The Secretary to the Govt. of India,
Ministry of Communications &
Information Technology,
Deptt. of Telecommunications,
Sanchar Bhavan, New Delhi.

(Attn: Shri Mohinder Singh, Director (VA))

Sub: Disciplinary proceedings against Shri A K Gupta, GM.

Sir,

I am directed to refer to your letter No.8-413/2002-Vig.II dated 1.11.2004 on the subject mentioned above and to convey the advice of the Commission as under:

2.1 The Commission note that the DA vide Memo No. 8-413/2003-Vig.II dt. 5.1.2004 conveyed to Shri Arun Kumar Gupta, the then GMTD Ajmer presently GMTD Alwar that it was proposed to take action against him under Rule 16 of the CCS(CCA) Rules, 1965 and he was called upon to submit his representation against the following Statement of imputations of misconduct:

2.2 Sh A K Gupta while functioning as General Manager Telecom District, Ajmer during the period 1998-1999, purchased 112 window type air conditioners through DGS&D for use in Ajmer, Tonk and Bundi SSAs. Brief details of purchase of ACs are given below:-

10 air conditioners were purchased for Ajmer SSA vide P.O. Number S-7/MM/98-99/4 dt. 17.12.98 for Rs. 2,72,163/- for installation at Masooda (4 Nos)

and Paharganj RLU (6 Nos). The PO was released on 17.12.98 and A/Cs received on 14.1.1999. These were utilized as under:

S.N.	Date	Particulars	Number utilized	Media capacity
1.	20.2.1999	Paharganj Exchange	4	OFC 2000
2.	16.3.1999	Pupangarh Exchange	2	OFC 384
3.	27.3.1999	Inspection Quarter	1	-----
4.	2.7.1999	Saradhana	1	OFC 288
5.	5.5.1999	GMTD Office	1	----

Balance 1

It is clear from the above, that the air conditioners were utilized at locations other than for which the requirement was projected and that too not immediately after purchase.

70 air conditioners were purchased for Ajmer SSA vide PO Number S-7/MM/99-2000/14 dt. 24.4.99 for Rs. 17,84,930.00 on the basis of its proposed OFC plan for 1999-2000. Out of these 70 air conditioners, 28 were proposed to be procured for various RSUs located in Ajmer, 2 for SDH ring and remaining 40 were proposed for OFC plan of rural areas, details of which are given below along with status of exchange and media as on 31.3.2000 and 31.3.2001.

S.N	Name of exch.	Route planned	No. of ACs required	As on 31.3.2000 Media Exch		As on 31.3.2001 Media Exch	
1.	Bandarsindree	MJK- Bandarsindree	2	C2	C1	C2	C1
2.	Kadera	KKI- Kadera	2	C2	C1	2C2	C1
3.	Sawar	Kadera- Sawar	2	2C2	C1	C2	C1
4.	Tilonia	MJK- Tilonia	2	C2	OF8	C2	OF8
5.	Salemabad	RPN- Salemabad	2	C2	H1	C2	H1
6.	Fatehgar H,	Sarwar- Fatehgar	2	C2	C1	2C2	C1
7.	Hatundi	Ajmer- Hatundi	2	2C2	H1	2C2	H1
8.	Jallia II	BJN- Jallia II	2	C2	H1	2C2	H1
9.	Rajiawas	Dropping	2	2C2	OF8	2C2	OF8
10.	Bhagwanpura	Dropping	2	2C2	OF8	2C2	OF8
11.	Gegal	Ghugra-Gegal	2	2C2	OF8	SB2	OF8
12.	Govindgarh	PKR- Govindgarh	2	2C2	OF8	2C2	OF8

Q3

13	Pisangan	PKR- Pisangan	2	C2+ sb1	OF8	SB2	OF8
14	Kadel	PKR - Kadel	2	2C2	H1	2C2	H1
15	Karkedi	Salemabad- Karkedi	2	C2	C1	2C2	C1
16	Harmara prop Exchn.	Sursura- Harmara	2	C2	H1	2C2	C2
17	Kharwa	Dropping	2	2C2	OF8	2C2	2C2
18	Jawaja	Dropping	2	2C2	OF8	C2	C2
19	Mangliawas	Dropping	2	2C2	OF8	S2B2	S2B2
20	Sarmalia	Dropping	2	C2	H1	2C2	2C2

CI=C-DOT 128P, C-2=D-DOT 256 P, M-1=MILT 64P, C-1 SYSTEM = 3
Ch. Carrier.

For 30 air conditioners, the justification for urban area was as below:-

1.	Ajmer-SDH Ring	SDH Ring	2
2.	AJ-GNR RSU	RSU Gandhinagar AJ	6
3.	Beawar RSU 1	RSU Telecom Col	6
4.	Beawar RSU 2	RSU RICCO Area	6
5.	MJK RSU	RSU Industrial Area	6
6.	AJ-ANR RSU	RSU Adarsh Nagar	4

Air conditioners against purchase order dated were received on 30.6.1999
and were utilized as under:

S.N	Date	Particulars	Number utilized	Media capacity
1.	2.7.99	Mangaliawas	2	OFC 336
2.	2.7.99	Saradhana	2	OFC 288
3.	20.8.99	Bhinai	4	C-1 344
4.	18.9.99	Pisangan	4	H1 352
5.	12.11.99	Saradhana	2	OFC 288
6.	13.11.99	Saradhana	2	OFC 288
7.	18.12.99	Pushkar	2	OFC 1400
8.	19.4.2000	Nasirabad OFC	1	OFC 2800
9.	22.6.2000	Nasirabad	2	OFC 2800
10.	10.6.2000	Beawar GE	2	UHF Karanti
11.	24.6.2000	Beawar GE	1	IHF Karanti

12	14.8.2000	Sarwar	4	OFC 700
13	14.8.2000	Mangaliawas	4	OFC 352
14	30.8.2000	Arain	4	C-1 336
15	20.10.2000	Bandanwara	4	OFC 304
16	21.10.2000	Ghooghra	2	OFC 896
17	21.12.2000	AE Elect. Ajmer for IQ	5	--
18	15.2.2001	Nasirabad OFC.	4	OFC 2800
19	15.2.2001	Masooda	6	OFC 312
20	14.3.2001	Madanganj GE	2	OFC 632
21	17.3.2001	Foysagar Ajmer	4	OFC 2500
22	22.3.2001	SDOP III, Aj (Subhashnagar)	2	OFC 7012
23	12.4.2001	SDOP IV Dholi Bhata	2	OFC 47
24	3.5.2001	RLU Beawar	4	OFC 9

Total 71(70 + 1 balance B/F)

2.3 The OFC plan on the basis of which the proposal for purchase of 70 air conditioners was prepared and approved, was not in accordance with the OFC plan issued by Circle Office (as intimated by DE(TPS) O/o CGMT Jaipur vide No. RT/DES/OFC/BSNL/2003-04 dt. 23.6.2003 to circle vigilance Cell).

2.4 Out of these 70 A/Cs, 40 were planned for rural exchanges. The PO for A/Cs was issued on 22.4.99 and they were received on 30.6.99 but only 18 could be utilized, that too, not as per plan, up to 31.3.2000. Thus the very purpose of purchase was defeated.

2.5 Moreover, the status of the exchanges for which the air conditioners were purchased and utilized also did not justify provisioning of air conditioners even as on 31.3.2000 and 31.3.2001.

12 air conditioners were purchased for Tonk SSA vide PO No. Eng.67(1)/Area/Dev.98-99/11 dt. 23.3.99 for Rs. 4,07,720/- for installation at Deoli and Devai for SW and transmission room (6 Nos. each). These air conditioners were utilized as under:

DATE OF ISSUE	NO.OF ACS	PLACE	PURPOSE
7.5.99	4	Deoli	Shifting of exchange
10.8.99	2	Banasthali	Replacement of unserviceable ACS
3.5.2000	2	Malpura	Replacement of unserviceable ACS
15.3.2001	2	CSC Newai	New CSC
7.4.2001	2	Tonk	NEAX Exch., replacement of u/s ACS

2.6 These air conditioners were utilized over a period of 2 years from the date of purchase that too at locations other than projected, thus defeating the very purpose for which it were purchased.

2.7 A requisition had already been placed by TDE Tonk to XEN(Electrical) vide his letter No. 114APP/96-97/4 dt. 8.3.99 under intimation to GMTD Ajmer but a separate requisition was called on FAX from TDE Tonk on 22.3.99 at 18.46 hours and the same was processed and approved on the same day i.e. 22.3.99.

20 air conditioners were purchased for Bundi SSA vide PO No. Eng.67(1)/Area/Dev./98-99 dt. 23.4.99 for Rs. 7,41,620/-. Out of these 20 air conditioners, 14 were proposed for installation at OFC stations planned for the year 1999-2000.

The Status of exchange and media as on 31.3.2000 and 31.3.2001 as given below:-

S.N	Name of exch.	As on 31.3.2000		As on 31.3.2001	
		Exch	Media	Exch	Media
1.	Pech ki baori	C1	C1	C2	OF8
2	Badayana Gaon	C2	C1	C2	OF8
3	Baradiya	C1	C1	C2	C1
4	Alod	C2	C1	C2	OF8
5	Dablana	C2	C1	C2	C1
6	Gothara	C1	C1	C2	OF8
7	Jajawar	C1	C1	C2	OF8
8	Namana	C2	C1	C2	C1
9	Namana Raod.	C1	C1	C2	C1
10	Alfanagar	C2	C1	C2	C1
11	Gudanathwat	C2	C1	C2	C1
12	Matunda	C2	C1	C2	2G2

13	Kapren	2C2	UDI	C2	2G2
14	Lakheri	SB2	2G2	SB2	2G8
15	Jaliji ka barana	C1	C1	C2	C1
16	Badakhera	M1	PH	C2	PH
17	Bundi TR Sec	TR Sec			
18	JS Dam			C2	2G2

These air conditioners were installed, as per report of the Bundi SSA, at the following places:-

Date of Issue	No. of Place	Purpose		Upgradation of OFC
		Exch Media		
30.7.1991	Pech ki baori	C1	C1	March 2K
30.7.1991	Bdayana Gaon	C2	C1	March 2K
30.7.1991	Barodiya	M1	C1	March 2K
30.7.1991	Alod	C2	C1	March 2K1
30.7.1991	Dablana	C2	C1	March 2K1
30.7.1991	Gothara	C1	C1	March 2K1
30.7.1991	Jajawar	C1	C1	March 2K1
30.7.1991	Namana	C2	C1	Aug.2k1
30.7.1991	Namana Road	C1	C1	Aug 2k1
30.7.1991	Alfanagar	C2	C1	Nov.2k1
30.7.1991	Gudanathawat	C2	C1	June 2k2
30.7.1991	Matunda	C2	C1	March 2k2
30.7.1991	Matunda	C2	C1	Aug.2k2
6.8.1992	Kapren			03/01
10.8.1991	Lakheri	SBM 30	UHF D	
10.8.1991	Jaliji Ka Barana	M1	C1	
10.8.1991	Badakhera	M1	C1	Sept.2k2.
31.5.2001	Bundi TR Sec	TR		
9.6.2002	JS Dam	C2	UHF	

Note C-1=CDoT 128 P, C-2=CDoT 256 P, M-1=MILT64, C-1 system = 3 Chl carrier.

2.8 Here also, the air conditioners were not utilized as per the requirements and immediately after purchase. The period of utilization spreads over 2 years from

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the date of purchase. Moreover, the status of the exchanges for which the air conditioners were purchased and utilised also did not justify provisioning of air conditioners even as on 31.3.2000 and 31.3.2001.

2.9 In respect of purchases narrated at point (2) to (4), the justification was not based on prescribed norms. As per DoT letter no. 33-40/96-TPL(F)/PTM dt. 31.3.97, there was no need for air conditioners for 8 MB OLTE. Similarly as per instructions contained in specification manual of CDoT 128 exchanges, there was no need of air conditioners for C-DoT 128 and 256 exchanges.

2.10 The purchase of air conditioners was beyond the purview of telecom units as per instructions contained in DoT letter No. 22-7/12/89-W(T)335 dt. 19.3.1990 reiterated vide DoT letter No.15-12/98-W(T) dt. 2.9.1998. According to these instructions Electrical Wing of the Department should have been asked for procuring and providing the air conditioners.

Purchase of digital pair gain systems

2.11 That during the aforesaid period and while functioning in the aforesaid office, the said Shri A K Gupta purchased digital pair gain systems for use in Bundi and Tonk SSAs. The purchases were made from ITI Manakpur. The details of the purchases are as under:-

S.N	SSA	No.	PO No.	Amount (Rs.)
1	Tonk	20	Eng64/98-99/Alloto Store dt. 17.5.99	9,73,254.00
2	Tonk	20	Eng.62/98-99/Area Store dt. 17.5.99	9,73,254.00
3	Bundi	20	Eng.62/98-99 dt. 16.4.99	9,73,254.00
4	Bundi	20	Eng.62/98-99 dt. 24.5.99	9,73,254.00
Total Rs.38,93,016.00				

2.12. On examination of the records relating to the above purchase, it was observed that the purchases were made without any justification. The purchases were also in violation of the instructions on the subject. As per instructions, digital pair gain systems fall within the category of decentralized items of stores for which purchase was to be made by Head of Circle. These powers have not been delegated to lower formations.

2.13 Thus, by his aforesaid acts the said Shri A K Gupta, formerly General Manager Telecom District, Ajmer now General Manager Telecom District, Alwar failed to maintain absolute integrity, devotion to duty and acted in a manner

unbecoming of a government servant, thereby contravening the provisions of Rule 3(1)(i),(ii) and (iii) of CCS(Conduct) rules, 1964.

2.14 On receipt of the charge memo, the CO submitted his statement of defence vide his representation dt. 11.2.2004 denying the above imputations of misconduct or misbehaviour. The DA considered the submissions made by the CO in his representation dt. 11.2.2004 and held the allegations as proved. He tentatively concluded that the CO deserves to be punished with one of the minor penalties specified under Rule 11 of the CCS(CCA) Rules, 1965. Before passing orders in this regard, the case records were forwarded to the commission for advice.

3. The Commission observe that while denying the charges, the CO in his reply dated 11.2.2004 has pleaded that:

► For the implementation of Telecom Project, action is always initiated to complete the infrastructure work much before the receipt of the main telecom equipments. However, due to various reasons, the initial plan is not always implemented, and the material procured is reallocated according to changed circumstances.

► Though an electrical item, the Window ACs, upon its installation in Office, form part of "A&P" and, accordingly, expenditure is charged to the Head "A&P" Exchange which are executed by Telecom Wing.

► The DOT letter No. 33-40/96-TPL (OF)/Pt. dated 31.3.97, providing that there was no need for air conditioners for 8 MB OLTE was not available in Ajmer SSA and there is an instruction from the Circle Office letter No.TP-5-118/99-2000/30 dt. 17.1.2000 to the effect that considering the climate of Rajasthan, air-conditioning for all the OFC systems is a must.

► Upon rendering in excess the number of equipments as procured were relocated/diverted as per revised plan since it is not possible to foresee such a situation in the beginning of the Financial Year.

► As per DOT Circular dated 4.1.1999, 0+8 DPG Systems are not covered under the category of decentralized items of stock and approval for the procurement of the same was given under financial powers of GMTD for purchase of stores from PSUs at Rs.10 lakhs on each occasion.

4. The Commission also observe that the DA made the following comments on the CO's representation dated 11.2.2004, referred hitherto:

- (a) Purchase of the equipments was made in violation of the instructions though it was made as part of the process to keep the infrastructure ready for installation of telecom equipments and through DGS&D;
- (b) Utilization of Window ACs, after their purchase, had been made, though in two cases for unintended purpose (like installation in Inspection Qrs.) because of the stated reduction in allocation of OF Cables;
- (c) Non-availability of existing/relevant instructions was cited as a reason for the purchase of the equipment which, though possible, is difficult to accept.
- (d) Since the purchases were made by DGS&D rate contract and the Electrical Wing would also have procured it on DGS&D Rate Contract, had the requisitions been sent to it, no financial loss has been suffered by DoT/BSNL due to purchase of Air conditioners by the CO. So far the purchase of DPG System is concerned, there is also no loss as it was purchased from ITI, being a Govt. of India Undertaking.
- (e) There seems no sign of malafide intention of the CO in the purchase of said Air conditioners and DPG Systems.

