

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./TA/ NO. 177 2009
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by Mr. A.K. Das. Adv.

20/07/2015
SECTION OFFICER (JUDL.)

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

1. ORIGINAL APPLICATION No : 177 / 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 L. Lari Donyee Lhatoo

Respondent (S) : Union of India & ors.

Advocate for the : Mrs. B. Goyal
(Applicant (S))

Mr. H.K. Das

Advocate for the : -----
(Respondent (S)) C.GSC

Notes of the Registry	Date	Order of the Tribunal
Application is in form of F.O.C. F. for Rs. 50/- deposited with PO/BD No..... <u>068395</u> Dated..... <u>7.8.09</u>	09.09.2009	Heard Mrs.B.Goyal, learned counsel appearing for the Applicant and Mr.Kankan Das, learned Addl. Standing counsel for Govt. of India (to whom a copy of this O.A. has already been supplied) and perused the materials placed on record.
<u>7.9.09</u> <u>4 (Four) copies of Application with envelope received for issue notices to the Respondents. Copy served.</u>		2. Applicant is a member of Manipur-Tripura Joint Cadre of Indian Police Services. While posted as Superintendent of Police of Ukhru in the State of Manipur, he was placed under suspension on 19.02.2009 in contemplation of a Departmental Proceeding.
<u>8/9/09</u> <u>Received copy.</u> <u>10.9.09.</u> <u>Received</u> <u>14.9.09</u>		3. By way of filing the present Original Application under Section 19 of the Administrative Tribunals Act, 1985. the Applicant has challenged his suspension.

Contd...

O.A.177-09

Contd.

09.09.2009

K. Das

Send copy of this order to the Respondents along with notices. Free copy to the Applicant and to the counsel of both the parties.

No. 109/09

Copies of notices along with order

dated 09/09/2009
sent to D/Sec. for
issuing to the resp.
by regd. A/D post.

Free copies of
this order also handed
over to the L/Counsel
for both the parties.

D/No - 1249-1252

11/9/09 D/ 14/9/09

4. It has been pointed out by Mrs. B. Goyal, at the preliminary hearing, that for the reason of non-payment of subsistence allowances to the Applicant (from the date of his suspension), the continuance of his suspension is bad and on that ground alone he should be reinstated into service forthwith.

5. Mr. Kankan Das, learned Addl. Standing counsel for the Govt. of India, intends to take instruction in the matter.

6. Issue notice to the Respondents by (Speed Post) requiring them to file their reply/counter/written statement by 05.10.2009. On that day, the Respondents should produce the records/Govt. File from which the suspension order dated 19.02.2009 was issued. It appears that the said suspension order dated 19.02.2009 was issued from the State Govt. File No. 4/2/2001-IPS/DP of Department of Personnel and Administrative Reforms (Personnel Division) of Govt. of Manipur.

7. Copies of this order be sent to the Respondents along with notices. Free copies of this order be also sent to the Applicant and supplied to the counsel appearing for both the parties.


(M.K. Chaturvedi)
Member (A)

/bb/


(M.R. Mohanty)
Vice-Chairman

-3-
OA 177/09

O.A.177-09

05.10.2009

Mrs.B.Goyal, learned counsel appearing for the Applicant is present. Mr.Kankan Das, learned Addl. Standing counsel for the Govt. of India is also present.

19.10.09
Send Lopis order
order to the Applicant
and the Respondents.

BB
19/10/09

On the prayer of counsel for the Applicant, call this matter on 14.10.2009.

Y
20/10/09
(M.R.Mohanty)
Vice-Chairman

/bb/

14.10.2009

Mrs. B.Goyal learned counsel for the Applicant is present. Mr.K.K.Das, learned Addl. Standing representing the Respondents is also present. Nobody has entered appearance on behalf of the State of Manipur. Despite opportunity no written statement has yet been filed by the Respondents.

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

Call this matter on 11th November 2009 awaiting written statement from the Respondents.

Send copies of this order to the Applicant and the Respondents in the address given in the O.A.

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

Y
(M.R.Mohanty)
Vice-Chairman

No Writs filed.

/lm/

3
18.11.09

-4-

O.A.177-09

QUESTION NO. 1091 IN PAPER 8, P.V. 11.11.2009

Ans: Sir, the order is not yet given. Addl. C.G.S.C. states that he has not yet received any instruction from Respondents.

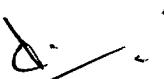
Mr. H.K. Das, learned counsel for

Applicant states that some order has been passed though he is not ^{aware} precise ~~of~~ nature of order passed. Mr. Kankan Das, learned Addl.C.G.S.C. states that he has not yet received any instruction from Respondents. We notice that Respondents have taken almost two months time yet no reply has been received.

No W/S filed.

11/12/09
20/11/09

On the request of parties, adjourned to 01.12.2009.


(Madan Kumar Chaturvedi) Member (A)


(Mukesh Kumar Gupta) Member (J)

01.12.2009

For the reasons recorded separately,

O.A. stands allowed. No costs.


(Madan Kumar Chaturvedi) Member (A)


(Mukesh Kumar Gupta) Member (J)

pb/

*Copy received
17/12/09*

17/12/09

Judgment/Order dated

11/12/09 and to be

dispatched Section for
issuing me all the
Jubbaadals by Post.

File No 12935 to 12938

Dated 21-12-2009

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

O.A. No.177 of 2009

DATE OF DECISION: 01.12.2009

Sri Lhari Dorjee Lhatoo

.....Applicant/s.

Mr. H.K. Das

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

- Versus -

U.O.I. & Ors.

.....Respondent/s

**Mr. Kankan Das, Addl. CGSC for Respondent No.1
None for other Respondents**

**.....Advocate for the
Respondents**

CORAM

**THE HON'BLE MR. MUKESH KUMAR GUPTA, MEMBER (J),
THE HON'BLE MR. MADAN KUMAR CHATURVEDI, MEMBER (A)**

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

Judgment delivered by

Hon'ble Member (J)/Member (A)

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 177 of 2009

Date of Order: This, 1st Day of December, 2009

HON'BLE SHRI MUKESH KUMAR GUPTA, MEMBER (J).

HON'BLE SHRI MADAN KUMAR CHATURVEDI, MEMBER (A).

Sri Lhari Dorjee Lhatoo
Son of Dorjee Lhatoo
S.P. Ukhru, Ukhru, Manipur
(Now under suspension)
At present Resident of Quarter
No.A-8, Imphal West Reserve Line, Imphal
District – Imphal (Manipur)
And permanent resident of 37/1
Lebong Cart Road, Bhanugram
P.O.- Darjeeling, West Bengal.

.....Applicant

By Advocate: Mr. H.K. Das

-Versus-

1. **Union of India**
Represented by its Secretary
Govt. of India
Ministry of Home Affairs, North Block
New Delhi – 110001.
2. **The State of Manipur**
Represented by its Chief Secretary
Imphal, Old Secretariat
Manipur – 795001.
3. **The Principal Secretary**
To the Government of Manipur
Department of Home, Imphal
Old Secretariat, Manipur – 795001.
4. **The Commissioner (DP)**
Government of Manipur
Department of Home, Imphal
Old Secretariat, Manipur – 795001.

.....Respondents

By Advocate: Mr. Kankan Das, Addl. CGSC for Respondent No.1
None for other Respondents.



ORDER (ORAL)
01.12.2009

MUKESH KUMAR GUPTA, MEMBER (J)

None for Respondents except Respondent No.1, who is a proforma party.

Order dated 14.10.2009 passed by this Tribunal in present O.A. reveals that nobody has entered appearance on behalf of the State of Manipur despite service. We may note that neither reply has been filed nor any appearance has been made by Respondents No. 2-4. In the circumstances, we have no other alternative except to proceed with matter. Thereafter the matter had been listed on 11.11.2009 also on which date too no appearance was made by State of Manipur.

2. The grievance of the applicant is that he was placed under suspension vide order dated 19th February, 2009 as disciplinary proceeding was contemplated against him. Said order further recites that said suspension order has been passed in exercise of power conferred by sub rule (1) of Rule 3 of All India Services (Discipline and Appeal) Rules, 1969. Contention of the applicant is that till date neither charge sheet has been issued nor said suspension has been reviewed, which action of the respondents in the teeth and mandate of said Rule 3 is illegal, unjust and arbitrary.

3. Learned counsel contends that under said rule, where a State Government passes an order placing an official under suspension or a member of the Service against whom disciplinary proceedings are

contemplated, such an order shall not be valid unless, before the expiry of a period of forty-five days from the date from which the member was placed under suspension, such order had been confirmed by the Central Government. Neither of the twin conditions prescribed therein have been complied with.

4. No reply has been filed despite service on the Respondents 2-4, and the pleadings raised by the applicant on aforesaid aspect remained unrefuted / uncontroverted. In other words there is no denial of the contentions raised on this account.

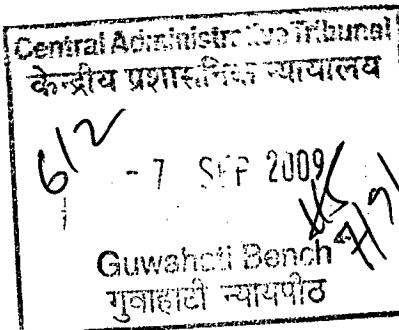
5. In this view of the matter, we have no hesitation to conclude that the order of suspension passed on 19th February, 2009 (Annexure-VIII) is rendered illegal, unjustified. The same is accordingly quashed and set aside.

O.A. is allowed. No costs.


(MADAN KUMAR CHATURVEDI)
MEMBER (A)


(MUKESH KUMAR GUPTA)
MEMBER (J)

/PB/



SYNOPSIS

This application is filed challenging the order of suspension dated 19/02/2009 issued by the Additional Secretary (DP), Government of Manipur.

