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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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B.Das
20/07/2015

SECTION OFFICER (JUDL.)

FORM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:
ORDERSHEET

1. ORIGINAL APPLICATION No: 172, 2009

2. Transfer Application No : -----/2009 in O.A. No.-----
 3. Misc. Petition No : -----/2009 in O.A. No.-----
 4. Contempt Petition No : -----/2009 in O.A. No.-----
 5. Review Application No : -----/2009 in O.A. No.-----
 6. Execution Petition No : -----/2009 in O.A. No.-----

Applicant (S) : Sri Pradip Kumar Choudhury

Respondent (S) : Union of India v/s App. No. 5

Advocate for the : Adv. M. Chanda,
{Applicant (S)}

Adv. S. Nath v/s Adv. U. Dutta

Advocate for the : CGSC
{Respondent (S)}

Notes of the Registry	Date	Order of the Tribunal
<p>1. Application is in form is filed C. F. for Rs. 50/- deposited vide IPO/BD No. <u>399 415097</u> Dated <u>23.7.2009</u></p> <p><i>N. Kumar 1.9.09 Dy. Registrar 1/5/09</i></p>	<p>02.09.2009</p>	<p>Heard Mrs. U.Dutta, learned counsel appearing for the Applicant. Mr.K.K.Das, learned Addl.Standing Counsel for Government of India and perused the materials placed on record.</p> <p>For the reasons recorded separately, this case stands disposed of.</p>

3
(M.K. Chaturvedi)
Member(A)

4
(M.R. Mohanty)
Vice-Chairman

1.9.2009
Five copies of application
with envelopes received
for issue notices to the
Respondents. No 1 to 5. Copy
served. /lm

1/5/09

9/9/09

2 Copy of Judgment
ordered 2/9/2009
send to the D/section
for issuing to the
Applicant & Resps.
by Regd. post.

Free copies of both
Side standing Counsel.
by channel.

D/No. 1227-1232 ^{Open} 9/9/09

ddt 11-9-2009

1. ~~Applicant's~~ ~~estoppel~~ ~~not~~ ~~present~~ ~~the~~ ~~same~~
2. ~~Applicant~~ ~~not~~ ~~not~~ ~~present~~ ~~the~~ ~~same~~
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13. ~~Applicant~~ ~~not~~ ~~not~~ ~~present~~ ~~the~~ ~~same~~

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI:

O.A. NO: 172 of 2009

Date of Decision 02.09.2009

Shri P.K.Choudhury.

..... Applicant/s

Mrs. U.Dutta,

..... Advocate for the
Applicant/s

- Versus -

U.O.I. & Ors.

..... Respondent/s

Mr.K.K.Das, Addl.Standing Counsel

..... Advocate for the
Respondents

CORAM

HON'BLE MR. M.R.MOHANTY, VICE-CHAIRMAN
HON'BLE MR. M.K. CHATURVEDI, MEMBER (A)

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

~~Vice-Chairman/Member (A)~~

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.172 of 2009

Date of Order: This the 2nd Day of September, 2009.

HON'BLE MR.MANORANJAN M OHANTY, VICE-CHAIRMAN
HON'BLE MR.M.K.CHATURVEDI, ADMINISTRATIVE MEMBER

Shri P.K. Choudhury
Ex-Jt. Area Organiser, SSB
Vill- Santipur, Ward No.5
Near Hindi High School
P.O.- Rangia, Bhutan Road
Dist- Kamrup (Assam), Pin- 781354.

.....Applicant

By Advocates : Mr. M. Chanda, Mr. S. Nath & Ms. U. Dutta.

-Versus-

1. The Union of India
Represented by the Secretary to the
Government of India
Ministry of Home Affairs
North Block, New Delhi- 110 001.
2. The Director General, SSB
East Block-V, R.K. Puram
New Delhi- 110066.
3. Assistant Director
East Block-V, R.K. Puram
New Delhi- 110066.
4. Inspector General FTR
Headquarter, Zoo Road
Uday Path, Guwahati- 24.
5. Deputy Inspector General
SSB Sector Headquarter
Dist- Bongaigaon, Assam.

.....Respondents

By Advocate : Mr. K.K. Das, Addl. Standing Counsel.



ORDER (ORAL)O.A.No.172 of 2009

02.09.2009

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MANORANJAN MOHANTY, V.C.:

Applicant claims that he was appointed as a Circle Organizer of Special Security Bureau (in Short 'SSB') on 17.04.1976 and promoted as Sub Area Organizer on 20.02.1987 and functioned as Head of the office and Drawing & Disbursing Officer of Area Office of SSB at Palia in Uttar Pradesh with effect from, 28.02.2002 and promoted as Joint Area Organizer of SSB on 15.07.2002. It has been disclosed that, on 19.12.2002, the Ministry of Home Affairs (of Govt. of India) issued guidelines (addressed to Director General of SSB) to implement various orders of Courts/Tribunals and, on 05.02.2003, it was alleged, the Applicant disbursed an amount of Rs.8,32,376/- (as arrears of "ration money allowances") without authorization and specific orders of the competent authority of SSB; for which the Area Organizer of SSB/Palia directed to recover payment of arrear of 'ration money allowances' that was paid to 24 officials/staff of SSB at Palia.

2. On 02.01.2008, a Charge-sheet, in a Departmental Proceeding, was issued against the Applicant and he submitted reply thereto on 19.01.2008; whereafter, Inquiry Officer & Presenting Officer were appointed on 07.05.2008 and, after some adjournments, the enquiry started on 01.06.2006 and continued on 24/06, 26/6, 27/6 and 28/6/2008. On 30.06.2008 the Applicant faced retirement from service



on attaining the age of superannuation. It is alleged that prayer of the Applicant to supply him some documents (in defence) was not heeded to. Enquiry came to end on 05.08.2008. Presenting Officer, on 17.01.2009, submitted his written brief in the enquiry; a copy of which was supplied to the Applicant on 19.01.2009. Applicant, also, submitted his written brief in the enquiry on 23.01.2009.

3. On 27.01.2009, the Applicant addressed a representation to the DG/SSB for an early settlement of the proceeding and disbursement of retirement benefits to him. On 23.02.2009, DG/SSB intimated that retirement benefits can be made on conclusion of the Departmental Proceedings and that provisional Pension and past dues can be disbursed by Falakata Area of SSB.

4. On 26.02.2009, the Area Organizer of SSB/Falakata intimated the Applicant that Bills(a) for Rs.2,99.340/- (towards claim of Applicant for Leave Encashment) and (b) Rs. 71,340/- (towards refund of CGE/GIS to the Applicant) were submitted to PAO/SSB/New Delhi on 16.07.2008 and 25.07.2008 respectively and the same were received back with following objections :-

(a) Re.Leave Encashment Bill

“Payments may be released after conclusion of Proceeding and adjustment of Government dues, if any.”

(b) Re.Refund of CGE/GIS Bill

“calculations of CGEGIS are not correct”

5. On 27.03.2009, the DIG of FTR.HQR of SSB/Guwahati intimated the Applicant to the following effect:-

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"In this regard it is to intimate you that Rs.10,06,883/- of GPF final payment and Provisional pension amount Rs. 30,550/- (Rs.6110/-) per month and Benevolent fund Rs. 2200/- Total Rs. 10,39,663/- (Rupees Ten lakhs thirty nine thousand six hundred sixty three) only has been paid to you on 21/11/08, 29/1/09 and 15/10/2008 respectively.

Further, the CGEGIS and Leave encashment bill have been submitted to PAO SSB MHA vide AO Falakata Dated 20/02/2009 and Dated 13/02/09 and the pensionary benefit and retirement gratuity will be paid to you after finalization of the DE.

However, payment of provisional pension and arrears of pay on account of revision of pay w.e.f. 01/01/2006 on implementation of the recommendation of 6th CPC will be made by Falakata Area.

In view of above facts, it is understand that most of the pensionary benefits admissible has been paid to you. Remaining amounts will be disbursed immediately on receipt of payment from PAO SSB New Delhi. As regards authorization of PPO, it will be released accordingly by the PAO MHA New Delhi on finalization of Departmental proceedings pending against you.

This has the approval of Inspector General, FTR HQR SSB Guwahati."

6. In the above premises, the Applicant has approached this Tribunal with the present Original Application filed (on 01.09.2009) under section 19 of the Administrative Tribunals Act, 1985 ; wherein he has prayed as under :-

"8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned No.13/SSB/A2/2005(2)-10-14 dated 02.01.2008 (Annexure-1)

-And/or, alternatively-

8.2 That the respondents be directed to conclude the disciplinary proceedings initiated under Memorandum dated 02.01.2008 forthwith.

8.3 Cost of the Application.

8.4 Any other relief (s) to which the Applicant is entitled as the Hon'ble Tribunal may deem fit and proper."

7. Heard Mrs.U.Dutta, learned counsel appearing for the Applicant and Mr. K. K. Das, learned Addl. Standing Counsel for Government of India (to whom a copy of this Original Application has already been supplied) and perused the materials placed on record.

8. It is the positive case of the Applicant that, although the enquiry in the Departmental Proceedings came to an end during January 2009 and although seven (7) months have elapsed in between, no steps have yet been taken by the Disciplinary Authority to finalize the proceeding and, as a result of the same, he (Applicant) has been deprived of several of the retrial benefits available to him(Applicant) under law.

9. Mrs. U.Dutta, learned counsel for the Applicant argues that non payment of monthly pension (even the 'provisional Pension') to the Applicant is a continuing wrong/violation of right under Article 21 of the Constitution of India.

10. On the other hand, Mr.K.K,Das, learned Addl.Standing counsel for Government of India, pointed out that more than ten lakh Rupees having been released in favour of the Applicant on 15.10.2008, on 21.11.2008 and on 29.01.2009, there were no violation of any of the right under Article 21 of the Constitution of India. It is also stated that steps have already been taken to disburse further amounts

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(in favour of the Applicant); for which the HQRS of SSB/New Delhi have already been moved.

11. In the above premises, without entering into merits of the matter, this case is hereby disposed of by remitting the same to the Respondents; who should (a) promptly finalize the Departmental Proceedings (that is pending against the Applicant) by end of December 2009 and (b) start releasing provisional monthly pension (in favour of the Applicant) forthwith i.e. by end of September 2009. All arrear/past dues (of Provisional Pension) of the Applicant should be disbursed to the Applicant by end of October 2009. CGE/GIS dues should also be released in favour of the Applicant, if the same has not yet been released, by end of September 2009. With these observations and directions, the case stands disposed of.

12. Send copies of this order to the Applicant and the Respondents (along with the copies of this O.A), by Registered Post, in the address given in the Original Application.

13. Applicant should immediately transmit copies of this order to (i) PAO/SSB/New Delhi and (ii) A.O./Falakata and draw their attention for releasing Provisional Pension and other dues in time.

14. Free copies of this order be supplied to the advocates for the parties.

~~(M.K.CHATURVEDI)~~
ADMINISTRATIVE MEMBER
1m

Manoranj
02/09/09
(MANORANJAN MOHANTY)
VICE-CHAIRMAN

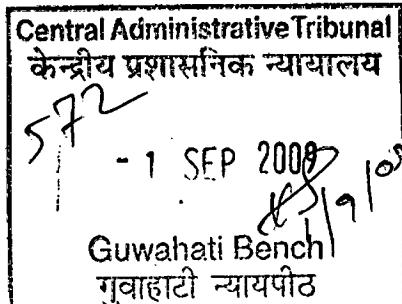
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

O. A. No. 172/2009

Sri Pradip Kumar Choudhury.
-Vs-
Union of India and Others.



SYNOPSIS OF THE APPLICATION

Applicant while serving as Joint Area Organiser, SSB, Falakata, West Bengal, a memorandum of charge sheet dated 02.01.2008 was served upon him on the alleged ground that while functioning as Head of Office and D.D.O in the Area Office, Palia he preferred the claim on account of arrears of ration money allowance for Rs. 8,32,376 on 05.02.2003 without any authorization and specific order of the competent authority. Accordingly, regular hearing of the inquiry proceeding has been completed on 05.08.2008. Applicant has duly participated in the inquiry proceeding. In the meantime applicant retired from service on superannuation on 30.06.2008 but his provisional pension and other pensionary benefits has not been paid to him on the ground of pending disciplinary proceeding initiated vide memorandum of charge sheet dated 02.01.2008. Be it stated that hearing of the proceeding completed on 05.08.2008 but the disciplinary authority remain silent without any further progress in the enquiry proceeding for a period of more than one year. As such the memorandum of charge sheet dated 02.01.2008 and the entire enquiry proceeding is liable to be set aside and quashed on the ground of inordinate delay which has caused serious prejudice to the applicant or the Hon'ble Tribunal be pleased to direct the respondents to conclude the disciplinary proceedings initiated under Memorandum dated 02.01.2008 forthwith.

LIST OF DATES

- 17.04.1976- Applicant was initially appointed as Circle Organiser in the Special Security Bureau (for short SSB) on 17.04.1976.
- 20.02.1987- Applicant was promoted to the post of Sub-Area Organiser.
- 28.02.2002- Applicant was functioning in the Area Office, Palia, Uttar Pradesh in the capacity of Head of Office and Drawing and Disbursing Officer with effect from 28.02.2002.
- 15.07.2002- Applicant was promoted as Joint Area Organiser.

- 1 SEP 2009

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- 19.12.2002- Ministry of Home Affairs issued guidelines addressed to the DG, SSB to implement the various Hon'ble CAT/Court orders in whose favour judgment was delivered.
- 05.02.2003- Respondents have alleged that the applicant preferred the claim on account of arrears of ration money allowance for Rs. 8,32,376 without any authorization and specific order of the competent authority.
- 29.07.2005- Area Organiser, SSB, Palia directed to recover payment of arrear of ration money allowance paid to 24 officials staffs of Palia.
(Annexure- 4)
- 26.04.2006- Assistant Director, office of DG, SSB, New Delhi issued a memorandum to recover the arrear of ration money allowances paid to the staffs of SSB, Palia.
(Annexure- 5)
- 02.01.2008- Memorandum of charge sheet was issued against the applicant, whereby 3 article of charges brought against the applicant on the alleged ground that while functioning as Head of Office and D.D.O in the Area Office, Palia he preferred the claim on account of arrears of ration money allowance for Rs. 8,32,376 on 05.02.2003 without any authorization and specific order of the competent authority.
(Annexure- 1)
- 19.01.2008- Applicant submitted a detail reply denying all the 3 article of charges.
(Annexure-2)
- 07.05.2008- Inquiry officer and Presenting Officer were appointed to inquire into the charge framed against the applicant.
(Annexure- 3A, 3B)
- 17.05.2008- Applicant was informed that a preliminary hearing of the case would be held on 26.05.2008 at SSB, Bongaigaon office, however the said hearing was adjourned and the next date was fixed on 30.05.2008.
(Annexure-6)
- 22.05.2008- Date of preliminary hearing which was earlier fixed on 30.05.2008 again re-fixed on 02.06.2008 due to administrative reason.
(Annexure-7)
- 28.05.2008/29.05.2008- Date of preliminary hearing was further re-fixed on 01.06.2008 instead of 02.06.2008.
(Annexure- 8, 9)
- 01.06.2008- Preliminary hearing was held. Applicant prayed for supply of defence documents 2 and 3 for preparation of his defence but those documents were not supplied to him.
(Annexure- 10)
- 24.06.2008
- 26.06.2008
- 27.06.2008
- 28.06.2008- Regular hearing of the inquiry proceeding took place.
- 30.06.2008- Applicant retired from service on superannuation.
- 05.08.2008- Hearing was concluded on 05.08.2008.
- 17.01.2009- Presenting Officer submitted written brief.
(Annexure- 12)

- 1 SEP 2009

Guwahati Bench

गुवाहाटी न्यायपीठ

- 19.01.2009- DIG, Bongaigaon communicated written brief of presenting officer to the applicant. (Annexure- 11)
- 23.01.2009- Applicant submitted reply to the written brief of the P.O. (Annexure- 13)
- 27.01.2009- Applicant submitted representation to DG, SSB, stating that his retirement benefits have not been paid due to pending disciplinary proceeding. Therefore he prayed for early settlement of disciplinary proceeding. (Annexure- 14)
- 23.02.2009- DG, SSB, New Delhi intimated the applicant that payment of retirement dues would be made on finalization of the departmental inquiry and payment of provisional pension and arrears of pay on account of revision of pay would be made by Falakata Area. (Annexure- 15)
- 26.02.2009- Area Organiser, SSB, Falakata intimated the applicant that due to incorrect calculation the CGEIS bill was not sanctioned. Leave encashment bill have been decided by the authority not to be released till conclusion of the proceeding. (Annexure- 16)
- 27.03.2009- Respondent No. 4 intimated the applicant that his pensionary benefit and retirement gratuity would be paid after finalization of the departmental inquiry and the arrear pay on account of revision of pay w.e.f. 01.01.2006 would be made by the Falakata Area and the remaining amount would be disbursed immediately on receipt of payment from PAO, SSB, New Delhi. (Annexure- 17)
- Applicant has not received his provisional pension since January 2009 to till date.
- Hence this Original Application.