5. Against the above background, the Commission brought out the following facts:

- (i) As per para 4 of Office Order No.22-7/12/89-W(T)335 dated 19.3.90 reiterated vide DOT letter No.15-14/98-W(T) dated 2.9.98 and circulated vide Circle Office Jaipur endorsement No.Bldg/T/1-14/Ch.IV/43 dated 11.9.98, it was impressed that "All the CGMs/GMs Telecom Circles and Telephone Districts are requested to give a specific written instructions to the TDMs/Area Managers/DETs that no civil/electrical and petty works as well as maintenance of telecom buildings should be carried out by telecom units, and these must be handed over to the Civil/Electrical Wings of the DOT. Therefore, no zonal contracts should be fixed by the DETs, except in respect of those works which are petty/minor and come under day to day maintenance costing maximum upto Rs.5,000/-. No DET/ Area Manager etc. are empowered to execute any civil work of any time costing more than Rs.5,000/-. The existing instructions regarding carrying out maintenance/petty works by AE(MCW) are hereby stands withdrawn and modified as indicated above w.e.f. 1.4.1990." Hence, the purchase of Air conditioners was not within the purview of the GMTD Ajmer.

Further, there is on record a letter vide No.Bldg/T/1-14/VI/01-02/28 dated 22.1.2002 from the Chief General Manager Telecom, Rajasthan Telecom Circle, Jaipur, to the Supdtg. Engineer (Electrical), Jaipur and copy to all SSA Heads and

Area General Managers in Rajasthan which is regarding the procurement and installation of Window ACs. The said letter states as under:

"In review meetings with field units, it is repeatedly pointed out by SSA Heads that timely commissioning of exchanges are delayed due to delay in installation of window Air conditioners in switch rooms by Electrical Wing. The issue has been examined and it is felt that procurement and installation of window ACs can be got executed at SSA level to avoid delay in commissioning of switches/exchanges."

In view of above, it is now decided that instead of Electrical Wing, SSA Heads themselves may get this work executed at their level after observing all usual formalities.

This issues with the approval of CGMT".

From the above letter, the Commission note that it is absolutely clear that prior to 22.1.2002, the procedure as per Rules demanded that the procurement and installation of window ACs to be got executed by Electrical Wing and not SSA Heads, as pleaded by the CO.

(ii) The CO has pleaded that the DOT letter No.33/40/96-TPL. (OF)/Pt dated 31.3.97 was not available in Ajmer SSA. As per the said DOT letter dated 31.3.97, "8 Mb/s Optical Fibre systems co-located with the exchanges working in non-AC environment may also be installed in non-AC environment". Further, as stipulated vide Para 3.5.1 and 15.1 in Specifications Manual of C-DOT 128 Exchanges and C-DOT 256 Exchanges, "The System is capable of working in a non-air conditioned environment with provision for circulation of air through a normal ceiling fan and provision for exhaust through an exhaust fan". This clearly means that there is no need of Air conditioners for C-DOT 128 and C-DOT 256 Exchanges. Therefore, even while assuming the non-availability of DOT letter dated 31.3.97 in Ajmer SSA as pleaded by the CO; the Codal Provision as cited above was available to the CO for guidance and as such the CO's plea does not hold any merit.

(iii) The CO has referred the departmental instructions contained vide Circle Office letter No. TP 5-118/99-2000/30 dated 17.1.2000 in support of need for air conditioning all the OFC Systems in Rajasthan due to climatic condition. A close perusal of the said letter dated 17.1.2000 clearly shows that the instructions contained therein were not unambiguous in as much as it states that "In this case also, it is desirable to install 8 Mbps OFC Systems in A/C environment taking into account climatic conditions in Rajasthan. However, for system commissioning A/Cs are neither essential nor mandatory". Considering the CO's

seniority (of 24-25 years at the relevant time) and the position (i.e. General Manager) of the CO, the Commission is of the view that he was surely expected to be more cautious as well as should have applied his mind while interpreting the above letter dated 17.1.2000.

(iv) As per DoT Circular dated 4.1.99, the 0+4 Digital Pair Gain Systems fall within the category of decentralized items of store but its procurement is subject to guidelines issued under the said Circular. According to guideline E.(i), "powers for decentralized procurements are not to be further delegated to the lower formations. The powers should be exercised by Heads of the Circles only". Therefore, the purchases made by the CO were required to be placed only by the CGMT after concurrence of the Circle IFA. However, in this case, the purchases were made by the CO in the capacity of GMTD, Ajmer at his level.

(v) The purchases on individual occasions were beyond the financial powers of the CO as the General Manager since as per the delegation of financial powers (item No. 4.1.2-Non-stocked items), the GM's power for purchases from PSUs on each occasion was Rs.5 lakhs whereas the individual Purchase Orders are beyond this financial limit.

6. Upon considering the above facts of the case, it seems that there was a passion on the part of the CO for the purchase of Air conditioners rather than their utilization and following scrupulously the guidelines of the Department in that regard. However, there are also valid mitigating factors such as,

- (i) As admitted by the DA, the purchase was made through DGS&D as part of the process to keep the infrastructure ready for installation of telecom equipments.
- (ii) The CO had made the purchases in advance keeping in view the requirements of the Department without any malafide intention. Also, according to the DA, the infrastructure had to be made ready much in advance before the actual execution of work particularly in view of the competition from private operators and in the best interest of BSNL.
- (iii) The purchases were made by the CO through DGS&D rate contract and ITI, Manakpur [a GOI Undertaking]. As such, there has been no financial loss suffered by the Government.

7. Taking into account all the facts and circumstances of the case in their totality as well as the mitigating factors, as brought out hitherto, the Commission are of the view that the charges against the CO are proved to the extent of negligence/carelessness in performance of the duty by not following the procedure

as laid down under the relevant Departmental rules but seemingly without any malafide intentions.

8. In the light of their findings as discussed above and after taking into account all other aspects relevant to the case, the Commission consider that the ends of justice would be met in this case if the penalty of "Censure" is imposed on Shri A K Gupta. The Commission advise accordingly.

9. A copy of the order passed by the Ministry in this case may be endorsed to the Commission for perusal and records.

10. The case records as per the list attached are returned herewith. Their receipt may kindly be acknowledged.

Yours faithfully,



(VIJAY BHALLA)
UNDER SECRETARY
UNION PUBLIC SERVICE COMMISSION
TEL:011-23385516

Encls.

- a. Case records as per list attached.
- b. Two spare copies of this letter.

Bharat Sanchar Nigam Limited
Office of Chief GMT Punjab Circle
Chandigarh - 160 022

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ANNEXURE - 7

To

Dy. GM (Vigilance)
O/o CGMT Punjab Circle
Chandigarh.

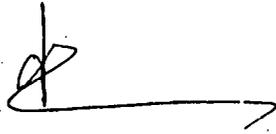
No.: AKG/Pers/2005/05

Dated at CH the 14.10.2005

Sub: *Minor Penalty proceedings against Shri A.K. Gupta, the then
GMTD, Alwar, Rajasthan presently GM, Punjab Telecom Circle,
Chandigarh.*

With reference to AGM (Vig.) letter no. Vig/PB-1292/2 dtd. 05.09.2005 kindly find enclosed herewith an appeal (No. AKG/Pers/2005/04 dtd. 14.10.2005) addressed to the President of India against the penalty imposed on the undersigned as per TC H/Q 8/413-2003-Vig.II dtd. 10.08.2005 for further necessary action at your end please.

Encl: As above.


(A.K. GUPTA)
GM (Operation)

Recd
Am
14/10/05

Certified to be true copy


Advocate

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From :

ANNEXURE - 7

A.K.Gupta
General Manager (Operations)
% Chief General Manager
Punjab Telecom Circle
Chandigarh (Punjab)

To :

**The President Of India,
New Delhi**

No. AKG/Pers/2005/04

Dt 14/10/2005

(Trough Proper Channel)

**Sub: *Minor Penalty proceedings against Shri A.K. Gupta, the then
GMTD, Alwar, Rajasthan presently GM, Punjab Telecom Circle,
Chandigarh.***

Respected Sir,

The TC HQ order no. 8/413/2003-Vig.II dated 10.08.2005 was delivered to undersigned vide AGM (Vig.) O/o CGMT Punjab Circle, Chandigarh letter no. Vig/PB-1292/2 dtd. 05.09.2005. As per order dated 10.08.2005 the penalty of censure has been imposed on me. I, therefore, submit the following and appeal to kindly withdraw the penalty imposed on me.

- 1) The minor penalty proceedings were instituted against me vide memo no. 8/413/2003-Vig.II dated 05.01.2004 under Rule-16 of CCS(CCA) Rules, 1965 for the purchases done in 1998-99.
- 2) Against the aforesaid charged memo I had submitted my written statement of defence vide my representation dated 11.02.2004

1/3

Certified to be true copy


Advocate

3) As per TCHQ order dtd. 10.08.2005 delivered to me on 05.09.2005, the following valid mitigating factors have been admitted in the advice tendered by UPSC.

i) *As admitted by the DA, the purchase was made through DGS&D as part of the process to keep the infrastructure ready for installation of telecom equipments.*

ii) *The CO had made the purchases in advance keeping in view the requirements of the Department without any malafide intention. Also, according to the DA, the infrastructure had to be made ready much in advance before the actual execution of work particularly in view of the competition from private operators and in the best interest of BSNL.*

iii) *The purchases were made by the Charged Officer through DGS&D rate contract and ITI, Manakpur (A GOI Undertaking). As such, there has been no financial loss suffered by the Government.*

4) However, the UPSC had observed that there was passion for purchase on the part of the charged officer rather than their utilization and following scrupulously the guidelines of the Department and the charges are proved to the extent of negligence/carelessness in performance of the duty by not following the procedure as laid down under the relevant Departmental rules but seemingly without any malafide intentions.

5) Regarding the above I would like to most humbly submit that there was certainly a passion in my working at the time of purchases as it was the passion for expediting the development activities considering stiff competition to be faced from the private telecom operators, passion for saving on expenditure & also passion for saving the recurring expenditure to the Government by making changes in the Planning as per the changed circumstances.

6) As has already been submitted in my defense representation, it was the decision to save on the recurring expenditure, had caused some delay in the utilization, and as accepted even by the UPSC, no malafide intention have been ascribed on the undersigned. However, the penalty of Censure has come as a double punishment on me as I had been considered for promotion to Higher Administrative Grade (HAG) in the DPC conducted during

April, 2005, and in view of the punishment of Censure, the findings of DPC will not be opened for considering my promotion.

7) Sir, I have been punished for an act conducted 5 years earlier (in 1998-99) in the best interest of the Government for which charges were framed during January, 2004. And even though I promptly submitted my defence in February, 2004, the delay in finalisation of the case has put me in double jeopardy. Had the case been decided before April 2005, at least I would have been considered for the promotion to HAG.

8) Sir, since I stand to lose my promotion because of the delay in finalisation of proceedings, the effect of the penalty on me will be much severe than intended by the Disciplinary Authority. Had the proceedings been initiated earlier, or even finalized within the prescribed time-frames, I would have got my promotion in the DPC held in April 2005.

9) Sir, I did act with total commitment and passion to take care of the best interests of the Government, hence, the above punishment has caused me untold mental agony. As explained above, my agony has been compounded by the delay in initiation as well as finalization of the proceedings. The charges framed on me in Jan, 2004 have already taken away a lot of passion out of me. If I lose my promotion in spite of having best intentions, it will affect my initiative and it will leave me a totally procedure and rule-book following officer.

10) In view of the above, I most humbly appeal to you to kindly reconsider the decision and exonerate me from the charges and withdraw the penalty of Censure for which I shall be highly obliged.

Thanking you,



Yours faithfully

(A.K. GUPTA)
GM (Operation)
O/o CGMT Punjab Circle
Chandigarh.

A.K. Gupta
Chief General Manager

Tele 0364-2223400 (O)/2224800(R)
FAX 0364-2225100



BHARAT SANCHAR NIGAM LTD.

North East Telecom Circle-I
Shillong-793001.

CONFIDENTIAL

D.C. No. CGM/NE-I/AKG/2006-07
Dated at Shillong, the 31st May 2006.

Respected Sir,

Kindly find enclosed herewith my representation regarding "Appeal to exonerate the Penalty of Censure - Promotion to the Cadre of Higher Administrative Grade" for favour of further necessary action at your end please.

With kind regards,

Encl: A/A

Yours sincerely,

(A.K. GUPTA)

Shri A.K. Sinha,
Chairman cum Managing Director,
BSNL Corporate Office,
Statesman House, Barakhamba Road,
New Delhi - 110 001.

Certified to be true copy

Advocate

CONFIDENTIAL

FROM:

A.K. Gupta,
Staff No.0499,
CGM Telecom,
North East - I Circle,
SHILLONG - 793001.

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ANNEXURE - 8

TO

The President of India,
New Delhi - 110 001.

(Through Proper Channel),

No.AKG/Pers/2006/1

dtd. 31.05.2006

Respected Sir,

Subject: Appeal to exonerate the Penalty of Censure - Promotion to the Cadre of Higher Administrative Grade - Reg.

Reference: 1) My Appeal No.AKG/Pers/2005/04 dtd. 14.10.2005.
2) DOT Lr No. 317-7/2003-STG-III dtd. 19.05.06.

I am at present working as the Chief General Manager, North East- I Telecom Circle, Shillong.

DOT has released promotion orders to 25 Nos. of Senior Administrative Grade officers of ITS Group 'A' to the Grade of Chief General Managers (Higher Administrative Grade) recently vide no. 317-7/2003-STG-III dtd. 19.05.06. Though my name was in the consideration zone, it was not included in the list of officers promoted to HAG Grade. It is hereby submitted that, I am holding the post of Chief General Manager in BSNL, which is a post tenable by an officer of the HAG of ITS Group 'A', on an adhoc basis.

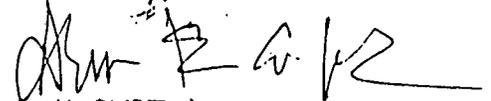
I would like to submit the following for your kind consideration and appropriate orders.

- 1) One minor penalty proceeding was instituted against me vide Memo No. 8/413/2003-Vig II dtd. 05.01.04, under Rule - 16 of CCS (CCA) Rules, 1965 for some purchase done in 1998-99. Against the Charge memo, I had submitted my written statement of defense on 11.02.2004. After getting the advice from UPSC, the penalty of Censure has been imposed on me vide TC HQ Order No.8/413/2003-Vig-II dtd. 10.08.2005.

- 2) I appealed against the order to The President Of India vide my representation No.AKG/Pers/2005/04 dtd. 14.10.2005 through CGM, Punjab Circle and which has been forwarded to DOT. I most humbly brought out in the appeal, the points for reconsidering the decision of imposing the penalty of Censure on me and to exonerate the charges and to withdraw the penalty. But, till date, the decision of the appellate authority has not been conveyed to me.
- 3) Since the appeal case has not been decided and as I have submitted earlier in my appeal, the penalty of Censure has come as double punishment on me. Though, I would have been considered for promotion to the HAG in the DPC conducted during April 2005, the findings of the DPC have not been opened for considering my promotion.
- 4) Sir, I have been punished for an act conducted 7 years earlier (in 1998 - 99), that too in the best interest of the Government, for which charges were framed during January 2004 because of incorrect replies given by my successor to the post of GMTD, Alwar.
- 5) Sir, since I stand to lose my promotion because of the delay in finalization of proceedings, the effect of the penalty on me is much severe than intended by the Disciplinary Authority. Had the proceedings been initiated earlier, or even finalized within the prescribed time frames, I would have got my promotion now.
- 6) Sir, I did act with total commitment and passion to take care of the best interests of the Government, the punishment has caused me untold mental agony. As explained above, my agony has been compounded by the delay in initiation as well as finalization of the proceedings.
- 7) Under the above circumstances, I once again humbly request you to kindly reconsider the decision of imposing the penalty of Censure and to kindly exonerate me from the charges so that the findings of the DPC is made available for my promotion to the Grade of HAG along with similarly situated officers for which act of kindness, I shall be highly obliged.

Thanking you,

Yours faithfully,



(A.K. GUPTA)

Chief General Manager Telecom,
North East -I Circle,
SHILLONG - 793001.

A.K. Gupta
Chief General Manager
Tele 0364-2223400 (O)/2224800(R)
FAX 0364-2225100



ANNEXURE - 9
North East Telecom Circle-I
Shillong-793001.