The applicant who was working as S.P. Ukhrul in Imphal received Message to attend a security meeting convened by the IGP (L & O - III) on 06/02/2009 at 10.30 am at Imphal. Accordingly the applicant left Ukhrul in the afternoon of 05.02.2009 for Imphal. On the way applicant was informed of a Message dated 04/02/2009 that the meeting was postponed and re-scheduled on 07/02/2009 at 10.30 a.m. Applicant attended the meeting on 07/02/2009 at 10.30 in the office of the IGP (L & O - III) and the meeting was over at about 1.30 pm. After the meeting the Applicant who was suffering from a severe form of piles, was having severe pain and as the applicant was at Imphal, the applicant decided to consult the doctor there and got an appointment with the doctor Palin at Shija Hospital, situated in Imphal on 09/02/2009. Applicant therefore met the IGP (L & O III) personally on 07/02/09 and requested for permission to stay behind at Imphal on 8.2.2009 (being a Sunday) for a medical check up. The IGP (L & O III) granted verbal permission.

On 09/02/2009 applicant visited the doctor for his check up. At the check up, Dr Palin advised the applicant to undergo an operation immediately as the applicant's problem was critical. The applicant underwent the operation on 09/02/2009 itself at about 9.40 am.

After the operation was over and soon after the applicant recovered from the effects of the anesthesia, the applicant immediately informed the IGP L/O III regarding the operation and the Doctors direction of complete bed rest for 2 weeks. The IGP L/O III instructed the applicant to immediately inform the SDPO Ukhrul to look after all the works of the Superintendent of Police. The applicant being bedridden passed on the necessary instructions over phone immediately. The Applicant was discharged from the hospital in the afternoon of 10/02/2009 and was under complete bed rest. Applicant after discharge

Received
copy
W
7-9-09

from the hospital on 10/02/2009 moved into his quarter No. A/8 at SP Imphal West District Reserve Line Complex.

As the applicant was advised complete bed rest for two weeks, the applicant sent a Medical Leave application dated 12.2.2009 seeking leave from 09/02/09 to 27/02/09 in the prescribed format addressed to the DGP, Manipur to be routed through the DIG (R-IV) stationed at Senapati District and IGP (L & O-III). The application was delivered by the runner constable on 16/02/2009. As the applicant did not know about the fate of his application, the applicant on 19/02/2009 called up his runner constable, Sri Ramkumar over phone and asked him to pursue the matter. He went to the office of the DIG (R-IV) at Senapati district and got the leave application forwarded by the DIG (R-IV) to the IGP (L & O-III). The leave application of the applicant was recommended by the DIG Range- IV and submitted to the IGP (L & O-III) on 19/02/2009.

On 24/02/2009 the applicant was shocked to learn that the Department of Personnel issued orders placing the applicant under suspension the same evening of 19/02/2009 vide order dated 19/02/2009. On 01/04/2009 the Department of Personnel issued orders granting the applicant Earned Leave on medical ground for a period of 19 days w.e.f the 9.2.2009 (the day of the surgery/operation) to 27.2.2009.

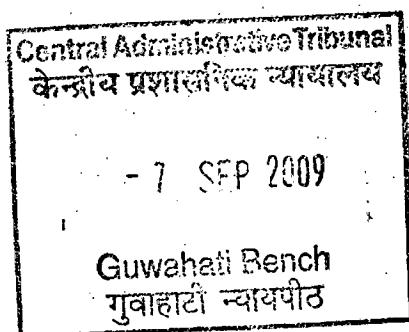
On 28/02/2009 as the leave period was over on 27/02/2009, the applicant joined the Imphal Police Headquarters on 28/2/2009 and met the DGP, Manipur Imphal and submitted a letter dated 28/02/2009 stating that his medical leave period was over and that he may be allowed to join the Head quarters Imphal till his order of suspension was revoked.

On 06/04/2009 the applicant filed a representation before the Chief secretary, Government of Manipur, Imphal through the DGP, Manipur praying for consideration of his case and for revoking his suspension order.

Since innumerable Representations including the representation dated 06/04/2009 evoked no response, the applicant submitted a further representation dated 30/06/2009 to the Chief Secretary to the Government of Manipur through the DGP, Manipur praying for revocation of the order of suspension. On 04/07/2009 the said

representation dated 30/06/09 was forwarded by the DGP, Manipur to the Chief Secretary to the Government of Manipur vide its letter dated 04/07/2009.

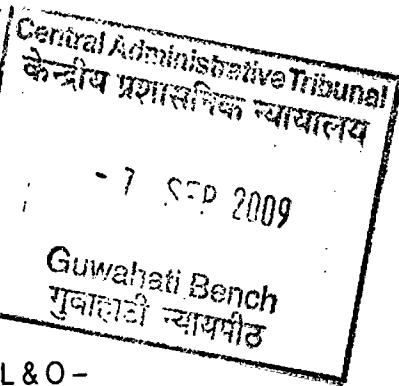
Till date the representations are pending. No proceedings have been initiated against the applicant, no statement charge/allegation has been given and there is no complaint and/or material against the applicant warranting suspension of the applicant.



Filed by

M. N. D. K. Dab.
7.9.09

Advocate



L I S T O F D A T E S

03/02/2009 Message to attend a security meeting convened by the IGP (L & O - III) on 06/02/2009 at 10.30 am at Imphal

04/02/2009 Message informing the applicant that the meeting was postponed and re-scheduled on 07/02/2009 at 10.30 a.m

16/01/2009 Visited Shija Hospital at its OPD for Consultation.

05/02/2009 Applicant left Ukhrul to proceed to Imphal for the security meeting.

05/02/2009 On the way the Applicant received an SMS that the meeting was postponed. Subsequently, he also received a message dated 04/02/2009 to the said effect

07/02/2009 Applicant attended the meeting on 07/02/2009 at 10.30 in the office of the IGP (L & O - III) and the meeting was over at about 1.30 pm.

07/02/2009 Applicant was having severe pain and as the applicant was at Imphal, the applicant decided to consult the doctor there and got an appointment with the doctor Palin at Shija Hospital, situated in Imphal on 09/02/2009.

07/02/2009 Applicant therefore met the IGP (L & O III) personally and requested for permission to stay behind at Imphal on 8.2.2009 (being a Sunday) for a medical check up. The IGP (L & O III) granted verbal permission.

09/02/2009 Applicant visited the doctor for his check up. At the check up, Dr Palin advised the applicant to undergo an operation immediately as the applicant's problem was critical. The applicant underwent the operation on 09/02/2009 itself at about 9.40 am.

09/02/2009 After the operation was over and soon after the applicant recovered from the effects of the anesthesia, the applicant immediately informed the IGP L/O III regarding the operation and the Doctors direction of complete bed rest for 2 weeks.

7 SEP 2009

The IGP L/O III instructed the applicant to immediately inform the SDPO Ukhrul to look after all the works of the Superintendent of Police. The applicant being bedridden passed on the necessary instructions over phone immediately.

10/02/2009 Applicant was still in the hospital and was discharged in the afternoon of 10/02/2009 and was under complete bed rest.

10/02/2009 Applicant after discharge from the hospital on 10/02/2009 moved into his quarter No. A/8 at SP Imphal West District Reserve Line Complex.

16/02/2009 As the applicant was advised complete bed rest for two weeks, the applicant sent a Medical Leave application dated 12.2.2009 seeking leave from 09/02/09 to 27/02/09 in the prescribed format addressed to the DGP, Manipur to be routed through the DIG (R-IV) stationed at Senapati District and IGP (L & O-III).

19/02/2009 As the applicant did not know about the fate of his application, the applicant called up his runner constable, Sri Ramkumar over phone and asked him to pursue the matter. He went to the office of the DIG (R-IV) at Senapati district and got the leave application forwarded by the DIG (R-IV) to the IGP (L & O-III).

19/02/2009 The leave application of the applicant was recommended by the DIG Range- IV and submitted to the IGP (L & O-III).

24/02/2009 The applicant was shocked to learn that the Department of Personnel issued orders placing the applicant under suspension the same evening of 19/02/2009 vide order No. 4/2/2001 -IPS/DP.

01/04/2009 The Department of Personnel issued orders granting the applicant Earned Leave on medical ground for a period of 19 days w.e.f the 9.2.2009 (the day of the surgery/operation) to 27.2.2009.

28/02/2009 As the leave period was over on 27/02/2009, the applicant joined the Imphal Police Headquarters on 28/2/2009 and met the DGP, Manipur

19/02/09
Placed under
Suspension

Central Administrative Tribunal
Court of Record
Imphal
7 SEP 2009
Court of Record
Imphal
7 SEP 2009

Imphal and submitted a letter dated 28/02/2009 stating that his medical leave period was over and that he may be allowed to join the Head quarters Imphal till his order of suspension was revoked.

06/04/2009 The applicant filed a representation before the Chief secretary, Government of Manipur, Imphal through the DGP, Manipur praying for consideration of his case and for revoking his suspension order.

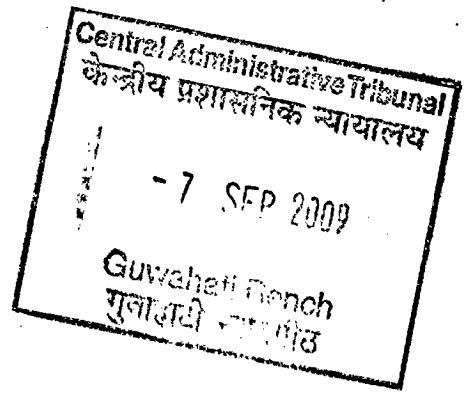
30/06/2009 Since innumerable Representations including the representation dated 06/04/2009 evoked no response, the applicant submitted a further representation to the Chief Secretary to the Government of Manipur through the DGP, Manipur praying for revocation of the order of suspension.

04/07/2009 The said representation dated 30/06/09 was forwarded by the DGP, Manipur to the Chief Secretary to the Government of Manipur vide its letter dated 04/07/2009.

Till date the representations are pending. No proceedings have been initiated against the applicant, no statement charge/allegation has been given and there is no complaint and/or material against the applicant warranting suspension of the applicant.