PRAYERS

1. That the Hon'ble Tribunal be pleased to set aside and quash the impugned No. 13/SSB/A2/2005 (2)-10-14 dated 02.01.2008 (Annexure- 1).
-And/or, alternatively-
2. That the respondents be directed to conclude the disciplinary proceedings initiated under Memorandum dated 02.01.2008 forthwith.
3. Costs of the application.
4. Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for:

During pendency of the application, the applicant prays for the following interim relief: -

1. That the Hon'ble Tribunal be pleased to direct the respondents to release retirement dues of the applicant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the case : O.A. No. 172 /2009

Shri. Pradip Kumar Choudhury. : Applicant.

-Versus-

Union of India & Ors. : Respondents.

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Filed By:

Dutta
Advocate

Date:- 31.08.09

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

O.A. No. 172 /2009

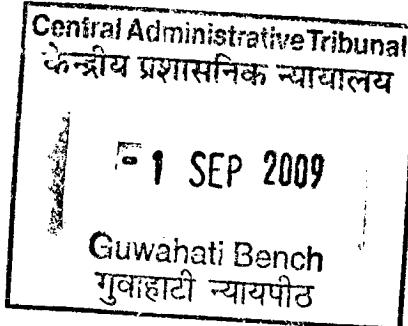
BETWEEN:

Shri P.K. Choudhury,
Ex-Jt. Area Organiser, SSB
Village- Santipur, Ward No. 5,
Near Hindi High School,
P.O- Rangia, Bhutan Road,
Distt- Kamrup (Assam), Pin- 781354.

.....**Applicant.**

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Home Affairs,
North Block, New Delhi-110001.
2. The Directorate General, SSB,
East Block-V, R.K. Puram,
New Delhi-110066.
3. Assistant Director,
East Block-V,
R.K. Puram, New Delhi-110066.
4. Inspector General FTR
Headquarter,
Zoo Road, Uday Path, Guwahati- 24.
5. Deputy Inspector General,
SSB Sector Headquarter,
Dist- Bongaigaon, Assam.



.....**Respondents.**

DETAILS OF THE APPLICATION

1. Particulars of the order (s) against which this application is made:

This application is made against the memorandum No. 13/SSB/A2/2005 (2)-10-14 dated 02.01.2008 (Annexure- 1) whereby a disciplinary proceeding has been initiated against the applicant containing 3 (three) article of

P. K. Choudhury

Filed by the applicant
U. Daula, advocate
through
on 31.08.09

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গুৱাহাটী চাচৰণী

charges for preferring the claim on account of arrears of ration money allowance on the alleged ground of without having any authorization and specific order of the competent authority, while functioning as Drawing and Disbursal Officer during the year 2002-2003 in the Area Office, Palia and praying for direction upon the respondents to release and regularize all pensionary dues with immediate effect including DCRG.

2. Jurisdiction of the Tribunal:

The applicant declares that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

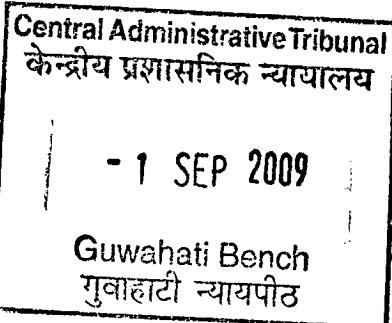
3. Limitation:

The applicant further declares that this application is filed within the limitation prescribed under section-21 of the Administrative Tribunals Act, 1985.

4. Facts of the case:

- 4.1** That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India. Applicant retired on superannuation as Jt. Area Organiser from the office of the Area Organiser, Falakata, Sashastra Seem Bal (for short SSB) on 30.06.2008.
- 4.2** That the applicant was initially appointed as Circle Organiser in the Special Security Bureau (for short SSB) on 17.04.1976. Thereafter he was promoted to the post of Sub-Area Organiser. Again he was promoted as Joint Area Organiser (for short JAO) in the scale of pay of Rs. 10,000-15,300/ vide order bearing No. 7/SSB/A2/2001 (1) 2709-2748 dated 15.07.2002.
- 4.3** That your applicant while working as Joint Area Organiser, SSB Area Office, Falakata he received the impugned memorandum of charge sheet bearing No. 13/SSB/A2/2005 (2)-10-14 dated 02.01.2008, whereby inasmuch as 3 article of charges brought against the applicant on the alleged ground of preferring claim of ration money to non-executive staff while functioning as Head of Office, and also as D.D.O in the Area Office, Palia without having any authorization and specific order of the competent authority, thereby the

P. Madip Mr. Choudhury



applicant has committed misconduct and an act most unbecoming of a Government servant of his rank and status violating Clause II and III of Sub Rule 1 of Rule 3 of the CCS (Conduct) Rules, 1964. Be it stated that the proceeding has been initiated under Rule 14 of the CCS (CCA) Rules, 1965.

Copy of the memorandum of charge sheet dated 02.01.2008 is enclosed herewith and marked as Annexure- 1.

4.4 That it is stated that in article No. I of the charge sheet it is alleged that the applicant has preferred the claim on account of arrears of ration money allowance of Rs. 8,32,376.00 without having any authority and specific order vide bill No. 195 of 02/03. In the article No. 2 (ii) it is alleged that the applicant disobeyed the order of the competent authority while preferring the claims of the ration money allowance to other non-executive staff who are not covered by the Court case filed in the Hon'ble Jammu High Court and Hon'ble Gauhati High Court.

In the statement of imputation of misconduct it would be evident from the statement as contained in article of charge No. 2 (ii) that it is alleged that the applicant had preferred claims of ration money allowance to the extent of Rs. 2,77,16500 as against 4 numbers of bill viz; (1) Bill No. 24 of 11.05.2003, (2) Bill No. 69 of 06/2003, (3) Bill No. 149 of 09/2003, (4) Bill No. 226 of 10/2004. However, in the article of charge No. 2 (ii) no amount is mentioned but surprisingly particulars of amount and bill have been shown in the statement of imputation of misconduct in total violation of procedure laid down in Rule 14 and 15 of the CCS (CCA) Rules, 1965 and on that score alone the allegation contained in the article of charge No. 2 (ii) is liable to be set aside and quashed since no particulars incorporated in the article of charge No. II.

In the article of charge No. 3 (iii) it was alleged that the applicant failed to inform the Headquarter that 24 numbers of non-executive staff of Palia had claimed and received the Ration allowance arrear in the year 2003 and thereby failed to project the fact regarding furnishing the false affidavit by the applicants and it is alleged that the applicant has failed in his capacity as a Supervising officer and has negligently and casually dealt the whole

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issue committing a misconduct violating relevant clauses of CCS (Conduct) Rules 1964.

- 4.5 That the applicant immediately after receipt of the impugned memorandum of charge sheet dated 02.01.2008 which was served upon him at the verge of his retirement when the alleged claims/bills related to the year 2002-2003. As such, initiation of a disciplinary proceeding after inordinate delay of about 5 years which has caused a serious prejudice to the applicant to defend his case adequately at this belated stage when the applicant has retired from service on superannuation on 30.06.2008. Therefore, on the ground of inordinate delay in initiation of the disciplinary proceeding under Rule 14 of the CCS (CCA) Rules, 1965, the impugned memorandum dated 02.01.2008 is liable to be set aside and quashed.
- 4.6 That your applicant however submitted a detail reply denying all the 3 article of charges vide letter dated 19.01.2008 addressed to the Inspector General (Pers & Trg), Govt. of India, New Delhi wherein the applicant stated that on his promotion to the post of Joint Area Organiser, he had joined at Palia as J.A.O.

So, far the applicant remember that one Sri M.L. Josta, Steno had prepared and placed the bill of arrear ration money allowance before the applicant in the absence of Accountant, Palia office and those bills were forwarded to the pay and accounts SSB, Ministry of Home Affairs, New Delhi. The applicant being a newly appointed/promoted JAO cleared those bills on good faith in anticipation that the PAO would make further scrutiny before issuing the drafts since the PAO is vested with the power of pre-check. However, pay and accounts office never raised any quarries or any objection regarding authorization and specific order of the competent authority, rather PAO, SSB, Ministry of Home Affairs, New Delhi has issued the drafts entertaining the claims forwarded by the Palia Office. The applicant also pointed out that Sri M.L. Jostu was handling the works of Accounts Branch and he had guided the applicant for signing and drawing the bills on the pretext that those claims are due to the employees on account of arrear ration money allowance. That applicant had signed the bills for on

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ward transmission to PAO, SSB, Ministry of Home Affairs, New Delhi. So far filing of false affidavit before the Court of Law by some employees in fact not known to the applicant and it is first time applicant came to learn about filing of false affidavit through the charge sheet.

It is pertinent to mention here that applicant had handed over the charge of DDO to Sri Narottam Dutt Sagar, SAO in the year 2004. Moreover all correspondences regarding alleged excess payment has been made by Sri Sagar and those correspondences were never placed before the applicant.

The applicant further pointed out that bills no. 226 of 10 of 2004 and 14 of September, 2003 are in fact passed by Sri N.D. Sagar, SAO and P.S. Chndwat, Deputy Commandant, 4th Bn Pala, but the said bills was incorporated in the memorandum of charge sheet dtd. 02.01.2008 without application of mind, moreover recovery of the alleged excess amount have been made since 2006 and recovery in many of the cases have already been completed. But surprisingly, no disciplinary proceeding was initiated against those DDO where similar payment of ration money allowance have been made in different parts of the Country, as such applicant has been discriminated in the matter of initiating disciplinary proceeding and on that score alone the instant disciplinary proceeding is not sustainable.

A copy of the reply dated 19.01.2008 is enclosed as
Annexure-2.

4.7 That it is stated that the respondent after receipt of the reply dtd. 19.01.2008 appointed inquiry officer to inquire into the charge framed against the applicant vide order bearing letter no. 13/SSB/A-2/2005 (2)-2602-07 dtd. 07.05.2008. Similarly presenting officer also appointed vide order bearing letter no. 13/SSB/A-2/2005 (2)-2608-13 dtd. 07.05.2008.

Copies of the orders dtd. 07.05.2008 are enclosed as
Annexure- 3A and 3B.

4.8 That it is stated that it appears from the letter bearing no. G-20/1/05/AOP-1785-91 dtd. 29.07.2005 that step was taken for recovery of ration money allowance by the Area Organiser SSB, Palia. It would further be evident for

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memorandum dtd. 26.04.2006 that similar course of action for recovery of overpayments also effected.

Copy of the letter dtd. 29.07.05 and memorandum dtd. 26.04.06 are enclosed herewith and marked as Annexure- 4 and 5 respectively.

- 4.9 That it is stated that vide memorandum dtd. 17.05.2008 the applicant was informed that a preliminary hearing of the case would be held on 26.05.2008 at SHQ, SSB, Bongaigaon office, however the said hearing was adjourned due to operational requirement of DIG, SHG, Bongaigaon and the next date was fixed on 30.05.2008.

A copy of the letter dtd. 17.05.2008 and 22.05.2008 are enclosed as Annexure- 6 and 7.

- 4.10 That it is stated that through Fax message dtd. 28.05.2008 the date of preliminary hearing which was earlier fixed on 30.05.2008 again re-fixed on 02.06.2008 due to administrative reason.

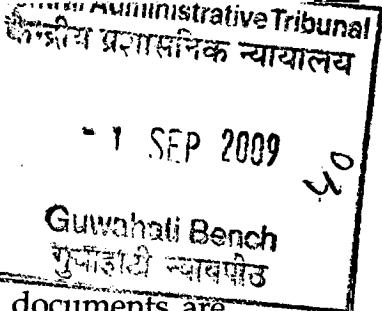
Copy of the Fax message dtd. 28.05.2008 is enclosed as Annexure- 8.

- 4.11 That it is stated that by the Corrigendum dated 29.05.2008 the date of preliminary hearing was further re-fixed on 01.06.2008 instead of 02.06.2008.

Copy of the corrigendum dated 29.05.08 is enclosed as Annexure- 9.

- 4.12 That your applicant through Fax message dated 31.05.2008 requested the authority to allow him to nominate one defence assistant and accordingly names of the officers have been forwarded to the authority on 31.05.2008. However, on 01.06.2008 the preliminary hearing was held and the applicant did not plead guilty of the alleged charges. It is pertinent to mention ~~here~~ that in the preliminary hearing the applicant/charged officer prayed for supply of defence documents 2 and 3 for preparation of his defence but those documents were not supplied to him. The relevant portions of the

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statement of presenting officer regarding non supply of 2 documents are quoted hereunder from daily order sheet dated 01.06.2008:

"I.O. Have complete documents as requested for by Charged Officer, been made available to him?

P.O. Yes, except two documents. All documents have been made available.

Firstly, relevant order of the Pay & Accounts Office, SSB, Ministry of Home Affairs, New Delhi clearing the aforesaid 5 (five) bills indicated at Srl. No. 1 with their notes, quarries, objections, comments, could not be made available. This is so since no queries/objections were raised by PAO, SSB, MHA, New Delhi in passing the said bills of Ration Allowance arrears. As such, question of such documents does not arise.

Secondly, all relevant documents including audit objections, complains regarding unauthorized passing of the aforesaid five bills as indicated in the Article of Charges, have been sought by Shri P.K. Choudhury, Charged Officer for preparation of his defence. This documents is not in existence since no audit objections/complains were raised by any quarter in passing the said claim. As such, question of providing such documents, does not arise."

Copy of the daily order sheet dated 01.06.08 is enclosed herewith and marked as Annexure- 10.

4.13 That the regular hearing of the inquiry proceeding took place on the following dates:

(i) 24.06.2008, (ii) 25.06.2008, (iii) 27.06.2008, (iv) 28.06.2008, (v) 29.06.2008;

Thereafter the hearing was finally concluded on 05.08.2008. The applicant participated in the inquiry proceeding and extended his best co-operation with the authority.