CONFIDENTIAL

D.O. No. CGM/NE-I/AKG/2006-07
Dated at Shillong, the 22nd Sept. 2006.

Respected Sir,

Kindly find enclosed herewith my representation regarding
"Appeal to exonerate the Penalty of Censure - Promotion to the Cadre
of Higher Administrative Grade" for favour of further necessary
action at your end please.

With kind regards,

Encl: A/A

Yours sincerely,



(A.K. GUPTA)

Shri A.K. Sinha,
Chairman cum Managing Director,
BSNL Corporate Office,
Statesman House, Barakhamba Road,
New Delhi - 110 001.

Certified to be true copy



Advocate

CONFIDENTIAL

ANNEXURE - 9

From:

A.K. Gupta,
Staff No. 0499
CGM Telecom,
North East - I Circle,
Shillong - 793001.

To

The President of India,
New Delhi - 110 001.

(Through Proper Channel)

No. AKG/Pers/2006/1

Dated at Shillong, the

Respected Sir,

Sub: Appeal to exonerate the penalty of censure - Promotion to the Grade of Higher Administrative Grade - Reg.

Ref: 1. My appeals AKG / Pers / 2005 / 4 dtd 14.10.2005
& AKG / Pers / 2006 / 1 dtd 31.05.06.
2. TC HQ order 8/413/2003 - Vig-II dtd 10.08.05.
3. No.000/VGL/18 dtd. 23.5.2000 from CVC, GOI.

(i) I am at present working as the Chief General Manager, N.E-I Telecom Circle, which is a post tenable by an officer of the HAG of IAS Group 'A' on an Ad hoc basis.

(ii) As minor penalty proceeding was instituted against me, vide memo No.8/413/2003-Vig-II dtd. 5.1.2004 under Rule -16 of CCS (CCA) rules, 1965 for some purchase done in 1998-99. Against the charge memo, I had submitted my written statement of defense on 11.2.2004. After getting the advice from UPSC, the penalty of Censure has been imposed on me vide TC HQ order No.8/413/2003-Vig-II dtd. 10.8.2005.

(iii) I appealed against the order to the President of India, vide: AKG/Pers/2005/04 dtd. 14.10.2005 through CGM, Punjab Circle and which has been forwarded to DOT. But the decision of the appellate authority has not been conveyed to me.

(iv) Meanwhile, DOT has released promotion orders to 25 nos. of SAG officers of ITS Group 'A' to the Grade of HAG vide No.317-7/2003-STG-III dtd. 19.05.2006. Though my name was in the considerations zone, it was not included in the list of officers promoted to HAG. I appealed against this to the President of India once again vide my representation No.AKG/Pers/2006/1 dtd. 31.05.2006. I most humbly brought out in both the appeals, the points for reconsidering the decisions of imposing penalty of me also to exonerate the charges. More that three months have gone since my representation and I am yet to get the decision of the appellate authority.

(v) In this connection, I would like to refer to the guidelines issued by Central Vigilance Commission regarding the schedule of time limits in conducting investigations and departmental inquiries. As per the guidelines, Issue of final orders in minor penalty cases should be completed two months from the receipt of defense statements.

(vi) Whereas in this case, the final orders were issued on 10.08.2005 only, even though I had submitted my written statement of defense promptly on 11.02.2004. Final orders were issued after a delay of 18 months.

(vii) Sir, I have been punished for an act conducted 5 (five) years earlier in the best interest of the Government. Also the delay in finalization of the case beyond the set norms of the CVC has put me in double jeopardy. Had the case been finalized in time, at least I would have been considered and promoted to HAG grade by the DPC.

(viii) As explained above, my agony has been compounded by the delay in initiations as well as finalization of the proceedings. I lost the promotion in time along with the similarly placed officers. This is affecting my imitative and further delay will leave me a totally disheartened and rule book following officer.

I most humbly once again appeal to you to reconsider the decision and exonerate me from the charges and withdraw the penalty of Censure. Besides in view of paras (v), (vi) & (vii) above, I may be given the promotion, considering the DPC outcome, which has been denied to me because of delay in finalization of this case.

Thanking you,

Yours faithfully,

(A.K. GUPTA)

CGM Telecom
North East- I Circle,
Shillong - 793001.

Advance copy to Secretary, DoT for favour of information and kind consideration.

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ANNEXURE -10

A.K. GUPTA
Chief General Manager
Tele 0364-2223400 (O)/2224800(R)
FAX 0364-2225100



North East Telecom Circle-I
Shillong-793001.

CONFIDENTIAL

DO .No CGM / NE - I / AKG / 2006-07

dtd @ Shillong, the 24.03.07

Respected Sir,

Kindly find enclosed herewith my representation regarding "Promotion to the Grade of HAG" addressed to Secretary, DOT for favour of further necessary action at your end please.

With kind regards,

Encl: A/A

Yours faithfully,



(A.K. Gupta)

To
Sri A.K. Sinha,
Chairman and Managing Director,
BSNL Corporate office,
Statesman house, Barakhamba Road,
New Delhi - 110001.

Certified to be true copy



Advocate

From: A.K.Gupta, (S.No. 499)
CGM Telecom,
NE I Circle, Shillong - 793001.

125

To

The Secretary,
Dept of Telecom,
New Delhi - 110001.

(Through Proper Channel)

Respected Sir

Sub : Promotion to the grade of HAG- Reg.

I, A.K.Gupta (Staff No 499), belong to 1974 batch of Indian Telecommunication Service. At present, I am working as Chief General Manager of North East I Telecom circle, which is a post tenable by an officer of the HAG of ITS Group A on an Ad hoc basis. SAG officers of my batch were considered for promotion to the Grade HAG in 2006 and promotion orders were issued by DOT. Vide: DOT order no .317 - 7 / 2003- STG - III dtd 19.5.06. My name also might have been considered for promotion along with other similarly placed officers. But my name was not figuring in the promotion list.

One minor penalty case was instituted against me; vide Memo No. 8 / 413 / 2003 - vig - II dtd 5.1.2004. I had submitted my written statement of defense promptly on 11.2.2004. After getting advice from UPSC, the penalty of censure has been imposed on me; vide TC HQ order No. 8 / 413 / 2003 - Vig - II dtd 10.8.2005. After a lapse of 18 months, the minor penalty award has resulted in denial of promotion to me, which is a major penalty, which is not as per the spirit of the minor penalty.

Sir, I have been punished for an act conducted five years earlier that too in the best interest of Government. In addition, I was not given promotion to the next higher grade along with similarly placed officers. In fact, juniors to me were promoted to the grade of HAG.

Sir, the present situation is creating lot of mental agony to me. The act, which was done with foresight, has resulted in a double punishment to me. More than 10 months have gone since the promotion orders were issued by DOT. I am yet to get my promotion orders. This is affecting my initiative and further delay will leave me a totally disheartened and rule book following officer.

Under the circumstances, I request you to kindly consider my case sympathetically. I also request you to kindly take necessary action for considering my promotion to the grade of HAG along with the officers who have already been promoted vide DOT order dtd 19.05.06.

Thanking you,

Yours truly,


(A.K. Gupta)

Dated at Shillong,
The 24th March 2007.

PS. to Com

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CONFIDENTIAL



BHARAT SANCHAR NIGAM LIMITED

CORPORATE OFFICE

(PERSONNEL - I SECTION)

R. No. 102/B, Statesman House, 148, Barakhamba Road, New Delhi-1

No. 315-23/2006-Pers.I

Dated: April 20, 2007

To

The Deputy Director General (Estt)
Department of Telecommunications
20, Ashok Road
Sanchar Bhawan
New Delhi.

Subject:- Promotion to the grade of HAG - regarding.

The undersigned is directed to forward herewith a D.O. No. CGM/NE-1/AKG/2006-07 dated 24.03.2007 addressed to CMD, BSNL received from Shri A.K. Gupta, CGM, North East Telecom Circle-1, Shillong alongwith his representation dated 24th March 2007 addressed to The Secretary, DoT on the subject mentioned above for taking further necessary action.

Encls: As above (in original).

(S.K. Choudhary)

Jt. Deputy Director General (Pers)

Copy for information to:-

✓ Shri A.K. Gupta, CGM, NE-1 Telecom. Circle
D.O. No. CGM/NE-1/AKG/2006-07 dated 24.03.07
BSNL, Corporate Office, New Delhi.

Shillong w.r.t. his
addressed to CMD,

Certified to be true copy

Advocate

SK:DDG

CONFIDENTIAL

From

127

A.K.Gupta,
Staff No.499.
CGM Telecom,
North East - I circle,
Shillong- 793001.

ANNEXURE - 12

To

The Chairman and Managing Director,
BSNL,
New Delhi- 110001.

No: AKG //Pres / 2007 /

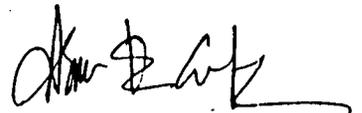
dtd at Shillong, 16.07.07.

Respected Sir,

Kindly find enclosed herewith my representation regarding 'Appeal to Exonerate the Penalty of Censure' addressed to The President of India for favour of further necessary action at your end please.

Thanking you, Sir.

Yours faithfully,



(A .K. Gupta)
CGM Telecom
NE- I Circle,
Shillong - 793001.

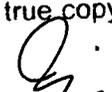
*Recd
16/7/07*

Encl : A/A

*Recd
19/07*

Advance Copy to Secretary, DOT for favour of information and kind Consideration, please.

Certified to be true copy


Advocate

128

From

A.K.Gupta,
Staff No.499.
CGM Telecom,
North East - I circle,
Shillong- 793001.

To

The President of India,
New Delhi- 110001.

Through Proper Channel.

No: AKG //Pres / 2007 /

dtd at Shillong, 16.07.07.

Respected Sir,

Sub : Appeal to exonerate the penalty of censure - Reg

Ref : 1. My appeal AKG / Pers / 2005 / 4 dtd 14.10.2005.
2. My second appeal AKG / Pers / 2006 / 1 dtd 31.05.2006..
3. My third appeal AKG / Pers// 2006 / dtd 22.09.06.
4. TCHQ Order No. 8 / 413 / 2003 / - Vig - II dtd 10.08.05.

I am at present working as the Chief General Manager, NE-I Telecom Circle,, which is a post tenable by an officer of the HAG of ITS Group A on an Ad hoc basis.

One minor penalty proceedings was initiated against me, vide charge memo No. 8 / 413 / 2003 / - vig - II dtd 5.1.2004 under Rule 16 of CCS (CCA) rules, 1965 and after getting the advice from UPSC, the penalty of Censure has been imposed on me Vide TC HQ order No. 8 / 413 / 2003/ - vig - II dtd 10.08.2005.

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I had appealed against the order to the President of India, Vide AKG / Pers / 2005 / 4 dtd 14.10.2005 through CGM, Punjab Circle, which has been forwarded to DOT. Since the decision of the appellate authority has not been conveyed, I had sent my second and third appeals, referred under 2 and 3, above through CMD , BSNL , New Delhi.

Sir, I most humbly submit that, till date, the decision of the appellate authority has not been conveyed to me.

I once again appeal to you to kindly reconsider the decision and exonerate me from the charges and withdraw the Penalty of Censure.

Thanking you, Sir.

Yours faithfully,



(A.K.Gupta)
CGM Telecom
NE- I Circle,
Shillong - 793001.

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ANNEXURE - 13

No. 2-10/2005-Vig.III
Government of India
Ministry of Communications & IT
Department of Telecommunications
(Vigilance Wing)

Room No. 903, Sanchar Bhavan,
20-Ashoka Road, New Delhi-1.

Dated: 19-07-2007.

To

The CMD,
BNSL, Corporate Office,
Statesman House Building,
Barakhamba Road,
New Delhi - 110001.

Sub:- Appeal case of Shri A.K. Gupta, Staff No. 499, CGM Telecom, North-East-I Circle, Shillong.

Sir,

A representation has been received in this office from Sh. A.K. Gupta that he has not received the appellate order dated 08.12.06. In this regard, as we have already issued the appellate order in the case of Shri A.K. Gupta, CGM on 08.12.2006, a copy of the same is being forwarded once again to your office to be served upon Shri A.K. Gupta, CGM Telecom, North-East-I Circle, Shillong and the acknowledgement obtained from the appellant may also kindly be forwarded to this office for our record.

Yours faithfully,

Encl: ^{Xerox} copy of the appellate order dt. 08.12.06.

Niraj Kumar
14/7/07
(NIRAJ KUMAR)
DIRECTOR (VP)

Copy forwarded to Sh. A.K. Gupta, CGM Telecom, North-East-I Telecom Circle, Shillong. He is requested to collect the appellate order dated 08.12.06 from the CMD Office, BSNL Corporate Office, Statesman House, Barakhamba Road, New Delhi-1.

Certified to be true copy

Qw
Advocate

131

ANNEXURE - 14A

Office of
Chairman & Managing Director,
Bharat Sanchar Nigam Ltd., Barakhamba Road, N. Delhi.

No. 358 -CMD/07-Conf.
Dated: August 6, 2007

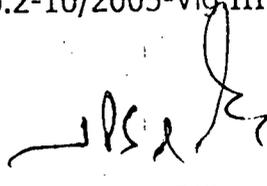
To

Shri A.K. Gupta,
CGM Telecom,
N.E.-I Telecom Circle,
SHILLONG.

Sub:- Appeal case of Shri A.K. Gupta, Staff No.499, CGM Telecom, NE-I
Circle, Shillong.

Sir,

Kindly find enclosed Order No.2-10/2005-Vig.III dated 8.12.2006 on the
subject mentioned above. You are requested to kindly acknowledge receipt of
the same by signing on the forwarding letter - No.2-10/2005-Vig.III dated
19.7.2007.


PS to CMD, BSNL 6/8/07

Copy to: CVO, BSNL CO.

Certified to be true copy


Advocate

132

M. K. Gupta

No. 2-10/2005-Vig.III
Government of India
Ministry of Communications & IT
Department of Telecommunications
(Vigilance Wing)

ANNEXURE - 14B

Room No. 903, Sanchar Bhavan,
20-Ashoka Road, New Delhi-1.

Dated: 8-12-2006.

ORDER

Shri A K Gupta has submitted a petition dated 14.10.2005 addressed to Hon'ble President for setting aside the penalty of 'censure' imposed on him vide order no. 8-413/2003-Vig.II dated 10.8.05.

2. Minor penalty proceedings were initiated against Shri A K Gupta, the then GMTD, Alwar vide memo dated 05.01.04 on the charge that he purchased ACs and Digital Pair Gain Systems without any justification and in violations of guidelines on the subject. Shri A K Gupta submitted his written statement of defence vide letter dated 11.2.04. The disciplinary authority after considering and evaluating the submission made by Charged Officer, held that allegations are proved and referred the case to UPSC for quantum of penalty on him. The UPSC in their advice dated 17.06.05 observed that there was passion on the part of C.O. for purchase of air conditioners rather than their utilization and follow the guidelines of Department scrupulously. The commission after taking into account the facts and circumstances of the case, held that charges against the C.O. are proved to the extent of negligence/carelessness in performance of duty for not following the procedure as laid down under the relevant Departmental rules but seemingly without any malafide intentions and advised for penalty of 'censure' on the C.O. The advice of UPSC was accepted by the Disciplinary Authority and order imposing the penalty of 'censure' was issued vide order dated 10.8.05.

3. Against the abovesaid penalty, Shri A K Gupta (appellant) has submitted the petition dated 14.10.05. The main points raised by him in his petition are:

- (i) the UPSC have observed that there was passion on the part of appellant for purchase of items rather than their utilization and follow scrupulously the Departmental guidelines but there were no malafide intentions on his part. The appellant submits that there was certainly passion in his working at the time of purchases in the face of stiff competition from private operators so as to save the recurring expenditure to Govt. by making changes in the planning as per the changed circumstances;
- (ii) it was the decision to save on the recurring expenditure that had caused delay in the utilization which has been accepted by UPSC also. The penalty has come as a double punishment on appellant as he has been considered for promotion to Higher Admin Grade (HAG) in the DPC conducted during

Certified to be true copy

M. K. Gupta
Advocate

April '2005 and in view of punishment, the findings of DPC will not be opened for considering promotion of appellant.