Filed by

Hridip K. Das.
7.9.09
Advocate



FORM I

Application under section 19 of the Administrative Tribunal Act, 1985.

Title of the case : OA NO 177/09

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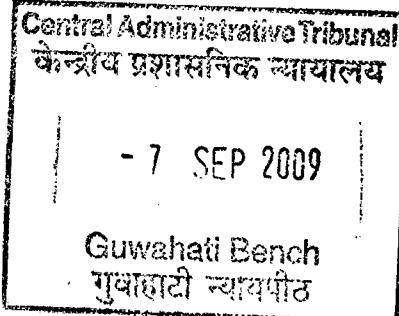
Chowdhury

Signature of the Applicant.

Filed by

Himip K. Deka.
2-9-09.

Advocate



filed by :
Mr. Applicant
through
Advocate
Sri. Das.
7. 9. 09.

BEFORE THE CENTRAL ADMINISTRATIVE TIBUNAL

(GAUHATI BENCH)

OA No. 172/2009

Sri Lhari Dorjee Lhatoo,

Son of Dorjee Lhatoo,

S.P. Ukhrul, Ukhrul, Manipur (now under
suspension). At present Resident of Quarter

No. A-8, Imphal West Reserve Line, Imphal,
District – Imphal (Manipur)

And permanent resident of 37/1 Lebong Cart
Road, Bhanugram, P.O. Darjeeling, West
Bengal.

..... APPLICANT.

- VERSUS -

1. Union of India, Represented by its Secretary, Govt. of India,
Ministry of Home Affairs, North Block,
new Delhi – 110001.
2. The State of Manipur,
Represented by its Chief Secretary, Imphal,
Old Secretariat, Manipur -795001.
3. The Principal Secretary to the Government of
Manipur, Department of Home, Imphal, Old
Secretariat, Manipur- 795001.
4. The Commissioner (DP), Government of
Manipur, Department of Home, Imphal, Old
Secretariat, Manipur - 795001.

..... RESPONDENTS.

Received
7. 9. 09

Received

I. ORDER CHALLENGED :

This application is filed challenging the order of suspension bearing No. 4/2/2001-IPS/DP dated 19th February 2009 issued by the Additional Secretary (DP), Government of Manipur.

II. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject – matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

III. LIMITATION :

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

IV. FACTS OF THE CASE :

1. That the humble applicant begs to state that the applicant is a Government servant and is a citizen of India and a permanent resident of Lebong Cart Road, Bhanugram, Darjeeling, West Bengal, at present residing at SP Imphal West Reserve Line, Quarter No. A-8, old Lambu Lane in the district of Imphal West, Manipur.

2. That the humble applicant begs to state that the applicant is an IPS officer of the Manipur Tripura cadre of the 1999 batch. The applicant had joined as the Superintendent of Police Utkhrul district on the 16.11.2006 and was posted at Utkhrul since. Ever since, the applicant has been performing his duties and responsibilities most sincerely, diligently and efficiently and there has been no complaint and or dissatisfaction from any quarter throughout his service career. The applicant since 2001 had been posted at various difficult and very difficult districts and the applicant had joined and served in all such districts where he was posted from time to time to the best of his ability and to the satisfaction of all concerned.

Ch. Ad

3. That the humble applicant begs to state that while the applicant was discharging his duties as S.P. Ukhrul, the applicant had received a message dated 03/02/2009 to attend a security meeting convened by the IGP (L & O - III) on 06/02/2009 at 10.30 am at Imphal. The applicant in compliance of the same and in course of his duty had to go to Imphal, (Police Headquarter) on 05/02/2009 to attend the said meeting convened by the IGP (L & O - III). The said meeting was also to be attended by the DIG R-IV, the S.P. Senapati and S.P. Chandel of Manipur. The applicant therefore left station i.e. Ukhrul on 05/02/2009 in the afternoon.

A copy of the message dated 03/02/2009 is annexed hereto and is marked as ANNEURE - I

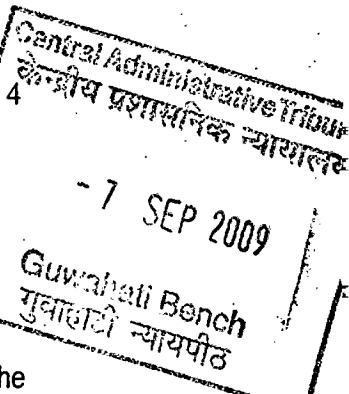
4. That the humble applicant begs to state that after the applicant left station, in the evening of 05/02/2009 the applicant received an SMS on his mobile from the SDPO, Ukhrul informing the applicant that the meeting was postponed and rescheduled on 07/02/2009 at 10.30 a.m. Subsequently, he also received a message dated 04/02/2009 to the said effect. The applicant also came to learn that the meeting was postponed due to the pre-occupation of the IGP (L & O - III) who was to supervise the security arrangements in connection with the visit of the Governor of Manipur to Chandel district on 06/02/2009.

A copy of the message dated 04/02/2009 is annexed hereto and is marked as ANNEURE - II.

5. That the humble applicant begs to state that accordingly the applicant attended the meeting on 07/02/2009 at 10.30 in the office of the IGP (L & O - III) and the meeting was over at about 1.30 pm.

6. That the humble applicant begs to state that the applicant for quite sometime was suffering from acute Thrombosed hemorrhoids (a severe form of piles)

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and although the applicant was suffering from pain and required medical attention, the applicant being a responsible officer and always working in difficult field conditions, the applicant ignored his health problem for quite sometime. However, on 07/02/2009 the applicant was having severe pain and as the applicant was at Imphal, the applicant decided to consult the doctor there and got an appointment with the doctor Palin at Shija Hospital, situated in Imphal on 09/02/2009. The applicant therefore ~~requested~~ ^W met the IGP (L & O III) personally and requested for permission to stay behind at Imphal on 8.2.2009 (being a Sunday) for a medical check up and consultation with Doctor Palin at Shija Hospital, situated in Imphal, on the 9.2.2009 at 9 am as the applicant was suffering from a case of thrombosis hemorrhoids and since the case was serious, the applicant needed urgent medical care. The IGP (L & O III) accordingly after the meeting granted verbal permission at his office at Imphal to the applicant ^{to} ~~stay back~~ ^W at Imphal to enable him to undergo the medical check up.

7. That the humble applicant begs to state that in the morning of 9.2.2009 the applicant visited the doctor for his check up. At the check up, Dr Palin advised the applicant to undergo an operation immediately as the applicant's problem was critical. The applicant was not left with much option and underwent the operation on 09/02/2009 itself at about 9.40 am under anesthesia. The operation took more than an hour. After the operation was over and soon after the applicant recovered from the effects of the anesthesia, the applicant immediately informed the IGP L/O III regarding the operation and the Doctors direction of complete bed rest for 2 weeks.

8. That the humble applicant begs to state that empathizing with the medical condition of the applicant, the IGP L/O III instructed the applicant to immediately inform the SDPO Ukhrul to look after all the works of the Superintendent of Police and also that the IGP L/O III would be reaching Ukhrul district head quarters in the evening of the same day itself, i.e., 9/2/09, in connection with the visit of the Hon'ble Chief Minister Manipur on the 10.2.2009. The applicant being bedridden passed on the

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necessary instructions over phone immediately. Accordingly, when the Hon'ble Chief Minister visited Ukhrul District HQs the very next day, ie., on the 10.2.2009, the applicant was still in the hospital and was discharged in the afternoon of 10/02/2009 and was under complete bed rest at Imphal. However, as already indicated the applicant had the permission and had informed the authority concerned. Moreover, as the applicant had already instructed the SDPO, Ukhrul to look after the charge of the SP, Ukhrul in the absence of the applicant, the SDPO, Ukhrul had made all the necessary security arrangements in connection with the visit of the Hon'ble Chief Minister, Manipur.

Copies of the Shija Hospital OPD Consultation form, discharge summary, bills of Shija Hospital & Research Institute, Langol, Manipur are annexed hereto and are marked as ANNEURES – III, IV and V, respectively.

9. That the humble applicant begs to state that the applicant after discharge from the hospital on 10/02/2009 moved into his quarter No. A/8 at SP Imphal West District Reserve Line Complex. As the applicant was very weak due to the operation and bleeding and heavily sedated with pain killers, and the applicant was advised complete bed rest for two weeks, the applicant sent a Medical Leave application dated 12.2.2009 seeking leave from 09/02/09 to 27/02/09 in the prescribed format addressed to the DGP, Manipur to be routed through the DIG (R-IV) stationed at Senapati District and IGP (L & O-III). On 16/02/2009 the applicant sent the leave application through his runner constable, Sri Ramkumar to deliver the same at the Police Headquarter.

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A copy of the Medical Leave application dated
12.2.2009 is annexed hereto and is marked as
ANNEURE – VI.

10. That the humble applicant begs to state that since the applicant was not informed of the fate of the leave application, and the applicant was still bed ridden, the applicant on 19/02/2009 called up his runner constable, Sri Ramkumar over phone and asked him to pursue the matter. Accordingly, on 19/02/2009, Constable Ramkumar went to the office of the DIG (R-IV) at Senapati district and got the leave application forwarded by the DIG (R-IV) to the IGP (L & O-III).

11. That the humble applicant begs to state that on 19/2/2009 in the morning, the leave application of the applicant was recommended by the DIG Range-IV and submitted to the IGP (L & O-III) the same day vide letter no.W-1/4/2004-(Range-IV) which the runner constable, Sri Ram Kumar personally brought and delivered to the office of IGP(L & O-III) himself.

A copy of the letter no.W-1/4/2004-(Range-IV) is annexed hereto and is marked as ANNEURE – VII.