4.14 That it is stated that by the letter dated 19.01.2009, the DIG, Bongaigaon communicated copy of written brief submitted by Presenting Officer to the

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applicant. In the said written brief dated 17.01.2009, it is contended by the P.O, so far article of charge No. 1 that the bill in question amounting to Rs. 8,32,376/- was prepared by Sri M.L. Justa (Steno) and Sri Paras Ram, the UDC and the same was signed by the applicant as admitted during course of the inquiry proceeding. It is also contended by the P.O that the charged officer signed the bill as an welfare measure for the staff and he was not aware of the instructions. He also added that the applicant admitted in his statement that the claim was preferred due to oversight and misinterpretation of Ministry of Home Affairs order dated 19.12.2002.

So far article of charge No. 2 is concerned it is admitted by the presenting officer that the applicant preferred two bills out of the four bills in question and other 2 bills have been preferred by other officers.

So far the article of charge No. 3 is concerned, it is admitted by the Presenting Officer, that filing of O.A. No. 414/2004 may not be in the knowledge of the applicant, as such he did not inform the higher headquarter.

Therefore on a careful reading of the written brief submitted by the P.O, it appears that the alleged charges brought against the applicant through the memorandum of charge sheet dated 02.01.2008 is factually not correct, as such applicant is liable to be exonerated from the alleged charges.

Copy of the letter dated 19.01.2009 and written brief dated 17.01.09 are enclosed herewith and marked as Annexure- 11 and 12 respectively.

- 4.15 That your applicant immediately after receipt of the written brief submitted by the P.O submitted a detailed reply on 23.01.2009 against the written brief dated 17.01.09 contending *inter alia* that in view of the findings of the P.O, the charged officer is liable to be exonerated from the charges contained in the memorandum of charge sheet dated 01.01.2008. It is stated by the applicant in his reply dated 23.01.09 that the instruction contained in MHA letter dated 19.12.2002 was not placed before him by the subordinate staffs at the time of obtaining signatures in the bills, as such he remained in dark regarding instructions contained in MHA letter dated 19.12.2002.

Copy of the reply to the written brief of Presenting Officer dated 23.01.2009 is enclosed herewith and marked as Annexure- 13.

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4.16 That your applicant states that after conclusion of the hearing on 05.08.2008, he submitted reply against the written brief on 23.01.2009. Thereafter no progress is made in the pending disciplinary proceeding and the same is still pending with the disciplinary authority even after a lapse of about 1 year from the date of the conclusion of the regular hearing of the inquiry proceeding. In such compelling circumstances the applicant submitted a detailed representation on 27.01.2009 addressed to Director General, SSB, New Delhi. In the said representation the applicant pointed out the retirement benefit namely pension, leave compensation, gratuity, CGE GIS, commutation pension, arrear pay w.e.f. 01.01.2006 due to implementation of 6th CPC has not been paid to the applicant and as a result the dependent family members are suffering from acute financial crisis. The applicant also prayed for early settlement of disciplinary proceeding since he has retired on superannuation w.e.f 30.06.2008, as such suffering from mental anxiety and agony due to pendency of disciplinary proceeding.

However, DG, SSB, New Delhi vide memo. bearing no. 13/SSB/A-2/2005(2)/453-54 dtd. 23.02.2009, it was intimated that the departmental enquiry case would be sent to Ministry of Home Affairs for further orders, on receipt of final report from the inquiry officer, as regards payment of retirement dues, the same would be made on finalization of the departmental inquiry. It is further stated that payment of provisional pension and arrears of pay on account of revision of pay w.e.f 01.01.2006 on implementation of the recommendation of the 6th CPC would be made by Falakata area.

It appears from the memorandum dtd. 23.02.2009 that the inquiry report was not submitted by the inquiry officer till February, 2009. As such it is likely to cause inordinate delay in settling the disciplinary proceeding.

Copy of the letter dtd. 27.01.2009 and 23.02.2009 are enclosed as Annexure- 14 and 15.

4.17 That it is stated that it would be evident from the letter dtd. 26.02.2009, that CGEGIS bill was not sanctioned due to incorrect calculation. However, leave encashment bill amounting to Rs. 2,99,340/- have been decided by the authority not to be released till conclusion of the proceeding. Again vide

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memo. dtd. 27.03.2009, it was intimated that GPF final bill and provisional pension, benevolent fund has been paid to the applicant. However, it is informed that pensionery benefit and retirement gratuity would be paid to the applicant after finalization of the disciplinary inquiry and the arrear pay on account of revision of pay w.e.f 01.01.1996 would be made by Falakata Area office and the remaining amount would be disbursed immediately on receipt of payment from Pay and Accounts Officer, SSB, New Delhi. As regards authorization of PPO, it would be released by the pay and accounts officer, Ministry of Home Affairs, New Delhi on finalization of the disciplinary proceeding pending against the applicant. The memo. dtd. 27.03.2009 was issued with the approval of the I.G FIR Hqr, SSB, Guwahati. **It is categorically stated that the applicant has not received his provisional pension since January 2009 till date.**

Copy of the letter dtd. 26.02.2009 and memo. dtd. 27.03.2009 are enclosed as Annexure- 16 and 17.

- 4.18 That it is stated that the applicant forwarded the bills in question for payment of arrear ration money allowance for onward transmission as DDO when the same was placed before the applicant and the applicant had signed those bills without any evil intention or personnel gain or without having any dishonest motive. As such the act of the applicant does not fall within the purview of misconduct as alleged in the memo. of charge sheet dtd. 02.01.2008.
- 4.19 That it is stated that the bills in question were sent to Pay and Accounts Office, New Delhi for pre-check and the said bills were cleared by the pay and accounts office after pre-check without any observation and objections. Thereafter payment has been cleared from the end of the applicant, as such applicant cannot be held responsible for payment made on account of ration money allowance at the fag end of his service carrier that too after a lapse of 5 years. More so, these bills were placed before me by the then Steno Mr. M.L. Justa who was holding the charge of accountant. The applicant had signed the bills in question in good faith since it was a **payment due to employees of the organization.** It is also relevant to

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mention here that the entire payment in question has already been recovered from the employees as such Govt. did not sustain any financial loss, therefore initiation of disciplinary proceeding under Rule 14 of the CCS (CCA) Rules, 1965 at this fag end of his carrier has caused serious prejudiced to the applicant. Moreover the disciplinary proceeding was initiated in January, 2008 but unfortunately in spite of his best co-operation with the inquiry officer as well as disciplinary authority the same is still pending, as a result, pension of the applicant as well as other retrial benefit such as gratuity etc. has not yet been released on the ground of pendency of the disciplinary proceeding. There is inordinate delay in initiating the disciplinary proceeding as well as in completing the disciplinary proceeding and on the ground of delay the entire proceeding as well as the impugned memorandum of charge sheet dtd. 02.01.2008 is liable to be set aside and quashed.

- 4.20 That it is stated that the applicant has duly participated in the inquiry proceeding initiated through memorandum dtd. 02.01.2008 and the hearing of the inquiry proceeding was completed on 05.08.2008 but thereafter the disciplinary authority remain silent without any further progress in the enquiry proceeding for a period of more than one year as such the memorandum of charge sheet and the entire enquiry proceeding is liable to be set aside and quashed on the ground of inordinate delay which has caused serious prejudiced to the applicant.
- 4.21 That it is stated that applicant has duly participated in the inquiry proceeding initiated through memorandum dtd. 02.01.2008 and the hearing of the inquiry proceeding was completed in the month of August, 2008 that is on 05.08.2008 but thereafter the disciplinary authority remain silent without any further progress in the enquiry proceeding for a period of more than one year, as such the memorandum of charge sheet and the entire enquiry proceeding are liable to be set aside and quashed on the ground of inordinate delay which has caused serious prejudiced to the applicant.

Sirajit Baruah Choudhury

- 4.22 That it is stated that there is no allegation against the applicant against misappropriation of Govt. money but the allegation brought against the applicant regarding irregular payment of ration money allowance, whereas it would be evident from the written statement of the applicant that he has signed the bills as DDO for onwards transmission for pre-check in the pay and accounts office, New Delhi who had cleared the bills without raising any objection and thereafter the payments were made from the office of the Area Organiser, SSB, Palia. As such applicant cannot be held responsible for alleged irregular payment for ration money allowance and on that score alone the memorandum of charge sheet dtd. 02.01.2008 is liable to be set aside and quashed.
- 4.23 That in the facts and circumstances stated above, the applicant has no alternative but to approach this Hon'ble Tribunal for protection of his valuable legal right and interest and it is further submitted that, it is a fit case before this Hon'ble Tribunal to interfere with to protect the right and interest of the applicant.
- 4.24 That this application is made bona fide and for the cause of justice.

5. Grounds for relief (s) with legal provisions:

- 5.1 For that, the memorandum of charge sheet was issued after inordinate delay of about 5 years and on that score alone the impugned memorandum of charge sheet dtd. 02.01.2008 is liable to be set aside and quashed.
- 5.2 For that, the bills in question were signed by the applicant for onward transmission for pre check in the pay and accounts officer, New Delhi, whereas the same was placed before the applicant by the concerned than accountant in charge and there was no objection raised by the pay and accounts office, Ministry of Home Affairs, New Delhi, as such applicant cannot be held responsible for the alleged irregular payment of ration money allowance.
- 5.3 For that, necessary steps have been taken by the respondents for recovery of the excess payment of ration money allowance and accordingly recovery

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has been made. As such Government did not sustain any loss as alleged in the article of charge.

- 5.4 For that, the applicant has participated in the enquiry proceeding initiated through memo. of charge sheet dtd. 02.01.2008, but inspite of his co-operation and on after completion of hearing of inquiry proceeding no progress is made thereafter in the pending disciplinary proceeding inspite of repeated approach and representation. As a result of pendency of the disciplinary proceeding, applicant is suffering from extreme mental anxiety and mental agony apart from the financial hardship.
- 5.5 For that, due to non disposal of the pending disciplinary proceeding initiated through impugned memo. of charge sheet dtd. 02.01.2008, the pension and gratuity and other retirement benefits such as commutation of pension has not yet been released to the applicant which has caused serious prejudice to the applicant.
- 5.6 For that, no disciplinary proceeding has been initiated against the similarity situated officers who have also made payment of arrear ration money allowance while working in the Area office, Palia, namely; Sri Narottam Dutta Sagar SAO and Sri P.S. Chandawat, Dy. Commandant, 4th Bn, Palia, as such action of the respondents hit Article 14 of the Constitution of India and on that score alone memo. of charge sheet dtd. 02.01.2008 is liable to be set aside and quashed.

6. **Details of remedies exhausted.**

That the applicant declares that he has exhausted all the remedies available to and there is no other alternative remedy than to file this application.

7. **Matters not previously filed or pending with any other Court.**

The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other Authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

Pre dip arr. Chandawat

Central Administrative Services
केन्द्रीय प्रशासनिक सेवा
1 S.F.P 2009
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8. Relief (s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief (s):

8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned No. 13/SSB/A2/2005 (2)-10-14 dated 02.01.2008 (Annexure- 1).

-And/or, alternatively-

8.2 That the respondents be directed to conclude the disciplinary proceedings initiated under Memorandum dated 02.01.2008 forthwith.

8.3 Costs of the application.

8.4 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for:

During pendency of the application, the applicant prays for the following interim relief: -

9.1 That the Hon'ble Tribunal be pleased to direct the respondents to release retirement dues of the applicant.

10.

11. Particulars of the I.P.O

i) I.P.O No.	: 39 G 415097
ii) Date of issue	: 23.07.09
iii) Issued from	: G.P.O, Guwahati
iv) Payable at	: G.P.O, Guwahati

12. List of enclosures : As given in the index.

Plz see chandru

VERIFICATION

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

- 1 SEP 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

I, Shri Pradip Kumar Choudhury, aged about 61 years, Ex-Jt. Area Organiser, SSB, Village- Santipur, Ward No. 5, Near Hindi High School, P.O- Rangia, Bhutan Road, Distt- Kamrup (Assam), applicant in the instant original application, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 8th day of August, 2009.

Pradip Kumar Choudhury

Government of India
 Ministry of Home Affairs
Directorate General,
Sashastra Seema Bal
 East Block - V, R. K. Puram,
 New Delhi - 110.066.

ANNEXURE-1

No. 13/SSB/A2/2005(2) - 10 - 14

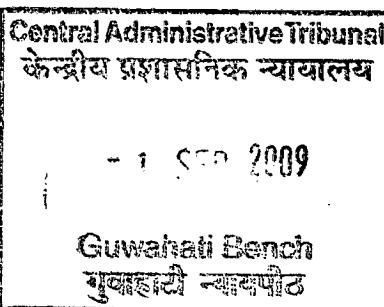
Dated : 02 - 1 - 2008

R.NO-92
 Dt. 10-01-08

MEMORANDUM

The President proposes to hold an inquiry against Shri P. K. Choudhury, Joint Area Organizer under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexures - III and IV).

2. Shri P. K. Choudhury, Joint Area Organizer is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.
3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.
4. Shri P. K. Choudhury, Joint Area Organizer is further informed that if he does not submit his written statement of defence on or before the date specified in para - 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the CCS (CCA) Rules, 1965 or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him ex parte.



Page...2...

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

6. The receipt of the Memorandum may be acknowledged.

(By order and in the name of the President)

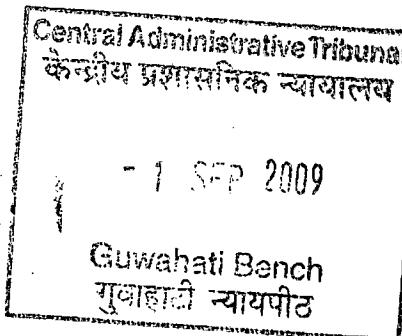
Encl : As above.

✓
 (S. K. Bhagat)
 Inspector General (Pers & Trg.)

✓ To

Shri P. K. Choudhury
 Joint Area Organizer, SSB
 Area Office Falakata

Copy for information to :-



1. The Inspector General, SSB Frontier Hqrs., Guwahati. A receipt in token of having received the above Memorandum may be obtained from Shri P. K. Choudhury, Joint Area Organizer and forwarded to this office for record.
2. The Inspector General, SSB Frontier Hqrs., Lucknow.
3. The Deputy Inspector General, SSB Sector Hqrs. Lakhimpur Kheri.
4. The Deputy Inspector General, SSB Sector Hqrs., Bongaigaon.

✓
 Inspector General (Pers & Trg.)

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ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SH. P.K.
CHOWDHURY, JAO, PALIA AREA

ARTICLE-I

That the said Sh. P.K. Choudhury, while functioning in the Area Office, Palia in the capacity of Head of Office and Drawing and Disbursing Officer with effect from 28-2-2002 preferred the claim on account of arrears of ration money allowance for Rs.8,32,376/- (rupees eight lac thirty two thousand three hundred seventy six only) on 5-2-2003 without any authorization and specific order of the competent authority. Thus the said Sh.P.K. Choudhury has thereby committed a misconduct and an act most unbecoming of a Government Servant of his rank and status thereby violating clause II and III of Sub Rule 1 of Rule 3 of the CCS (Conduct) Rules, 1964.

ARTICLE-II

That during the aforesaid period and while functioning in the aforesaid office, the said Shri P.K. Choudhury, was directed to prefer the claims of Ration Money Allowance of only those non-executive staff who are applicants in the court case filed in the Jammu High Court and Guwahati High Court, but the said Shri P.K. Choudhury ignored the direction of the higher authority and preferred the claim of arrears of ration money allowance to the other personnel also thus disobeying the orders of the Competent Authority thereby committing an act unbecoming of a Government Servant of his rank and status violating clause III of Sub Rule 1 of Rule 3 of the CCS(Conduct) Rules, 1964.