- (iii) the appellant has been punished for an act 5 which took place 5 years earlier, however, charges were framed in Jan' 04. Even though, the appellant submitted his statement of defence in Feb' 04, the delay in finalisation of case has put him in double jeopardy as decision on case before April '05 would have made him eligible for consideration for promotion to HAG.
- (iv) Since the appellant stand to lose promotion because of delay in finalisation of proceedings, the effect of penalty will be much severe than intended by the Disciplinary Authority. Conclusion of disciplinary proceedings in prescribed time frame could have earned him promotion in DPC held in April '05.
- (v) The appellant has worked with total commitment and passion to take care of the best interest of the Government and thus punishment has caused him untold mental agony. If the appellant lose his promotion in spite of best intentions, it will affect his initiative.
- (vi) In view of above, the appellant may be exonerated of the charges.

4. As per Rule 29-A of CCS(CCA) Rules, 1965:

"The President may, at any time, either on his own motion or otherwise review any order passed under these rules, when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come, or has been brought to his notice."

5. The penalty on appellant has been imposed by Hon'ble President in consultation with UPSC. Rule 22(i) of CCS(CCA) Rules, 1965 provides that no appeal shall lie against any order made by the President. However, memorial or mercy petitions can be submitted to Hon'ble President praying for remission of penalty or pardon. In the petition dated 14.10.05 submitted by appellant, no new material or evidence has been brought out so that his petition can be considered a review petition under Rule 29-A of CCS(CCA), Rules, 1965. The main point emphasized by the appellant in his petition is that delay in institution of disciplinary proceedings and finalisation thereof has delayed his promotion to higher grade. Though the grievance of appellant may be justified that his promotion has been delayed but his case was to be decided after taking into account the mandatory advices of CVC and UPSC. Thus the points stated by appellant do not qualify for review of the imposed penalty. Also, only the minimum of statutory penalties specified under Rule 11 of CCS(CCA) Rules 1965 has been imposed on appellant and thus can not be termed as 'harsh'.

6. The Reviewing Authority, i.e., the Hon'ble President has considered the submissions made by Shri A.K. Gupta in his petition and has come to a conclusion that no new material or evidence has been brought to notice by the appellant is his petition which is in the nature of changing the entire complexion of the case. The competent authority, i.e., Hon'ble President has, therefore, ordered that petition dated 14.10.2005

submitted by Shri A.K. Gupta, the then GMTD, Alwar, now CGM, NE-I Telecom Circle, is devoid of merits and thus stands rejected.

BY ORDER AND IN THE NAME OF THE PRESIDENT.

sd/-
(NIRAJ KUMAR)
DIRECTOR (VP)

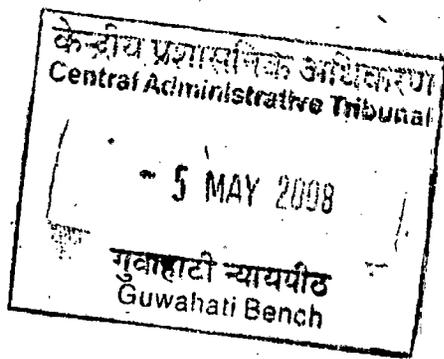
Shri A.K. Gupta,
CGMT,
NE-I Circle,
Shillong.

(Through: CMD, BSNL, Corporate Office, New Delhi)

Copy forwarded to:-

- (1) Shri A.K. Sinha, CMD, BSNL, Corporate Office, Barakhamba Road, Statesman House Building, New Delhi - 110001. It is requested that the enclosed order may kindly be served to Sh. A.K. Gupta, CGM, North-East-I Telecom Circle, Shillong against an acknowledgement.
- (2) Sh. S.L. Bhatia, AGM(Vig.), O/o the CGMT, Punjab Circle, Chandigarh-160022 w.r.t. letter No. Vig/PB/App-79/AKG/9 dated 21.01.06.
- (3) Shri A.K. Patro, D.O. (Vig.II) alongwith file No. 8-413/2003-Vig.II.
- (4) ✓ Order Bundie.

Anup Singh
(ANUP SINGH)
SECTION OFFICER (VIG.II)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH AT GUWAHATI

O.A. No. 241 OF 2007

Sri A.K. Gupta

...Applicant

-Versus-

Union of India & Ors.

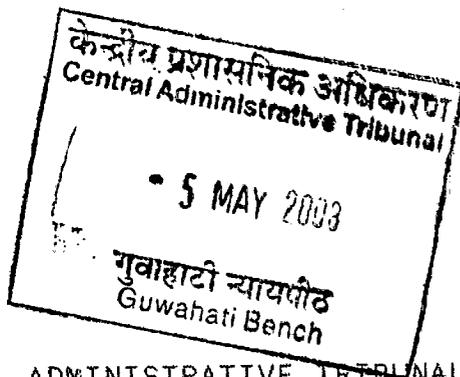
.... Respondents

INDEX OF THE WRITTEN STATEMENT

<u>SL.NO.</u>	<u>PARTICULARS</u>	<u>PAGE NOS.</u>
1.	Written statement	1 - 21
2.	Verification	22
3.	Annexure-I (Copy of letter dtd. 13.2.04)	23
4.	Annexure-II (Copy of the notification for authentication of order)	24

Filed by
Gaurav Bishnoi
By LGS

Copy Received
20.04.2008



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH AT GUWAHATI

O.A. NO. 241 OF 2007

Sri A.K. Gupta

...Applicant

-Versus-

Union of India & Ors.

....Respondents

The written statement on behalf of
the Respondents above named-

WRITTEN STATEMENT OF THE RESPONDENTS

MOST RESPECTFULLY SHEWETH:

1. That with regard to the statement made in paragraph 1 of the application the Respondents beg to offer no comments.

2. That with regard to the statement made in paragraph 2 of the application the Respondents beg to offer no comments.

3. That with regard to the statement made in paragraph 3 and 4 of the application the Respondents beg to state that, these are matters of record, hence no comments.

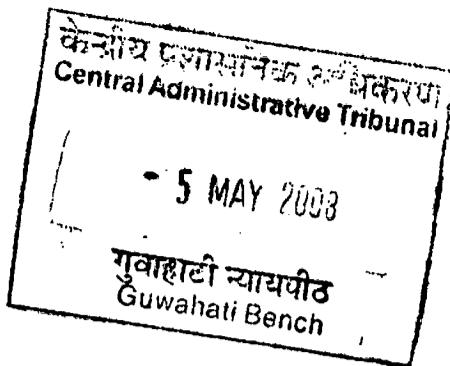
4. That with regard to the statement made in paragraph 5 of the application the Respondents beg to

Contd...P/-

Filed by

Md. A. Hamid

Md. ABDUL HAMID
Dy. C.A. Circle
Assam Telecom Circle
Guwahati
05.05.08
Sri A.K. Gupta



[2]

state that the submission of the applicant is not correct. The violations of rules and the irregularities committed by the applicant were indicated in the charge memo dated 05.01.04. In order to save the time of the Hon'ble Tribunal, those are not being reproduced in this reply affidavit.

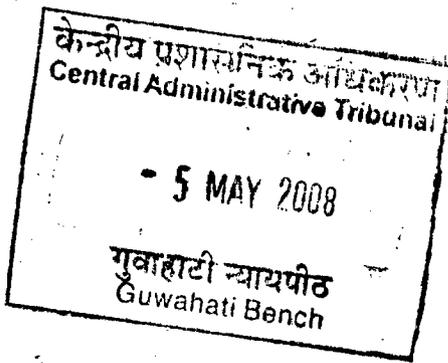
5. That, with regard to the statement made in paragraph 6, 7 & 8 of the application the Respondents beg to state that, these are matters of record.

6. That with regard to the statement made in paragraph 9 and 10 of the application the Respondents beg to state that the submissions of the applicant that he has requested vide letter dated 21.11.2004 for inspection of documents is correct. But the submission of the applicant in para 10 of the OA that he was not called upon to inspect the documents is not correct and hence denied. Vide memo dated 13.2.04 he was asked to inspect the documents in the O/o DGM(Vig), Rajsthan Circle at a convenient date. In the meantime he submitted his written statement of defence vide letter dated 13.2.04. At any stage of the proceedings he did not bring out to the notice of the disciplinary authority that the relevant documents were not made available to him. He is making an allegation before the Hon'ble Tribunal merely to gain the sympathy without any substance.

Contd...P/-

Md. A. Hamid

Md. ABDUL HAMID
Dy. C.C.A
Assam Telecom Circle
Guwahati



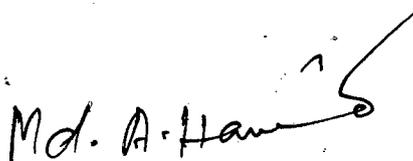
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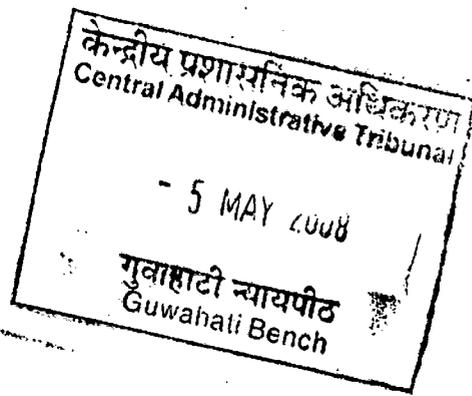
7. That with regard to the statement made in paragraph 11, 12, 13, 14, 15, 16, 17, and 18 of the application the Respondents beg to state that, these are matters of record.

8. That with regard to the statement made in paragraph 19 of the application the Respondents beg to state that the submission of the applicant is not correct. The violations of rules and the irregularities committed by the applicant were indicated in the charge memo dated 05.01.04. In order to save the time of the Hon'ble Tribunal, these are not being reproduced in this reply affidavit. However, it is humbly submitted that since the irregularities did not constitute grave misconduct only a minor penalty proceedings was initiated and the penalty of Censure was imposed on the applicant after following the due procedure.

9. That with regard to the statement made in paragraph 20 of the application the Respondents beg to state that the submissions of the applicant that he has requested vide letter dated 21.11.2004 for inspection of documents is correct. But the submission of the applicant in para 10 of the OA that he was not called upon to inspect documents is not correct and hence denied. Vide memo dated 13.2.04 he was asked to inspect the documents in the O/o DGM(Vig), Rajsthan Circle at a convenient

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Md. ABDUL HAMID
Dy. C.C.A.
Assam Telecom Circle
Guwahati



[4]

date. In the meantime he submitted his written statement of defence vide letter dated 11.2.04. At any stage of the proceedings he did not bring out to the notice of the disciplinary authority that the relevant documents were not made available to him. He is making an allegation before the Hon'ble Tribunal merely to gain the sympathy without any substance.

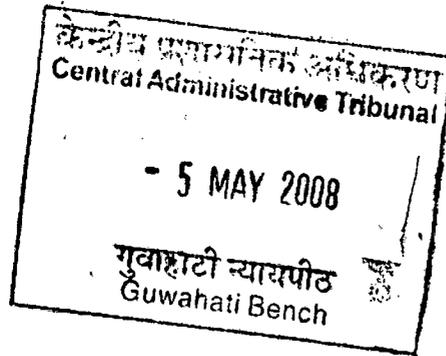
A copy of the Letter dtd. 13.02.04 is annexed herewith as Annexure - 1.

10. That with regard to the statement made in paragraph 21 of the application the Respondents beg to state that as per the provisions of the statutory rules i.e. CCS(CCA) Rules, 1965 inquiry is not to be held mandatorily in Rule 16 i.e. Minor Penalty proceedings unless the competent authority orders for the same. In this case the competent authority has not ordered for holding any inquiry. Hence the action of the deptt. not to hold the inquiry is as per the rules and no prejudice has been caused to the applicant. The applicant was given an opportunity to defend himself by submitting a written statement of defence which he submitted vide his letter dated 11.2.04. The defence statement of the applicant was considered by the competent authority and action was taken as per laid down rules and procedure.

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Md. A. Hamid

Md. ABDUL HAMID
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11. That with regard to the statement made in paragraph 22 of the application the Respondents beg to state that it is submitted that the UPSC is only an advisory body and their advice had been sought in the case in accordance with the requirement of consultation with them as laid down in Article 320(3)(c) of the Constitution read with regulation 5(1) of the UPSC (exemption from Consultation) Regulations, 1958.

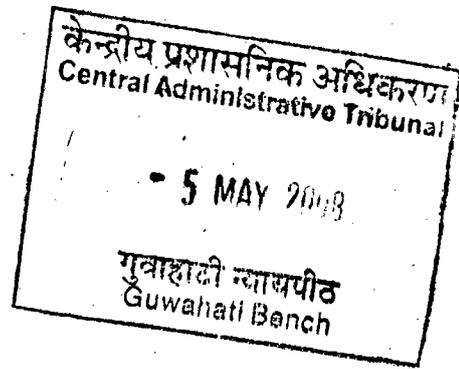
12. That with regard to the statement made in paragraph 23 of the application the Respondents beg to state that the UPSC which is an independent statutory body was consulted in the matter regarding the quantum of punishment that may be imposed on the applicant. The Commission after examining all the records of the case in detail gave their advice to impose a statutory penalty on the applicant. The Competent authority accepted the aforesaid advice of the UPSC and after due consideration and application of mind ordered for imposition of the penalty of Censure on the applicant. There was no arbitrariness on the part of the disciplinary authority. Therefore, the allegation of the applicant that the disciplinary authority was adamant to punish the officer is not correct and hence denied.

13. That with regard to the statement made in paragraph 24 of the application the Respondents beg to

Md. A. Hamid

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Guwahati



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state that the contention of the applicant that the charge sheet was not issued by the competent authority is not correct. The competent authority in this case is the President. The powers of President has been delegated to various authorities in the Ministers/Depts. to be exercised on behalf of the President. After the approval of the aforesaid authority, the orders are communicated by various functionaries of the Government. In the instant case such delegated powers are vested with the Hon'ble Minister in charge of this Ministry. After approval of the charge sheet by the Minister in-charge, the same was issued by an officer of the Deptt. in the name of the President. The applicant being a senior officer of the Govt. of India is well aware of this provision. Yet he has raised this irrelevant issue just to waste time of the Hon'ble Tribunal and to confuse the matter. It is humbly submitted that the applicant may be reprimanded for behaving irresponsibly by bringing irrelevant issues before the Hon'ble Tribunal and wasting the time of the Hon'ble Tribunal and other important functions of the Govt.

A copy of the notification for authentication of orders is annexed herewith as Annexure - II.

14. That with regard to the statement made in paragraph 25 of the application the Respondents beg to

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Guwahati

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Guwahati Bench

[7]

state that all the above mentioned para relates to grievance of the applicant ^{which} arose due to forfeiting recommendation of DPC placed in "sealed cover" consignment upon imposition of penalty vide order No.8/413/2003 -Vig-III dated 10.8.2005.

15. That with regard to the statement made in paragraph 26 & 27 of the application the Respondents beg to state that the submission of the applicant is having no merit since the procedures prescribed in the statutory rules were followed and full opportunity was given to the applicant to defend himself. It is prayed that application be dismissed at the admission stage itself.

16. That with regard to the statement made in paragraph 28 of the application the Respondents beg to state that the disciplinary proceedings are quasi-judicial in nature and the prescribed procedure has been followed as per the provisions of the statutory rules. Hence the plea of the applicant is not valid. No injustice has been done to him. He has been awarded the penalty for the irregularities committed by him which was investigated and subsequently established. The penalty was imposed after following the procedure laid down in the statutory rules. The disciplinary proceedings being quasi judicial in nature in Disciplinary Authority had to obtain the mandatory advice of the CVC & UPSC before taking the decision. The procedure laid

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down in the statutory rules has been by the Disciplinary Authority. Omission of any step could have been viewed as a deviation from the laid down procedure & construed as denial of natural justice to the applicant.

17. That with regard to the statement made in paragraph I & II of the application the Respondents beg to state that the submission of the applicant is not correct. The violation of rules and the irregularities committed by the applicant were indicated in the charge memo dated 5.1.04. In order to save the time of the Hon'ble Tribunal, those are not being reproduced in this reply affidavit. The competent disciplinary authority considered the submissions of the applicant made vide representation dated 11.2.04 and imposed the penalty after following due procedure.

18. That with regard to the statement made in paragraph III of the application the Respondents beg to state that the applicant had not brought to the notice of Reviewing Authority any new material or evidence which was in the nature of changing the entire complexion of the case, in his appeal/petition (Rule 29-A of CCS(CCA) Rules, 1965. The Reviewing Authority on examining the points raised by applicant in his petition did not find any merit in appeal/petition and accordingly rejected it.