12. That the humble applicant begs to state that while the leave sought for by the applicant was recommended in the morning of 19/02/2009, the applicant was shocked to learn on 24/02/2009 that the Department of Personnel issued orders placing the applicant under suspension the same evening of 19/02/2009 vide order No. 4/2/2001 -IPS/DP, a copy of which the applicant obtained on the 24.2.09. The said impugned order stated that some disciplinary proceedings was contemplated against the applicant and that therefore in exercise of the powers conferred under sub-rule (1) of Rule 3 of the All India Services (Discipline and Appeal) Rules, 1969 the applicant was placed under suspension with immediate effect. The applicant was shocked as there was no complaint whatsoever against the applicant and since 09/02/2009 to

Deeksh

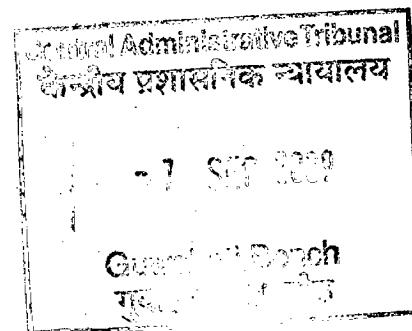
27/02/2009 the applicant was on leave on medical grounds as he had to be operated upon urgently and was bed ridden thereafter and which facts were all brought to the notice of his superiors and considering the reasons, the leave sought for by the applicant was recommended and subsequently again on 9.3.2009 the Director General of Police also recommended the medical leave of the applicant and forwarded the leave papers to the Home Department, Government of Manipur vide letter No. Endst.No.E/35/16(529)/2000-PHQ(Admn)/2226 dated 09/03/2009. Ultimately on 1.4.2009 the Department of Personnel issued orders vide Order No.4/2/2001-1 PS/DP dated 01/04/2009 granting the applicant Earned Leave on medical ground for a period of 19 days w.e.f the 9.2.2009 (the day of the surgery/operation) to 27.2.2009. The applicant obtained a copy of the same on 4.4.2009.

Copies of the suspension order dated 19/2/09, letter dated 09/03/2009 and order dated 1/4/09 are annexed hereto and are marked as ANNEURES – VIII, IX and X, respectively.

13. That the humble applicant begs to state that the applicant met the authorities concerned to get some clue as to the reasons behind the order of suspension as there was no complaint whatsoever against the applicant and there could have been no existing reason for any disciplinary proceeding against the applicant. On such enquiries, the applicant could come to learn that there was neither any valid reason nor any complaint against the applicant for initiating any disciplinary proceeding against the applicant but the applicant was suspended for other inexplicable and unfair reasons.

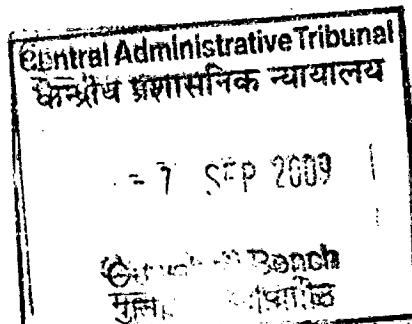
14. That the humble applicant begs to state that the applicant on further enquiries came to learn that during the period the applicant was bed ridden after the operation, on 16/02/2009 it was discovered there was an incident at Ukhrul wherein

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the SDO, Kasom Khullen, and 2 of his staff were kidnapped after he had left the office of the DC, Ukhrul after a meeting with him and later on he was killed on 17/02/09 and there was a huge hue and public outcry with respect to the said incident and therefore to appease the public and to save the faces of the persons at the helm of affairs had issued two orders one suspending the D.C. Ukhrul and the other suspending the applicant.

15. That the humble applicant begs to state that the applicant who had left station, Ukhrul for Imphal on 05/02/2009 and was away from the district on official duties to attend a security meeting at Imphal convened by the IGP (L & O – III) and thereafter due to urgent medical reasons and on health grounds the applicant had to stay back at Imphal and was on leave from 09/02/2009 to 27/02/2009, the applicant was no way remotely concerned with the incident and had no role to play and therefore the incident discovered on the 16/02/2009 which took place at Ukhrul can definitely not form the basis for placing the applicant under suspension. Moreover, as a responsible officer, the applicant kept his superior officers informed of his movements and had taken permission to stay back at Imphal because of his health condition and the urgent surgery which the applicant had to undergo. Moreover, as is the practice in the event of the S.P. going on leave or being out of station, and as instructed by the IGP (L & O – III), the applicant had instructed the SDPO, Ukhrul to look after and undertake the charge of the S.P., Ukhrul in the absence of the applicant and accordingly the SDPO, Ukhrul was looking after the charge of the S.P., Ukhrul. In fact, since the Hon'ble Chief Minister, Manipur was scheduled to visit Ukhrul on 10/2/09, the SDPO, Ukhrul had made all the security arrangements, etc. Thus, the applicant had acted with all responsibility and there was no kind of negligence on the part of the applicant and no lapses can be attributed to the applicant. The incident that occurred on 15/02/2009 cannot be ground by any measure for placing the applicant under suspension. Thus, the impugned order is arbitrary, malafide and liable to be set aside and quashed.



16. That Your humble applicant begs to state that in the meantime the government had constituted a committee consisting of two senior officers, namely, Sri O Nabakishore, IAS and Sri L.M. Khaute, IGP, IPS, to inquire into the circumstances of the killing of Dr. Kishan, SDO Kasom Khullen along with two other staff and submit its report. The said committee on 19/02/2009 had also recorded the statement of the applicant. It may be pertinent to mention herein that the name of the applicant was not mentioned either in the term of reference nor he is named anywhere.

17. That Your humble applicant begs to state that as there was no reasonable cause for placing the applicant under suspension and/or continuing with the order of suspension, the applicant, whose leave period was over on 27/02/2009, joined the Imphal Police Headquarters on 28/2/2009 and met the DGP, Manipur Imphal and submitted a letter dated 28/02/2009 stating that his medical leave period was over and that he may be allowed to join the Head quarters Imphal till his order of suspension was revoked so as to enable the applicant to discharge his duties at Ukhrul or any other place where he may be posted.

A copy of the letter dated 28/02/2009 is annexed hereto and is marked as ANNEURE - XI.

18. That Your humble applicant begs to state that the applicant who is an innocent person and there was nothing against him warranting the suspension order, was pursuing the government all throughout to allow him to join his duties but the applicant was made to wait every time. The applicant subsequently came to learn that the Enquiry Committee had submitted its report and that the same was also placed before the Cabinet. However, the findings have not been made known till today for reasons known to the authorities concerned. However, the applicant on coming to know that the Enquiry Committee had submitted its findings on the incident dated discovered on the 16/02/2009, the applicant who was all along personally pursuing the matter with

L. M. Khaute

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Guarantee Bench

the government for allowing him to join service, filed a representation dated 06/04/2009 before the Chief secretary, Government of Manipur, Imphal through the DGP, Manipur praying for consideration of his case and for revoking his suspension order. The said representation was forwarded by the DGP, Manipur to the Chief Secretary, Government of Manipur vide letter dated 13/4/09.

Copies of the representation dated 06/04/2009 and the letter dated 13/04/2009 are annexed hereto and are marked as ANNEURES - XII and XIII, respectively.

19. That Your humble applicant begs to state that it may be pertinent to mention herein that since the applicant has been placed under suspension, the applicant has not been even paid his subsistence allowance thus depriving the applicant not only of his legal rights but depriving the applicant of his basic fundamental rights. The applicant who has a family to sustain with minor school going children has been made to suffer and face acute hardship for no fault of his and without any reasonable cause.

20. That Your humble applicant begs to state that the applicant may also state herein that the applicant belongs to a Scheduled Tribe and happens to be an IPS officer from outside the State of Manipur and because of this, it is apparent that the applicant has been made a victim of circumstances and has been made a scape goat to serve vested interests and to save some blue eyed boy. Else there was no explicable reasonable cause for placing the applicant under suspension on the ground of the incident which took place at Ukhrul at a time when the applicant was on leave and away from station since 05/02/2009 and not on duty and therefore not responsible for any lapse that may be attributable to anyone. The applicant who had always put his best service and was always there doing his best ^{under} innumerable difficult situations in *u*

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- 7 ECD 2009

Guru Nanak Singh

place infested with extremists and always rose to the occasion which would also be revealed from his service records and there was never any occasion where anyone could complain and/or point any finger towards the applicant. The service career of the applicant has remained untarnished and unblemished throughout. It is unfortunate that the applicant in spite of rendering his services to the best of his ability and to the satisfaction of all concerned, the applicant has been made a scape goat and has been victimized for no fault and or act and or omission on his part. Moreover, although the applicant has been placed under suspension on 19/02/2009, till date neither has any departmental enquiry been initiated nor a statement of charge/allegation has been served upon the applicant. In fact there being no complaint and/or allegation and/or any charge against the applicant till date it is for this reason till date no proceeding has been initiated against the applicant but the authorities, in spite of the said fact have not revoked the order of suspension. *u*

21. That the humble applicant begs to state that the applicant has been only victimized by the impugned order as there was neither any basis whatsoever nor any material for the passing of the impugned order of suspension. The applicant has been victimized to such an extent that since the order of suspension, the applicant has not even been paid his subsistence allowance forcing him to a state of penury as a result of which the applicant so long also could not approach this Hon'ble Tribunal for availing his legal remedies. The applicant had to go through untold misery and hardship to arrange to approach this Hon'ble Tribunal due to acute financial hardship. Moreover, as the applicant is not allowed to leave the Headquarters without permission, the applicant also does not have the convenience to make minimum arrangement for his family. The education of the minor children is also suffering and in another few days the applicant shall be forced to compromise and do away even with the basic needs of his family. Representations and pleas of the applicant have fallen in deaf ears. The innumerable Representations including the representation dated 06/04/2009 evoked no

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- 7 SEP 2009

Quorum Bench

response. The applicant therefore submitted a further representation 30/06/2009 to the Chief Secretary to the Government of Manipur through the DGP, Manipur praying for revocation of the order of suspension. The said representation dated 30/06/09 was forwarded by the DGP, Manipur to the Chief Secretary to the Government of Manipur vide its letter bearing no. Endst. No. E/43/1/2009-PHQ(Adm)5925 dated 04/07/2009

Copies of the representation dated 30/6/09 and the letter dated 13/4/09 are annexed hereto and are marked as ANNEURES – XIV & XV, respectively.