ARTICLE-III

That during the aforesaid period 24 Non Executive Staff of Palia Area filed an OA No.414 of 2004 in the Hon'able CAT Lucknow Bench for allowing them arrear of Ration Allowance for the period they remained posted in B & C Stations of erstwhile HP Division. The said Shri Choudhury failed to inform the Hqrs. the fact that the applicants had already claimed and received the Ration Allowance arrear in the year 2003 and also failed to project the fact regarding furnishing the false affidavits by the applicants. Thereby the said Shri Choudhury has failed in his capacity as a Supervisory Officer and has negligently and casually dealt the whole issue Committing a misconduct most unbecoming of a Government Servant of his rank and status thus violating Clause II & III of Sub Rule (1) of Rule -3 of CCS Conduct Rule -1964.

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गुवाहाटी आदानपान ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLE OF CHARGES

ARTICLE-I

That Shri P.K. Choudhury preferred an unauthorized claim of Rs.8,32,376/- (Rupees eight lakh thirty two thousand three hundred seventy six only) vide bill No.195 of 02/03 on account of arrears of ration money allowance to the non executive staff of Palia Area without any specific order of the competent authority to pay the amount to the individuals whose claim was forwarded by the said Shri Choudhury. Thus Shri Choudhury has acted without any authority and orders of the Higher Authorities thereby committing a misconduct most unbecoming of a Govt. servant of his rank and status thereby violating clause II and III of Sub Rule 1 of Rule 3 of CCS Conduct Rules 1964.

ARTICLE-II

That Shri P.K. Choudhury was directed by the Sector Hqrs. vide No.4274-77 dated 16-4-2003 and No.8153 dated 05-08-2003 to ensure that ration money arrears may be paid to those individuals who were parties in CWP No.881/99 disposed off by the J&K High Court. Shri P.K. Choudhury instead of restricting himself with the directions of the SHQ preferred following subsequent claims which were not to be made at that time:-

1.	Bill No.24 of 11/5/2003	:	Rs.1,71,969.00	✓
2.	Bill No. 69 of 06/2003	:	Rs. 65,829.00	✓
3.	Bill No.149 of 09/2003	:	Rs. 12,198.00	
4.	Bill No.226 of 10/2004	:	Rs. 27,169.00	✗
Total			Rs.2,77,165.00	

Shri P.K. Choudhury, has unauthorizedly claimed /preferred the above bills by not taking the cognizance of the instructions issued by the Sector Hqrs., Bahraich in this regard thereby committing misconduct and violating clause II and III of Sub Rule 1 of Rule 3 of CCS Conduct Rules 1964.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

CCP 2009

ARTICLE-III

Chaudhary Bench
चौधरी बैच

That during the above period 24 non- executive staff of Palia Area filed an OA No. 414 / 2004 in the Hon'ble CAT, Lucknow for allowing them the ration money arrears for the period they remained posted in the B&C category stations of erstwhile H.P. Division, although they had already claimed and received the ration money arrears in the year 2003 and thus they filed false affidavits before the Hon'ble CAT, Lucknow. Sh. P.K.Chaudhary being the Head of Office/ DDO failed to inform the Hqrs. the fact that the applicants had already claimed and received the Ration Allowance arrear in the year 2003 and also failed to project the fact regarding furnishing the false affidavits by the applicants thereby the said Shri Choudhury has failed in his capacity as Supervisory Officer and has negligently and casually dealt the whole issue committing a misconduct most unbecoming of a Government Servant of his rank and status thus violating Clause II & III of Sub Rule (1) of Rule-3 of CCS Conduct Rules 1964.

6. LIST OF DOCUMENTS BY WHICH ARTICLES OF CHARGE FARMED AGAINST SHRI P.K. CHOUDHURY PROPOSED TO BE SUSTAINED

1. ✓ Copy of Bill No. 195 of 02/03 of Ration money arrear amounting to Rs.8,32,376/- (Rupees eight lakh thirty two thousand three hundred seventy six only) signed by Shri P.K. Choudhury, JAO, Palia
2. Copy of FHQ sig No. 6596-97 dated 09-04-2003 forwarded vide SHQ Bahraich Endorsement No. V/Accnts/ SHQ/BRCH/4274-77 dated 16-4-2003
3. Copy of subsequent reminder issued from SHQ Bahraich vide Ltr. No. 8153 dated 05-08-2003, No.12718 dated 27-10-2003, 14378 of Central Administrative Tribunal के न्यायिक प्रशासनिक न्यायालय dated 24/11/2003
4. Copy of Ltr. No.10633 dated 10-12-2003 of A.O. Palia
5. Copy of SHQ Bahraich Memo No.236 dated 05-01-2004
- ✓ 6. Copy of bill No.24 of 11/5/2003 for Rs.1,71,969/- only signed by Shri P.K. Choudhury, JAO Palia
7. Copy of bill No.69 of 06/2003 for Rs.65,829/- only signed by Shri P.K. Choudhury, JAO, Palia.
8. Copy of Bill No.226 of 10/2004 for Rs.27,169/- only signed by Shri Narotam Dutt, SAO/DDO of AO Palia.
9. Copy of SHQ, Bahraich OM No.EA/153/SHQ/BRCH/04/21168 dated 04-12-2004
10. Copy AO Palia Ltr. No.EA/AOP/04/4964 dated 13-12-2004
11. Copy of SHQ Bahraich Endst No EA/158/SHQ/BRCH/04/802 dated 01-03-2005
12. Copy of AO Palia Ltr No. EA/AOP/04/6284 dated 10-03-2005
13. Any other documents(s) considered relevant to the enquiry

- 1 SEP 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

1 SEP 2009

Guwahati Bench
জগতী চাষপীঠ

ANNEXURE-IV

LIST OF WITNESSES BY WHICH ARTICLE OF CHARGE
FRAMED AGAINST SHRI P.K. CHOUDHURY, JOINT AREA
ORGANISER ARE PROPOSED TO BE SUSTAINED

Sl.No.	Name of Officer/Official & Rank	Place of posting
1	Shri N.R. Verma, Accountant Palia Area	Now Accounts Officer SHQ Ranikhet
2	Shri M.L. Gupta, Assistant Palia Area	W.T.T.C. Kasumti(HP)
3	Shri Paras Ram, UDC Palia Area	Now Assistant FIHQ, New Delhi
4	Any other witness relevant for recording statement considered by I.O.	

ANNEXURE-2

To,

Sri K. Bhagat.
Inspector General (Pers & Trg.)
Govt. of India,
Ministry of Home Affairs,
Directorate General,
Sashastra Seema Bal,
East. Block- V.R.K.Puram,
New Delhi-110066.

Sub:- Submission of reply against the memo. of charge sheet dated 02.01.2008.

Ref:- Your memo of chargesheet bearing Memo. No. 13/SSB/A 2/2005 (2)-10-14 dated 02.01.2008.

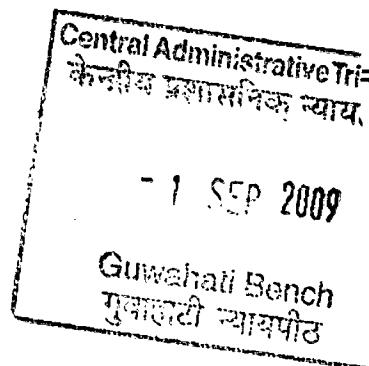
Sir,

I have the honour to inform you that I have duly received your memo of chargesheet dated 02.01.2008 only on 09.01.2008 and carefully gone through the article of charges and understood the contents thereof.

I categorically deny the charges brought against me through article of charge no. I, II and III contained in the memo dated 02.01.2008.

I further beg to say that since the allegation relating to the year 2002-2003, as such it is difficult on my part to recollect at this belated stage, that too at the fag end of my service career (since the undersigned is due to retire in the month of June, 2008) under what circumstances the bills were passed by me at the relevant point of time.

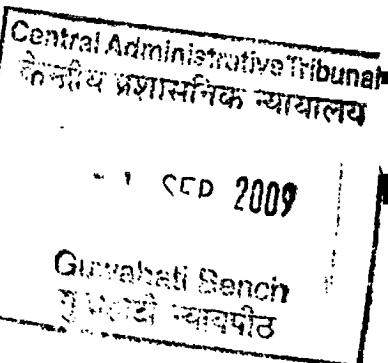
However, after going through the documents enclosed with the memo of chargesheet dated 02.01.2008, it appears to me that at the relevant point of time, I have taken over the state of U.P immediately after my promotion in the cadre of JAO. After my joining at Palia as



Attested
B. K. Bhagat
A. D. M.

JAO, the entire AO office of Kinnor District of Himachal Pradesh was shifted at Palia and the then steno Sri M.L.Justa prepared and placed the bill of arrear ration money allowance before me, since at the relevant point of time there was no accountant available in the Palia office and Sri M.L.Justa was handling the work of the Accounts Branch, and he had placed the arrear bills to me for onward transmission to pay and accounts office, SSB, Ministry of Home Affairs, New Delhi. Initially I raised some question and quarries to Sri Justa. However, he insisted me to sign and send this bills to PAO, SSB, New Delhi. The undersigned being a newly appointed/promoted JAO cleared those bills on good faith in anticipation that the PAO would make further scrutiny before issuing the drafts since the PAO is vested with the power of pre-check authority. But it appears now that the PAO never raised any quarries or objection regarding authorization and specific order of the competent authority, rather the PAO, SSB, Ministry of Home Affairs, New Delhi had issued the drafts entertaining the claims forwarded by the undersigned. The bills were raised in favour of the Gr. C and D employees of the Palia office indicating non receipt of arrear ration money allowance.

✓ It is pertinent to mention here that the bills indicated in the article of charge no. 1 appears to have been signed by me after the same was prepared by Sri M.L.Justa, who was handling the work of accounts branch and he had guided me for signing and clearing the bills on the pretext that these claims are due to the employees on account of arrear ration money allowance and I have signed the bills on good faith. But surprisingly, if there was any defect on the bills as alleged in the article of charges and in the statement of imputation of misconduct, the PAO never raised any objection at the time of clearing the bills since they are vested with the power of pre-checking of bills before issuance of the drafts or cheques otherwise irregularities could



1 SEP 2009

Guwahati Bench
গুৱাহাটী বৰ্ষাপুঁত

have been pointed out by the PAO at that point of time only, that the bills were passed without authorization or a specific order of the competent authority is required for passing of the bills. Since no such objection was raised by the PAO, who could have raised such objection and the undersigned being a person newly promoted to the post of JAO and guided by Sri M.L.Justa cleared the bills from my end for onward transmission to PAO, as such I cannot be held responsible for passing the alleged bills as indicated in article of charge no. 1. Even of the same was pointed out at the relevant point of time, I could have taken steps for immediate recovery of the same, at the relevant point of time. Therefore I deny the correctness of the charges contained in article no. 1 and statement of imputation of misconduct. Moreover, there is no allegation that the bills were passed for any personal gain of the undersigned or in connivance with the subordinate employees of the Palia office as such the article of charge no. 1 is liable to be dropped against me.

2. That with regard to the article of charge no. II, I categorically deny the correctness of the same and further beg to say that no instruction of the higher authority or judgment of the Jammu High Court and Gauhati High Court is brought to my notice by Sri M.L.Justa or by other subordinate staffs while submitting the claims or bills as indicated in the article of charge no. 2 before me, as such on good faith being a JAO on probation, I have signed the bills for onward transmission to PAO, SSB, MHA, New Delhi, who in turn also never raised any objection or quarries by the PAO. Moreover, question of ignoring the direction of the higher authority does not arise when the same is not brought to my notice, at that point of time, when these alleged bills were passed, I had not even completed six months of my probation and was very new in the establishment. During my service I have never ignored the order or direction of the higher authority rather I have highest regard for the

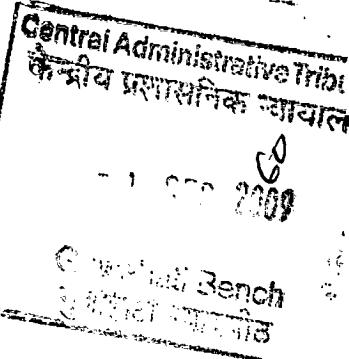
1 SEP 2009

Guwahati Bench
গুৱাহাটী ন্যায়পৰিষদ

higher authorities and to their orders, as such I deny the correctness of the article of charge no. II. I have simply signed the bills brought before me on good faith by the subordinate staffs of Palia office. I further like to draw your attention that on a mere looking at the bills, it would be evident that the bills were prepared by Sri M.L.Justa by his own handwriting. At this distant point of time, I have also forgotten what other relevant documents they have placed before me while placing the bills for onward transmission to PAO. I also cannot remember at this distant point of time who are "other personnel" against whom bills were passed by the undersigned, moreover the names of the other personnel are also not indicated in the chargesheet.

3. I also categorically deny the correctness of article of charge no. III and further beg to say that I never know the filing of any false affidavit by any employees of the Palia office before any court of law, rather it is for the first time I have come to learn that some employees had filed a false affidavit before the Court of law. I have cleared the bills which were brought before me by the employees working in the accounts branch at the relevant point of time and I have signed the same on good faith for onward transmission and further scrutiny by the PAO, SSB, Ministry of Home Affairs, New Delhi. It is also relevant to mention here that monthly accounts are always communicated to the H.Q. Office and there was no instruction received by the undersigned for sending any specific information to the Head Quarter office. Normal procedure has been adopted in passing of all claims as indicated in the article of charge no. III. I therefore deny the correctness of the same.

I have handed over the charge of DDO to Shri Narottam Dutt Sagar, SAO in the year 2004. Moreover all correspondences regarding alleged excess payment has been made by Shri Sagar and those correspondences were never placed before me. Moreover, it appears



from bill no. 226 of 10 of 2004, which was passed by Sri Sagar as evident from letter dated 25.10.2004 enclosed in the article of charge. Moreover recovery have been made since 2006 and recovery in many of the cases have already been completed.

Similar alleged unauthorized payment has been made in different parts of the Country but no disciplinary proceeding has been initiated against those DDO's but the undersigned is discriminated in the matter of initiating disciplinary proceeding and it appears that the proceeding has been initiated on pick and choose basis, which is not sustainable in the eye of law.

I further pray that the following documents and information may kindly be furnished to me for submission of a detail and adequate reply of the memorandum of chargesheet dated 20.01.2008.

1) Names of the Accountant and Cashier and other Ministerial Staff who were working at the relevant point of time when following bills were passed.

- (1) Bill No. 195 of 02-03 Rs. 8,32,376.00
- (2) Bill No. 24 of 11.05.2003 Rs. 1,71,696.00
- (3) Bill No. 69 of 06/2003 Rs. 65,829.00
- (4) Bill No. 149 of 09/2003 Rs. 12,198.00
- (5) Bill No. 226 of 10/2004 Rs. 27,169.00

2) Relevant order of the pay and accounts office S.S.B, Ministry of Home Affairs, New Delhi clearing the aforesaid 5 (five) bills indicated at serial no. 1 with their notes, quarries, objections, comments if any.

11/850/2009

28

6

- 3) All relevant documents including audit objections, complains regarding unauthorized passing of the aforesaid five bills as indicated in the article of charges.
- 4) Necessary order if any effecting recoveries from the employees to whom the alleged unauthorized payment of ration money allowance was paid.
- 5) Copy of the notices of the original application no. 414/2004 filed by the non executive staff of Palia before the CAT, Lucknow Bench.
- 6) Kindly informed what is the outstanding amount which could not be recovered.