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19. That with regard to the statement made in paragraph IV of the application the Respondents beg to state that the applicant has claimed sympathy stating that the authority should have taken a lenient action. Having said this he has admitted the irregularities committed by him. He is merely trying to give judgment on his own wrong action.

20. That with regard to the statement made in paragraph V of the application the Respondents beg to state that the submissions of the applicant that he has requested vide letter dated 21.11.2004 for inspection of documents is correct. But the submission of the applicant in para 10 of the OA that he was not called upon to inspect the documents is not correct and hence denied. Vide memo dated 13.2.04 (enclosed in Annexure-1) he was asked to inspect the documents in the O/o DGM (Vig), Rajsthan Circle at a convenient date. In the meantime he submitted his written statement of defence vide letter dated 13.2.04. At any stage of the proceedings he did bring out to the notice of the disciplinary authority that relevant documents were not made available to him. He is making an allegation before the Hon'ble Tribunal merely to gain the sympathy without any substance.

21. That with regard to the statement made in paragraph VI of the application the Respondents beg to

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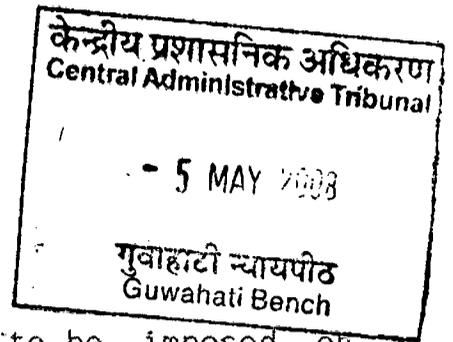
[10]

state that the contention of the applicant that the charge sheet was not issued by the competent authority is not correct. The competent authority in this case is the President. The powers of President has been delegated to various authorities in the Ministers/Depts. to be exercised on behalf of the President. After the approval of the aforesaid authority, the orders are communicated by various functionaries of the Government. In the instant case such delegated powers are vested with the Hon'ble Ministers in charge of this Ministry. After approval of the charge sheet by the Minister incharge the same was issued by an officer of the deptt in the name of the President. The applicant being a senior officer of the Govt. of India is well aware of this provision. Yet he has raised this relevant issue just to waste time of the Hon'ble Tribunal and to confuse the matter. It is humbly submitted that the applicant may be reprimanded for behaving irresponsibly by bringing irrelevant issues before the Hon'ble Tribunal and wasting the time of the Hon'ble Tribunal and other important functions of the Govt.

22. That with regard to the statement made in paragraph VII, VIII & IX of the application the Respondents beg to state that consultation with the UPSC is mandatory under Article 320 of the Constitution in the case where the competent disciplinary authority comes to a tentative conclusion, after perusing the records of

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Dy. C.C.A.
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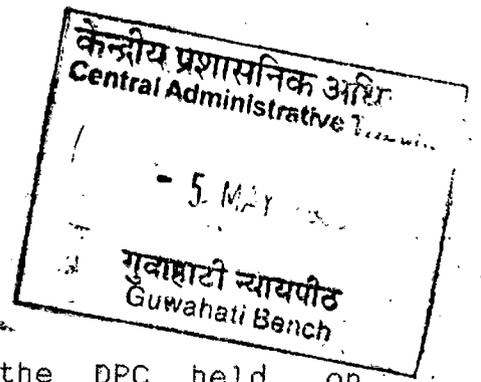
the case, that a suitable penalty is to be imposed on the delinquent official. Obtaining the advice of the UPSC is mandatory and any deviation would be viewed as violation of procedure. After the receipt of the advice, the competent disciplinary authority has applied its own mind and wisdom and arrived at his own decision to impose the impugned penalty.

23. That with regard to the statement made in paragraph X of the application the Respondents beg to state that the respondents deny the allegation made by the applicant regarding infringement of their fundamental rights and most respectfully submitted that department has always acted in conformity of rules/guidelines/instructions of the Government on the subject. Instruction issued by the Government under DoP&T OM No. 22011/4/91-Estt(A) dated 14.09.2007 is as under-

"3.1 If any penalty is imposed on the Government servant as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover/covers shall not be acted upon. His case for promotion may be considered by the next DPC on the normal course and having regard to the penalty imposed on him".

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Md. A. Hamid
Md. ABDUL HAMID
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The applicant was considered by the DPC held on 01.04.2005 for promotion to CGM's grade against the vacancy year 2004-05 & 2005-06 and recommendations of the DPC was placed in "sealed cover" as per guidelines/instructions of the Government in view of pending vigilance case/disciplinary proceeding pending on him. The vigilance case/disciplinary proceeding was concluded on 10.8.2005 by imposing penalty of "Censure" on him. Since, penalty of "Censure" is a statutory penalty, sealed cover containing recommendations of the DPC was not acted upon and the officer was considered afresh by the subsequent DPC as per provision contained in DoP&T OM No. 22011/4/91-Estt(A) dated 14.9.2007. Recommendations of the DPC are presently under consideration with ACC.

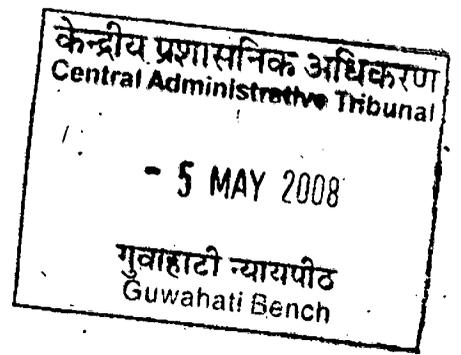
24. That with regard to the statement made in paragraph XI of the application the Respondents beg to state, that, it is mentioned that the UPSC are only an advisory body and their advice had been sought in the case in accordance with the requirement of consultation with them as laid down in Article 320(3) (c) of the Constitution read with regulation 5(1) of the UPSC (exemption from Consultation) Regulations, 1958.

25. That with regard to the statement made in paragraph XII and XIII of the application the Respondents

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Md. A. Hamid

Md. ABDUL HAMID
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beg to state that the respondents deny the allegation made by the applicant regarding infringement of their fundamental rights and most respectfully submitted that department has always acted in conformity of rules/ guidelines/ instructions of the Government on the subject. Instruction issued by the Government under DoP&T OM No. 22011/4/91-Estt(A) dated 14.09.2007 is as under-

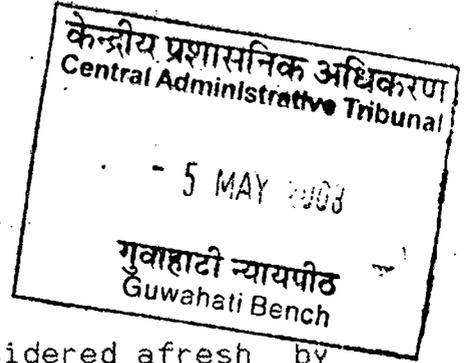
"3.1 If any penalty is imposed on the Government servant as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover/covers shall not be acted upon. His case for promotion may be considered by the next DPC on the normal course and having regard to the penalty imposed on him".

The applicant was considered by the DPC held on 01.04.2005 for promotion to CGM's grade against the vacancy year 2004-05 & 2005-06 and recommendations of the DPC was placed in "sealed cover" as per guidelines/ instructions of the Government in view of pending vigilance case/disciplinary proceeding pending on him. The vigilance case/disciplinary proceeding was concluded on 10.8.2005 by imposing penalty of "Censure" on him. Since, penalty of "Censure" is a statutory penalty, sealed cover containing recommendations of the DPC, was

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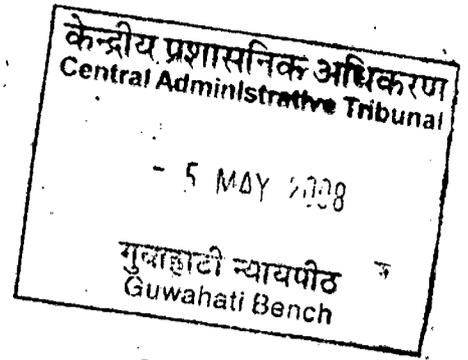
not acted upon and the officer was considered afresh by the subsequent DPC as per provision contained in DoP&T OM No. 22011/4/91-Estt(A) dated 14.9.2007. Recommendations of the DPC are presently under consideration with ACC.

26. That with regard to the statement made in paragraph XIV, XV, XVI and XVII of the application the Respondents beg to state that, as per the provisions of the statutory rules, it is not mandatory to hold inquiry unless the disciplinary authority decided to conduct any oral enquiry. The submissions of the applicant that he has requested vide letter dated 21.11.2004 for inspection of documents is correct. But the submission of the applicant in para 10 of the OA that he was not called upon to inspect the documents is not correct and hence denied. Vide memo dated 13.2.04 (enclosed in Annexure-1) he was asked to inspect the documents in the O/o DGM (Vig), Rajasthan Circle at a convenient date. In the meantime he submitted his written statement of defence vide letter dated 13.2.04. At any stage of the proceedings he did bring out to the notice of the disciplinary authority that relevant documents were not made available to him. He is making an allegation before the Hon'ble Tribunal merely to gain the sympathy without any substance.

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Md. A. Hamid

Md. ABDUL HAMID
Dy. C.C.A.
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27. That with regard to the statement made in paragraph XVIII of the application the Respondents beg to state that, it is mentioned that the UPSC are only an advisory body and their advice had been sought in the case in accordance with the requirement of consultation with them as laid down in Article 320(3) (c) of the Constitution read with regulation 5(1) of the UPSC (exemption from Consultation) Regulations, 1958.

28. That with regard to the statement made in paragraph XIX, XX, XXI and XXII of the application the Respondents beg to state that consultation with the UPSC is mandatory under Article 320 of the Constitution in the case where the competent disciplinary authority comes to a tentative conclusion, after perusing the records of the case, that a suitable penalty is to be imposed on the delinquent official. Obtaining the advice of the UPSC is mandatory and any deviation would be viewed as violation of procedure. After the receipt of the advice, the competent disciplinary authority has applied its own mind and wisdom and arrived at his own decision to impose the impugned penalty.

29. That with regard to the statement made in paragraph XXIII of the application the Respondents beg to state that the Commission tendered their advice after a thorough, judicious and independent consideration of

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Md. Abdul Hamid

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Guwahati

केन्द्रीय प्रशासनिक अधिकारी
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Guwahati Bench

all the relevant facts and circumstances of the case, the evidence on record, documents made available by the Ministry, representations of the Charged Officer etc. The advice of the Commission is self contained and self-explanatory.

30. That with regard to the statement made in paragraph XXIV of the application the Respondents beg to state that the orders passed by the disciplinary authority, imposing the penalty of Censure is self speaking and well reasoned and hence the allegation is denied.

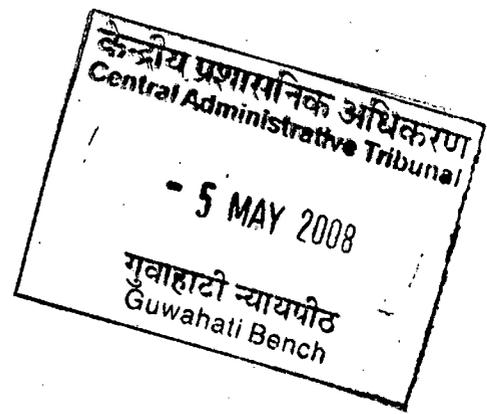
31. That with regard to the statement made in paragraph XXV of the application the Respondents beg to state that the respondents deny the allegation made by the applicant regarding infringement of their fundamental rights and most respectfully submitted that department has always acted in conformity of rules/ guidelines/ instructions of the Government on the subject. Instruction issued by the Government under DoP&T OM No. 22011/4/91-Estt(A) dated 14.09.2007 is as under-

"3.1 If any penalty is imposed on the Government servant as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover/covers shall not be acted upon. His case for promotion may be

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considered by the next DPC on the normal course and having regard to the penalty imposed on him".

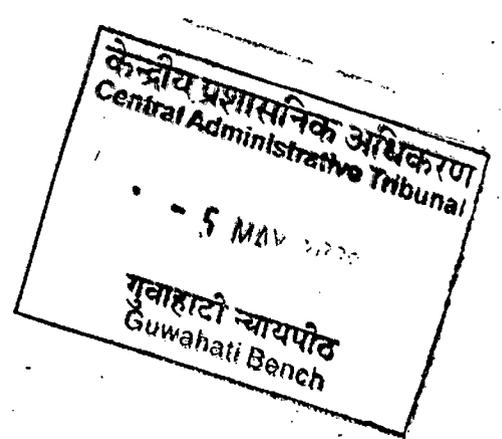
The applicant was considered by the DPC held on 01.04.2005 for promotion to CGM's grade against the vacancy year 2004-05 & 2005-06 and recommendations of the DPC was placed in "sealed cover" as per guidelines/instructions of the Government in view of pending vigilance case/disciplinary proceeding pending on him. The vigilance case/disciplinary proceeding was concluded on 10.8.2005 by imposing penalty of "Censure" on him. Since, penalty of "Censure" is a statutory penalty, sealed cover containing recommendations of the DPC was not acted upon and the officer was considered afresh, by the subsequent DPC as per provision contained in DoP&T OM No. 22011/4/91-Estt(A) dated 14.9.2007. Recommendations of the DPC are presently under consideration with ACC.

32. That with regard to the statement made in paragraph XXVII and XXVIII of the application the Respondents beg to state that the submission of the applicant is having no merit since the procedure prescribed in the statutory was given to the applicant to defend himself. It is prayed that the application be dismissed at the admission stage itself. The delinquent officials are proceeded against as and when irregulari-

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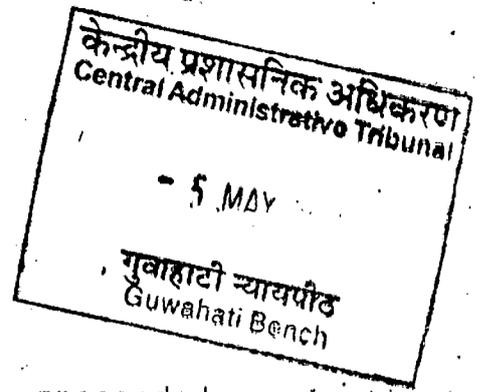
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ties committed by them come to notice and after an investigation is conducted. The advice of the CVC, which is competent authority to tender such advice, is also obtained before initiating such proceedings. The disciplinary proceedings are quasi-judicial in nature and prescribed procedure has been followed as per the provisions of the statutory rules. Hence the plea of the applicant is denied. He has been awarded the penalty for the irregularities observed and subsequently established on his part. The case of the applicant has been dealt with strictly in accordance with the prescribed procedure. There has been no violation of the procedure, as laid down in the statutory rules. Hence, there is no merit in the submissions made by the applicant. It is, therefore, again prayed that the application be dismissed at the admission stage itself. The charge sheet was issued to the officer after the irregularities came to the notice of the deptt. which were investigated. Prima facie, it was found that the officer committed the irregularities. The charge-sheet was issued to the officer after due consideration and consultation with the CVC and after following the prescribed procedure. Hence the allegation of the applicant that the proceedings are illegal, arbitrary etc. are without any basis and denied. The proceedings were initiated against the applicant only after the irregularities were noticed and after investigation it was found that the said irregularities were committed by the applicant. As per rules,

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any officer while in service can be proceeded against for the irregularities committed by him at any point of the service period. Hence the submission of the applicant is misleading.

33. That with regard to the statement made in paragraph XXIX, XXXX and XXXI of the application the Respondents beg to state that the respondents deny the allegation made by the applicant regarding infringement of their fundamental rights and most respectfully submitted that department has always acted in conformity of rules/ guidelines/ instructions of the Government on the subject. Instruction issued by the Government under DoP&T OM No. 22011/4/91-Estt(A) dated 14.09.2007 is as under-

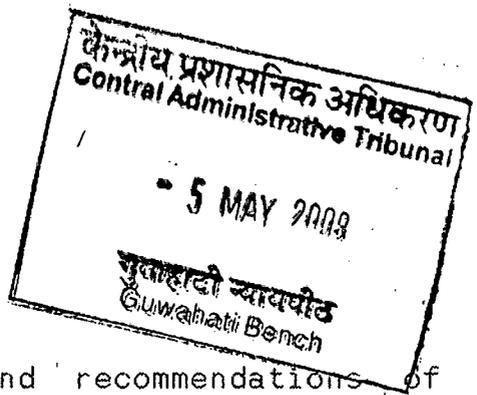
"3.1 If any penalty is imposed on the Government servant as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover/covers shall not be acted upon. His case for promotion may be considered by the next DPC on the normal course and having regard to the penalty imposed on him".