V. G R O U N D S F O R R E L I E F:

A) For that in the facts and circumstances of the case the impugned order of suspension dated 19/02/2009 is unwarranted, unjustified, unreasonable and uncalled for and is also violative of the mandatory provisions of Rule 3 of the All India Services (Discipline and Appeal) Rules, 1969 and therefore the same is liable to be set aside and quashed.

B) For that although the suspension order was issued way back on 19/02/2009 and till date neither any departmental proceeding has been initiated nor statement of charge having been served upon the applicant and therefore the impugned order of suspension is liable to be revoked immediately.

C) For that there was no ground and or material before the authorities concerned for drawing a satisfaction that the applicant requires to be placed under suspension and therefore the impugned order of suspension suffers from non application of mind and is malicious, arbitrary and violative of principles of service jurisprudence.

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27 SEP 2009

Guaranteed Bench
सुनिश्चित बैठक

D) For that although a considerably long time has elapsed since the date of passing of the impugned order of suspension and till date no disciplinary proceedings having been initiated, it can very well be inferred that there was no existence of contemplation of any disciplinary proceeding factually, and the contemplation did not really exist but was a farce and the order of suspension was passed in a routine manner and therefore the impugned order of suspension shall be necessarily deemed to have spent its force and not valid.

E) For that on the face of the attending facts and circumstances of the case, the impugned order of suspension has been passed on extraneous reasons, is not bona fide but has been passed with malafide intentions and under pressure and influence and there has been no application of mind and therefore the impugned order of suspension cannot stand the scrutiny of law and is liable to set side and quashed.

F) For that there being no departmental proceeding against the applicant till date, the order of suspension which is continuing since February 2009 can not be allowed to remain and therefore any further continuance of the suspension order is illegal and arbitrary and therefore liable to be revoked and set aside.

G) For that the impugned order of suspension has been passed in complete violation of the mandatory provisions of Rule 3 of the All India Services (Discipline and Appeal) Rules, 1969 which goes to the very root of the matter rendering the very process defective and fatal and therefore the impugned order of suspension is liable to be set aside.

H) For that the Government having failed to initiate any disciplinary proceedings till date against the applicant, although more than 6 months have elapsed, the suspension order cannot be allowed to continue and is liable to be revoked and set aside.

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= 7 SEP 2009

Gurzadli Bench

I) For that the circumstances under which the criteria to be adopted while passing the impugned order of suspension, being absent the impugned order is not sustainable and is liable to be revoked and set aside.

J) For that there being no allegation and/or complaint and/or any material which was required to be looked into ordering suspension and on the face of it, impugned order was passed as an administrative routine or automatic order and therefore the impugned order is not sustainable in facts and as well as in law. And therefore is liable to be revoked and set aside.

K) For that the order of suspension having been passed on 19/2/09 and the authorities being duty bound to pay the subsistence allowance to the applicant and the authorities having failed to do so, the non-payment of subsistence allowance is arbitrary, illegal and violative of the basic fundamental rights of the applicant and forcing the applicant to a state of penury. And therefore is liable to be revoked and set aside.

L) For that in any view of the matter the impugned order of suspension is liable to be revoked and set aside and quashed.

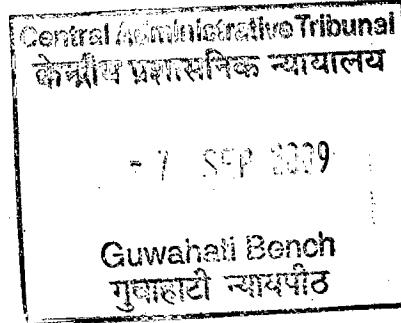
VI. DETAILS OF THE REMEDIES EXHAUSTED:

Other than making various pleas and representations, two representations, one dated 06/04/2009 and the other dated 30/06/2009 have been filed but have evoked no response.

VII. RELIEF SOUGHT:

In view of the facts mentioned in paragraph 6 above the applicant prays for the following relief :-

Leave



(a) For setting aside and quashing the order of suspension dated 19/02/2009 as the same is illegal, arbitrary and in violation of Rule 3 of the All India Services (Discipline and Appeal) Rules, 1969 which goes to the very root of the matter rendering the very process defective and fatal. Moreover, no disciplinary proceeding having been initiated against the applicant till date the suspension order is liable to be revoked and the impugned order of suspension is liable to be set aside and the respondents be directed to allow to join as S.P. at any place of posting;

(b) For a direction to pay the arrear subsistence allowance to the applicant from the date of suspension along with interest forthwith and for payment of current subsistence allowance;

(c) For any other direction and relief to which the applicant maybe found entitled to.

VIII. INTERIM RELIEF SOUGHT :

Pending final decision on the application, the applicant seeks the following interim relief :

(a) For stay of the operation of the impugned order of suspension dated 19/02/2009;

(b) For a direction to pay all arrear of subsistence allowance from the date of suspension till date forthwith;

(c) For any other direction which this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

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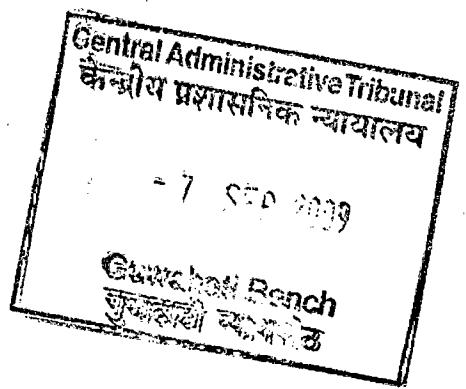
X. Particulars of Bank Draft/ Indian Postal Order

State Bank of India.

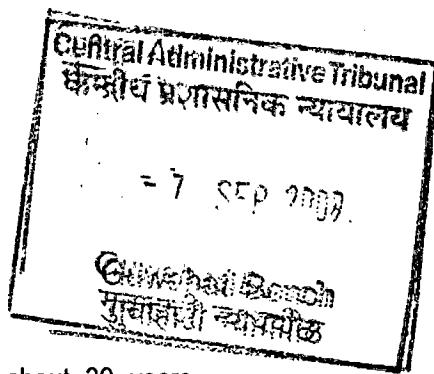
Draft No. 068345.

XI. List of Enclosures:

1. Message dated 03/02/2009 ANNEURE - I
2. Message dated 04/02/2009 ANNEURE - II
3. Consultation form ANNEURES - III
4. Discharge summary ANNEURES - IV
5. Bills of Shija Hospital ANNEURES - V
6. Medical Leave application dated 12.2.2009 ANNEURE - VI
7. Letter no.W-1/4/2004-(Range-IV) ANNEURE - VII
8. suspension order dated 19/2/09 ANNEURE - VIII
9. Letter dated 09/03/2009 ANNEURE - IX
10. Order dated 1/4/09 ANNEURE - X
11. Letter dated 28/02/2009 ANNEURE - XI
12. Representation dated 06/04/2009 ANNEURE - XII
13. Letter dated 13/04/2009 ANNEURES - XIII
14. Representation dated 30/06/2009 ANNEURE - XIV.
15. Letter dated 04/07/2009 ANNEXURE - XV.



Block



VERIFICATION

I Lhari Dorjee Lhatoo, S/O Dorjee Lhatoo, aged about 39 years, working as Superintendent of Police, Ukhrul, Manipur (Now under suspension), do hereby verify that the contents of paragraphs 1, 2, 5, 10, 13, 14, 15, 16, 19 & 20 3, 4, 6, 7, 8, 9, 11, 12, 17, 18 & 21 to my knowledge and paragraphs believed to be true on legal advice & records and that I have not suppressed any material fact.

Date : 7. 9. 09

Place : Gwahati

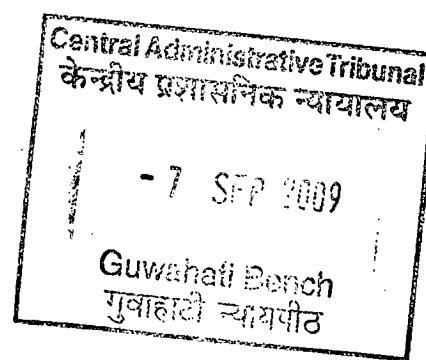
Lhari Dorjee Lhatoo
Lhari Dorjee Lhatoo

Signature of the Applicant.

Annexure-I

TYPED COPY

4/4/



To - SP UKZ/SPI/CDL

In- DGP-Manipur

From- 1 HP(20-111)

10/1/07/1HP 920-1110/85

There will be a meeting of law and order /ops/crime on 62/09 at 10:30 A.M. in the office

Chamber of (20-111) (.) Please attend the meeting in time.

1405
1430

Sd/- Illegible

3/02/09

Attested.

Hab.

Advocate

Harold ClarkVerdict on 10-09-2009

4/41

(31)

TO - SP - 0002/SP/100

S.C.C.

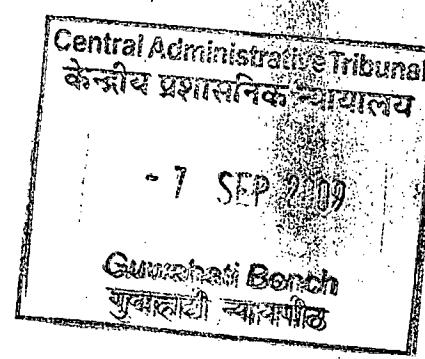
100 - DGP, Manipur

Am: 1610 (20-11)

10/1/07/11/85 (20-11)/85 - D 3/2/09

= There will be a meeting of law and order/ops/presso on 6/2/09 at 10.30 am in the Office Chamber of 11 (20-11) (Please attach the meeting in time)

S.D.O. 12/09

1208
1230

Lokpal

Satisfied by Lokpal

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Annexure-II

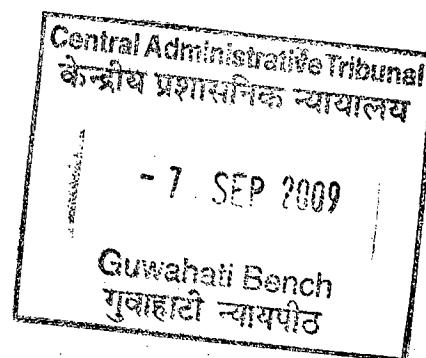
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SECRET

Rp2 (04) 8/63

C/13

To - Sef-UKL/SfT/CDL-dists
In- Dis4P(R-II/IV)- Manipur
From- 14P-(LO-III), Manipur.



