

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./TA/ NO. 230/2019  
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SECTION OFFICER (JUDL.)

✓  
8.11.2019

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :  
ORDERSHEET

1. Original Application No : 230 / 2009

2. Misc. Petition No : ----- in O.A. No. -----

3. Contempt Petition No : ----- in O.A. No. -----

4. Review Application No : ----- in O.A. No. -----

5. Execution Petition No : ----- in O.A. No. -----

Applicant (S) : Sri Jogesh Hajong

Respondent (S) : Union of India

Advocate for the : Mr. S. Sarma  
{Applicant (S)}

Mr. H.K. Das

Advocate for the : CS SC.  
{Respondent (S)}

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C. E. for Rs. 50/- deposited with P. B. No. 396, 408426</p> <p>Dated <u>1/10/2009</u></p> <p><i>[Signature]</i> (0.11.09) Dy. Registrar <u>10/11/09</u></p>	11.11.2009	<p>The short issue raised in this present O.A. is whether Applicant's continued suspension beyond the period of 90 days beginning w.e.f. 22.06.2009 is justified as the contention raised is that review of such suspension order has not been carried out in terms of mandate of Rule 10 (6) &amp; (7) of CCS (CCA) Rules 1965, as amended.</p>
<p><u>10.11.2009</u></p> <p>3 (Three) Copies of application with envelope received for issue notices to the Respondents Nos 1 to 3.</p> <p><i>[Signature]</i> 10/11/09</p>		<p>Notice to Respondents. Sri M.K.Boro, learned Addl. C.G.S.C., present in court, accept notice on behalf of Respondents and seeks two days time to take instruction in the matter as to whether any review in terms of aforesaid rules has been carried out or not before expiry of period of suspension.</p>

List on 13.11.2009. Copy of this order be supplied to learned counsel for Respondents.

*[Signature]* (Madan Kumar Chaturvedi) *[Signature]* (Mukesh Kumar Gupta)  
Member (A) Member (J)

Received.

Mamta Devi  
Dated 14/11/09

/bb/

13.11.2009

Mr M.K.Boro, Learned counsel for the respondents placed on record a communication addressed to him dated 12.11.09 in specific makes an observation "since, the inquiry is under process, the review of suspension after 90 days has not been processed". The short question arose for consideration is whether the applicant was placed under suspension vide order dated 22.6.09 requires to be reinstated as no further review as mandated under Rule 10 of CCS (CCA) Rules 1965 has ~~not~~ <sup>but to hold that</sup> been carried. In view of the categorical & unambiguous stand of the respondents noticed hereinabove, we have no option to continue the applicant under suspension beyond the period of 90 days is rendered unsustainable in the eye of law, and Accordingly respondents are directed to reinstate the applicant <sup>in service</sup> forthwith with all consequential benefits.

O.A. is allowed.

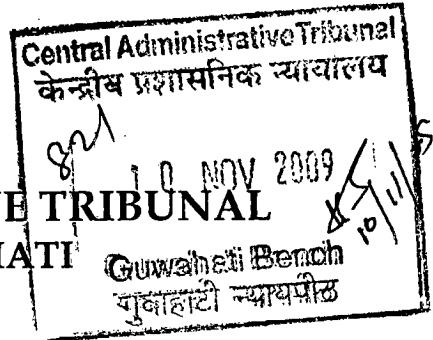
  
(Madan Kr. Chaturvedi)  
Member (A)

  
(Mukesh Kr. Gupta)  
Member (J)

/pg/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :: GUWAHATI

OA No. 230 of 2009



Sri Jogesh Hajong

..APPLICANT

- Vs -

Union of India & Ors.

..RESPONDENTS

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Filed by  
Hirshikesh Das,  
10.11.09.  
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :: GUWAHATI

Sri Jogesh Hajong - Vs - Union of India & Ors.

S Y N O P S I S

That the applicant while was serving as Assistant (Cashier) in the North Eastern Police Academy, Meghalaya was placed under suspension vide order dated 22.06.09 issued by the 3<sup>rd</sup> respondent in contemplation of disciplinary proceeding. On 30.06.09 an order was issued granting subsistence allowance at the rate equal to the leave salary on half pay leave. The respondents thereafter issued the Memorandum of Charge dated 23.07.09 framing 3 (three) articles of charges and proceeded with the inquiry appointing inquiry officer and presenting officer to present the case for the respondents. The applicant vide his communication dated 31.07.09 submitted his written statement of defense categorically denying all the charges.

The **Rule 10(6) of the CCS (CCA) Rules' 1965** provides that an order of suspension shall be reviewed by the competent authority to modify or revoke the suspension on the recommendation of the Review Committee constituted for the purpose and pass necessary order either extending or revoking the suspension. Again **Rule 10(7) of the CCS (CCA) Rules' 1965** provides that an order of suspension made or deemed to have been made under sub-rule (1) (2) shall not be valid after expiry of 90 days unless it is extended after review before the expiry of 90 days.

It is stated that on 19.09.09 the statutory period of 90 days elapsed. However, the respondents even after lapse of 90 days till date have not reviewed the order of suspension of the applicant dated 22.06.09 and continued with the suspension of the applicant only with the sole purpose to harass him and make his service life miserable. Therefore, as per the provisions of Rule 10 (7) of the CCS (CCA) Rules' 1965 the suspension order dated 22.06.09 become invalid for no making review by passing necessary order before the expiry of statutory period of 90 days and is liable to be set aside and quashed. Being aggrieved by such an illegal and arbitrary action on the part of the respondents the applicant having no other alternative has approached this Hon'ble Tribunal by filing the instant original application for redressal of his grievances. Hence the present original application.

\*\*\*\*\*

Filed by  
Hindip K. D. N.  
10.11.09.

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## GUWAHATI BENCH :: GUWAHATI

O.A. No. 230 of 2009LIST OF DATES

**23.12.03** Gazette Notification issued by the Government of India, Ministry of Personnel, Public Grievance and Pension, Department of Personnel and Training in exercise of powers conferred by the proviso to Article 309 and Clause (5) of Section 148 of the Constitution of India adding Sub-Rule 6 and 7 in Rule 10 of the CCS (CCA) Rules' 1965. **[ANNEXURE- 10] [Page-27]**

**17.10.04** DOPT O.M. categorically directing that an order of suspension made or deemed to have been under Sub-Rule (1) or (2) of Rule 10 shall not be valid after 90 days unless it is extended after review for a further period before the expiry of 90 days. It has further been provided that the extension of suspension shall not be for a period exceeding 180 days at a time. **[ANNEXURE- 11] [Page-28]**

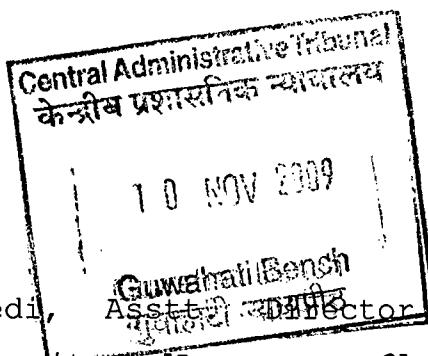
**22.06.09** Order by which the applicant was placed under suspension with immediate effect in contemplation of disciplinary proceeding. **[ANNEXURE- 1] [Page-12]**

**30.06.09** Order granting the applicant subsistence allowance at a rate equal to the leave salary which he would have drawn in half pay leave along with other admissible allowances from time to time. **[ANNEXURE- 2] [Page-14]**