The applicant was considered by the DPC held on 01.04.2005 for promotion to CGM's grade against the

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Md. A. Hamid

Md. ABDUL HAMID
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vacancy year 2004-05 & 2005-06 and recommendations of the DPC was placed in "sealed cover" as per guidelines/ instructions of the Government in view of pending vigilance case/disciplinary proceeding pending on him. The vigilance case/disciplinary proceeding was concluded on 10.8.2005 by imposing penalty of "Censure" on him. Since, penalty of "Censure" is a statutory penalty, sealed cover containing recommendations of the DPC was not acted upon and the officer was considered afresh by the subsequent DPC as per provision contained in DoP&T OM No. 22011/4/91-Estt(A) dated 14.9.2007. Recommendations of the DPC are presently under consideration with ACC.

34. That with regard to the statement made in paragraph XXXII, XXXIII and XXXIV of the application the Respondents beg to state that, it is submitted that relief sought by the applicant does not merit any consideration for the reason that neither any of the principles of natural justice nor any of the procedures laid down in the statutory rules have been violated. The applicant was given full opportunity to defend himself. It is also submitted that the penalty is minimum and commensurate with the gravity of offence committed by the applicant. Hence it is prayed that the application be rejected with costs to the respondents.

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Md. A. Hamid

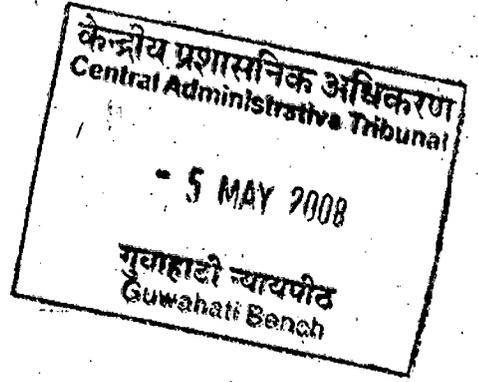
Md. ABDUL HAMID
Dy. C.C.A.
Assam Telecom Circle
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35. That with regard to the statement made in paragraph F and G of the application the Respondents beg to offer no comments.

36. That with regard to the statement made in paragraph I and I of the application the Respondents beg to offer no comments.

Md. Abdul Hamid

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Assam Telecom Circle
Guwahati



VERIFICATION

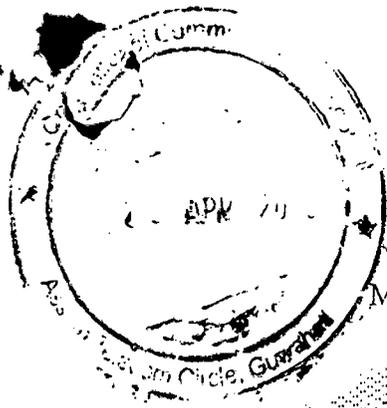
I, ...Md...A...Hamid.....s/o...d. Bahaguddin, 5978
aged about 59 years, R/o ...Hategoan, Dispur.....
District Kamrup. and working as Dy. C.C.A. and
has been authorised by the Respondent to verify the
statement on their behalf. I, do hereby verify that the
statement made in paras 1 - 8, 10 - 12, 14 - 36
are true to my knowledge and
those made in paras 9 & 13
being matters of record are true to my information
derived therefrom which I believe to be true and the
rests are my humble submission before this Hon'ble
Tribunal and I have not suppressed any material facts.

And I sign this verification on this 30th day
of April 2008 at Guwahati.

Signature  30/4/08

Md. ABDUL HAMID
Dy. C.C.A.
Assam Telecom Circle
Guwahati

MOST IMMEDIATE



No.8-413/2003-Vig.II
 Government of India
 Ministry of Communications & Information Technology
 Department of Telecommunications
 (Vigilance Wing)

केन्द्रीय प्रशासनिक आयोग
 Central Administrative Tribunal
 - 5 MAY 2008
 गुवाहाटी Wing-2
 West Block, Gauhati
 R.K. Puram, New Delhi Branch

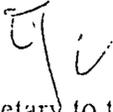
Dated 13-02-2004

MEMORANDUM

Subject: Rule 16 proceedings against Shri A.K.Gupta, GMTD, Alwar, Rajasthan

With reference to his representation dated 21.01.2004 against Memorandum No.8-413/2003-Vig.II dated 09.01.2004, Shri A.K. Gupta, GMTD, Alwar is hereby informed to inspect the relevant documents in the office of Dy. General Manager (Vig). Rajasthan Telecom Circle, Jaipur at a mutually convenient date. After inspection of documents, Shri A.K. Gupta, GM should submit his written defence representation within 10 days from the date of such inspection. If no representation is submitted by Shri A.K. Gupta, GM by the stipulated time, it will be presumed that Shri A.K. Gupta, GM has nothing to say in the matter and orders are liable to be passed ex-parte.

The receipt of this Memorandum may please be acknowledged.


 (Joginder Singh)
 Under Secretary to the Govt. of India

Shri A.K. Gupta,
 General Manager TD,
 Alwar Telecom District
 Alwar.
 (Through CGMT, Rajasthan Circle).

Shri Sunil Purohit, DGM(Vig), Rajasthan Telecom Circle, Jaipur with the request to arrange for inspection of documents by Shri A.K. Gupta, GMTD, Alwar at a mutually convenient date and time.


 (Joginder Singh)
 Under Secretary to the Govt. of India

*Attended
 Advocate*

*Copies
 28.9.08
 Dy CCA*

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 16th February, 2002

केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal
5 MAY 2008
गुवाहाटी
Guwahati Bench

S.O.211(E):- The following Order made by the President on 16-02-2002 is published for general information:

ORDER

In exercise of the powers conferred by clause (2) of article 77 of the Constitution and in supersession of the Authentication (Orders and other Instruments) Rules, 1958, except as respects things done or omitted to be done before such supersession, the President is pleased to make the following rules, namely:-

(A) These rules may be called the Authentication (Orders and other Instruments) Rules, 2002.

(B) They shall come into force on the date of their publication in the official gazette. All Orders and other instruments made and executed in the name of the President shall be authenticated -

(1) by the signature of a Secretary, Special Secretary, Additional Secretary, Joint Secretary, Director, Deputy Secretary, or Under Secretary to the Government of India; or

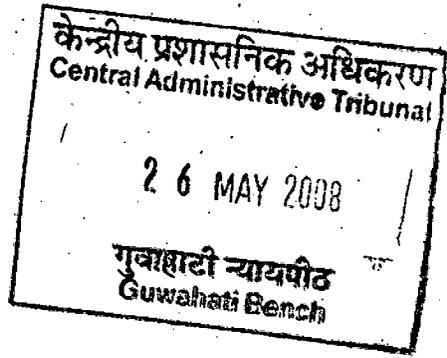
(2) by the signature of a Director or Desk Officer in the Ministries, Departments, Secretariats and Offices specified in the First Schedule to the Government of India (Allocation of Business) Rules, 1961; or

(3) by the signature of a Head of a Department as defined in the Delegation of Financial Powers Rules, 1978, other than a Head of Department in any Union Territory; or

(4) In the case of deeds/bonds of indemnity in Forms GAR 12, 26 and 47 specified under the Central Government Account (Receipts and Payments) Rules, 1983 and indemnity bond for issue of fresh demand draft in lieu of lost demand draft, by an officer declared as Head of Office in the Ministries, Departments, Secretariats and offices specified in the First Schedule to the Government of India (Allocation of Business) Rules, 1961 and Departments, Directorates, Commissions, Boards, Offices or Organisations specified in column 1 of the Schedule to these rules; or

(5) In the case of orders and other instruments relating to the Department of Telecommunication, by an Adviser, a Senior Deputy Director General, a Deputy Director General, a Director, an Internal Financial advisor, a Deputy Wireless Advisor, an Assistant Wireless Advisor, an Assistant Director General, a Chief Engineer, a Chief Architect or the Secretary, Telecom Commission in that Department.

Attended
Dus
Admcal



**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI**

FILED BY:

Shri Arun Kumar Gupta

THROU: *Biswajit Kumar Sharma*

ORIGINAL APPLICATION NO. 241 OF 2007

SHRI ARUN KUMAR GUPTA,

.....APPLICANT

-VERSUS -

UNION OF INDIA & OTHERS

.....RESPONDENTS

-AND-

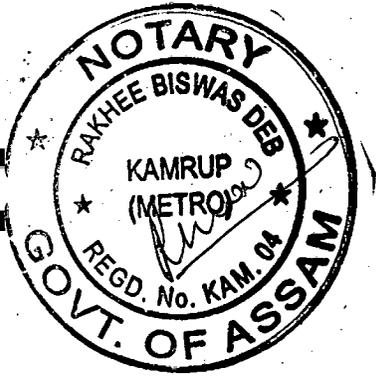
IN THE MATTER OF :

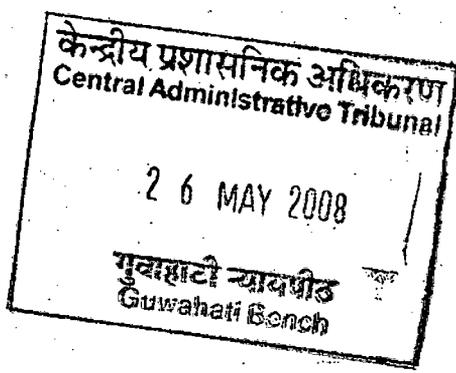
A rejoinder by the Applicant to the Written Statement filed on behalf of the Respondents.

REJOINDER FILED BY THE APPLICANT TO THE WRITTEN

STATEMENT:

I, **Shri Arun Kumar Gupta**, aged about 57 years, son of Shri Vijay Shankar Gupta, Chief General Manager, Bharat Sanchar Nigam Ltd. NE-1 Circle, resident of CTO Compound, Shillong, Meghalaya do hereby solemnly affirm and say as under:-





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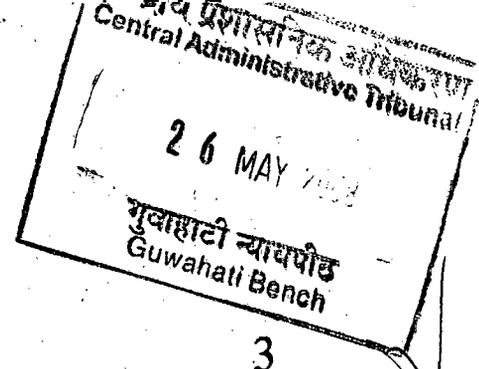
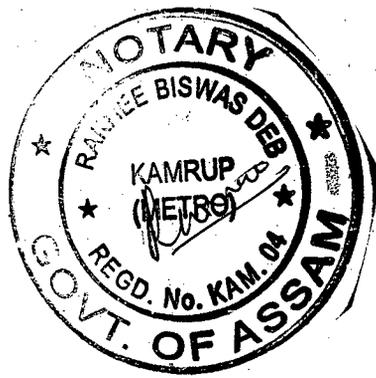
1. That I have been served with a copy of the Written Statement in the present case through my Counsel. I have gone through the said Written Statement and have understood the contents thereof. The statement made in the aforesaid Written Statement which are not specifically admitted herein shall be deemed to have been denied by me.

2. That I have nothing to say with regard to the statements made in paragraph 1,2,3,5 and 7 of the Written Statement except that I reaffirm my statements made in paragraphs 1,2,3,4,6,7,8 and 11 to 18 of the Application.

3. That the statements made in paragraph 4 of the Written Statement are not correct and I therefore deny the same and reaffirm my statements made in paragraph 5 of the Application.

4. That the statements made in paragraphs 6 and 9 of the Written Statements are not wholly correct and as such I deny the same. I had never received the Memo dated 13.02.2004 by which I was asked to inspect documents in the Office of the DGM (Vig) Rajasthan Circle at a convenient date. It may also be pointed out that I requested to supply the documents on 21.01.2004 and not on 21.11.2004 as mentioned in the Written Statement.



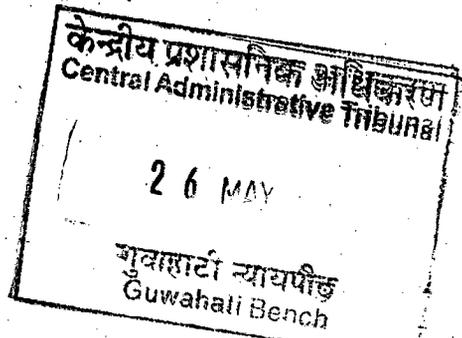


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It may be pertinent to state herein that after going through paragraph 6 of the Written Statement I was surprised with the averment made by the Respondent with regard to the memo dated 13.02.2004 allowing me to inspect the relevant documents in the Office of Deputy General Manager (vig) Rajasthan Telecom Circle, Jaipur at a mutually convenient date. It was alleged that the said memo dated 13.02.2004 was forwarded to me through Chief General Manager (in short 'CGM'), Telecom, Rajasthan Circle. As no such memo dated 13.02.2004 was ever received by me. I requested the CGM, Rajasthan Telecom Circle, Jaipur to inform whether memorandum dated 13.02.2004 has been received by the DGM(Vig) Rajasthan Circle, and if it was received, whether the same was forwarded to me or not vide my letter dated 05.05.2008. Thereafter, I received a memorandum dated 09.05.2008 issued by the Office of the CGM, Telecommunication, Rajasthan Circle, Jaipur stating that :

" as per the office record it is observed that DOT Communication No No. 8-413/2003-Vig II dated 13.02.2004 was received in this office. However, as the reply to the memorandum No. 8-413/2003.vig II dated 05.01.2004 had already been received from your goodself on 12.02.2004 vide your letter No. GMTD/ALW/AKG/Conf/2004/5 dated 11.02.2004, the Dot Letter dated 13.02.2004 was not forwarded to you".

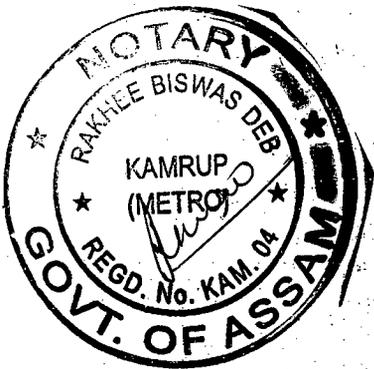
Thus it is clear that I was not furnished with the copies of the documents nor the aforesaid letter dated 13.02.2004 was served



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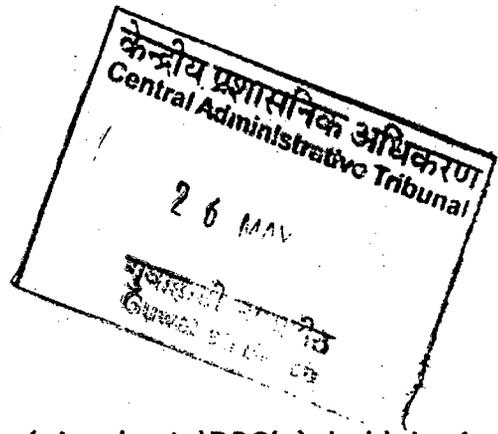
Chin P. Guin

on me whereby it was alleged to have called me to inspect the relevant documents. I say that I was greatly prejudiced in taking effective defence and was deprived of reasonable opportunity of giving proper reply in meeting the charges as effectively as possible in absence of those documents. The documents asked for were absolutely relevant and necessary to meet the charges leveled against me. The non furnishing of copies of the relevant documents infected the disciplinary proceeding by the vice of violation of Principles of Natural Justice.



Copies of my letter dated 05.05.2008 and letter dated 09.05.2008 issued by the Office of the General Manager Telecommunications are annexed herewith and marked as ANNEXURES 15 and 16 /PAGES respectively.