In the circumstances stated above, I most humbly and respectfully say that the disciplinary proceeding initiated against me is in total violation of the set norms and rules and that also at the fag end of my service carrier, therefore your Honour would be pleased to drop the same.

And for this act of kindness, I shall remain ever grateful.

Date: 19th January, 08

Yours faithfully
P.K. Choudhury
19-1-08

(Shri P.K.Choudhury)
Joint Area Organiser, SSB
Area office, Falakata.

Dy No. 721
Dated 21/5/08

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
DIRECTORATE GENERAL, SSB
EAST BLOCK-V, R.K. PURAM
NEW DELHI - 110066

ANNEXURE-3A

62

No.13/SSB/A-2/2005(2)- 2602-07

Dated: 8/5/2008

16-5.

ORDER

WHEREAS an inquiry under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, is being held against Shri P.K. Choudhury, Joint Area Organiser, SSB Palia Area, presently posted in Falakata Area.

2. AND WHEREAS the President considers that an Inquiring Authority should be appointed to inquire into the charges framed against the said Shri P.K. Choudhury, Joint Area Organiser.

3. NOW, THEREFORE, the President, in exercise of the powers conferred by sub-rule (2) of the said rule, hereby appoints Shri A.K. Negi, Deputy Inspector General, Sector Hqrs. SSB, Bongaigaon as the Inquiring Authority to inquire into the charges framed against the said Shri P.K. Choudhury, Joint Area Organiser.

(By order and in the name of the President)

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

2009

30/4/08
(S. K. Bhagat)

Inspector General (Pers & Trg)

Copy to :-

Govt. of India

1. Shri A.K. Negi, DIG, Sector Hqrs. SSB, Bongaigaon alongwith copies of following documents pertaining to Shri P.K. Choudhury, Joint Area Organiser. Shri P.K. Choudhury, JAO is due for superannuation on 30.6.2008, therefore, the DE may please be completed preferably before his superannuation.
 - a) Copy of Memo. No.13/SSB/A2/2005(2)-10-14 dated 2.1.2008(2 pages).
 - b) Annexure-I (Statement of articles of charge - 1 page)
 - c) Annexure-II (Statement of imputation of misconduct or misbehaviour in support of the articles of charge - 2 pages)
 - d) Annexure-III (List of documents alongwith enclosures - 62 pages)
 - e) Annexure-IV (List of witnesses - 1 page)
 - f) Written statement of defence made by Shri P.K. Choudhury, Joint Area Organiser vide his letter Dated 19.1.2008 (6 pages).
 - g) Copy of Memo. No.13/SSB/A-2/2005(2)-1389-91 dated 3.3.2008.
2. Shri P.K. Choudhury, Joint Area Organiser, SSB, Falakata.
3. The Inspector General, Frontier Hqrs. SSB Guwahati/Lucknow.
4. Shri J.R. Bhardwaj, Sub Area Organiser, Kheri Area.
5. Order file

Collected
Maita
J.W.

7.19 Date 21/05/08 5/08 30
16.50
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
DIRECTORATE GENERAL, SSB
EAST BLOCK-V, R.K. PURAM
NEW DELHI - 110066

✓ ANNEXURE-3B

No.13/SSB/A-2/2005(2)- 2608-13

Dated: 27-5-2008

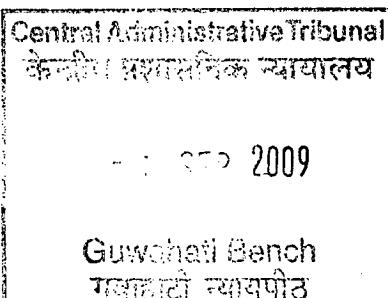
ORDER

WHEREAS an inquiry under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, is being held against Shri P.K. Choudhury, Joint Area Organiser, SSB Palia Area, presently posted in Falakata Area.

2. AND WHEREAS the President considers that a Presenting Officer should be appointed to present on behalf of the President the case in support of the articles of charge.

3. NOW, THEREFORE, the President, in exercise of the powers conferred by sub-rule (5) (c) of Rule 14 of the said rules, hereby appoints Shri J.R. Bhardwaj, Sub Area Organiser, Kheri Area as the Presenting Officer.

(By order and in the name of the President)



✓ S. K. Bhagat
Inspector General (Pers & Trg)

Copy to :-

1. Shri J.R. Bhardwaj, Sub Area Organiser, Kheri Area alongwith copies of following documents pertaining to Shri P.K. Choudhury, Joint Area Organiser. Shri P.K. Choudhury, JAO is due for superannuation on 30.6.2008, therefore, the DE may please be completed preferably before his superannuation.
 - a) Copy of Memo.No.13/SSB/A2/2005(2)-10-14 dated 2.1.2008(2 pages).
 - b) Annexure-I (Statement of articles of charge - 1 page)
 - c) Annexure-II(Statement of imputation of misconduct or misbehaviour in support of the articles of charge - 2 pages)
 - d) Annexure-III (List of documents alongwith enclosures - 62 pages)
 - e) Annexure-IV (List of witnesses - 1 page)
 - f) Written statement of defence made by Shri P.K. Choudhury, Joint Area Organiser vide his letter Dated 19.1.2008 (6 pages).
 - g) Copy of Memo.No.13/SSB/A-2/2005(2)-1389-91 dated 3.3.2008.
2. Shri P.K. Choudhury, Joint Area Organiser, SSB Falakata.
3. The Inspector General, Frontier Hqrs. SSB Guwahati/Lucknow.
4. Shri A.K. Negi, DIG, Sector Hqrs. SSB, Bongaigaon.
5. Order file

Attested
S. K. Bhagat

ANNEXURE-4

No.G-20/1/05/AOP-1785E/91
 Govt. of India,
 Ministry of Home Affairs,
 Office of the Area Organiser, SSB
 Kheri-West Area, Palia.

Dated the 29.7.05

Subject:- Recovery of Ration allowance arrear.

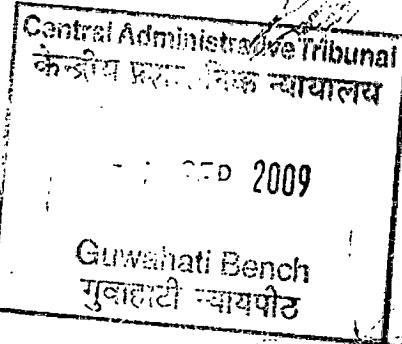
It is stated that Ration allowance arrear in respect of non executive (Ministerial) staff of Palia area who remained posted at 'B' & 'C' category stations was drawn by this office in February-March 2003 and disbursed to the individual concerned. The ration allowance arrear was drawn as per guidelines contained in MHA letter No. 35/SSB/A/2000(14)P-HI dated 19th Dec. 2002 addressed to the Director General, SSB to implement the various Hon'ble CAT/Court orders in whose favour judgment was delivered.

02. The ministerial staff posted at Palia does not covers under the judgment of various Hon'ble Courts/CAT. As such the payment of Ration allowance arrear was irregular.

03. The irregular payment of Ration allowance arrear paid to 24 ministerial staff of Palia area and other 12 officials posted at various offices under SSB Dte. is required to be recovered.

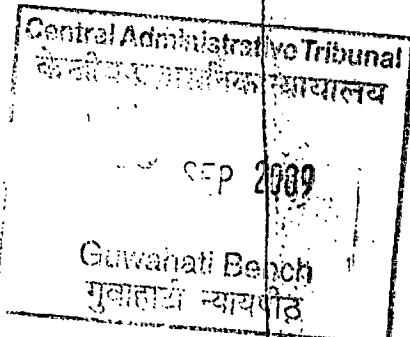
04. The recovery of ration allowance arrear paid earlier be recovered with immediate effect. The detail of officials to whom ration allowance arrear was paid and amount to be recovered is given as under:-

S.No.	Name of Official	Designation	Amount.
<u>Staff of Palia area</u>			
1.	S/Sh. M.L. Gupta	A.I.	Rs. 28,537.00
2.	G.K. Gupta	Steno	Rs. 44,049.00
3.	K.R. Verma	UDC	Rs. 9,265.00
4.	Kushal Singh	UDC	Rs. 4,681.00
5.	Amar Singh	Driver	Rs. 44,520.00
6.	Prem Singh	Driver	Rs. 31,530.00
7.	T.D. Shukla	Driver	Rs. 3,331.00



*Leftasted
Bella
A.D.*

8. Wangchuk Raptan	Peon	Rs. 55,311-00
9. Bhagi Rath	Peon	Rs. 26,864-00
10. Chanan Singh	Ex.Peon	Rs. 26,864-00
11. Dewan Chand	Ex.Peon	Rs. 26,864-00
12. Shobha Ram(I)	Peon	Rs. 26,864-00
13. Ranjit Singh	Peon	Rs. 20,833-00
14. Prem Singh	Peon	Rs. 26,864-00
15. Murath Singh	Peon	Rs. 40,983-00
16. Satya Nand	Chowkidar	Rs. 61,673-00
17. Mast Ram	Chowkidar	Rs. 45,866-00
18. Sukh Bhadur	Chowkidar	Rs. 47,193-00
19. Nihal Singh	Chowkidar	Rs. 26,864-00
20. Hari Ram	Chowkidar	Rs. 26,864-00
21. Jumble Zangbo	Chowkidar	Rs. 48,561-00
22. B.N.Sharma	Chowkidar	Rs. 57,081-00
23. Braham Chand	Steno	Rs. 55,886-00
	Peon	



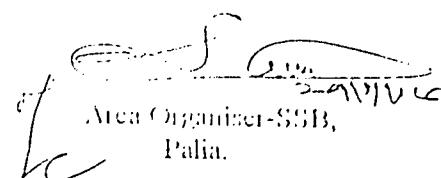
STAFF OF OTHER ESTABLISHMENT/UNITS		
1. N.R. Verma	Accounts Officer	Rs. 13,002-00
2. Shobha Ram	Peon	Rs. 2,656-00
3. M.L.Justa	Steno	Rs. 55,339-00
4. Paras Ram	UDC	Rs. 45,841-00
5. Lalit Kumar	Steno	Rs. 20,946-00
6. Prem Kumar	UDC	Rs. 19,657-00
7. B.M.Gupta	Jr.Ascrtt.	Rs. 25,158-00
8. R. Chauhan	S.O	Rs. 4,846-00
9. Deep Ram	UDC	Rs. 3,902-00
10. Daya Ram Tanwar	A.I.	Rs. 5,435-00
11. R.C. Garg	A.I.	Rs. 3,902-00
12. J.P.Dhiman	Ascts Officer	Rs. 19,886-00
13. Dalip Singh	UDC	Rs. 17,453-00

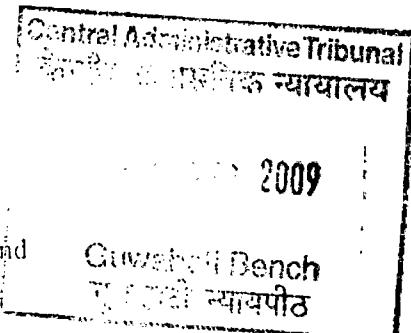
14. D.R. Gupta	S.O	Rs. 11,396.00
15. Chaman Lal	Driver	Rs. 30,267.00
16. R.C. Chauhan	A.I	Rs. 15,146.00
17. Padam Dass	Peon	Rs. 26,264.00

-33-

05.

It is further stated that, while effecting the recovery of ration arrear allowance, the recovery already affected on account of leave period and TA/DA be also kept in mind and the same amt. Be deducted from the above gross amount please.


 Area Organizer-SSB,
 Palia.

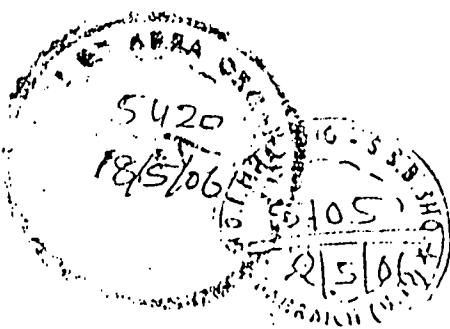


To

The Accountant, Area Office Palia for information and immediate action.

Copy to:-

1. The DIG SHQ Bhabraich for favour of information please. It is requested that the recovery of ration allowance arrear in r/o Sh. J.P. Dhiman, Accounts Officer may be made from his regular salary bill please
2. Accounts Officer, SSB Dte. For similar action in respect of S/Sh. Paras Ram, UDC, Prem Kumar UDC, Lalit Kumar ; Steno, Shobha Ram, Peon, Daya Ram Tanwar, AI, Deep Ram Kashyap, UDC, R. C. Garg, AI, Dalip Singh UDC, B.M. Gupta, Jr Accountant, D. R. Gupta, S.O. R. C. Chauhan UDC, R. K. Chauhan, SO.



No.42/SSB/AT/2005 (17)-33/20-60
Government of India,
Ministry of Home Affairs,
Directorate General, SSB,
East Block-V, R. K. Puram,
New Delhi-110063.

Dated : 26-4-06

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्याय

30/09/2009

Gauhati Bench
गুৱাহাটী ন্যায়পীঠ

MEMORANDUM

Frontier Hqrs., SSB, Lucknow may refer to their Memo. No. GE/PF-PKC/2003/13364 dated 12.01.06 sending therewith representations of sixteen officers/officials, addressed to Area Organiser, SSB, Palia against recovery of the arrear of ration money already paid to them.

2. In terms of judgement dated 06.10.2004, no any representation within the stipulated period was received from the petitioners due to the fact that they have already received payment of Ration Allowance and filed O.A., afterwards. Since, Hon'ble CAT vide its judgement dated 06.10.2004 has not passed any order regarding non-recovery of overpayment of Ration money, therefore, Inspector General (Pers.) has ordered to recover overpayment of Ration Money from the following petitioners:-

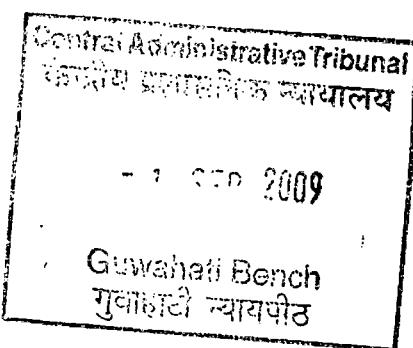
S/ Shri

1. Gurcharan Kumar Gupta, Steno.
2. Khyali Ram Verma, UDC.
3. Khushal Singh, LDC.
4. Bhishma Nand Sharma, Steno.
5. Murari Lal Gupta, Assistant.
6. Amar Singh, Driver.
7. Thakur Dutt Shukla, Driver.
8. Prem Singh, Driver.
9. Chaman Lal Gupta, Driver.
10. Bhingirathi, Peon.
11. Padam Dass, Peon.
12. Diwan Cahnd, Peon.
13. Ranjit Singh, Peon.
14. Prem Singh, Peon.
15. Murath Singh, Peon.
16. Shobha Ram, Peon.
17. Sukh Bhadur, Chowkidar.
18. Nilai Singh, Chowkidar.

Contd...2....

Attested
Abdulla
A. S. W.