**01.07.09** Appeal submitted by the applicant praying for revocation of the suspension order dated 22.06.09. **[ANNEXURE- 3] [Page-15]**

**23.07.09** Memorandum of charges issued by the respondent framing 3 (three) articles of charges. **[Annexure- 4] [Page-17]**

**31.07.09** Written statement of defense submitted by the applicant categorically denying the charges leveled in the memorandum of charges. **[Annexure- 5] [Page-22]**



III

**18.09.09** Order appointing Sri J.K.Dwivedi, (Law), NEPA as the inquiry authority. **[Annexure- 6]**  
**[Page-23]**

**14.10.09** Order issued by the respondents increasing the subsistence allowance of the applicant by another 50 % of the initial amount. **[Annexure- 7]** **[Page-24]**

**19.10.09** Order by which Sri Ramesh Chandra, in-charge, Hindi Officer was appointed a Presenting Officer on behalf of the respondents. **[Annexure- 8]** **[Page-25]**

**22.10.09** Order by which the date of preliminary hearing has been fixed as 26.10.09 by the inquiry authority to inquire into the charges leveled against the applicant. **[Annexure- 9]** **[Page-26]**

\*\*\*\*\*

Filed by  
Nripendra N. Deb,  
10.11.09.  
Advocate

Served by:  
For Applicant  
Jyoti Hajong  
His dep. ser. Date  
10.11.09

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

**OA No. 230 of 2009.**

**BETWEEN**

Sri Jogesh Hajong,  
Son of Late B.C. Hajong,  
Assistant under suspension, Office of  
the North Eastern Police Academy,  
Ministry of Home Affairs, Government of  
India, Umsaw, 793 123, Umium,  
Meghalaya.

**APPLICANT**

**-Versus-**

1. The Union of India  
Represented by its Secretary,  
Ministry of Home Affairs, North Block,  
New Delhi -110001

2. The Director,  
North Eastern Police Academy,  
Ministry of Home Affairs, Government of  
India, Umsaw, Umium, Meghalaya- 793  
123.

3. The Joint Director,  
North Eastern Police Academy,  
Ministry of Home Affairs, Government of  
India, Umsaw, Umium, Meghalaya- 793123.

**RESPONDENTS**

**DETAILS OF APPLICATION**

**1. PARTICULARS OF THE ORDER(S) AGAINST WHICH THE APPLICATION  
IS MADE:**

The present application is made against the order under No. NEPA/PF(C)/80/80/3020-24 dated 22.06.09 issued by the 3<sup>rd</sup> respondent suspending the applicant from service with immediate effect.

*Jogesh Hajong*

10 NOV 2009

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Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ**2. JURISDICTION OF THE TRIBUNAL:**

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

**3. LIMITATION:**

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

**4. FACTS OF THE CASE:**

**4.1** That the applicant is under suspension Assistant (Cashier) in the office of the Director, North Eastern Police Academy, Ministry of Home Affairs, Government of India, Umsaw, umium, Meghalaya- 793 123.

**4.2** That the applicant while serving as Assistant (Cashier) in the office of the North Eastern Police Academy, Meghalaya was served with an order under No. NEPA/PF(C)/80/80/3020-24 dated 22.06.09 by which the applicant was placed under suspension with immediate effect in contemplation of disciplinary proceeding. It is stated that although the Director, NEPA is the appointing and competent authority to issue the aforesaid order but surprisingly the order suspending the applicant was issued by an incompetent authority i.e. the Joint Director.

A copy of the order dated 22.06.09 is annexed herewith and marked as **ANNEXURE- 1**.

**4.3** That the applicant begs to state that the 3<sup>rd</sup> respondent thereafter issued order under No. NEPA/ PF(C) / 80/ 80/ 3312-14 dated 30.06.09 granting subsistence allowance to the applicant at a rate equal to the leave salary which the applicant would have drawn which if he had been on leave on half pay and in addition, dearness allowance admissible on the basis of such leave salary at the time of suspension.

Togekh Hengjeng

10 NOV 2009

Guwahati Bench  
गुवाहाटी न्यायालय

3

A copy of the order dated 30.06.09 is annexed herewith and marked as **ANNEXURE- 2**.

**4.4** That the applicant on 01.07.09 preferred an appeal dated 01.07.09 praying for revocation of the impugned suspension order dated 22.06.09. However, the respondent sat over the matter and issued a memorandum under No. NEPA/PF(C)/32/82/Vil-II/3802 framing 3 (three) articles of charges. By the aforesaid memorandum the applicant was given 10 days time to submit his written statement of defense.

A copy of the appeal dated 01.07.09 and memorandum dated 23.07.09 is annexed herewith and marked as **ANNEXURE- 3 and 4**.

**4.5** That the applicant begs to state that immediately on receipt of the charge sheet the applicant submitted his written statement of defense dated 31.07.09 categorically denying all the charges. The applicant also stated that he joined the duty on 10.06.09 in compliance of the Joint Director's order dated 30.05.09 and he has sufficient numbers of leave (around 300 days) in the credit of his leave account. Therefore, the period could have easily been adjusted as leave of any nature.

A copy of the written statement of defense dated 31.07.09 is annexed herewith and marked as **ANNEXURE- 5**.

**4.6** That the applicant begs to state that taking into consideration the categorical denial of the applicant the respondents decided to proceed with the departmental proceeding under Rule 14 of the CCS(CCA) Rules' 1965 and to that effect issued a communication dated 18.09.09 appointing Sri J.K. Dwivedi, Asstt. Director (Law), NEPA as the inquiry authority to inquire into the charges leveled against the applicant.

A copy of the order dated 18.09.09 is annexed herewith and marked as **ANNEXURE- 6**.

Togesh Hajong

10 NOV 2009

Guwahati Bench  
गुवाहाटी न्यायपीठ

4

**4.7** That the 2<sup>nd</sup> respondent thereafter issued an order under No. NEPA/PF(C)/80/80/C173-75 dated 14.10.09 increasing the subsistence allowance of the applicant by another 50% of the initial sum and consequently on 19.10.09 issued another order by which Sri Ramesh Chandra, in-charge, Hindi Section was appointed as Presenting Officer on behalf of the respondents.

Copies of the order dated 14.10.09 and 19.10.09 are annexed herewith and marked as **ANNEXURE- 7 and 8.**

**4.8** That the inquiry officer thereafter on 22.10.09 issued an order under No. NEPA/ INQ/ GS/ 2009/ 6366-68 fixing 26.10.09 as the date of preliminary hearing of the inquiry in the proceeding. Accordingly the applicant appeared before the inquiry officer and participated in the inquiry process.

A copy of the order dated 22.10.09 is annexed herewith and marked as **ANNEXURE- 9.**

**4.9** That the applicant begs to state that by an order dated 22.06.09 he was placed under suspension with immediate effect in contemplation of disciplinary proceeding and on 19.09.09 the period of 90 days has elapsed. It is stated that even after the lapse of period of 90 days the respondents have not reviewed the suspension of the applicant till date. It is stated that the respondents only with the sole purpose to harass the applicant and to make his service life miserable continued with the suspension of the applicant in derogation of the Rules holding the field. Hence, the action of the respondents is illegal and contrary to provisions enshrined in the CCS (CCA) Rules' 1965.