No. 10/1/07/1GP(20-III)/90.

4/2/09

Please ref. to this office-msg. no. 10/1/07/1GP (LO-III/85 dated 3/2/09 calling for the meeting of law and order on 6/2/09 at 10:30 A.M. in the office Chamber of 1GP (LO-III), Manipur (.) Owing to emergency inconvenience here the meeting is postponed on 7/2/09 at 10:30 in the office Chamber of 1GP (LO-III), Manipur (.) Kly make a convenient to attend the meeting in time.=

1930

2010

Attested

Has

Advocate

Sworn to me this day

Chowdhury

R/2 (04) 2 SEP 63

4013

40

To - S&F - UKL / SFT / CSD - dists

IN - DISCP (R-II/IV) - Manipur

fm - IGP - (L0-11), Manipur SECRET

4/2/09

AD. 10/1107/1GP (L0-11)/90,

= P.S. Ref. to this office msg. no. L0/1/02/1GP (C011) 185 dtd. 3/2/09 calling for the meeting of law and order on 6/2/09 at 10.30 A.m. in the office chamber of IGP (L0-11), Manipur owing to emergency inconvenience here the meeting is postponed on 7/2/09 at 10.30 A.m. in the office chamber of convenient IGP (L0-11), Manipur (s) bly, make a convenient to attend the meeting in time =

MOST IMMEDIATE

immediate

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

Leader
kindly see
M.N.

May
S.V.K.
Advice taken by
S.D.P.O / UKL

Deepti

Certified to be true copy

Shija Hospitals & Research Institute



Humane Technology

(The first ISO 9001:2000 Certified Hospital in the State)

OPD CONSULTATION FORM

9436025162

Hospital No. : 80857_09/1

Doctor : Dr.Kh. Palin, MS MCh (Plastic Surgery)

FICS

Visit Time :

Age 38 Yr(s)

Name : Mr.LAHRI DORJEE LHATOO

Address : UKHRUL DISTRICT
Ukhrul

Marital Status: M

Guardian : S/O DORJEE LHATOO

Occupation : Service

Religion : Others

Patient Type : OP

Visit Date : 16/01/2009

Weight : 79.6 Kg
BP : 140/90 mm/Hg
Pulse : /Min
Temp : F
Pallor : Y/N
GLNE : Y/N
Chest :
CNS :
CVS :

Complaints :

Thrombosed
hands

Past History :

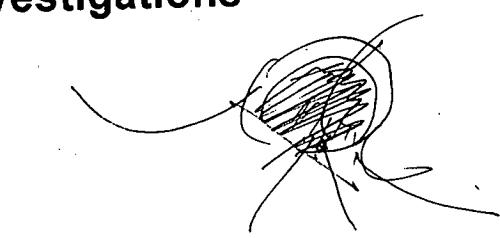
Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
- 7 SEP 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

Abdomen

Local Exam

Provisional Diagnosis

Investigations



Splenomegaly

Proctosigmoidoscopy

To biopsy liver

CT scan

MRI

Ultrasound

① RTB Histology ⑥
① 1st Fermentation
of the m

② TB Ciprof CT ⑩
1st Fermentation
of the m

③ by T.T 1st off CT

Lumbar

Specified to be done

Attested.

A. H. A.

Admitted



DISCHARGE SUMMARY

Hospital Number : 80857_09/2

Date Of Admission : 09/02/2009

Name of the Patient : Mr.LAHRI DORJEE LHATOO

Age/Sex : 38 Yr(s) / Male

Address : UKHRUL DISTRICT, Ukhru

Page : 1

Details

DISCHARGE MODE : Discharge

DATE & TIME OF DISCHARGE : 10/02/09

FINAL DIAGNOSIS : Thrombosed hemorrhoids-II.

TREATMENT GIVEN : Hemorrhoidectomy done under SA on 09/02/09.

PRESCRIPTION ON DISCHARGE :

- 1. Cifran-OZ one tablet twice daily after food for 5 days.
- 2. Hifenac-D one tablet twice daily for 3 days.
- 3. Livoluk Powder two teaspoons at bedtime for 5 days.

ADVICE :

- 1. Bed rest for two weeks.
- 2. Sitz bath twice daily.
- 3. Betadine Ointment dressing.
- 4. Followup with Dr. Kh. Palin at OPD after one week at 10 am.

CONSULTANT (PHYSICIAN / SURGEON) : Dr. Kh. Palin

 Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय

- 7 SEP 2009

 Guwahati Bench
 गुवाहाटी न्यायालय

Signature of Duty RMO

Signature of Consultant

Signature of Duty Nurse

Report Prepared Date : 10/02/2009, Manipur (P : 91 - 385 - 2413163, 2414211, 2414252, Fax : 2412018
 email : info@shijahospitals.com www.shijahospitals.com

Attested

Advocat

**SHIJA HOSPITALS AND RESEARCH INSTITUTE,
LANGOL,
MANIPUR**

Detailed Medicine Bills

Hosp. ID 80857_09/2
 Patient Name Mr.LAHRI DORJEE LHATOO UKHRUL DISTRICT.Ukhrul
 Period From 09/02/2009 To 10/02/2009

#	DRUG NAME	BATCH NO	EXPDATE	QTY	RATE	VALUE
Bill # 10125 Bill Date : 10/02/2009						
1	SypLivo-Luk 100ml Syp	5738509	02/12	1	77.00	77.00
2	TabCifran OZ Tab.	9002127	04/10	6	11.42	68.52
3	TabHifenac D Tab	HD176	05/10	6	4.39	26.34

Sub Total 171.86
 Rounded Off 0.14
 Bill Total 172.00

Bill # 11557 Bill Date : 09/02/2009

1	DextroseR. L. 500ml(Plastics)	8H084	07/10	2	65.00	130.00
2	E C G Electrode	80517	05/10	5	15.00	75.00
3	Glove 6.5 Sterile	0813	07/11	2	40.00	80.00
4	Glove Size 7 (Mediglow)	4D08	03/12	1	50.00	50.00
5	Glove Size 7.5 (Surgico)	0812	06/11	1	40.00	40.00
6	Glove no.7 (Medigard) Non-Sterile	0738	05/11	1	25.00	25.00
7	IV Set(Medikit)	84165	05/12	1	70.00	70.00
8	InjAnawin Heavy	744222	02/10	1	21.60	21.60
9	InjCifran OZ IV	9043190	07/10	1	89.90	89.90
10	Needle Spinocain 25	8B707	01/13	1	90.00	90.00
11	NeedleAboval 18G	50362/22	05/10	1	80.00	80.00
12	SutCat Gut 2-0 RB(4241)	B8035	07/13	1	59.00	59.00
13	SyrDispovan 2ml	39025	08/13	2	3.90	7.80
14	SyrDispovan 5ml	012	06/13	2	4.80	9.60
15	Xylocaine 2% Gelly	11268	09/10	1	43.00	43.00

Sub Total 870.90
 Rounded Off
 Bill Total Bill Total

Bill # 11559 Bill Date : 09/02/2009

1	InjVorth-P	5428001	06/09	1	70.70	70.70
2	SyrDispovan 2ml	39025	08/13	1	3.90	3.90

Sub Total 74.60
 Rounded Off
 Bill Total Bill Total
 Grand Total 1118.00

**Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय**

No. 5 SEP 2009

Chawahati Bench

Chawahati

Certified to be true copy

Leave Papers

ANNEXURE - VI

+ Suspension Paper

26

No. 1/PF/07-SP(UKL)/
Government of Manipur
Office of the Superintendent of Police, Ukhrul District,
Manipur

Ukhrul, the 12th February, 2009.

To

The Director General of Police,
Manipur, Imphal.

Through proper channel.

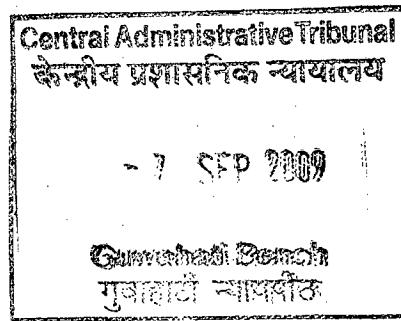
Subject:- **Medical leave w.e.f. the 9th of Feb., 2009
to the 27th Feb., 2009.**

Sir,

This is to bring to your kind attention the fact that on the 9th of February, 2009, I have had to undergo a hemorrhoid operation at Shija Hospital at Imphal. The doctor has thereafter advised me rest for a thorough and complete healing process of about two weeks.

Therefore, I would be most grateful if you could kindly sanction me the above noted period as Earned leave.

Enclosed:- As above.



Yours faithfully,

Umesh
12/2/09

Superintendent of Police,
Ukhrul District, Manipur.

HARI DORJEE BHATOO

Manipur-Tripura Cadre (Manipur Wing)
1999 Batch IPS.

Umesh

Attested

Hab

Advocati

certified to be true copy

(3)

No. W-1/4/2004-(R-IV)
 Government of Manipur
 Office of the Dy. Inspector General of Police(Rangoon-IV), Senapati,
 "anipur.

Senapati, the 19th Feb/2009

To

The Inspector General of Police (L/D-III),
 Manipur Imphal.

Subject : Request for medical leave w.e.f. 9/2/2009 to
 27/2/2009.