1121



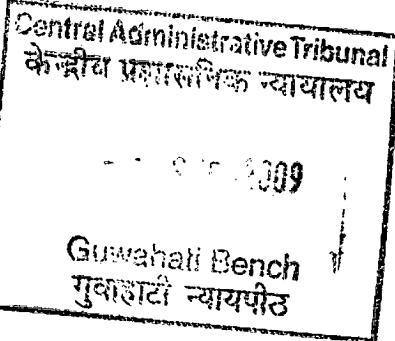
19. Aimble Zangbow, Chowkidar
20. Hari Ram, Chowkidar
21. Satyanand, Chowkidar
22. Wangchuk Raptan, Chowkidar
23. Braham Chand, Peon
24. Must Ram, Chowkidar

3. S/Shri R.K. Chauhan, S.O. and Lalit Kumar Sharma, Steno were not petitioners in any OAs so far decided. Therefore, recovery may also be effected from them forthwith.

4. As regards, recovery of overpayment of Ration Allowance S/SNo. 1,3,4,6,7&8 appearing in Frontier Hqrs., Lucknow Memo. No. GE/PP/PKC/2003-13364 dated 12.01.06 it is intimated that these 06 personnel were the petitioners in one or the other OAs so far decided in favour of petitioners as per details given hereunder (Copies of judgements dated 03.06.04 in O.A. No. 282/HIP/2004 of CAT, Chandigarh Bench and Hon'ble High Court order dated 06.11.01 in CWP No. 881/99 enclosed) as such recovery is not to be effected from them: -

Sl. No.	Name and designation	Ref. of "CAT/J" Court Order	S/No. in the CAT/Court order
1.	D.R. Gupta, Section Officer	Order dated 03.06.04 in O.A. No. 282/HIP/2004 of CAT, Chandigarh Bench.	27
2.	Prem Kumar Verma, UDC	-do-	32
3.	R.C. Chauhan, UDC	-do-	04
4.	Paras Ram, UDC	-do-	28
5.	Daleep Singh, UDC	-do-	26
6.	B.M. Gupta, Accountant	J&K High Court Order dated 06.11.01 in CWP No. 881/99.	01

Contd....3.....



5. Action taken in this regard may be intimated to SSB Dte. from time to time till realisation of recovery of overpayment is made in full.

Enclosure

I
(S.C. Katoch)
Assistant Director (EA-1)

To

The Staff Officer (Admn.),
Frontier Hqrs., SSB,
Lucknow.

Copy to:

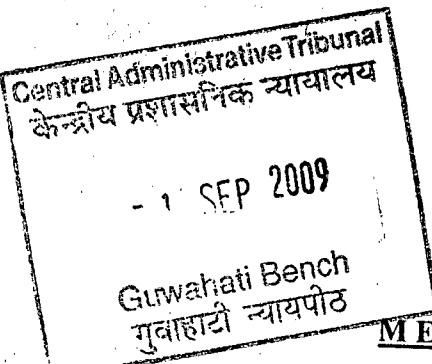
The Staff Officer (Admn.), Sector Hqrs., SSB, Bahraich for similar action.

10/10/2009
Assistant Director (EA-1)

No. EA/247/SD/BRCH/06/ - File No. DTD 10/10/2009
90 P.Y. INSPECTOR GENERAL
SD, SSB, Bahraich (UP)

Copy to AD, Palva w.r.t. to his office No. 3470 Dtd. 10/10/2005 for information and necessary action. The names of other left out persons, if any whose names have not been mentioned in the Fwd Memo may also be intimated since as per your office recover order No 1785-91 Dtd. 29/7/05, recovery of 40 persons have been ordered.

10/10/2009
Copy forwarded to AD, Dtd. 10/10/2009
for P.Y. of 2009 to office No. 3470
as per above order.



No. 1/DE/PKC/AO/SHQ/BGN/08/-
Government of India
Ministry of Home Affairs
Sashastra Seema Bal
Office of the Dy. Inspector General
Sector Headquarter, Bongaigaon

Dated : May 12/5/ 2008

MEMORANDUM

I have been appointed as Inquiring authority vide Force Hqrs. order No. 13/SSB/A-2/2005(2)/2602-07 dated 7th May, 2008, to enquire into the charges framed against you. Copy of article of charges is enclosed for reference.

2. Accordingly, a preliminary hearing of the case will be held by the undersigned on 26th May, 2008 at 1000 hrs. at Sector Hqrs. SSB, Bongaigaon. You are required to attend the said hearing on the given time and date. In case you fail to appear at the appointed date & time, the proceedings shall be held ex-parte.
3. It may be noted that no witnesses will be examined on the said date. The purpose of the preliminary hearing is to sort out the preliminaries and to lay down a time schedule for inspection of the listed documents and submission of the lists of additional documents and defence witnesses.
4. Receipt of this notice may be acknowledged.

Encls: as above.

To

✓ Shri P.K. Choudhary,
Jt. Area Organiser, SSB
Falkata.

Copy for favour of information to :-

The Inspector General (Pers & Trg), FHQ, SSB, East Block - V, R K Puram,
New Delhi.

(A.K. NEGI)
Dy. Inspector General

Attested
Bhutta
A.S.W

-38-

FAX MESSAGE

No. 325 Date 24/5/08
 180.....
 SAO (HQ).....
 A/I.....
 Branch.....
22-5

ANNEXURE-7

TO : A.O. FALAKATA

INFO : I.G. (PERS & TRG) FHQ/ DIG SHQ BGN CAMP AT FTR GHTY

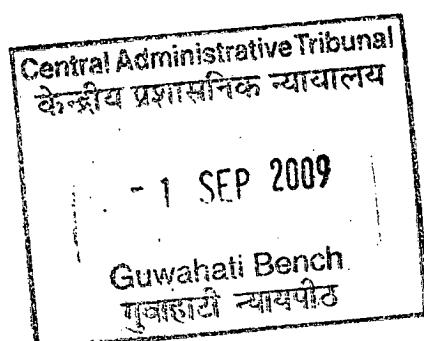
FM : SHQ BONGAIGAON

CR No-3744

NO. 1/DE/PKC/AO/SHQ/BGN/08

DATED: 22ND MAY 2008

MSG. FOR SH. P.K. CHOUDHARY, JT. AREA ORGANISER, FALAKATA (.)
 REFER THIS OFFICE CONFIDENTIAL MEMORANDUM NO.
 1/DE/PKC/AC/SHQ/BGN/08/62-63 DATED 17TH MAY 2008 VIDE WHICH YOU
 WERE DIRECTED TO REPORT AT SECTOR HQRS. SSB BONGAIGAON ON 26TH
 MAY 2008 TO ATTEND THE PRELIMINARY HEARING ON THE CHARGES
 FRAMED AGAINST YOU (.) DUE TO OPERATIONAL REQUIREMENT DIG SHQ
 BONGAIGAON WILL NOT BE AVAILABLE AT SECTOR HQRS. ON AFORESAID
 MENTIONED DATE, HENCE DIRECTED THAT DATE OF HEARING MAY BE
 FIXED ON 30TH RPT 30TH MAY 2008 INSTEAD OF 26TH MAY 2008 (.) YOU ARE
 THEREFORE DIRECTED TO ATTEND THE HEARING ON 30TH RPT 30TH MAY
 2008 INSTEAD OF 26TH MAY 2008 (.) ACKNOWLEDGE RECEIPT BY RTN FAX
 (.)



R. Padumay
 STAFF OFFICER (ADMN)
 SHQ SSB BONGAIGAON 22/5/08

CONFIDENTIAL

NO. 1/DE/PKC/AO/SHQ/BGN/08/ 74(9)

Government of India

Ministry of Home Affairs

Sashastra Seema Bal

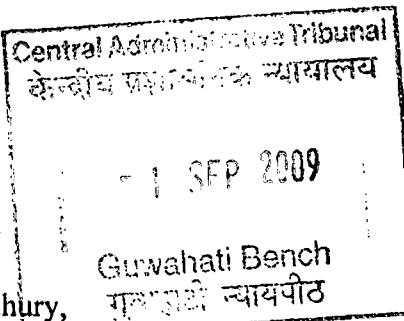
Sector Hqrs, Bongaigaon

Dated: 29/5/08

CORRIGENDUM

Please refer to this office fax msg. CR No. 3893 and 3895 dated May 28, 2008 regarding fixing of date for Preliminary Hearing and examination of listed documents on the charges framed against Shri P.K. Choudhury, Jt. AO, Falakata Area.

The Preliminary Hearing and examination of the listed documents will be held on 1st June, 2008 instead of 2nd June, 2008. The rest of contents of ibid fax remains unchanged.



To

1.

Shri P.K. Choudhury,
Jt. A.O.
Falakata Area.

2.

Shri J.R. Bhardwaj,
SAO, Kheri.

(A.K. NEG/8)
DY. INSPECTOR GENERAL

Attested
Dintor
Jew

- 60 -

FAX MESSAGEANNEXURE-9

TO : A.O. FALAKATA
 FM : SHQ, BONGAIGAON
 INFO : IG (PERS & TRG), FHQ, NEW DELHI

CR NO. 3895

DATED: MAY 28, 2008

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय

- 1 SEP 2009

Guwahati Bench
 गुवाहाटी न्यायपीठ

IN PARTIAL MODIFICATION OF THIS OFFICE FAX MSG CR NO. 3744 DATED 22ND MAY, 2008. REGARDING PRELIMINARY HEARING ON THE CHARGES FRAMED AGAINST SHRI P.K. CHOUDHARY, JT. AO, FALAKATA, THE DATE OF PRELIMINARY HEARING HAS NOW BEEN FIXED ON 2ND JUNE, 2008 AT 1000 HRS. INSTEAD OF 30TH MAY, 2008, AT SECTOR HQRS. BONGAIGAON, DUE TO ADMINISTRATIVE REASONS (.) YOU ARE, THEREFORE, DIRECTED TO ATTEND THE HEARING ON DUE DATE & TIME (.)

(A.K. NEG.) 18
 DY. INSPECTOR GENERAL

Attested
 Mitali
 DSN

PRELIMINARY HEARING OF DEPARTMENTAL ENQUIRY PROCEEDING AGAINST
SHRI P.K. CHOUDHURY, JT. AO, FALAKATA INTO THE CHARGES LEVELED
AGAINST HIM VIDE MEMO NO. 13/SSB/A-2/2005(2)-10-14 DATED 2ND JANUARY
2008, HELD ON 1ST JUNE, 2008 AT THE OFFICE OF DY. INSPECTOR GENRAL.

On 1.6.2008, Shri P.K. Choudhury, Jt. AO, Falakāta Area, hereinafter referred to as Charged Officer (C.O.) and Shri J.R. Bhardwaj, SAO, Kheri Area, hereinafter referred to as Presenting Officer (P.O.), have appeared before the Inquiry Officer, in connection with Preliminary Hearing Proceedings of disciplinary proceedings against Shri P.K. Choudhury, Jt. A.O., Falakata Area, as ordered vide 13/SSB/A-2/2005(2)-10-14 dated 2nd January 2008. Preliminary Hearing commenced in the chamber of D.I.G. , SHQ, Bongaigaon on 1.6.2008.

I.O. Are you in receipt of Force Hqrs. Memorandum No. 13/SSB/A-2/2005(2)-10-14 dated 2nd January 2008 vide which Disciplinary Proceedings have been initiated against you?

C.O. Yes, I am in receipt copy of same.

I.O. Are all the Article of Charges framed through the above mentioned FIHQ Memo ending No. 10-14 dated 2nd January 2008, clearly understood by you?

C.O. Yes, these are clearly understood by me.

I.O. Do you want that I should read and explain the charges leveled against you?

C.O. No, these are very clear to me

I.O. Are you aware that I have been appointed as Enquiry Officer in the Disciplinary Proceeding against you vide Force Hqrs. Order NO. 13/SSB/A-2/2005(2)/2602-07 dated 7th May 2008

C.O. Yes I am aware of the same.

I.O. Do you have any objection on my appointment as Enquiry Officer in the Departmental Proceeding against you?

C.O. No I don't have any objection

(J.R. BHARDWAJ
S.A.O., KHERI AREA
PRESENTING OFFICER

(A.K. NEGI) 1.6.08
DY. INSPECTOR GENERAL
INQUIRY OFFICER

(P.K. CHOUDHURY)
JT. AREA ORGANISER,
CHARGED OFFICER

The above question & answers were recorded in my presence and read over to me in the language best understood by me. The same is hereby acknowledged as correctly recorded

(P.K. CHOUDHURY)
JT. AO
CHARGED OFFICER

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय
- 1 SEP 2009
Gauhati Bench गुवाहाटी न्यायपीठ

Attested
Bhutta
Adv

I.O. Are you in a stable state of mind to participate in the Disciplinary Proceedings against you?

C.O. : Yes. I don't have any kind of mental stress.

I.O. Do you plead guilty to any or all of the charges framed against you in Disciplinary Proceedings as ordered vide 13/SSB/A-2/2005(2)-10-14 dated 2nd January 2008

C.O. : No I plead 'NOT GUILTY" to all the three charges.

I.O. Are you aware that Sh. J.R. Bhardwaj, SAO, Kheri is representing the prosecution as Presenting Officer, in the Disciplinary Proceedings, against you?

C.O. Yes I am aware of the same.

I.O. Since you have to be accorded opportunity to avail services of Defence Assistant, whom do you want as your Defence Assistant? I am aware that you have sent a fax on 31/5/08, whereunder you have named 3 Officers as your Defence Assistant. However, you can avail only one of these Officers/official as Defence Assistant, so you are required to name the Officers for purpose of your Defence Assistant? (The Officer had earlier sent a Fax Message No. I/35/PF-PSC/JAO/07/1318-19 dated 31/5/08, whereunder he has named the following 3 Officers as Defence Assistant):-

- a) Shri B.P. Gurung, Commandant, 30th Bn.
- b) Shri C. Keishing, Area Organiser (O&I), Frontier Hqrs, SSB, Guwahati.
- c) Inspector (Min) N.K. Das, Sector Hqrs, SSB, Bongaigaon

C.O. My preference priority for Defence Assistant is as under:

- 1) Shri B.P. Gurung, Commandant, 30th Bn.
- 2) Shri C. Keishing, Area Organiser (O&I), Frontier Hqrs, SSB, Guwahati, (in case Shri B.P. Gurung, Commandant declined to be my Defence Assistant)
- 3) Inspector (Min) N.K. Das, Sector Hqrs, SSB, Bongaigaon, (in case Shri C. Keishing, Area Organiser (O&I), Frontier Hqrs, Guwahati declined to be my Defence Assistant)

(J.R. BHARDWAJ)
01-06-08
S.A.O., KHERI AREA
PRESENTING OFFICER

(A.K. NINGO)
01-06-08
DY. INSPECTOR GENERAL
INQUIRY OFFICER

(P.K. CHOWDHURY)
01-06-08
JT. AREA ORGANISER,
CHARGED OFFICER

The above question & answers were recorded in my presence and read over to me in the language best understood by me. The same is hereby acknowledged as correctly recorded

(P.K. CHOWDHURY)
01-06-08
JT. AO
CHARGED OFFICER

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय
- 1 SEP 2009
Guwahati Bench गुवाहाटी न्यायालय

(Fax Message to all concerned were sent on 1st June 2008 has already been sent requesting all the 3 Officers to confirm whether they would act as Defence Assistant in favour of Shri P.K. Choudhury, Jt. Area Organiser in disciplinary proceedings against him. Shri P.K. Choudhury, Jt. Area Organiser, SSB Falakata/Charged Officer has been told that next date of hearing would be fixed after name of Defence Assistant has been confirmed on basis of willingness or otherwise received from the 3 Officers named as Defence Assistant by him)

(A.K. NEGI)
DY. INSPECTOR GENERAL
Inquiry Officer

(P.K. CHOUDHURY)
JT. AREA ORGANISER
Charged Officer

During the course of hearing Shri P.K. Choudhury, Jt. Area Organiser/Charged Officer was given opportunity to examine all the listed documents mentioned in Annexure IV of FHQ Memo No. 13/SSB/A-2/2005(2)-10-14 dated 2nd January 2008. List of documents is enclosed as Annexure 'A'

- I.O. Have you examined all the listed documents mentioned in Annexure IV of FHQ Memo No. 13/SSB/A-2/2005(2)-10-14 dated 2nd January 2008
- C.O. Yes, I have done the same.
- I.O. Do you want to have copies of relevant portion of these documents, if so please specify, the documents/copies of documents which you would like to have for preparation of defence ?
- C.O. No, I do not want the copies of listed documents as same are already made available to me by Force Hqrs.