**4.10** That the applicant begs to state that the Government of India, Ministry of Personnel, Public Grievance and Pension, Department of Personnel and Training while in exercise of powers

Togek Hajing

10 NOV 2009

Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

conferred by the proviso to Article 309 and Clause (5) of Section 148 of the Constitution of India issued a Gazette Notification dated 23.12.03 adding Sub-Rule 6 and 7 in Rule 10 of the CCS (CCA) Rules' 1965. For the sake of convenience the aforesaid Rule 10 (6) and (7) are quoted below for ready reference:-

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

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

It is worthwhile to mention here that the respondents neither before expiry nor after expiry of 90 (ninety) days have reviewed the order of suspension of the applicant dated 22.06.09. It is stated that till date the respondents have not communicated to the applicant any order towards review of his suspension. Therefore, as per Sub-Rule 7 of Rule 10 of CCS(CCA) Rules' 1965 the order of suspension dated 22.06.09 become invalid after the expiry of period of 90 days without there being any review by the appropriate authority on recommendation of Review Committee constituted for such purpose and hence is liable to be set aside and quashed.

A copy of the Gazette notification dated 23.12.03 is annexed herewith and marked as **ANNEXURE- 10.**

**4.11** That the applicant begs to state that the Department of Personnel and Training after the amendment of the Rule 10 of CCS (CCA) Rules' 1965 issued an O.M. dated 07.10.04 wherein the

*Togesh Haging*

10 NOV 2009

Guwahati Bench  
গুৱাহাটী বায়পীঠ

DOPT has categorically directed that an order of suspension made or deemed to have been under Sub-Rule (1) or (2) of Rule 10 shall not be valid after 90 days unless it is extended after review for a further period before the expiry of 90 days. It has further been provided that the extension of suspension shall not be for a period exceeding 180 days at a time. However, in the instant case the respondents only with the sole purpose to harass the applicant with malafide intention did not hold review committee for review of the order of suspension of the applicant before the expiry of 90 days and are continuing with the suspension of the applicant which is not at all sustainable in the eye of law and liable to be set aside and quashed.

A copy of the DOPT O.M. dated 17.10.04 is annexed herewith and marked as **ANNEXURE- 11.**

**4.12** That the applicant begs to state that the impugned order of suspension was issued by the 3<sup>rd</sup> respondent whereas the 2<sup>nd</sup> respondent is the appointing and promoting authority of the applicant. As per Rule 10 of the CCS (CCA) Rules' 1965 an order of suspension has to be issued by the appointing or promoting authority or the disciplinary authority of an employee. Therefore, the 3<sup>rd</sup> respondent is not the competent and appropriate authority to pass the order dated 22.06.09 suspending the applicant with immediate effect. Hence on this score alone the order dated 22.06.09 is liable to be set aside and quashed.

**4.13** That from the facts and circumstances of the case it clear that the respondents failed in totality to review the suspension of the applicant within the period of 90 days as stipulated in Rules 10(6) of the CCS (CCA) Rules' 1965 and proceeded with the suspension of the applicant without constituting any Review Committee to review the suspension order dated 22.06.09. Therefore, as per the provisions of Rule 10 (7) of the CCS(CCA) Rules' 1965 the suspension order dated 22.06.09 become invalid on its being not reviewed by properly Constituted

*Joseph Hayong*,

10 NOV 2009

Gyan Dutt  
राजनीति विभाग

Review committee within a period of 90 days. Therefore, the respondents only with the sole purpose to harass the applicant and to make his service life miserable are continuing with the suspension of the applicant without making any review within 90 days as stipulated in Rule 10(6) which is not at all sustainable in the eye of law and liable to be interfered with by this Hon'ble Court. Hence the present case is a fit case wherein the Hon'ble Tribunal may be pleased to pass an interim order directing stay of the effect and operation of the impugned suspension order dated 22.06.09 issued by the 3<sup>rd</sup> respondent pending disposal of the instant original application. The applicant has made out a prima facie case of illegality and arbitrariness on the part of the respondents. The balance of convenience is in favor of the applicant for such an interim order. He would also suffer irreparable loss and injury if the interim order sought for is not passed by the Hon'ble Tribunal.

**4.14** That the applicant files this application bonafide for securing the ends of justice.

#### **5. GROUND FOR RELIEF(S) WITH LEGAL PROVISIONS:**

**5.1.** Because the respondents failed to review the suspension of the applicant on recommendation of properly constituted review Committee before expiry of the 90 (ninety) day as stipulated in Rule 10 (6) of the CCS (CCA) Rules' 1965. The Rule 10 (6) very clearly states that an order of suspension shall be reviewed by the competent authority to modify or revoke the suspension, to modify or revoke the suspension, before expiry of 90 days from the date of order of suspension, on recommendation of the Review Committee constituted for the purpose. However, in the instant case although the stipulated period of 90 (ninety) days elapsed on 19.09.09, the respondents till date have not made any review of the order of suspension and continued with the order of suspension of the applicant only with the sole purpose to harass him and make his service life

Togesh Hargowal

10 NOV 2009

Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

miserable. Hence, on this score alone the impugned order dated 22.06.09 is not sustainable in the eye of law and liable to be set aside and quashed by this Hon'ble Tribunal.

5.2. Because the respondents have not reviewed the suspension of the applicant before lapse of 90 days of passing of the order of suspension dated 22.06.09 as per the provisions of Rule 10 (6) of the CCS (CCA) Rule' 1965. Therefore, as per the provisions of Rule 10 (7) of the CCS (CCA) Rules' 1965 the order of suspension dated 22.06.09 automatically become invalid after lapse of 90 days on being not reviewed by the competent authority on the recommendation of the properly constituted Review Committee. Hence, the impugned order of suspension dated 22.06.09 has become invalid and illegal and liable to be set aside and quashed.

5.3 Because the impugned suspension order dated 22.06.09 was issued by the 3<sup>rd</sup> respondent who is not the competent authority to suspend the applicant. As per Rule 10 of the CCS (CCA) Rules' 1965 the appointing or promoting or the disciplinary authority is the appropriate and competent authority to suspend an employee. However, in the instant case the impugned suspension order dated 22.06.09 was issued by the 3<sup>rd</sup> respondent without there having any authority and it is not at all sustainable in the eye of law. Hence on this score alone the impugned order dated 22.06.09 is liable to be set aside and quashed by this Hon'ble Tribunal.

5.4 Because from the sequence of events it is clear that the respondents failed in totality to adhere to the provisions of Rule 10 (6) and (7) of the CCS (CCA) Rules' 1965 and proceeded with the suspension of the applicant only with the sole purpose to harass him and make his service life miserable. Therefore, the entire process keeping the applicant under suspension even after lapse the period of 90 days in violation of the statutory provisions and without making any review of the order dated 22.06.09 on the recommendation of the properly constituted Review Committee can only be termed as a process

Tazeen Haqiqi

10 NOV 2009

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Guwahati Bench  
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initiated only with the sole purpose to harass the applicant. The respondents failed to discharge the responsibility of a model employer. Therefore, the action of the respondents while issuing the impugned order dated 22.06.09 is illegal, arbitrary and are contrary to the statutory provisions. Hence, on this score alone the impugned order dated 22.06.09 is liable to be set aside and quashed directing the respondents to reinstate the applicant to reinstate the applicant with immediate effect along with all consequential service benefits.

The applicant craves leave of the Hon'ble Court to advance more grounds both legal and factual at the time of hearing of this case.

#### **6. DETAILS OF THE REMEDIES EXHAUSTED:**

That the applicant declares that he has exhausted all the remedies available to him and there is no alternative remedy available to him.

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

The applicant further declares that he has not filed any application, writ petition or suit regarding the grievances in respect of which this application is made, before any other court or any other bench of the Tribunal or any other authority nor any such application, writ petition or suit is pending before any of them.