Sir,

Kindly find enclosed herewith letter No.1/PF/07-SP(JKL)/813 dated 12th Feb/2009 of Shri Lhari Dorjee Lhatoo, IPS Superintendent of Police, Ukhru requesting medical leave w.e.f. 9/2/2009 to 27/2/2009 as he underwent a hemorrhoid operation at Shifa Hospital at Imphal on 9/2/2009. The Doctor has thereafter advised him to rest for a thorough and complete healing process of about two weeks.

The leave applied for is recommended by this office for further necessary action by PHQ.

Enclo : As above

1. Leave application
2. Leave Form
3. Medical bills.

Yours faithfully,

(M. Suchilkumar Singh)IPS
 Dy. Inspector General of Police(R-IV),
 Manipur Senapati.

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

Attested

Hab

Advocat

closed

verified to be true copy

(4)

GOVERNMENT OF MANIPUR
DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS
(PERSONNEL DIVISION)

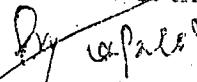
ORDERS BY THE GOVERNOR: MANIPUR
Imphal, the 19th February, 2009.

No. 4/2/2001-IPS/DP : Whereas a disciplinary proceedings is [contemplated] against Shri Lhari Dorjee Lhatoo, IPS, Superintendent of Police Ukhrul, Manipur.

Now, therefore, the Governor of Manipur, in exercise of the powers conferred by sub-rule (1) of Rule 3 of the All India Services(Discipline and Appeal) Rules, 1969, hereby places the said Shri Lhari Dorjee Lhatoo, IPS under suspension with immediate effect.

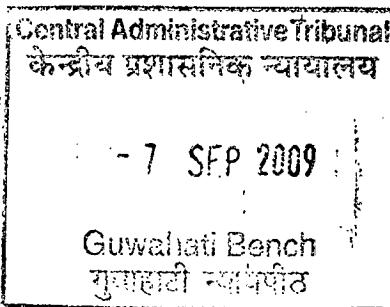
It is further ordered that during the period that this order shall remain in force, the headquarters of Shri Lhari Dorjee Lhatoo, Superintendent of Police Ukhrul should be Imphal and the said Shri Lhari Dorjee Lhatoo, IPS shall not leave the headquarters without obtaining the previous permission of the Chief Secretary, Government of Manipur.

By Orders & in the name of the Governor,


(Th. Chittaranjan Singh)
Addl. Secretary(DP), Govt. of Manipur.

Copy to :-

- 1) The Secretary to the Governor of Manipur, Raj Bhavan, Raj Bhavan, Imphal.
- 2) The Secretary to Chief Minister, Manipur.
- 3) The PS to Chief Secretary, Govt. of Manipur.
- 4) The Director General of Police, Manipur.
- 5) The Secretary to the Govt. of India, Department of Personnel & Training, Ministry of Personnel, PG & Pensions, North Block, New Delhi
- 6) The Secretary to the Govt. of India, Ministry of Home Affairs, New Delhi
- 7) The Accountant General, Manipur.
- 8) Shri Lhari Dorjee Lhatoo, Superintendent of Police, Ukhrul.
- 9) The Treasury / Sub-Treasury Officer concerned.
- 10) Guard file / Order Book.



Attul

H.B.

Advocate

Chowdhury

Verified to be true copy

No.E/35/16(529)/2000-PHQ(Adm)/
GOVERNMENT OF MANIPUR
POLICE DEPARTMENT

Imphal, the 9th March, 2009.

To

The Joint Secretary (Home),
Government of Manipur, Imphal.

Subject: - Forwarding of Earned Leave application.

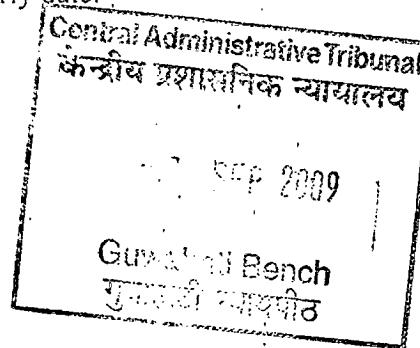
Sir,

Please find enclosed application in the prescribed Proforma submitted by Shri Lhari Dorjee Lhatoo, IPS, Superintendent of Police, Ukhrul District for grant of 19(nineteen) days Earned Leave w.e.f. 9-2-2009 to 27-2-2009 on medical ground.

The Earned leave applied for is recommended.

It is, requested, that sanction of the Government of Manipur may kindly be obtained and communicated at an early date.

Enclo: As above.



Yours faithfully,

(T. Pachyau)
Inspector General of Police (Adm),
For Director General of Police,
Manipur, Imphal

Endst.No. E/35/16(529)/2000-PHQ(Adm)/ 2226

Imphal, the 9th March, 2009.

Copy to:-

1. The Commissioner (DP), Government of Manipur.
2. The Inspector General of Police (I.O-III), Manipur.
3. The Dy.I.G. of Police (Range-IV), Manipur.
4. The Superintendent of Police, Ukhrul District.

(T. Pachyau)
Inspector General of Police (Adm),
For Director General of Police,
Manipur, Imphal

Attached

Hab

Advocat

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Certified to be true

GOVERNMENT OF MANIPUR
 DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS
 (PERSONNEL DIVISION)

ORDERS BY THE GOVERNOR:MANIPUR

Imphal, the 1st April, 2009.

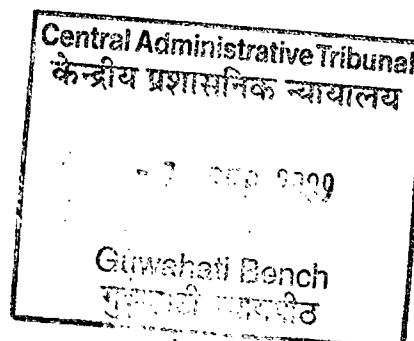
No.4/2/2001-IPS/DP: Under All India Services (Leave) Rules, 1955, the Governor of Manipur is pleased to accord **ex-post facto sanction** to the grant of Earned Leave for 19(nineteen) days w.e.f. 09-02-2009 to 27-02-2009 to Shri Lhari Dorjee Lhatoo, IPS(MT:99), SP/Ukhrul, Manipur (now under suspension) on medical ground subject to leave admissibility report from the Accountant General, Manipur.

By orders & in the name of the

Governor

(Seikholt Langum)
 Under Secretary(DP),
 Government of Manipur.

Copy to:-



1. The P.S. to Chief Secretary, Government of Manipur.
2. The Additional Chief Secretary (Home), Government of Manipur.
3. The Director General of Police, Manipur.
4. The Accountant General, Manipur.
5. The Officer concerned.
6. The Treasury Officer, Ukhrul.
7. Guard file/Orders Book.

Attaches

Hus

Advocat

closed
certified to be true copy

To,

The Director General of Police,
Manipur, Imphal.

Subject:- *Request for permission to join Head Quarters Imphal and for providing security escort alongwith vehicles.*

Sir,

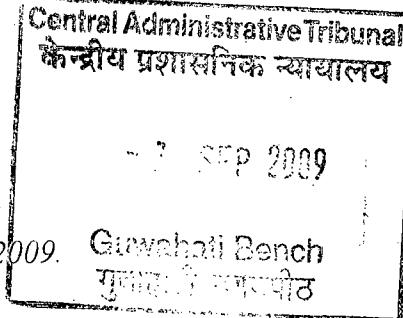
With kind reference to the above noted subject and Government of Manipur order No. 4/2/2001-IPS/DP dated the 19th February, 2009 I am to state that my medical leave period (as applied for vide No. 1/PF/07-SP(UKL)/dated 12/02/2009) has expired and I have joined at Headquarters Imphal today until further orders.

If I may be permitted to mention that I have ^{been} continuously serving in sensitive districts dealing with all kinds of insurgency and law and order problems for the last many years and moreover now that my name has also been most unjustifiably, unfortunately dragged into the gruesome murder case by the public for which I have been placed under suspension, I am very apprehensive and worried for my personal safety as well as the safety and security of my family.

Therefore Sir, I pray that till the time I am reinstated in service when the inquiry findings come out with the facts, I ^{may} please be provided with proper security escort with vehicles immediately.

Thanking you.

Dated the 28th February, 2009. **Gumabali Bench**



Yours faithfully,

Lhari Dorjee Lhatoo

(Lhari Dorjee Lhatoo) IPS

Quarter No. A-8,
SP, Imphal West Reserve Lines (Opposite N-Cell)

*Received at
18/5/2009
100/12/2009*

closed

certified as to its genuineness

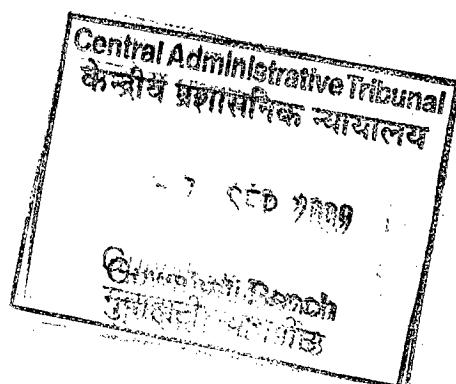
Attended

Has

Advocate

To,

The Chief Secretary,
Government of Manipur,
Imphal.



Dated: 6th April 2009

Through the Director General of Police, Manipur.

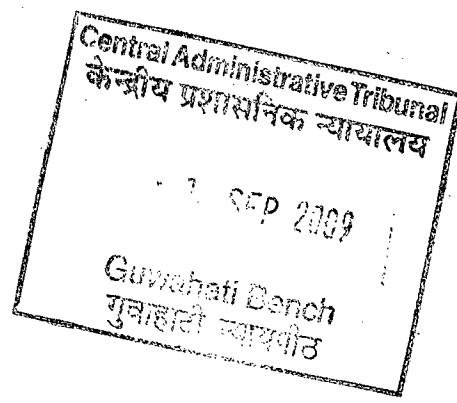
Sir,

Subject-Appeal and Representation against Suspension Orders issued by the Department of Personnel, Government of Manipur, dated 19th February 2009.