(J.R. BHARDWAJ)
S.A.O., KHERI AREA
PRESENTING OFFICER

(P.K. CHOUDHURY)
JT. AREA ORGANISER,
CHARGED OFFICER

(A.K. NEGI) 1.6.08
DY. INSPECTOR GENERAL
INQUIRY OFFICER

* The above question & answers were recorded in my presence and read over to me in the language best understood by me. The same is hereby acknowledged as correctly recorded

(P.K. CHOUDHURY)
JT. AO
CHARGED OFFICER

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय
- 1 SEP 2009
Guwahati Bench गुवाहाटी न्यायपीठ

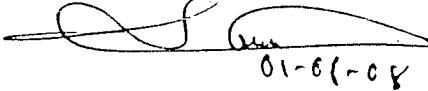
C.O. In addition to above, do you required any other documents relevant for preparation of your defence in the Disciplinary Proceedings against you?

C.O. Yes, the following documents are required by me for preparation of my defence:

- 1) Names of the Accountant and Cashier and other Ministerial Staff who were working at the relevant point of time, when following bills were passed :-
 - i) Bill No. 195 of 02-03 - Rs. 8,32,376.00
 - ii) Bill No. 24 of 11.5.03 - Rs. 1,71,696.00
 - iii) Bill No. 69 of 6/03 - Rs. 65,829.00
 - iv) Bill No. 149 of 9/03 - Rs. 12,198.00
 - v) Bill No. 226 of 10/04 - Rs. 27,169.00
- 2) Relevant order of the Pay & Accounts Office, SSB, Ministry of Home Affairs, New Delhi clearing the aforesaid 5 (five) bills indicated at Srl. No. 1 with their notes, quarries, objections, comments, if any.
- 3) All relevant documents including audit objections, complains regarding unauthorized passing of the aforesaid five bills as indicated in the Article of Charges.
- 4) Necessary order if any, effecting recoveries from the employees to whom the alleged unauthorized payment of ration money allowance was paid.
- 5) Copy of the notices of the original application no. 414/2004 filed by the non-executive staff of Palia before the CAT, Lucknow Bench.
- 6) Kindly inform what is the outstanding amount which could not be recovered.
- 7) Copy of Pay Bill No. 149 dated 09/03 amounting to Rs 12,198/-

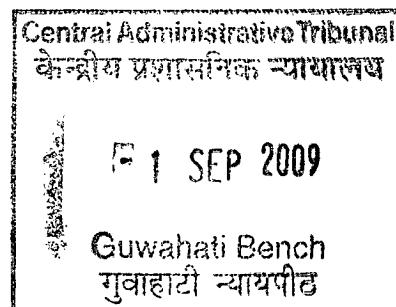
(Shri J.R. Bhardwaj, SAO (Presenting Officer) who has also appeared before Enquiry Officer was directed to make the copies of above documents available to the Charged Officer for preparation of his defence)


(J.R. BHARDWAJ) 06/08
S.A.O., KHERI AREA
PRESENTING OFFICER


01-06-08
(P.K. CHOUDHURY)
JT. AREA ORGANISER,
CHARGED OFFICER


(A.K. NEGI) 1.6.08
DY. INSPECTOR GENERAL
INQUIRY OFFICER

The above question & answers were recorded in my presence and read over to me in the language best understood by me. The same is hereby acknowledged as correctly recorded




01-06-08
(P.K. CHOUDHURY)
JT. AO
CHARGED OFFICER

I.O.

Have complete documents as requested for by Charged Officer, been made available to him? 5

P.O.

Yes, except two documents. All documents have been made available.

Firstly, relevant order of the Pay & Accounts Office, SSB, Ministry of Home Affairs, New Delhi clearing the aforesaid 5 (five) bills indicated at Srl. No. 1 with their notes, quarries, objections, comments, could not be made available. This is so since no queries/objections were raised by PAO, SSB, MHA, New Delhi in passing the said bills of Ration Allowance arrears. As such, question of such document, does not arise.

Secondly, all relevant documents including audit objections, complains regarding unauthorized passing of the aforesaid five bills as indicated in the Article of Charges, have been sought by Shri P.K. Choudhury, Charged Officer for preparation of his defence. This document is not in existence since no audit objections/complains were raised by any quarter in passing the said claim. As such, question of providing such document, does not arise.

I.O.

Are any other additional documents proposed to be introduced by you to substantiate the charges in the Disciplinary Proceeding against the Charged Officer?

P.O.

Related documents, if any, will be produced during the course of hearing of Disciplinary Proceedings

I.O.

Do you want to produce any additional witness(s) in the Disciplinary Proceedings against the Charged Officer?

P.O.

Yes, I would like to call Shri M.L. Jasta, the then Stenographer, Palia Area (now PA, TC Kasumti), who was holding additional charge of Accountant during the period when the ration allowance arrear of the bill no. 195 dated 02/03 amounting to Rs 8,32,376/- was drawn by Shri P.K. Choudhury, Jt. AO in his capacity as head of office.

(The plea of the Presenting Officer was examined by the Enquiry Officer in connection with relevance of the said witness in the Disciplinary Proceedings against Shri P.K. Choudhury, Jt. Area Organiser, SSB, Falakata. Since deposition of Sh. M.L. Jasta, the then Stenographer, Palia Area (now PA, TC Kasumti) is felt relevant to the charges, his incorporation as a Prosecution Witness, is hereby admitted)

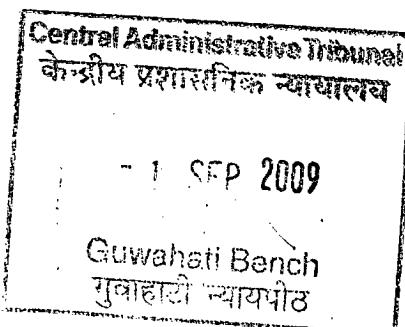
M.R. 01-06-08
(J.R. BHARDWAJ)
S.A.O., KHERI AREA
PRESENTING OFFICER

(A.K. NEG) 1.6 of
DY. INSPECTOR GENERAL
INQUIRY OFFICER

01-06-08
(P.K. CHOUDHURY)
JT. AREA ORGANISER,
CHARGED OFFICER

The above question & answers were recorded in my presence and read over to me in the language best understood by me. The same is hereby acknowledged as correctly recorded

Am
(P.K. CHOUDHURY) 01-06-08
JT. AO
CHARGED OFFICER



Having given opportunity to Shri J.R. Bhardwaj, SAO, Kheri/Presenting Officer, Enquiry Officer proceeded with giving similar opportunity to Shri P.K. Choudhury/Charged Officer to produce additional defence documents/witness(s), if any.

I.O. Shri J.R. Bhardwaj, SAO, Kheri/Presenting Officer in your presence sought to introduce additional witness, for which permission was accorded to him. Do you have any objection to the same?

C.O. No, I don't have any objection.

I.O. Would you like to introduce any defence document(s) at this stage, which would be relevant to counter the charges framed against you?

C.O. No, I have already received the documents. However, two documents namely :-

- a) Relevant order of the Pay & Accounts Office, SSB, Ministry of Home Affairs, New Delhi clearing the aforesaid 5 (five) bills indicated at Srl. No. 1 with their notes, quarries, objections, comments, if any &
- b) All relevant documents including audit objections, complains regarding unauthorized passing of the aforesaid five bills as indicated in the Article of Charges,

were not made available to me but I have been told by the Presenting Officer that the above documents are not available in the records of AO, Palia.

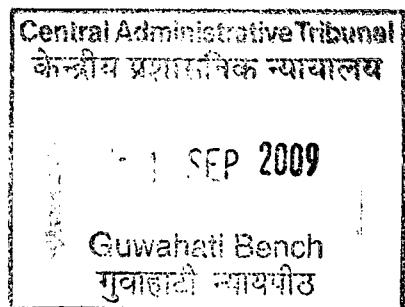
(J.R. BHARDWAJ)
(J.R. BHARDWAJ)
S.A.O., KHERI AREA
PRESENTING OFFICER

(A.K. NEGI)
(A.K. NEGI)
T. L. DR
DY. INSPECTOR GENERAL
INQUIRY OFFICER

(P.K. CHOUDHURY)
01-01-08
(P.K. CHOUDHURY)
JT. AREA ORGANISER,
CHARGED OFFICER

The above question & answers were recorded in my presence and read over to me in the language best understood by me. The same is hereby acknowledged as correctly recorded

(P.K. CHOUDHURY)
01-01-08
(P.K. CHOUDHURY)
JT. AO
CHARGED OFFICER



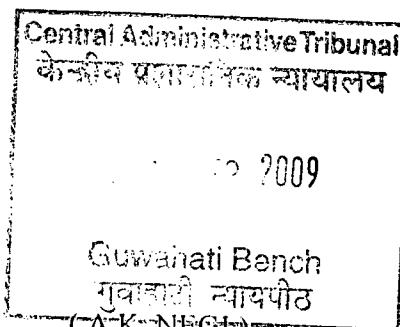
I.O. Do you like to introduce any witness(s) at this stage which you consider relevant to the Disciplinary Proceedings against you?

C.O. Yes, I would like to have Shri Paras Ram, the then UDC, Palia Area, now Assistant FHQ, New Delhi, as my Defence Witness.

(Examination of list of Prosecution Witnesses by the Enquiry Officer reveals that Shri Paras Ram, the then UDC, Palia Area, now Assistant, FHQ, has already been cited as Prosecution Witness in the Disciplinary Proceedings against Charged Officer).

Since same person cannot be provided to act as Defence Witness, accordingly Shri P.K. Choudhury, Jt. AO (Charged Officer), has been communicated this fact. However, he has been told that he and his Defence Assistant shall be given every opportunity to examine and cross-examine Shri Paras Ram, the then UDC, Palia Area, now Assistant, FHQ, during the course of his deposition in the Disciplinary Proceedings.

M
(J.R. BHARDWAJ)
S.A.O., KHERI AREA
PRESENTING OFFICER



DY. INSPECTOR GENERAL
INQUIRY OFFICER

S
01-06-08
(P.K. CHOUDHURY)
JT. AREA ORGANISER,
CHARGED OFFICER

The Preliminary Hearing in the Disciplinary Proceedings having been completed, Enquiry Officer then directed that the date of next hearing will be communicated shortly to all concerned, once the name of Defence Assistant is finalised.

M
(J.R. BHARDWAJ)
S.A.O., KHERI AREA
PRESENTING OFFICER

A.K. NEGOTIATOR
(A.K. NEGOTIATOR)
DY. INSPECTOR GENERAL
INQUIRY OFFICER

S
01-06-08
(P.K. CHOUDHURY)
JT. AREA ORGANISER,
CHARGED OFFICER

The above question & answers were recorded in my presence and read over to me in the language best understood by me. The same is hereby acknowledged as correctly recorded

S
01-06-08
(P.K. CHOUDHURY)
JT. AO
CHARGED OFFICER

Through SPL, Mspr,

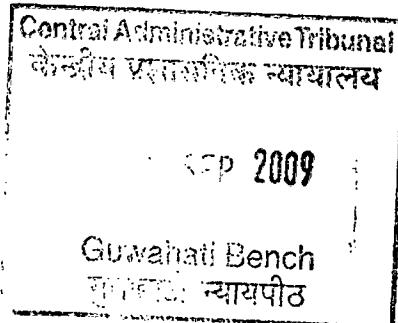
CONFIDENTIAL

No 1/PKC/Jt. AO/DE/SHQ/BGN/2008 G9
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
SASHASTRA SEEMA BAL
SECTOR HQRS. BONGAIGAON

DATED: January 19, 2009

To

Shri P.K. Choudhury,
Ex-Jt. Area Organiser, SSB
Village : Santipur, Ward No. 5,
Near Hindi High School,
PO : Rangia, Bhutan Road
Distt. Kamrup (Assam)



Shri J.R. Bhardwaj, S.A.O. Kheri Area, Presenting Officer, in the Departmental Proceedings against you, has submitted a written brief, after examination of all the Witnesses and all relevant records, in the matter. A copy of written brief submitted by Presenting Officer is sent herewith for your perusal. You are, therefore, requested to submit your written brief/comments, if any, in matter at the earliest, for finalisation of findings of the undersigned, on the D.E.

Encl : Two pages.

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C.A.K. Mehta, M.A.O.
DY. INSPECTOR GENERAL

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Brief Note of presenting Officer in the D.E against Sh. P.K. Choudhary, Jr. A.O.

Article-I

- As per statement dt. 24/6/08, of regular Accountant, Area Office Palia Sh. H.P. Verma PW-I, handed over the charge to Sh. M.L. Justa the then Steno of Palia Area on 9/12/02 along with key of almirah of office record of Accountant while he proceeded to PAO on attachment.
- Sh. M.L. Gupta Assistant PW-IV deposed in his statement Dt. 25.6.08 that Sh. M.L. Justa Stenographer was pertaining the duties of Accountant of A.O. Palia in proceeding of regular accountant to PAO New Delhi.
- Sh. Paras Ram, UDC, PW-III deposed in his statement that there was no specific order for holding the charge of Accountant of A.O. Palia. However it is a matter of record.
- Sh. P.K. Choudhary, Jr. A.O., Charged Officer deposed in his statement dt 29/6/08 that Sh. M.L. Justa Stenographer was holding the additional charge of Accountant of A.O. Palia who prepared the bill amounting to Rs. 832376-00 and brought to him for signature.
- Sh. M.L. Justa, P.W-II deposed in his statement dated 24.6.08 that he prepared the bill No. 195 of 2/03 amounting to Rs. 832376-00 on the basis of due statement.
- Sh. Paras Ram, UDC, PW-III deposed in his statement dt. 25.6.08 that he has prepared the due statement on the basis of service record provided by Assistant, Sh. M.L. Gupta, Assistant of A.O. Palia.
- Sh. M.L. Gupta, Assistant P.W-II deposed in his statement that bill NO.195 of 2/03 amounting to Rs. 832367-00 was prepared by Sh. Paras Ram the then UDC of Palia Area.
- As per record arrear bill entry has been made by Sh. M.L. Justa the then Stenographer in his own hand writing in pay bill register.
- Due statements of bill No. 195 of 2/03 were prepared by Sh. Paras Ram the then UDC as per record.

Facts established that bill No. 195 dt. 2/03 amounting to Rs. 832376-00 was prepared by Sh. M.L. Justa Stenographer and Sh. Paras Ram then UDC and signed by the then DDO/Hend of Office as admitted by the charged officer in his statement Dt. 29.6.08 with plea that bill was signed by him being welfare measure of staff but he was not aware of the instructions. The Charged officer admitted in his statement that claim was preferred due to oversight and misinterpretation of MHA order No. 35/SSB/AZ/2001(1-I) PE-II dated 19/12/02 on his part.