#### **8. RELIEF(S) SOUGHT FOR:**

- 8.1** To Set aside and quash the impugned order under No. NEPA/PF(C)/80/80/3020-24 dated 22.06.09 issued by the 3<sup>rd</sup> respondent and grant all consequential service benefits.
- 8.2** To direct the respondents to reinstate the applicant with immediate effect.

Jogesh Hazong

8.2 To regularize the period of suspension of the applicant granting all consequential service benefits flowing there from.

8.2 Cost of the application.

8.3 pass any such order/orders as Your Lordships may deem fit and proper.

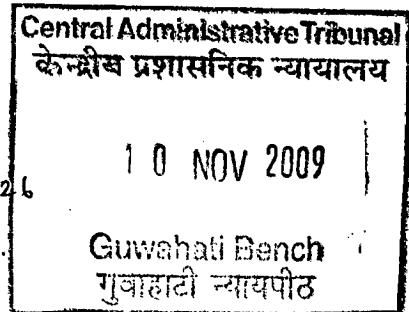
9. **INTERIM ORDER PAYED FOR:**

Pending disposal of the instant original application the Hon'ble Court may be pleased to stay the effect and operation of the impugned suspension order dated 22.06.09.

10. The application is filed through Advocates.

11. **PARTICULARS OF THE IPO:**

(I) IPO No.	:	394 408426
(II) Date of Issue	:	01. 10. 09.
(III) Issued from	:	G. P. O.
(IV) Payable at	:	Guwahati



12. **LIST OF ENCLOSURES:**

As stated in the Index.

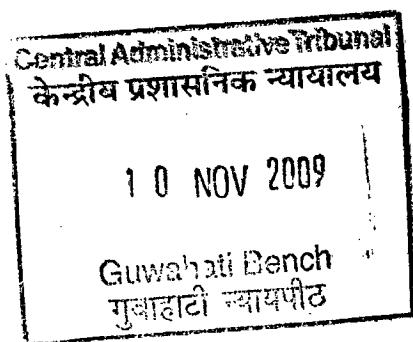
...Verification

Togel Heying

## VERIFICATION

I, Sri Jogesh Hajong, Son of Late B.C. Hajong, aged about 52 years, Assistant under suspension, Office of the North Eastern Police Academy, Ministry of Home Affairs, Government of India, Umsaw, 793 123, Umium, Meghalaya, do hereby solemnly affirm and verify that the statements made in the accompanying application in paragraphs 4.1, 4.9, 4.12, 4.13, & 4.14 are true to my knowledge, those made in paragraphs 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.10 & 4.11 being matters of records are true to my information derived there from and the grounds urged are as per legal advice. I have not suppressed any material fact.

And I sign this verification on this the 8th day of November, 2009 at Guwahati.



*Jogesh Hajong*  
SIGNATURE

Government of India  
Ministry of Home Affairs  
North Eastern Police Academy  
Umsaw, 793 123, Umiam, Meghalaya

No. NEPA/PFC/80/80/ 3020 - 24

Dt. Umsaw, the 22 June, 09.

ORDER

Whereas a disciplinary proceeding against Shri Jogesh Hajong, Assistant (Cashier) NEPA is contemplated/pending.

Now, therefore, the undersigned in exercise of the powers conferred by sub-rule (I) of Rule 10 of the Central Civil Services (Classifications, Control and Appeal) Rules, 1965, hereby places the said Shri Jogesh Hajong, Assistant (Cashier) NEPA under suspension with immediate effect. i.e. 22/06/2009 (AN).

It is further ordered that during the period that this order shall remain in force the headquarter of Shri Jogesh Hajong, Assistant (Cashier) NEPA should be at NEPA, Umsaw, Umiam, Meghalaya and the said Shri Jogesh Hajong, shall not leave the headquarter without obtaining the prior permission of the competent authority.

  
(P.R.S. Vijay Raj)  
Jt. Director  
For Director

Memo No. NEPA/PFC/80/80/ 3020 - 24

Dt. Umsaw, the \_\_\_\_ June, 09.

Copy to :

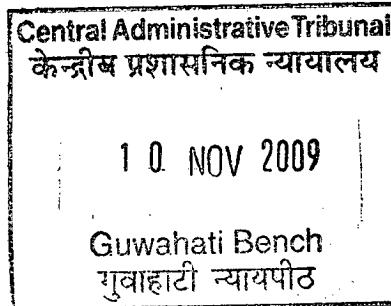
- ✓ 1. Shri Jogesh Hajong, Assistant (Cashier) NEPA (U/S), NEPA, Umsaw, Umiam, Meghalaya- order regarding subsistence allowances admissible to him during the period of suspension will be issued separately.
- 2. Office Supdt. NEPA, Umsaw, Meghalaya.
- 3. The Accounts Section, NEPA, Umsaw, Umiam, Meghalaya.
- 4. Service Book of Shri Jogesh Hajong, Assistant (Cashier) (U/S), NEPA, Umsaw, Megh.
- 5. Office Order File.

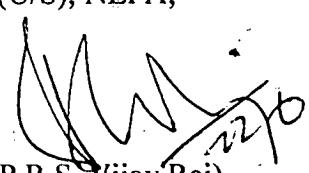


Attested



Advocate



  
(P.R.S. Vijay Raj)  
Jt. Director  
For Director

-13-

CHARGE OF ARTICLES

10 NOV 2009

Guwahati Bench  
গুৱাহাটী ন্যায়পৰিষত

1. Shri Jogesh Hajong, Assistant (Cashier) on 22/6/2009 taken signature of DD<sup>O</sup> for encashment of Govt. Draft worth Rs. 8,000/- (Rupees eight thousand ) only, but out of negligence put up draft for encashment for Rs. 2,64,000/- (Rupees two lakh sixty four thousand ) only, showing utter carelessness.
2. Shri Jogesh Hajong, Assisstant (Cashier) out of his carelessness made Medical Reimbursement Bills wrongly for Rs. 78,811/- (Rupees seventy eight thousand eight hundred eleven ) only instead of Rs. 33, 258/- (Rupees thirty three thousand two hundred fifty eight ) only in respect of Shri Krishna Singh, Mali.
3. Shri Jogesh Hajong, Assistant (Cashier) granted 15 days E/L. from 4/5/09 to 18/5/2009 but absented by over staying for another 22 days from 19/5/2009 to 9/6/2009 without sanction by the authority, inspite of refusal of the leave by the competent authority.



22/6/09  
( PRS. Bijay Raj )  
Jt. Director

-14-

ANNEXURE -2

Government of India  
Ministry of Home Affairs  
North Eastern Police Academy  
Umsaw, 793 123, Umiam, Meghalaya

No. NEPA/PFC/80/80/ 3312-14

Dt. Umsaw, the 30 June, 09.

ORDER

Whereas an order placing Shri Jogesh Hajong, Asstt. (Cashier) NEPA under suspension by an order No. NEPA/PFC/80/80/3020-24 dt. 22/6/09.

Now, therefore, the undersigned orders that Shri Jogesh Hajong, Asstt. (Cashier), NEPA shall draw a subsistence allowance at a rate equal to the leave salary which the said Govt. servant would have drawn if he had been on leave on half pay and in addition, dearness allowance admissible on the basis of such leave salary at the time of suspension. He will also draw any other compensatory allowances admissible from time to time on the basis of pay of which the Govt. servant was in receipt on the date of suspension subject to the fulfillment of other conditions laid down for the drawl of such allowances.