With kind reference to the above noted subject I may please be permitted to state the following for necessary perusal so that my genuine case is considered positively.

1. That I joined Utkhrul as the Superintendent of Police on the 16.11.2006. Ever since I have been performing my duties and responsibilities most sincerely, diligently and efficiently as always and nobody has expressed any doubts in this regard.
2. That on the 7.2.2009; I attended a Law and Order meeting at the Office of the IG L/O III Shri V.Zathang, IPS alongwith the DIG R-IV Sushil Kumar Singh, IPS and the SPs Senapati and Chandel Districts at 10.30 am.
3. After the meeting around 1.30 pm, I requested the IG L/O III for permission to stay behind at Imphal on the 8.2. 2009 (being a sunday) and also permission for a medical appointment and consultation with Doctor Palin at Shija Hospital, on the 9.2.2009 at 9 am, as I was suffering form a case of thrombosis, hemorrhoids and since the case was serious, I may have to undergo an operation/surgery if required. I was accordingly permitted the same.
4. On the 9.2.2009 morning during the check up, Dr Palin advised me to undergo the operation immediatley as my problem had worsened. I was thus operated upon at about 9.40 am under anesthesia for more than an hour. After the operation, recovering from the anesthesia, I immediately informed the IG L/O III regarding the operation and the Doctors direction of complete bed rest for 2 weeks. Empathising with my medical condition, I was instructed to then immediately inform the SDPO Utkhrul that the IG L/O III would be reaching Utkhrul in the evening, that same day itself, in connection with the visit of the

*Utkhrul**Attached**Has**Advocati**Verified to be true*



Hon'ble Chief Manipur on the 10.2.2009 and also to look after all the works of the Superintendent of Police. I did that without a second to lose. Accordingly, when the Hon'ble Chief Minister visited Ukhrul District HQs the very next day, on the 10.2.2009, I was under complete bedrest with permission, at Imphal.

5. My Medical Leave application dated the 12.2.2009 was recommended by the DIG Range- IV on the 19.2. 2009 morning and submitted to the IG L/O III the same day vide letter no.W-1/4/2004-(Range-IV)/52 (enclosed as annexure I). Unfortunately, the Department of Personnel issued orders placing me under suspension the same evening vide No. 4/2/2001-IPS/DP, a copy of which I obtained on the 24.2.09, for reasons which were not explained (enclosed as annexure II). Thereafter, on the 9.3.2009, the Director General of Police also recommended my medical leave and forwarded the leave papers to the Home Department, Government of Manipur vide endst no.E/35/16(529)/2000-PHQ(Admn)/2226 (enclosed as annexure III) and ultimately on the 1.4.2009 the Department of Personnel has issued orders vide No.4/2/2001-IPS/DP granting Earned Leave on medical ground for a period of 19 days w.e.f the 9.2.2009 (the day of the surgery/operation) to the 27.2.2009, a copy of which I obtained on the 4.4.2009 (enclosed as annexure IV).
6. That I have not been paid any salary/subsistence allowance for the months of February and March. Sir, I feel most humiliated and aggrieved that I have been placed under suspension most unfairly due to no fault or negligence on my part, having undergone a serious, genuine medical surgery/operation, and even after having been granted earned leave from the 9.2.2009 to the 27.2.2009 I continue to remain under suspension till today, for reasons which I still cannot understand. Therefore, please permit me to request you in right earnest to kindly take up urgent necessary action to immediately issue orders revoking my suspension and for allowing me a new place of posting, in or closer to Imphal, where my family is based and who have suffered most deeply these past one and a half months, and from whom I have been away for more than five years having been posted away in the hill districts (apart from being posted to Bishenpur District for a period of ten months inbetween). I pray that with your consideration I will continue to be steadfast in my duties and responsibilities and always perform my work to the best levels possible.

enclosed-as above.

Yours faithfully,

Lhari Dorjee Lhatoo
6 April 09

(Lhari Dorjee Lhatoo) IPS

3

NO. E/43/1/2009-PHQ(Adm)
 GOVERNMENT OF MANIPUR
 POLICE DEPARTMENT

Imphal, the 13th April, 2009.

To

The Chief Secretary,
 Government of Manipur,

Subject: - Forwarding of representation dated 06/04/2009
 of Shri Lhari Dorjee Lhatoo, IPS.

Sir,

I am to forward herewith representation dated 06/04/2009 of Shri Lhari Dorjee Lhatoo, IPS, Superintendent of Police, Ukhrul District (now under suspension), in original, addressed to the Chief Secretary, Government of Manipur for taking further necessary action.

Enclosed: - As above.

Yours faithfully

(Y. Joykumar Singh)
 Director General of Police.
 Manipur, Imphal.

Endst. No. E/43/1/2009-PHQ(Adm)/ 3179
 Copy to:-

Imphal, the 13th April, 2009.

✓ Shri Lhari Dorjee Lhatoo, IPS,
 Superintendent of Police, Ukhrul District (now under suspension).

(Y. Joykumar Singh)
 Director General of Police.
 Manipur, Imphal.

Attched

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Advocati

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Received by 6/1/2009

To,

The Chief Secretary,
Government of Manipur,
Imphal.

Dated 30th June, 2009.

Through the Director General of Police, Manipur.

Subject:- *A Reminder in connection with earlier Appeal and representation submitted dated 6th April, 2009 against suspension order issued by the Department of Personnel, Government of Manipur, dated 19th February, 2009.*

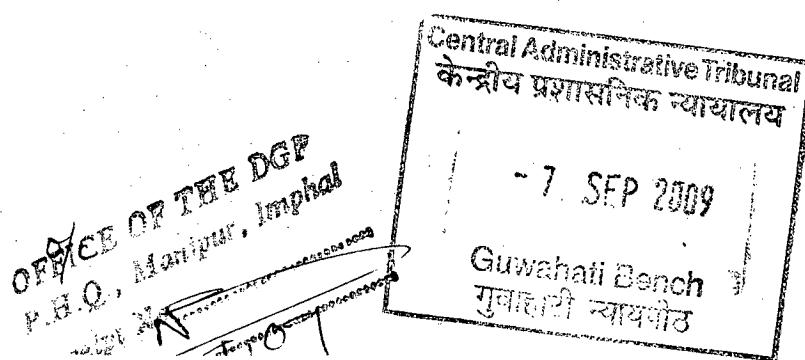
Sir,

With reference to the above noted subject this is to bring to your kind attention that I had submitted an appeal and representation on the 6th April, 2009 stating all the facts supported by documents regarding the circumstances leading to the issuing of suspension orders against me by the Department of Personnel on the 19th February, 2009. Therefore if I may be permitted to respectfully remind that :

1. Although three months has passed since my representation dated 6th April, 2009 was submitted, no action whatsoever has been taken till date for positive consideration of my case and re-instatement in service thereof.
2. That as per the relevant rule 3 of the All India Services (Discipline and Appeal) Rules 1969, the period of 90 days of suspension has already expired on 19th May, 2009 but no further action has been undertaken in due time to revoke the suspension orders which therefore stands legally invalid. Also, no kind of communication has been received from the Department of Personnel, Govt. of Manipur till date since the 19th February, 2009 suspension order.
3. That I have not been paid any salary/subsistence allowance from the date of my suspension.

Sir, I feel most humiliated and aggrieved that I have been placed under suspension most unfairly due to no fault or negligence on my part, having undergone a serious genuine medical surgery/operation, and even after having been granted Earned Leave from the 9.2.2009 to the 27.2.2009, I continue to be kept under suspension till today, for reasons which I can't understand and which has brought untold suffering and misery to my family and me. Therefore please permit me to once again request you to empathise with my case and the sufferings of my family these past five months for absolutely no fault of ours.

I pray that with your kind concern and consideration, immediate steps may be taken up for revocation of my suspension order dated the 19th February, 2009 and my immediate re-instatement in service so that I may continue to be steadfast in my duties and responsibilities and always perform my work to best levels possible.



Yours faithfully,

(Lhari Dorjee Lhatoo) IPS

Lhari Dorjee Lhatoo
30 June 09

Attached

Hab

Advocati

Certified to be true

NO. E/43/1/2009-PHQ (Adm)
 GOVERNMENT OF MANIPUR
 POLICE DEPARTMENT

Imphal, the 4th July, 2009.

To

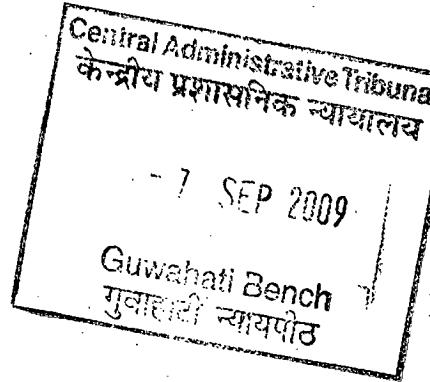
The Chief Secretary,
 Government of Manipur,

Subject: - Forwarding of representation dated 30/06/2009 of Shri. Lhari Dorjee Lhatoo, IPS.

Sir,

In continuation to this office letter of even number dated 13/4/2009, I am to forward herewith representation dated 30/06/2009 of Shri Lhari Dorjee Lhatoo, IPS, Superintendent of Police, Ukhrul District (now under suspension), **in original**, addressed to the Chief Secretary, Government of Manipur for taking further necessary action.

Enclosed: - As above.



Yours faithfully

(Y. Joykumar Singh)
 Director General of Police.
 Manipur, Imphal.

Endst. No. E/43/1/2009-PHQ(Adm)/ 5925
 Copy to:-

✓ Shri Lhari Dorjee Lhatoo, IPS,
 Superintendent of Police, Ukhrul District (now under suspension).

Imphal, the 4th July, 2009.

Y. Joykumar Singh
 (Y. Joykumar Singh)
 Director General of Police.
 Manipur, Imphal.

Attached

Has.

Advocate

Certified to be true copy

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