Central Administrative Tribunal
राज्यपाल का न्यायालय

2009

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ARTICLE-II

- 2 -

1. Bill No. 24 of 5/03 amounting to Rs. 17196.00 was prepared by Sh Paras Ram UDC in his own hand writing and signed by the then DDO/Head of Office Sh. P.K. Choudhary, Jt. A.O., under the impression that PAO had not objected the earlier claim, as deposed by the charge officer in his statement dated 29/9/08.
2. 1. SHQ has given clear instruction vide ending No. 4274-77 dt. 16/1/03 that ration money arrear may not be drawn other than petitioners in court/CAT cases.
3. Bill No. 69 dt. 6/03 for Rs. 65829-00 was prepared by Sh. K. R. Verma UDC PW-V, looking after the charge of accountant and admitted in his statement dt. 29/6/08 that bill was probably prepared and processed due to oversight on his part.
4. Sh. K.R. Verma the then UDC/Accountant deposed in his statement dt. 29/6/08 that bill No. 226 amounting to Rs. 27129 was prepared by him on the basis of Court Judgment of OA No. 414 of 2004. After examining the said order directives were given to the respondents to take decision and pass speaking order on the basis of different Court's Order Sh. K.R. Verma UDC/Accountant prepared the bill and passed by the then DDO Sh. Narottam Dutt, SAO, not by Sh. P.K. Choudhary as mentioned in the article of Charge-II.
5. As per statement of Sh. P.K. Choudhary and record available, bill No. 149 amounting to Rs. 12198 was prepared by Sh. G.K. Gupta, Steno and signed by Sh. P.S. Chundawat, Dy. Commandant holding the charge of A.O. Palia.
- Facts indicate that Sh. P.K. Choudhary Charged Officer and Sh. K.R. Verma, UDC were aware of the instruction of SHQ as with the instructions were seen and signed by the Head of Office/DDO and admitted their lapse as above.

As mentioned in the article of charge that Sh P.K. Choudhary preferred four bills after receiving directions from SHQ may be correct to the extent that Sh. Choudhary preferred two bills i.e. bill No. 24 dt. 11/5/03 and bill No. 69 dt. 6/03 whereas two bill i.e. bill No. 149 dt. 9/03 and bill No. 226 dt. 10/04 preferred by different officers as stated above.

Article-III

On scrutiny of record of erstwhile Palia Area at Area HQR Kheri, copy of OA No. 414/04 not found. Sh. M.L. Gupta, Assistant P-IV whose name figure in said OA deposed in his statement that no such copy was received in Area Office Palia. Therefore filling of OA No. 414/04 may not be in the knowledge of head of Office Sh. P.K. Choudhary Jt. A.O. Therefore he did not inform the Higher Head Quarter.

J.R. Bhardwaj (21/1/05)
J.R. Bhardwaj (21/1/05)
Presenting Officer

- 51 SFP 2009

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

To. Deputy Inspector General,

SSB, Sector Headquarter,
Bongaigaon

Sub:- Reply against the written brief dated 17.01.2009 submitted by the Presenting Officer.

Ref:- (1) Memorandum of charge sheet bearing No. 13/SSB/A2/2005 (2)-10-14 dated 02.01.2008.

(2) Your letter bearing No. I/PKC/Jt.AO/DE/SHO-BGN 2008/09 dated 19.01.2009.

Respected Sir,

Most humbly and respectfully I beg to say that I have duly received the letter dated 19.01.2009 enclosing therewith a copy of the written brief dated 17.01.09 of the Presenting Officer and carefully gone through the same and also understood the contents made therein.

That Sir, contention of the presenting officer raised in respect of the article of charge No. I is wholly not correct rather I beg to say that Sir Paras Ram, UDC, Shri M.L. Justa, Stenographer holding charge of Accountant and Shri M.L. Gupta, Assistant have finally admitted that they have prepared and processed the bills which is also evident from their record. As such finding of the Presenting officer that the undersigned has admitted due to the over sight and misinterpretation of MHA letter dated 19.12.2002 on his part is not factually correct rather signature in the alleged bill were obtained by the aforesaid subordinate staffs without placing the instruction of the higher authority along with the bill, thus keeping undersigned in dark regarding instruction of higher authority, if any, restricting the payment of aforesaid bill. It is also to be noted here at this stage that the aforesaid bills were also claimed by Pay and Accounts Office, New Delhi without raising any objection or any infirmity in the bill. Therefore undersigned is not involved in any way in passing the bills in question and as such liable to be exonerated from the Article of Charge No. I.

That Sir, with regard to the findings of the Presenting Officer in respect of article of charge No. II wherein the presenting Officer specifically admitted that at least two bills, namely: Bill No. 149 of 09/2003 and Bill No. 226 of 10/2004 have been prepared by some other officers but not by the undersigned. Moreover, it is not factually correct that undersigned is aware of the instruction of SHQ, Bongaigaon at the time of signing the bill since the claim was not put up with the undersigned along

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with the instruction by the subordinate officers while signature of the undersigned was obtained. As such in the circumstances the undersigned is liable to be exonerated from the Article of charge No. II.

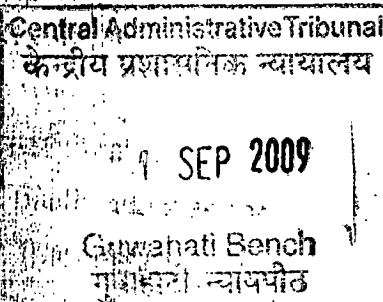
Since the findings of the presenting officer with reference to the article of charge No. III supported the contention of the undersigned, as such kindly be pleased to exonerate me from article of charge No. III as well as from other charges contained in article of charge No. I and II.

Date: 22nd Jan'y 09

Yours faithfully

(SRI P.K. CHOUDHURY)

Ex-Jt. Area Organiser, SSB
Village- Santipur, Ward No. 5,
Near Hindi High School,
PO- Rangia, Bhutan Road,
Distt- Kamrup (Assam)



- 53 -

ANNEXURE-14

No.- PF/PKC/2009-10/ 4-7

Date 21 - 01 - 09

To,

The Director General, Sashastra Seema Bal
Ministry of Home Affairs, Govt. of India

Block - V (East) R.K. Puram, New Delhi -110066

Sub. : Non release of pensionary benefit & other retirement dues.

Respected Sir,

Most humbly and respectfully I beg to draw your kind attention on the subject cited above and further beg to say that I have retired on superannuation w.e.f. 30-6-08 (A.N.) as such undersigned is entitled to pension and other retirement benefit such as leave Compensation, Gratuity, CGEGIS, Commutation Pension, Arrear Pay and allowance w.e.f. 1-1-06 due to implementation of 6th Central Pay Commission report. But unfortunately even after a lapse of about seven months pension has not been released till date as a result the undersigned along with my dependant family member are almost at the stage of starvation. It is relevant to mention here that a disciplinary proceeding was initiated against me vide memo bearing No. 10-14 dtd. 02-01-08 of FHQ New Delhi. However, the undersigned participated in the aforesaid inquiry proceeding and also extended my best co-operation for early completion of enquiry proceeding. Hearing of the inquiry proceeding was completed on 5-8-08. However, thereafter no progress is made in the said disciplinary proceeding by the competent authority and the said proceeding is pending with the disciplinary authority. It is regret to inform you that even provisional pension, leave encashment, CGEGIS are also not received till date for survival of undersigned and dependant family member.

Therefore, you are requested kindly to pass necessary order for sanctioning of pensionary benefit and other retirement dues with immediate effect to enable me to lead a normal life with my dependant family member since I have no other alternative source of earning except the pensionary benefit.

Lastly, it is also requested that the pending disciplinary proceeding may kindly be settled as early as possible since the undersigned has already retired on superannuation on 30-6-08 (A.N.) as such suffering mental anxiety and agony due to proceeding of disciplinary proceeding.

And early action in this regard is highly solicited.

Yours faithfully,

(P.K. Choudhury)

Ex. Joint Area Organiser, S.S.B. Falakata (W.B.)

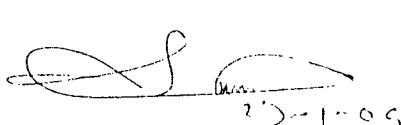
Address of communication :

Bhutan Road, Rangia, Santipur
Ward No.-5 (Near Hindi High School)
P.O.- Rangia, Dist.- Kamrup (Assam)
Pin- 781354

Copy To :

1. Inspector General, F.T.R. Head Quarter, S.S.B. Guwahati (Assam)
2. Deputy Inspector General, S.H.Q. Bongaigaon, Assam
3. Deputy Director of Account, Pay and Accounts Office, S.S.B.,
M.H.A., East Block-IX, Level-6, R.K.Puram, New Delhi-110066

} For favour of kind information
& necessary action please


(P.K. Choudhury)

Ex. Joint Area Organiser, S.S.B. Falakata (W.B.)


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GOVERNMENT OF INDIA
 MINISTRY OF HOME AFFAIRS
 DIRECTORATE GENERAL, SSB
 EAST BLOCK-V, R.K. PURAM
 NEW DELHI - 110066

✓ ANNEXURE-15

St 2169
 No. 13/SSB/A-2/2005(2) / 453 - 54

Dated. 23 / 02 / 2009.

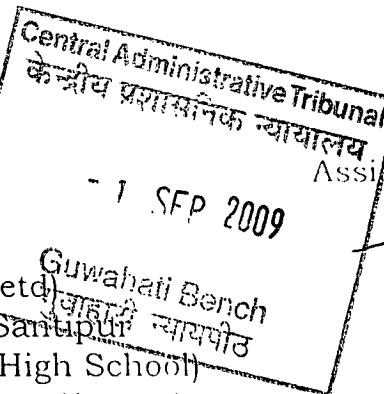
MEMORANDUM

Subject:- Non release of pensionary benefit & other retirement dues.

Please refer to your letter dated 27.01.2009, on the subject cited above.

2. It is intimated that your DE case will be sent to Ministry of Home Affairs for further orders on receipt of final report duly completed in all respect from the Inquiry Officer. As regards payment of retirement dues, the same will be made on finalisation of DE. However, payment of provisional pension and arrears of pay on account of revision of pay w.e.f. 01.01.2006 on implementation of the recommendations of 6th Central Pay Commission, will be made by Falakata Area from where you proceeded on superannuation.

To
 Shri P.K.Choudhury,
 Joint Area Organiser (Retd)
 Bhutan Road, Rangia, Santipur
 Ward No.5 (Near Hindi High School)
 PO- Rangia Distt. Kamrup (Assam)
 Pin - 781354.



(P.S.S. Negi)
 Assistant Director (Pers-I)

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Copy to the Inspector General, Frontier Hqrs. SSB, Guwahati w.r.to application dated 27.01.2009 of Shri P.K. Choudhury, JAO (Retd). It is requested that the payment of arrears of revised pay w.e.f. 01.01.2006 on implementation of the recommendations of the 6th CPC, and payment of monthly provisional pension till completion of DE pending against him, may please be arranged to be made to Shri P.K. Choudhury, JAO (Retd), as per rules, in order to avoid financial hardship to the retiree.

Attested
 Datta
 AdW

Assistant Director (Pers-I)

Government of India
Ministry of Home Affairs
Sashastra Seema Bal
Office of the Area Organiser,
Falakata Area, Distt. Jalpaiguri

ANNEXURE-16

No. I/35/PF-PKC/JAO/06- 537-38

Dated: 26/02/2009

To

Shri P.K. Choudhury, Ex/JAO
Ward No.5. Shantipur,
Bhutan Raod, Near Hindi High School,
PO +PS. Rangia, Dist. Kamrup (Assam)

Sir,

It is to inform that Leave Encashment Bill for Rs.299.340/- and CGEGIS Bill for Rs.71,340/- have been submitted to PAO, SSB New Delhi vide this office letter No.1764 dated 16/07/2008 and 1815 dated 25/07/2008 respectively, but the same bills are received back from PAO, SSB New Delhi with the following remarks :-

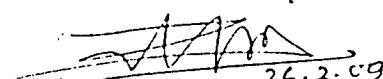
1. Leave Encashment Bill - "Payment may be released after conclusion of Proceeding and adjustment of Government dues, if any."
2. CGEGIS Bill - "Calculations of CGEGIS are not correct."

The CGEGIS Bill being re-submitted immediately after re-calculation and obtaining fresh sanction order from SHQ, SSB Bongaigaon.

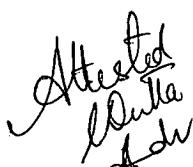
The Leave Encashment Bill will also be re-submitted on receipt of decision on proceeding.

This is for favour of your kind information, please.

Yours faithfully


26.2.09
✓ AREA ORGANISER,
SSB, MHA, FALAKATA

Copy to : PS to DIG, SHQ Bongaigaon for kind information, please


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✓ AREA ORGANISER,
SSB, MHA, FALAKATA

No.FG/II/GE/PF/PKC/09/ 7718-20
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE INSPECTOR GENERAL,
FRONTIER HEADQUARTER, SSB,
ZOO ROAD, UDAY PATH,
GUWAHATI-24.
Dated 27/03/09

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ANNEXURE-17

MEMORANDUM

Sub:- Non release of Pensionary benefits and other retirement dues.

In reference to your letter No.PF/PKC/2009-10/2-7 Dated 27/01/2009 addressed to Director General, SSB FHQ New Delhi with copy to Inspector General, FTR HQR SSB Guwahati regarding non release of Pensionary benefits and other retirement benefits.

In this regard it is to intimate you that Rs.10,96,883/- of GPF final payment and Provisional pension amount Rs.30,550/- (Rs.6110/-) per month and Benevolent fund Rs.2200/- Total Rs. 10,39,663/- (Rupees Ten lakhs thirty nine thousand six hundred sixty three) only has been paid to you on 21/11/08, 29/1/09 and 15/10/08 respectively.

Further, the CGEGIS and Leave encashment bill have been submitted to PAO SSB MHA vide AO Falakata Dated 20/02/09 and Dated 13/02/09 and the pensionary benefit and retirement gratuity will be paid to you after finalization of the DE.

However, payment of provisional pension and arrears of pay on account of revision of pay w.e.f. 01/01/2006 on implementation of the recommendations of 6th CPC will be made by Falakata Area.

In view of above facts, it is understood that most of the pensionary benefits admissible has been paid to you. Remaining amounts will be disbursed immediately on receipt of payment from PAO SSB New Delhi. As regards authorization of PPO, it will be released accordingly by the PAO MHA New Delhi on finalization of Departmental proceedings pending against you.

This has the approval of Inspector General, FTR HQR SSB Guwahati.

**DY.INSPECTOR GENERAL
FTR HQR SSB GUWAHATI**

To:

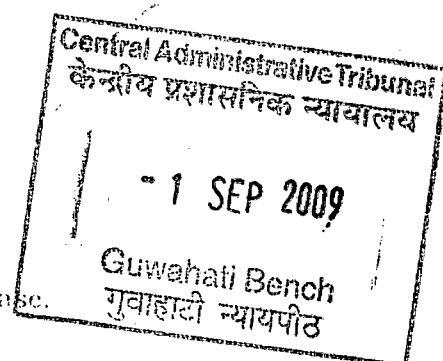
Sh.P.K.Choudhury
Ex.Joint Area Organiser
Bhutan Road, Rangia,Santipur
Ward No.5 (Near Hindi High School)
PO: Rangia, Distt: Kamrup (Assam)

Copy to:-

The Dy.Inspector General
SHQ SSB Bongaigaon

The Area Organiser
Falakata Area

For information please.



**DY.INSPECTOR GENERAL
FTR HQR SSB GUWAHATI**

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