The payment of subsistence allowance is subject to compulsory and optional deductions. The optional deductions will, however, be made only on the basis of written consent. The drawl of subsistence allowance is subject to production of a certificate to be furnished by the govt. servant every month as per rule F.R 53 (2).

A copy of the standard Form is enclosed herewith.

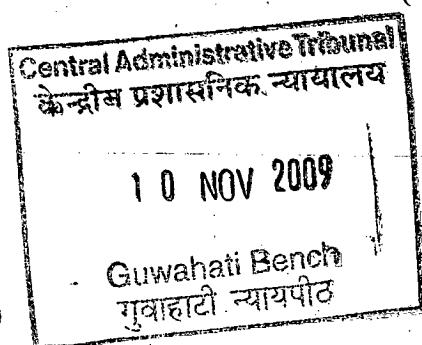
  
( PRS Vijay Raj )  
Jt. Director

Memo No. NEPA/PFC/80/80/ 3312-14

Dt. Umsaw, the 30 June, 09.

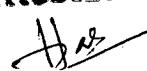
Copy to :

1. Shri Jogesh Hajong, Asstt. (Cashier), (under suspension), NEPA, Umsaw, Umiam, Meghalaya.  
2. Account Section, NEPA, Umsaw, Umia, Meghalaya.  
3. Office order file.



  
( PRS Vijay Raj )  
Jt. Director

Attested



Advocate.

Date: 01.07.09

To,

The Secretary,  
Ministry of Home Affairs, North Block,  
New Delhi -110001

Sub: - An appeal under Rule 23 of the CCS (CCA) Rules, 1965.

Sir,

With due deference and profound submission I beg to lay the following few lines for your kind consideration and necessary action thereof:

A. That sir while I was working as Assistant (Cashier), North Eastern Police Academy, Umsaw, Umium, Meghalaya, I was served with an order dated 22.06.09 by which I was placed under suspension with immediate effect.

B. That sir along with the order of suspension dated 22.06.09, the Joint Director issued a Charge Sheet dated 22.06.09 by which 3 (three) articles of charge have been framed.

C. That sir I beg to state that the charge sheet dated 22.06.09 is defective and is in clear violation of the Rule 14 of the CCS (CCA) Rules' 1965. The relevant portion of the Rule 14 is quoted below for ready reference:-

"14. Procedure for imposing major penalties:

(1).....  
(2).....

(3) Where it is proposed to holds an inquiry against a Government Servant under this Rule and Rule 15, the disciplinary authority shall draw up or cause to draw up-

(i) the substance of the imputations of misconduct or mis-behavior into definite and distinct articles of charge;

(ii) a statement of imputations of misconduct or mis-behavior in support of each article of charge, which shall contain;

(a) a statement of all relevant facts including any admission or confession made by the Government Servant;

(b) a list of documents by which, and a list of witnesses by whom, the article of charge are proposed to be sustained.

(4) The disciplinary authority shall deliver or cause to be delivered to the Government Servant a copy of the articles of charge, the statement of the imputations of misconduct or misbehavior and a list of documents and witness by which each article of charge proposed to be sustained and shall require the Government Servant to submit, within such time as may be specified, a written statement of his defense and state whether he desires to be heard in person.

D. That sir the statutory requirements as prescribed by Rule 14 of CCS (CCA) Rules' 1965 is totally abrogated in the charge sheet dated 22.06.09. It is stated that the charge sheet vis-à-vis the Rule 14 of the CCA (CCA) Rules, 1965 clearly shows that the article of charge are not distinct and definite, rather charges are vague. The charge sheet does not contain the statement of imputation of misconduct. It also does not contain list of documents and list of witnesses by which the articles of charge are proposed to be sustained. Moreover, no opportunity was given to me to file written statement giving personal hearing which is in clear violation of Rule 14 along with Article 14 of the Constitution of India.

E. That sir, the charge sheet dated 22.06.09 does not specify under what Rule the proceeding is proposed to be initiated. It is totally silent about the statutory provisions enshrined in the CCS (CCA) Rules' 1965.

Attested

H. S.

Advocate.

F. That sir, the order of suspension dated 22.06.09 was issued by the Joint Director, NEPA, Umsaw, Umium, Meghalaya. It is stated that the Joint Director is not the appropriate authority to place me under suspension. Hence, on this score alone the order of suspension dated 22.06.09 is bad in law and can be revoked by your kind Honor.

G. That sir the allegations raised in the charge sheet dated 22.06.09 are vague and I strongly deny those allegations. The allegations raised in the charge sheet are of no substance and there is no valid ground to place me under suspension. Moreover, the natures of allegations are such that there is no scope on my part to influence the proceedings if any. Hence, the order dated 22.06.09 and the charge sheet dated 22.06.09 does not attract the scope and object of suspension. Finally, if by any manner I have dissatisfied Your Honor, in such an eventuality Your Honor may be kind enough to condone me for such.

In the backdrop of above circumstances I earnestly pray before Honor to revoke the suspension order dated 22.06.09 and allow me to serve the Organization for the ends of justice.

Thanking you

Sincerely Yours

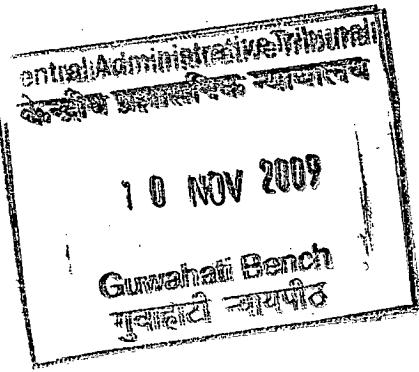
*Jogesh Hajong*  
17/10/09

Sri Jogesh Hajong  
Assistant (Cashier), (under suspension)  
North Eastern Police Academy, Umsaw,  
Umium, Meghalaya

07

Copy to:

1. The Director, North Eastern Police Academy, Umsaw, Umium, Meghalaya- 793 123.



-17-

North Eastern Police Academy  
Government of India  
Ministry of Home Affairs  
Umsaw, 793 123, Umiam, Meghalaya



No. NEPA/PF(C)/ 32 /82 /Vol-II/ 3862 Dt. Umsaw, the 23 July, 09

### MEMORANDUM

The undersigned proposes to hold an inquiry against Shri Jogesh Hajong, Assistant(Cashier), NEPA under Rule 14 of Central Civil Service (CCS) 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 charges (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 (Annexure III & IV).

2. Shri Jogesh Hajong, Assistant(Cashier),NEPA is directed to submit within 10 days of the receipt of the 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 Jogesh Hajong, Assistant (Cashier) , NEPA 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, in inquiring authority may hold the inquiry against him ex-parte.

5. Attention of Shri Jogesh Hajong, Assistant (Cashier), NEPA is invited to Rule 20 of the CCS (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 those proceedings it will be presumed that Shri Jogesh Hajong, Assistant (Cashier), NEPA 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 CCS (Conduct) Rules, 1964.

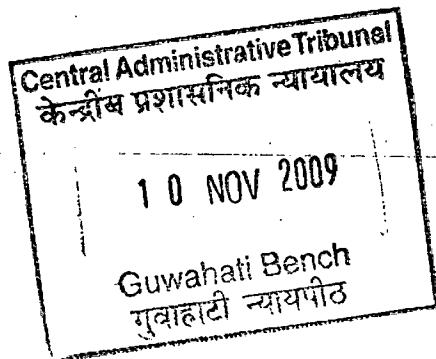
6. The receipt of the Memorandum may be acknowledged.

To,

Shri Jogesh Hajong, Assistant( Cashier), NEPA, Umsaw, Meghalaya.