5. That the statements made in paragraph 8 of the Written Statement are not correct. I therefore deny the same and reaffirm my statements made in paragraph 19 of the Application. In this connection, I say that the Respondent admits that since the irregularities did not constitute grave misconduct, therefore only a minor penalty proceedings was initiated and a penalty of censure was imposed but due to inordinate delay on the part of the Respondent towards taking decision on my defence statement, caused major punishment to me by denying due promotion in time in the

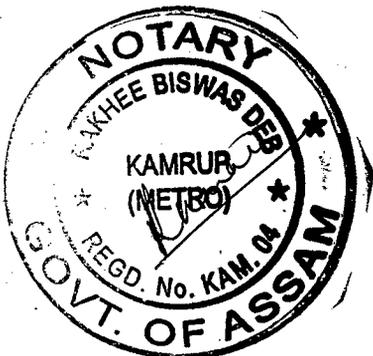


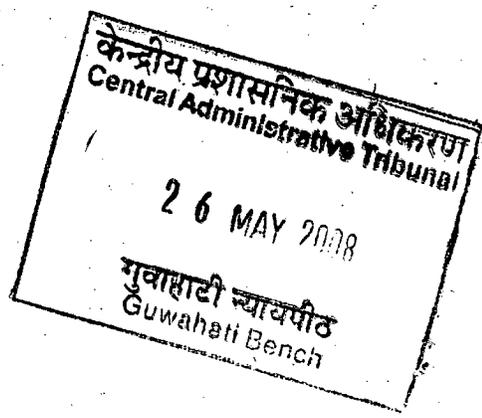
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Departmental Promotion Committee (in short 'DPC') held in April, 2006 which was held after 14 months from submission of my defence statement. It may be pertinent to state herein that I had submitted my defence statement (Reply) on 11.02.2004 and the DPC was held in the month of April, 2005. Had the enquiry been decided timely within two months after submission of my defence, as per instruction of CVC No. 000/vgs/18 dated 23.05.2000, I would have been eligible for promotion in DPC held in April, 2005. The Respondents having not done so caused grave prejudice to me which resulted in miscarriage of justice, causing irreparable loss.

6. That the statements made in paragraph 10 of the Written Statement are not correct. I therefore deny the same and reaffirm my statements made in paragraph 21 of my application. In this connection , I further say that Disciplinary Authority after due consideration having come to the conclusion that an inquiry is not necessary, ought to have say so in writing indicating its reasons in not holding an inquiry. As such action of the Disciplinary Authority resulted in denial of Natural Justice.

7. That the statements made in paragraph 11 of the Written Statement are not correct. Accordingly, I deny the same and reaffirm my statements made in paragraph 22 of my Application.

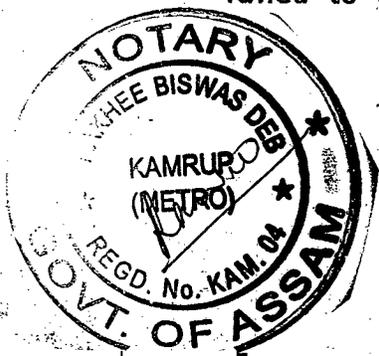


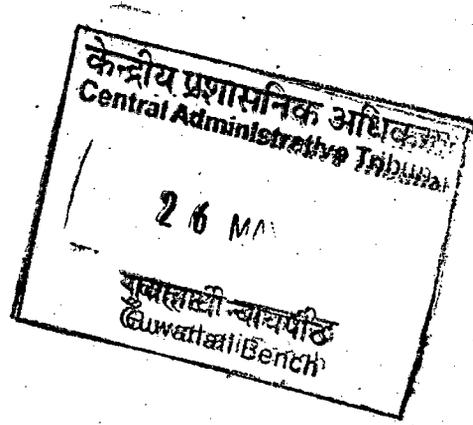


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8. That the statements made in paragraphs 12 and 15 of the Written Statement is not correct and hence I deny the same and reaffirm my statements made in paragraph 23 of the Application. In this connection I say that a close and careful forensic perusal of Article 320 of the Constitution of India and Rule 16 of the Rules, 1965 makes it absolutely clear that the Disciplinary Authority cannot rely and / or depend legally on the opinion of the Union Public Service Commission in respect of question of punishment to be awarded to the Applicant. Though the Disciplinary Authority is required to consult the Public Service Commission in the matter of disciplinary proceedings, yet the opinion given by the Commission is merely advisory and not binding upon the Disciplinary Authority. But in the present case, the impugned punishment of 'Censure' is awarded to the Applicant solely on the advice of the Public Service Commission which vitiated the entire proceeding rendering it liable to be set aside and quashed. I further say that between the dates on which the UPSC tendered its advice (dated 07.06.2005) and the date of the impugned order (dated 10.08.2005) imposed by the Disciplinary Authority, there is no evidence that the Disciplinary Authority held any proceedings or sittings to consider my cause and to consider the Disciplinary Authority's point of view but instead of holding any proceeding the Disciplinary Authority merely redirected the UPSC's opinion to me without even taking the trouble to change the language, which clearly shows that the Disciplinary Authority failed to apply its own mind. Further that the Disciplinary Authority failed to take any other ground except what the UPSC has advised

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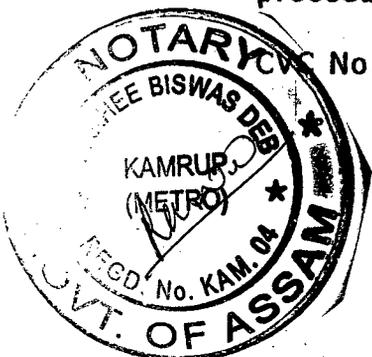
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while imposing the punishment on me. This clearly shows that the Disciplinary Authority blindly followed the UPSC's advice.

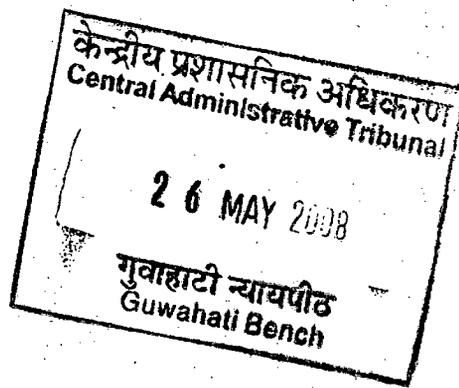
9. That in the context of paragraph 13 and 21 of the Written Statement I say that the contentions made therein are not sustainable in law. The Respondents are not competent to advise the Hon'ble Tribunal to reprimand me.

10. That the statements made in paragraphs 14 and 16 of the Written Statement is not correct and hence I deny the same and reaffirm my statement made in paragraph 25 and 28 of the Application. I specifically deny the statements of the Respondents that the prescribed procedure has been followed as per the provisions of the statutory Rules. In this connection, I say that the guidelines prescribed by the Central Vigilance Commission vide its notification No. 000/VGL/18 dated 23.05.2000 have been violated. In the said guidelines it has been clearly stated that the minor penalty cases should be completed within 2(two) months from the receipt of the defence statement. In this case defence statement was submitted on 11.02.2004. But the Authority took about 2 years to dispose of the proceedings and thereby violated the present notification dated 23.05.2000. I further states that my DPC was held in April, 2005 and the findings of the DPC was put under seal cover procedure due to ongoing (pending) disciplinary action against me. Had the disciplinary proceedings been decided timely within 2 months as per instruction of

Notification No. 000/VGL/18 dated 23/5/2000 after submission of my defence



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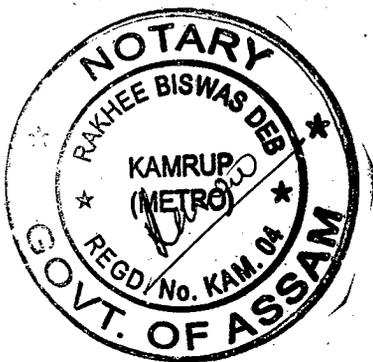
statement, I would have been eligible for promotion in the DPC held in 2005. Thus the delay in taking decision caused a major punishment to me by denying my legitimate right of promotion due in the DPC held in the month of April, 2005.

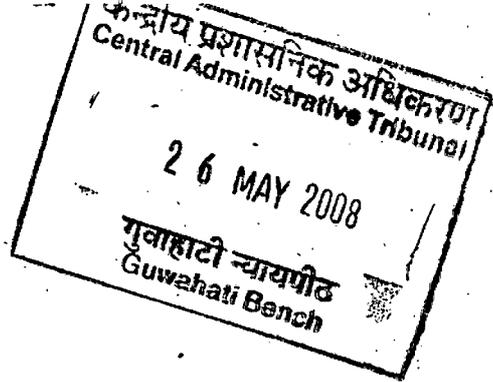
A copy of the aforesaid Notification dated 23.05.2005 is annexed herewith and marked as **ANNEXURE 17 /PAGE**

11. That the statements made in paragraphs 17 and 18 of the Written Statement are not correct and hence I deny the same and reiterate and reaffirm my statements made in paragraphs I,II and III of the Grounds.

12. That the statements made in paragraph 19 of the Written Statement are not correct and hence I deny the same. I stoutly deny the averment made by the Respondents in the said paragraph that *"the Applicant has claimed sympathy stating that the authority should have taken a lenient action; having said this he has admitted the irregularities committed by him"*. In this regard I say that my entire paragraph made in Ground No. IV be read together. For the sake of brevity, the relevant portion on the said paragraph is quoted below:

"In view of the aforesaid observation the Disciplinary Authority ought to have taken lenient view in the matter, taking into account



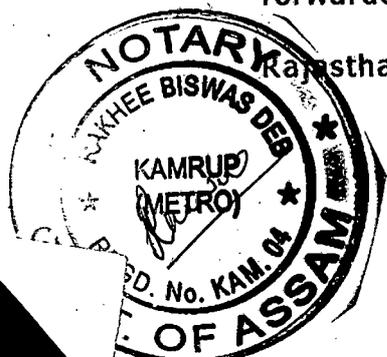


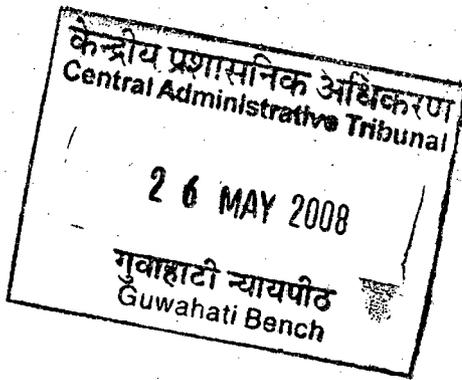
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the conduct and past performance of the Applicant and should have ignored the minor lapses of the Applicant even if there was any, particularly in view of the fact that the Department had not suffered any financial loss for any negligence / carelessness as alleged on the part of the Applicant."

Therefore, I say that it is wrong to say that I have admitted the alleged irregularities. I further say that the above averment was made in the context of the observation made by the UPSC. Therefore, it could never be construed that I had admitted the allegations made against me in the memorandum dated 05.01.2004 (Annexure - 3 to the Application). I say that minor penalty "Censure" imposed by the Authority indirectly have a impact of major punishment due to delay in disposing the Disciplinary Proceeding ultimately causing denial of promotion.

13. That the statements made in paragraphs 20 and 26 of the Written Statement is not correct and hence I deny the same. I specifically deny that I had ever received the memo dated 13.02.2004 calling me for inspection of documents. In this regard I again state that on my enquiry from CGM, Rajasthan Telecom Circle, Jaipur with regard to the aforesaid memo dated 13.02.2004, I was forwarded a letter dated 09.05.2008 from the Office of the CGMT, Rajasthan Circle, Jaipur which speaks my innocence and exposed the

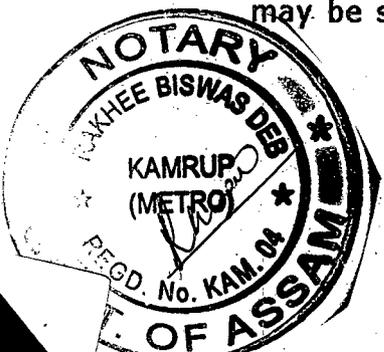


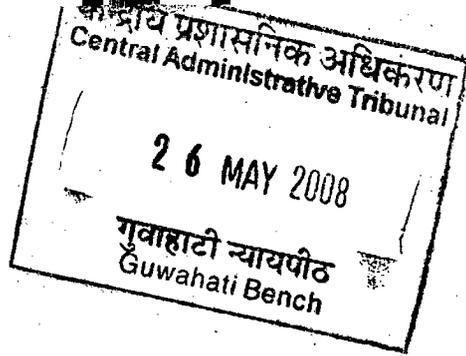


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Authority. In the said letter it is specifically stated that *as the reply to the memorandum dated 05.01.2004 (Charge Memo) had already been received from me on 12.02.2004, the DOT letter dated 13.02.2004 was not forwarded to me..* Infact the Respondents ought to have given me a list of documents they are relying upon in the disciplinary proceedings along with the Memorandum dated 05.01.2004. Not mentioning the list of documents in Memorandum dated 05.01.2004 and non furnishing of documents or not allowing me to inspect the documents infected the disciplinary proceeding by the vice of violation of Principles of Natural Justice. As a result I was sufficiently prejudiced which rendered me incapable in meeting the charges, as effectively as possible Therefore, the punishment of censure awarded against me is liable to be set aside and quashed on that ground alone.

14. That the statements made in paragraphs 22,24,27,28 and 29 of the Written statement are not correct and hence I deny the same and reiterate and reaffirm my statements made in paragraphs VII, VIII, IX, XI, XVIII, XIX, XX, XXI, XXII and XXIII of the Grounds in the Application. In this connection, I say that **the Disciplinary Authority without recording a finding on each imputation of misconduct or misbehaviour referred the matter to the UPSC for consultation.** Moreover, the Disciplinary Authority failed to apply its mind and readily accepted the punishment prescribed by the UPSC which violates mandatory provisions of Rule 16 of the Rules, 1965. It may be stated herein that the Article 320 of the Constitution of India

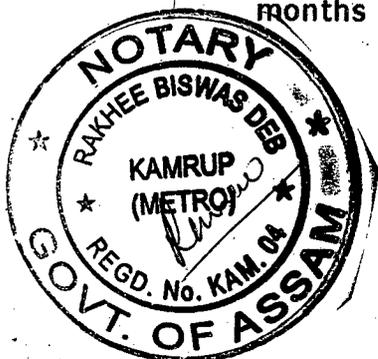




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and Rule 16 of the Rules, 1965 makes it absolutely clear that the Disciplinary Authority cannot rely and / or depend legally on the opinion of the Union Public Service Commission in respect of question of punishment to be awarded to the Applicant. Though the Disciplinary Authority is required to consult the Public Service Commission in the matter of disciplinary proceedings, yet the opinion given by the Commission is merely advisory and not binding upon the Disciplinary Authority. But in the present case, the impugned punishment of 'Censure' is awarded to the Applicant solely on the advice of the Public Service Commission which vitiated the entire proceeding rendering it liable to be set aside and quashed.

15. That the statements made in paragraphs 23,25,31 and 33 of the Written Statement are not correct and hence I deny the same and reiterate and reaffirm the statement made in paragraphs X,XII,XIII, XXV, XXIX, XXX and XXXI of the Application. In this connection, I say that as contended by the Respondents the instruction contained in the memorandum No. DOP & T OM No. 22011/4/91-Estt (A) dated 14.09.2007 onwards and will be applicable in case of proceedings commenced from 14.09.2007 and will not be applicable in my case wherein the proceeding commenced in January, 2004. I further reiterate that the guidelines prescribed by the Central Vigilance Commission vide its notification No. 000/VGL/18 dated 23.05.2000 have been violated. In the said guidelines it has been clearly stated that the minor penalty cases should be completed within 2(two) months from the receipt of the defence statement. In my case



केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
26 MAY 2005
गुवाहाटी न्यायपीठ
Guwahati Bench 12

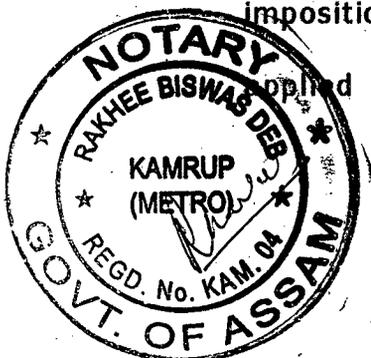
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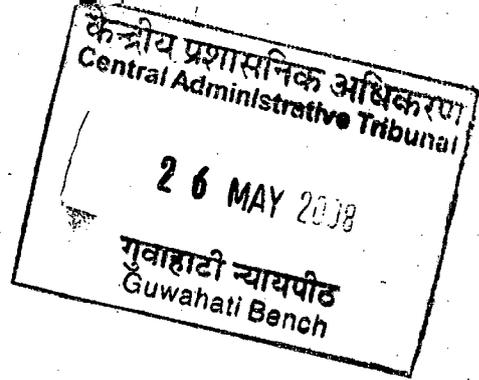
defence statement was submitted on 11.02.2004 whereas the Authority took about 2 years to dispose of the proceedings and thereby violated the CVC notification dated 23.05.2000. I further states that my DPC was held in April, 2005 and the findings of the DPC was put under seal cover procedure due to ongoing (pending) disciplinary action against me. Had the disciplinary proceedings been decided timely within 2 months as per instruction of CVC No. 000/VGL/18 dated 23/5/2000 after submission of my defence statement, I would have been eligible for promotion in the DPC held in 2005. Thus the delay in taking decision caused a major punishment to me by denying my legitimate right of promotion due in the DPC held in the month of April, 2005.