**Attested**

*Hab.*  
Advocate



*Ram*  
(R R Verma, IPS)  
Director

23/11/09

-18-

10 NOV 2009  
Guwahati Bench  
गुवाहाटी न्यायालय

ANNEXURE-I

Statement of articles of charge framed against Shri Jogesh Hajong, Assistant (Cashier), NEPA

Article I

That the Said Shri Jogesh Hajong, while functioning as Assistant (Cashier) at NEPA found that on 22/6/2009 taken signature of DDO for encashment of Govt. Draft worth Rs. 8000/- (Rupees eight thousand) only, but put up draft for encashment for Rs. 2,64,000/- (Rupees two lakh sixty four thousand) only, showing utter carelessness & suspicious conduct.

Article II

Shri Jogesh Hajong, Assistant (Cashier), while functioning in the aforesaid office made a Medical Reimbursement Bills wrongly for 78,811/- (Rupees seventy eight thousand eight hundred eleven) only carelessly instead of Rs. 33,258/- (Rupees thirty three thousand two hundred fifty eight) only in respect of Shri Krishna Singh, Mali, NEPA.

Article III

Shri Jogesh Hajong, Assistant (Cashier), while functioning in the aforesaid office granted 15 days Earned Leave w.e.f. 4/5/2009 to 18/5/2009 but absented by over staying for another 22 days from 19/5/2009 to 9/6/2009 without sanction by the authority, inspite of refusal of the leave by the competent authority.

That the said Jogesh Hajong, Assistant, NEPA had therefore, acted in a manner unbecoming of a Government servant thereby rendering himself liable for disciplinary action for his violating the provisions of Rule 3(1) (i) (ii) & (iii) of CCS Conduct Rules

1964.

-19-

ANNEXURE II

Statement of articles of charge framed against Shri Jogesh Hajong, Assistant (Cashier), NEPA

Article I

That the Said Shri Jogesh Hajong, while functioning as Assistant (Cashier) at NEPA found that on 22/6/2009 taken signature of DDO for encashment of Govt. Draft worth Rs. 8000/- (Rupees eight thousand) only, but put up draft for encashment for Rs. 2,64,000/- (Rupees two lakh sixty four thousand) only, showing utter carelessness.

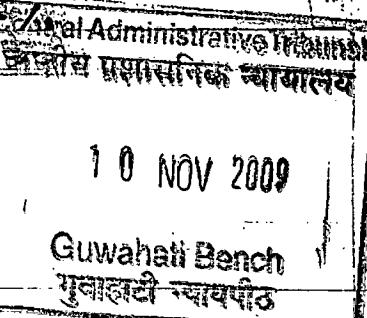
Article II

Shri Jogesh Hajong, Assistant (Cashier), while functioning in the aforesaid office made a Medical Reimbursement Bills wrongly for 78,811/- (Rupees seventy eight thousand eight hundred eleven) only carelessly instead of Rs. 33,258/- (Rupees thirty three thousand two hundred fifty eight) only in respect of Shri Krishna Singh, Mali, NEPA. Shri Hajong prepared the bill by adding an amount of Rs. 39,538/- excess and submitted the same to higher authority in support of IPD Bill dt. 9/8/09 and the IPD Bill dt. 9/8/09 was also put up for sanction of Rs. 33,258/-.

Article III

Shri Jogesh Hajong, Assistant (Cashier), while functioning in the aforesaid office granted 15 days Earned Leave w.e.f. 4/5/2009 to 18/5/2009 but absented by over staying for another 22 days from 19/5/2009 to 9/6/2009 without sanction by the authority, inspite of refusal of the leave by the competent authority. Shri Hajong applied for extension dt. 23/5/2009 was rejected in the interest of urgent official work and informed him by this office letter No. NEPA/PFC/80/80/2182 dt. 30/5/2009, even he did not join on duty and joined on 10/6/2009 after 22 days over staying.

That the said Jogesh Hajong, Assistant, NEPA had therefore, acted in a manner unbecoming of a Government servant thereby rendering himself liable for disciplinary action for his violating the provisions of Rule 3(1) (i) (ii) & (iii) of CCS Conduct Rules 1964.



-20-

#### ANNEXURE-I

Statement of articles of charge framed against Shri Jogesh Hajong, Assistant (Cashier), NEPA

##### Article I

That the Said Shri Jogesh Hajong, while functioning as Assistant (Cashier) at NEPA found that on 22/6/2009 taken signature of DDO for encashment of Govt. Draft worth Rs. 8000/- (Rupees eight thousand) only, but put up draft for encashment for Rs. 2,64,000/- (Rupees two lakh sixty four thousand) only, showing utter carelessness.

##### Article II

Shri Jogesh Hajong, Assistant (Cashier), while functioning in the aforesaid office made a Medical Reimbursement Bills wrongly for 78,811/- (Rupees seventy eight thousand eight hundred eleven) only carelessly instead of Rs. 33,258/- (Rupees thirty three thousand two hundred fifty eight) only in respect of Shri Krishna Singh, Mali, NEPA.

##### Article III

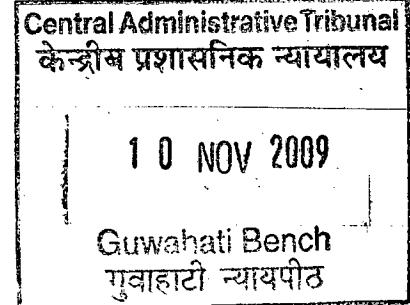
Shri Jogesh Hajong, Assistant (Cashier), while functioning in the aforesaid office granted 15 days Earned Leave w.e.f. 4/5/2009 to 18/5/2009 but absented by over staying for another 22 days from 19/5/2009 to 9/6/2009 without sanction by the authority, inspite of refusal of the leave by the competent authority.

That the said Jogesh Hajong, Assistant, NEPA had therefore, acted in a manner unbecoming of a Government servant thereby rendering himself liable for disciplinary action for his violating the provisions of Rule 3(1) (i) (ii) & (iii) of CCS Conduct Rules 1964.

Annexure -III

List of documents by which the articles of charge framed against Shri Jogesh Hajong, Assistant (Cashier), NEPA are proposed to be sustained.

1. Authority for encashment of Govt. Cheque/drafts etc. dt. 26/6/2009.
2. Form of application for claiming refund of medical expenses submitted by Shri Krishna Singh, Mali dt. 2/12/2009.
3. Reply of explanation dt. Nil submitted by Accountant mentioning the carelessness of Shri Hajong, Asstt. (Cashier), NEPA.
4. Office letter dt. 30/5/2009



Annexure-IV

List of witnesses by which the articles of charge framed against Shri Jogesh Hajong, Assistant (Cashier), NEPA are proposed to be sustained.

1. Shri P K Bhattacharya, Office Supdt. NEPA
2. Shri F B L Tron, Accountant, NEPA.

To,

-22-

ANNEXURE - 5

The Director,  
NEPA, Umium, Umsaw,  
Meghalaya- 793123.

Central Administration Dated 23.07.09

মেঝে সর্বোচ্চ প্রাদুর্ভাব ন্যায়পালিকা

10 NOV 2009

Guwahati Bench  
গুৱাহাটী ন্যায়পালিকা

Sub: - Written statement of defense.

Sir,

With due deference and profound submission I beg to lay the following with reference to the Memorandum of Charge under No. NEPA/PFO/32/82/Vol-II/3802 dated 23.07.09:-

1. That sir I deny the charges leveled against me. Sir, I have served the organization for 30 long years and at no point of time any lapse in discharge of my duties occurred till today.
2. That sir I never caused any pecuniary loss to the Government or to the department. The amounts mentioned in the charge sheet have not been paid yet. Therefore, without loss no misconduct transpires.
3. That sir I joined the duty on 10.06.09 in compliance of the Joint Director's order dated 30.05.09. Sir, I have sufficient numbers of leave (around 300 days) in the credit of my leave account. Therefore, the period could have easily been adjusted as leave of any nature and hence, I pray to adjust the said period as earned leave from the leave at credit in my account.

Therefore I pray before Your Honor to drop the charges against me and allow me to serve the organization.

Thanking you

Attested

  
Advocate.

Yours faithfully

Sri Jogesh Hajong  
Assistant (Cashier), (under suspension)  
North Eastern Police Academy, Umsaw,  
Umium, Meghalaya

-23-

ANNEXURE - 6

Guwahati Bench  
গুৱাহাটী ন্যায়পৌর

Government of India  
Ministry of Home Affairs  
North Eastern Police Academy  
Umsaw, 793 123, Umiam, Meghalaya

No. NEPA/PFC/80/80/

Dt. Umsaw, the Sept,09.

ORDER

WHEREAS an inquiry under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, is being held against Shri Jogesh Hajong, Assistant (Cashier) (U/S) NEPA.

AND WHEREAS the undersigned considers that an Inquiry Authority should be appointed to inquire into the charges framed against the said Shri Jogesh Hajong, Assistant (Cashier) (U/S), NEPA.

NOW, THEREFORE, the undersigned, in exercise of the powers conferred by sub-rule (2) of the said rule, hereby appoints Shri J K Dwivedi, Asstt. Director (Law), NEPA as the Inquiring Authority to inquire into the charges framed against the said Shri Jogesh Hajong, Assistant (Cashier) (U/S), NEPA.

Sd/-

( R R Verma, IPS )  
Director

Memo No. NEPA/PFC/80/80/Vol-II/ 5253-55 Dt. Umsaw, the 18 Sept,09.

Copy to :

1. Shri J K Dwivedi, Asstt. Director (Law), NEPA, Umsaw, Umiam, Meghalaya.
2. Shri Jogesh Hajong, Asstt. (Cashier) (U/S), NEPA, Umsaw, Meghalaya.
3. Office Order File.

( PRS Vijay Raj )  
Jt. Director



Attested

Hab  
address

Government of India  
Ministry of Home Affairs  
North Eastern Police Academy  
Umsaw, 793 123, Umiam, Meghalaya

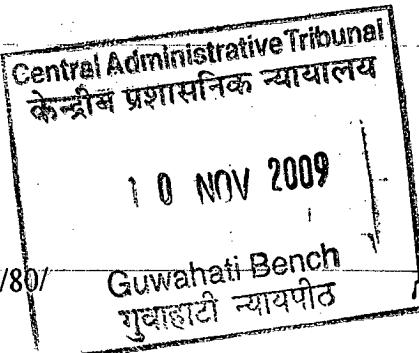
No. NEPA/PI(C)80/80/ 173-75

Dt. Umsaw, the 14 Oct,09.

ORDER

Whereas an order placing Shri Jogesh Hajong, Cashier (Assistant), NEPA under suspension was made vide this office order No. NEPA/PI(C)80/80/3020-24 dt. 22/6/2009.

Now, therefore, the undersigned orders that Shri Jogesh Hajong, Cashier (Assistant), NEPA shall draw subsistence allowance at the increased rate by another 50% of the initial sum w.e.f.22/9/2009 allowed vide order No. NEPA/PI(C)80/80/3312-14 dt. 30<sup>th</sup> June, 2009 under the provision of FR 53(1) subject to the condition laid down in order ibid.



No. NEPA/PI(C)80/80/

Dt. Umsaw, the 14 Oct,09.

Copy to :

1. Shri Jogesh Hajong, Cashier (Assistant), (U/S) NEPA for information.
2. The Accounts Section, NEPA.
3. Office Order File.

*Hajong*  
(R R Verma, IPS) 14/11/09  
Director



**Attested**

*Hajong*  
Advocate.

*Hajong*  
(R R Verma, IPS) 14/11/09  
Director

Government of India  
Ministry of Home Affairs  
North Eastern Police Academy  
Umsaw, 793 123, Umiam, Meghalaya

No. NEPA/PFC/80/80/ 6301 - 04

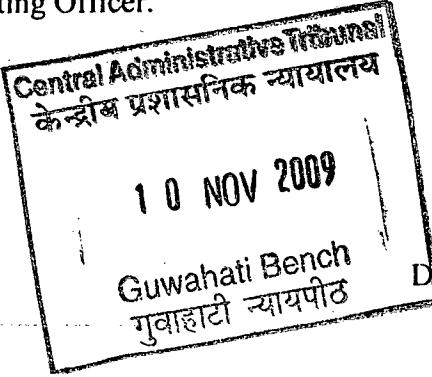
Dt. Umsaw, the 19 Oct, 09.

ORDER

Whereas an inquiry under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, is being held against Shri Jogesh Hajong, Cashier (Assistant), NEPA under suspension.

And whereas the undersigned considers that a Presenting Officer should be appointed to present on behalf of the undersigned the case in support of the articles of charge.

Now, therefore, the undersigned in exercise of the powers conferred by sub-rule (5) © of Rule 14 of the said rules, hereby appoints Shri Ramesh Chandra, In-Charge, Hindi Section as the Presenting Officer.



( R R Verma, IPS )  
Director

No. NEPA/PFC/80/80/

Dt. Umsaw, the 19 Oct, 09.

Copy to :

1. Shri Ramesh Chandra, I/C Hindi Section, NEPA, Umsaw, Meghalaya.
2. Shri J K Dwivedi, Asstt. Director (Law), NEPA, Umsaw, Meghalaya.
3. Shri Jogesh Hajong, Assistant (Cashier), Under Suspension, NEPA, Umsaw, Meghalaya.
4. Office Order File.

( R R Verma, IPS )  
Director



Attested  
H. Das  
Advocate.

GOVERNMENT OF INDIA  
Ministry Of Home Affairs  
NORTH EASTERN POLICE ACADEMY  
UMSAW, UMIAM, 793 123.  
MEGHALAYA.

Date: 22/10/09.

No. NEPA/INQ/GS/2009/ 6366-68

NOTICE

✓ Shri Jogesh Hajong, Assistant (Cashier) u/s.  
North Eastern Police Academy,  
Meghalaya.

Sub: Departmental Enquiry under Rule 14 of CCS(CCA) Rule, 1965, against Shri Jogesh Hajong.

Vide Order No. NEPA/(C)/80/80/Vol-II/5253-55 dated 18-09-09, copy of which is enclosed to you also. The Director, North Eastern Police Academy, has appointed me as Inquiry Authority to inquire into the charges framed against you vide Memo No. NEPA/PF(C)/32/82/Vol-II/3802 dated 23/07/09.

I shall hold preliminary hearing in this case on 26/10/09 at 1100 hrs at NEPA Office. You are therefore required to attend the proceeding either alone or accompanied by your Defense Assistant on the fixed date, time and place. Failing which, the proceeding shall be held ex-parte.

Instructions for getting your Defense Assistant will be issued if his particulars and willingness to work as such along with the particulars of his controlling authority are received by me in time.

While nominating a Govt. Servant as Defense Assistant the instruction on the subject should be kept in view.

  
J.K. Dwivedi

Asstt. Director (Law).