16. That the statements made in paragraph 30 of the Written Statement is not correct and hence I deny the same and reiterate and reaffirm the statements made in Ground XXIV of the Application.

17. That the statements made in paragraph 32 of the Written Statement is not correct and hence I deny the same and reiterate and reaffirm my statements made in Grounds XXVII and XXVIII of the Application. It is denied that there is no violation of procedure as laid down in the statutory rules. In this connection, I say that there is violation of Rules, 1965. In the instant case the penalty was solely imposed by the UPSC, who is a third party and had nothing to do with imposition of punishment on me. The Disciplinary Authority has not

applied its mind instead it merely acted on the instructions of the

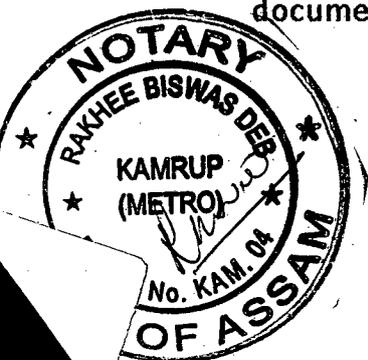




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UPSC in imposing penalty. On the other hand both UPSC and Authority as well as the Appellate Authority have not applied their mind judiciously in imposition of punishment while appreciating the entire fact as they accepted that " **The CO had made the purchases in advance keeping in view the requirements of the Department without any malafide intention. Also, according to the DA, the infrastructure had to be made ready much in advance before the actual execution of work particularly in view of the competition from private operators and in the best interest of BSNL.**" Moreover, the enquiry took almost 2 years to complete from the date of my submission of defence statement in violation of instruction of CVC No. 000/vgl/18 dated 23.05.2000 which resulted in deprivation of my due promotion due to delay in completion of enquiry.

18. That the statements made in paragraph 34 of the Written Statement is not correct and hence I deny the same and reiterate and reaffirm my statement made in Ground XXXII, XXIII and XXIV of the Application. It is denied that "neither any of the principles of Natural Justice nor any of the procedures as laid down in the statutory rules have been violated". I also deny that I was given full opportunity to defend myself. The submission of the Respondents that "the penalty is minimum and commensurate with the gravity of offence committed by the Applicant" is also denied by me. In this connection, I again say that I have not been given the opportunity to inspect the documents as demanded by me. Further the Disciplinary Authority has



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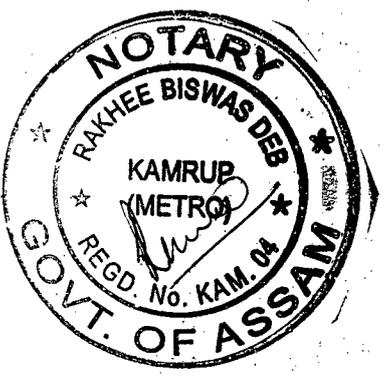
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
26 MAY 2008
गुवाहाटी न्यायपीठ
Guwahati Bench

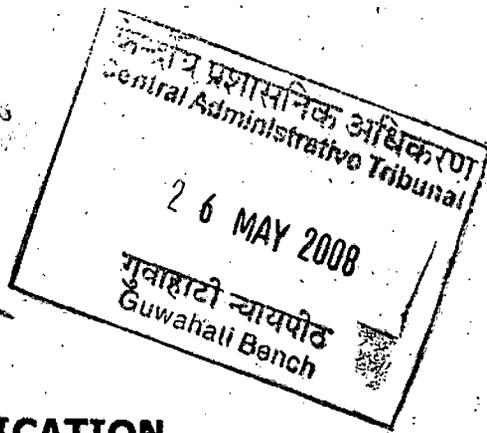
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violated the Rules as laid down in Rules 1965 in following the procedure of disciplinary action. I further say that the Respondents has not followed the guidelines Notification prescribed by Central Vigilance Commission vide its Notification dated 23.05.2000, which clearly indicates that the minor penalty cases should be completed within 2(two) months from the receipt of the defence statement. However, by taking about 2 years to dispose of the proceedings the authorities completely breached this notification in my case. Therefore in view of the clear violation of the service regulation and the guidelines and for deliberate breach of the principles of Natural Justice, the impugned penalty of censure is liable to be set aside and allow my promotion to the next higher grade with effect from the date on which Officers juniors to me were promoted to the next higher grade.

.....Verification





15

VERIFICATION

I, **Shri Arun Kumar Gupta**, son of Shri Vijay Shankar Gupta, Chief General Manager, Bharat Sanchar Nigam Ltd. NE-1 Circle, resident of CTO Compound, Shillong, Meghalaya and am the Applicant in this accompanying application and do hereby verify that the contents of paragraphs 1, 2, 3, 5 to 9 and 11 to 18 are true to my knowledge and those made in paragraphs 4 and 10 are believed to be true on legal advice and that I have not suppressed any material fact.

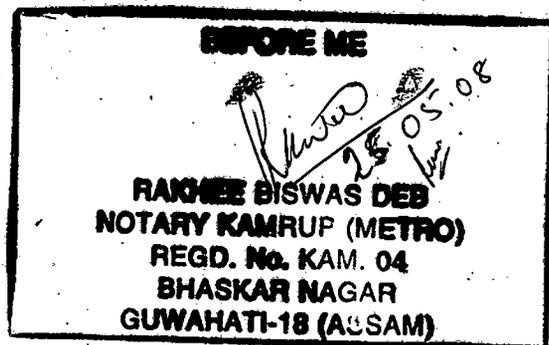
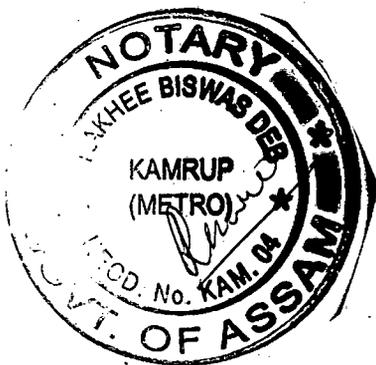
And I sign this verification on this ^{25th} day of May, 2008, at Guwahati.

Date : 25.05.2008,

Place: Guwahati

A handwritten signature in black ink, appearing to be 'Arun Kumar Gupta'.

Signature of the Applicant



A.K. Gupta
Chief General Manager
 Tele 0364-2223400 (O)/2224800(R)
 FAX 0364-2225100



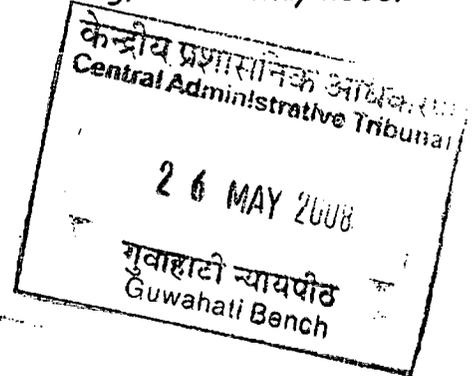
North East Telecom Circle-I
Shillong-793001.

CONFIDENTIAL

D.O. No.CGM/NE-I/AGK/2006-07
Dated at Shillong, the 5th May 2008.

To

The Chief General Manager,
 BSNL, Rajasthan Telecom Circle,
 Jaipur.



One Memorandum No. 8-413/2003-Vig.II dtd. 05.01.2004 was forwarded to me by DGM (Vig), Rajasthan Circle, Jaipur vide his letter No.VIG-2-312/2004/Ch.II/5 dtd. 09.01.2004. In order to reply to the Memorandum I had asked for some documents vide my letter No.GMTD/ALW/AGK/CONF/2004-1 DTD/21.01.04. Since, no documents were supplied to me in time, the undersigned had submitted the representation. However, now as per a communication received from DOT, a Memorandum was sent to undersigned by Sri Joginder Singh, Under Secretary to the Govt. of India, DOT, New Delhi through CGM, BSNL, Rajasthan Circle, Jaipur, No.8-413/2003-Vig.II dtd. 13.02.2004, (Copy enclosed) indicating that the undersigned can inspect the relevant documents in the office of DGM (Vig), Rajasthan Circle at the mutually convenient date. This letter was not received by the undersigned from CGMT, Rajasthan.

You are therefore, requested to kindly inform whether Memorandum dtd. 13.2.2004 has been received by the DGM (Vig), Rajasthan Circle, if yes, whether the same was forwarded to the undersigned or not.

An early reply is requested.

Encl:A/A


 (A.K. GUPTA)
 CGM Telecom
 North East- I Circle,
 Shillong - 793001.

Certified to be true copy

 Atm.

23-17-

Annexure - I.

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
26 MAY 2004
गुवाहाटी न्यायपीठ
Guwahati Bench

MOST IMMEDIATE



No.8-413/2003-Vig.II
Government of India
Ministry of Communications & Information Technology
Department of Telecommunications
(Vigilance Wing)

West Block-1, Wing-2,
R.K. Puram, New Delhi-110066

Dated 17-01-2004

MEMORANDUM

Subject: Rule 16 proceedings against Shri A.K.Gupta, GM TD, Alwar, Rajasthan

With reference to his representation dated 21.01.2004 against Memorandum No.8-413/2003-Vig-II dated 09.01.2004, Shri A.K. Gupta, GMTD, Alwar is hereby informed to inspect the relevant documents in the office of Dy. General Manager (Vig), Rajasthan Telecom Circle, Jaipur at a mutually convenient date. After inspection of documents, Shri A.K. Gupta, GM should submit his written defence representation within 10 days from the date of such inspection. If no representation is submitted by Shri A.K. Gupta, GM by the stipulated time, it will be presumed that Shri A.K. Gupta, GM has nothing to say in the matter and orders are liable to be passed ex-parte.

The receipt of this Memorandum may please be acknowledged.

Joginder Singh
(Joginder Singh)
Under Secretary to the Govt. of India

Shri A.K. Gupta,
General Manager TD,
Alwar Telecom District
Alwar.
(Through CGMT, Rajasthan Circle)

Shri Sunil Purohit, DGM(Vig), Rajasthan Telecom Circle, Jaipur with the request to arrange for inspection of documents by Shri A.K. Gupta, GMTD, Alwar at a mutually convenient date and time.

Joginder Singh
(Joginder Singh)
Under Secretary to the Govt. of India

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ANNEXURE - 16

BIHARAT SANCHAR NIGAM LIMITED
(A Government of India Enterprise)

Office of the Chief General Manager Telecommunications,
Rajasthan Circle, Sardar Patel Marg, Jaipur 302 008

No. Vig 2-312/Ch.II/77

Dated at Jaipur, the May 9, 2008

To,

Shri A.K. Gupta,
Chief General Manager,
North East Telecom Circle,
SHILLONG 793001.

Sub : Disciplinary case.

Ref : Your d.o.letter No.CGM/NE-I/AKG/2006-07 dated 5th May 2008.

Sir,

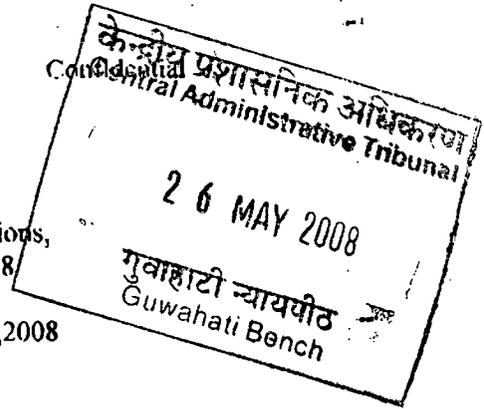
I have been directed to refer to your d.o.letter under reference on the captioned subject. In this connection as per this office record it is observed that DoT communication No. 8-413/2003-Vig.II dated 13-2-2004 was received in this office. However, as the reply to the memorandum No. 8-413/2003-Vig.II dated 5-1-2004 had already been received from your goodself on 12-2-2004 vide your letter No. GMTD/AI.W/AKG/Conf/2004/5 dated 11-2-2004, the DoT letter dated 13-2-2004 was not forwarded to you.

With regards,

Yours faithfully,

(N.S.Mathur)
(N.S.Mathur) 21/5/08
Asstt. General Manager (Vigilance)

Confidential to be have copy
On
Date.



ANNEXURE - 17

No.000/VGL/18
 Government of India
 Central Vigilance Commission

1325/2000-Vig-2
 2000
 केन्द्रीय प्रशासनिक अधिकरण
 Central Administrative Tribunal
 26 MAY 2008
 गुवाहाटी न्यायपीठ
 Guwahati Bench

Satarkta Bhawan, Block 'A',
 GPO Complex, INA,
 New Delhi- 110 023
 Dated the 23rd May 2000

Vig Telecom
 1588
 9/6/2000

D (Vig)
 All circulars
 9/6

The CVOs of Ministries/Departments, autonomous organisations and Societies etc.

Subject: Schedule of time limits in conducting investigations and departmental inquiries.

Delays in disposal of disciplinary cases are a matter of serious concern to the Commission. Such delays also affect the morale of the suspected/charged employees and others in the organisation. The Commission has issued instructions, vide its communication No. 8(1)(g)/99(3) dated 03.03.1999, that departmental inquiries should be completed within a period of six months from the date of appointment of Inquiry Officers. Regarding other stages of investigation/inquiry, the time-schedule, as under, has been laid down in the Special Chapters on Vigilance Management in Public Sector Banks/Enterprises, which are applicable to the employees of public sector banks / enterprises. The Commission desires that these time-limits should also be adhered to by the Ministry/Departments of Government of India, autonomous organisations and other Cooperative Societies, in respect of their employees, so as to ensure that the disciplinary cases are disposed of quickly.

S.No	State of Investigation or inquiry	Time Limit
1.	Decision as to whether the complaint involves a vigilance angle.	One month from receipt of the complaint.
2.	Decision on complaint, whether to be filed or to be entrusted to CBI or to be taken up for investigation by departmental agency or to be sent to the concerned administrative authority for necessary action.	-do-
3.	Conducting investigation and submission of report.	Three months.
4.	Department's comments on the CBI reports in cases requiring Commission's advice.	One month from the date of receipt of CBI's report by the CVO/Disciplinary Authority.
5.	Referring departmental investigation reports to the Commission for advice.	One month from the date of receipt of investigation report.
6.	Reconsideration of the Commission's advice, if required.	One month from the date of receipt of Commission's advice.

12/5
 17/5
 Consider to be true copy
 Am
 Bhandari

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26 MAY 2008

7.	Issue of charge-sheet, if required.	(i) One month from the date of receipt of Commission's advice. (ii) Two months from the date of receipt of investigation report
8.	Time for submission of defence statement.	Ordinarily ten days or as specified in CDA Rules.
9.	Consideration of defence statement.	15 (Fifteen) days.
10.	Issue of final orders in minor penalty cases.	Two months from the receipt of defence statement.
11.	Appointment of IO/PO in major penalty cases.	Immediately after receipt and consideration of defence statement.
12.	Conducting departmental inquiry and submission of report.	Six months from the date of appointment of IO/PO.
13.	Sending a copy of the IO's report to the Charged Officer for his representation.	i) Within 15 days of receipt of IO's report if any of the Articles of charge has been held as proved; ii) 15 days if all charges held as not proved. Reasons for disagreement with IO's findings to be communicated
14.	Consideration of CO's representation and forwarding IO's report to the Commission for second stage advice.	One month from the date of receipt of representation.
15.	Issuance of orders on the Inquiry report.	i) One month from the date of Commission's advice. ii) Two months from the date of receipt of IO's report if Commission's advice was not required.

Yours faithfully,

K.L. Ahuja

(K.L. Ahuja)
Officer on Special Duty