Enquiry Officer.

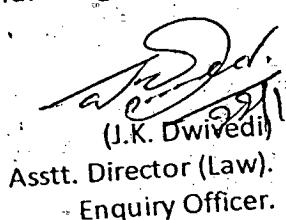
Date: 22/10/09.

No. NEPA/INQ/GS/2009/ 6366-68

Copy to :-

1. Sh. Ramesh Chandra (Presenting Officer). He is requested to attend the preliminary hearing along with all listed documents & copies of statement of listed witness, if any, recorded earlier.

2. Sh. P.K. Bhattacharya, O.S., NEPA. He is requested to detail one Typist to type out all the proceedings on the date & time fixed for further giving to P.O. & C.O.

  
J.K. Dwivedi  
Asstt. Director (Law).  
Enquiry Officer.



Attested

  
Advocate.

(TO BE PUBLISHED IN PART-II, SECTION 3, SUB-SECTION (I)  
OF THE GAZETTE OF INDIA)

Government of India  
Ministry of Personnel, Public Grievances and Pensions  
(Department of Personnel and Training)

New Delhi, Dated the 23<sup>rd</sup> December, 2003

### Notification

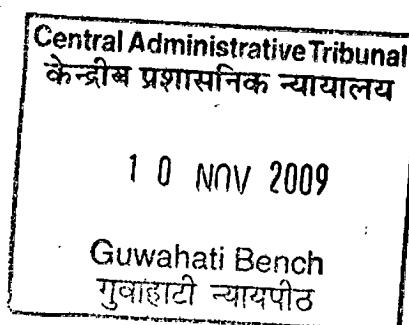
G.S.R..... In exercise of the powers conferred by the proviso to Article 309 and clause (5) of Article 148 of the Constitution and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Classification, Control and Appeal) Rules, 1965, namely:-

1. (1) These rules may be called the Central Civil Services (Classification, Control and Appeal) Amendment Rules, 2003.  
(2) They shall come into force on the expiry of ninety days from the date of their publication in the Official Gazette.
2. In the Central Civil Services (Classification, Control and Appeal Rules, 1965, in rule 10, after sub-rule 5, the following sub-rules shall be inserted, namely:  
“(6) An order of suspension made or deemed to have been made under this rule shall be reviewed by the authority competent to modify or revoke the suspension, before expiry of ninety days from the date of order of suspension, on the recommendation of the Review Committee constituted for the purpose and pass order either extending or revoking the suspension. Subsequent reviews shall be made before expiry of the extended period of suspension. Extension of suspension shall not be for a period exceeding one hundred and eighty days at a time.  
(7) Notwithstanding anything contained in sub – rule 5, an order of suspension made or deemed to have been made under sub – rules (1) or (2) of this rule shall not be valid after a period ninety days unless it is extended after review, for a further period before the expiry of ninety days”.

Attested

*H.M.*

Advocato.



Sd/-  
( Smt. Pratibha Mohan)  
Director  
(F.No. 11012/4/2003-Estt. (A))

No. 11012/4/2003-Estt. (A)  
Government of India  
Ministry of Personnel, P.G. & Pensions  
(Department of Personnel & Training)

New Delhi, dated the 7<sup>th</sup> January, 2004.

**OFFICE MEMORANDUM**

Sub: Suspension of Government Servants — Review of — Instruction reg.

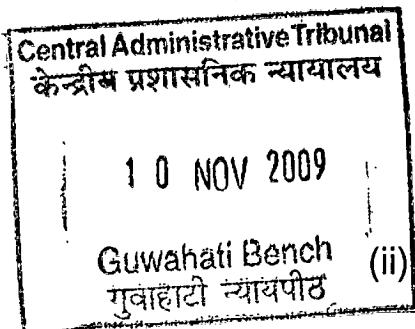
The undersigned is directed to say that Rule 10 (Suspension) of the CCS (CCA) Rules, 1965 is being amended to provide that an order of suspension made or deemed to have been made under this Rule shall be reviewed by the competent authority on recommendation of the Review Committee constituted for the purpose. It is also being provided in the Rules that an order of suspension made or deemed to have been under Sub Rules (1) or (2) of rule 10 shall not be valid after 90 days unless it is extended after review for a further period before the expiry of 90 days. It is further being provided that extension of suspension shall not be for a period exceeding 180 days at a time. (Copy of the Notification is enclosed).

It is, therefore, necessary to constitute Review Committee(s) to review the suspension cases. The composition of Review Committee(s) may be as follows:-

(i) The disciplinary authority, the appellate authority and another officer of the level of disciplinary/appellate authority from the same office or from another Central Government office ( in case another officer of same level is not available in the same office ), in a case where the President is not the disciplinary authority or the appellate authority.

(ii) The disciplinary authority and two officers of the level of Secretary/Additional Secretary/Joint Secretary who are equivalent or higher in rank than the disciplinary authority from the same office or from another Central Government office ( in case another officer of same level is not available in the same office ), in a case where the appellate authority is the President.

(iii) Three officers of the level of Secretary/Addl. Secretary/Joint Secretary who are higher in rank than the suspended official from the same Department/Office or from another Central Government Department/Office ( in case another officer of same level is not available in the same office ), in a case where the disciplinary authority is the President.



The administrative ministry/department/office concerned may constitute the review committees as indicated above on a permanent basis or ad-hoc basis.

3. The Review Committee(s) may take a view regarding revocation/ continuation of the suspension keeping in view the facts and circumstances of the case and also taking into account that unduly long suspension, while putting the employee concerned to undue hardship, involve payment of subsistence allowance without the employee performing any useful service to the Government. Without prejudice to the foregoing, if the officer has been under suspension for one year without any charges being filed in a court of law or no charge-memo has been issued in a prejudice to the case against him. However, in case the officer is in police/judicial custody or is accused of a serious crime or a matter involving national security, the Review Committee may recommended the continuation of the suspension of the official concerned.

4. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these instructions are issued in consultation with the Comptroller and Auditor General of India,

5. All Ministries/Departments are requested to bring the above instructions to the notice of all disciplinary authorities under their control and ensure that necessary Review Committees are constituted accordingly. It may also be impressed upon all concerned that lapsing of any suspension order on account of failure to review the same will be viewed seriously.

Sd/-  
( Smt. Pratibha Mohan)  
Director (E-II)

To

1. All Ministries/ Departments of the Government of India

Copy to:

1. Comptroller and Auditor General of India, New Delhi.

2. Union Public Service Commission, New Delhi.

3. Central Vigilance Commission, New Dehi.

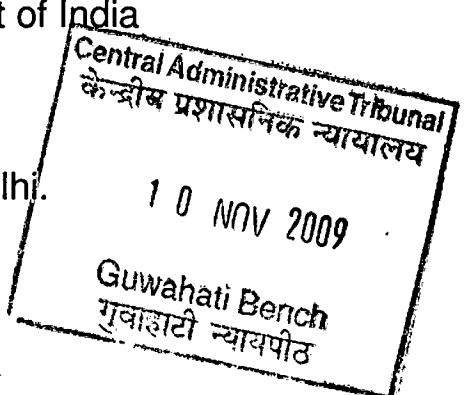
4. Central Bureau of Investigation, New Delhi

5. All Union Territory Administrations.

6. Lok Sabha/ Rajya Sabha Secretariat.

7. All Attached and Subordinate Offices of the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.

8. All Officers and Sections of the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.



*Amrita*

*H. Mohan*  
Advocate

Sd/-  
( Smt. Pratibha Mohan)  
Director (E-II)