

8

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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R.D.
08.07.2015
SECTION OFFICER (JUDL.)

8.7.2015

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH;

1. Original Application No. 1/09
2. Misc Petition No. /
3. Contempt Petition No. /
4. Review Application No. /

Applicant(S) Tapan Sutradhar VS- Union Of India & Ors

Advocate for the Applicant(S) H. K. Das

Advocate for the Respondent(S) Addl. C.G.S.C. Ms. M. Das

Notes of the Registry	Date	Orders of the Tribunal
This application is in form is filed/C. F. for Rs. 50/- deposited vide IPO/PD No. 396/377034 Dated 7.1.09	12.01.2009	Heard Mr H.K. Das, learned Counsel appearing for the Applicant, and Mrs M. Das, learned Standing Counsel for the Union of India (to whom a copy of this O.A. has already been supplied) and perused the materials placed on record.
Dy. Registrar 9/1/09		Admit. Issue notice to the Respondents requiring them to file their written statement/objection, if any, by 24.02.2009.
Steps taken with envelop. Copy served. Neither served the copy nor given undertaking.		The Respondents are to cause production of the records of the disciplinary proceedings and of the appellate proceedings at the time of hearing.
Pl. issue notices to the respondents to file their written statement/objection by 24.02.09. Pl. send copies of this order to Respondents & to N.K.M. 25/1/09		Call this matter on 24.02.2009. Send Copies of this Order to Respondents along with notices.
Copies of Notice order dtd. 12.01.09 along with M.P.O/09 sent to Disciplinary Board issuing P.O.P. by Regd Adm D/No. 232 to 235 dt 29-1-09	nkm	(M.R. Mohanty) Vice-Chairman

24.02.2009 Mr. H.K. Das, learned Counsel appearing for the Applicant, is present. Mrs M. Das, learned Addl. Standing Counsel for the Union of India, prays for more time to file written statement.

① Service report awaited.

3
20.2.09

Call this matter on 03.04.2009 awaiting written statement from the Respondents.

Y
(M.R. Mohanty)
Vice-Chairman

W/S not filed.

nm

3
24.2.09

03.04.2009

No written statement has yet been filed by the Respondents in this case.

Call this matter on 15.05.2009 awaiting written statement from the Respondents.

Send copy of this order to the Respondents in the address given in the O.A.

Y
(M.R. Mohanty)
Vice-Chairman

DL No - 1719-1722 pg

DL = 13-4-2009

Cab
8/4/09

15.05.2009 Mr H.K. Das, learned counsel for the Applicant is present. Mrs M. Das, learned Addl. Standing counsel for the Respondents prays for time to file written statement.

Call this matter on 17.06.2009 awaiting written statement from the Respondents.

W/S not filed.

3
14.5.09.

pg

NO : NJS 460
by 16.5.09.
16.5.09.

Y
(M.R. Mohanty)
Vice-Chairman

3

O.A. No. 1 of 2009

17.06.2009 Mr.H.K.Das, learned counsel appearing for the Applicant is present. On behalf of the Respondents more time is prayed to file written statement.

No W/S filed.

22.7.09

Accordingly, call this matter on 23.07.2009 awaiting written statement from the Respondents.

Y
(M.R.Mohanty)
Vice-Chairman

/bb/

No N/S filed.

21.8.09

23.07.2009 Mr.H.K.Das, learned counsel for the Applicant is present. No written statement has yet been filed by the Respondents.

Call this matter on 24.8.2009 awaiting written statement from the Respondents.

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

Y
(M.R.Mohanty)
Vice-Chairman

24.08.2009 No written statement has yet been filed by the Respondents in this case. On the prayer of Mr. K.K.Biswas, learned counsel representing the Railways, call this matter on 09.9.2009 awaiting written statement from the Respondents.

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

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

Y
(M.R.Mohanty)
Vice-Chairman

lm

O.A. 1109

24.08.2009

1A-Das

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

26/8/09

Copies of order dated 24/8/09 send to D/Secy. for issuing to applicant and the respondents by post.

11/9/09 D/Secy. 29.09

lm

21.10.2009

20.10.09
T/S filed by the
Respondents through
Ms. H. Das & C.S.C.
Copy serv'd.
20/10/09

(M.K. Chaturvedi)
Member(A)

(M.R. Mohanty)
Vice-Chairman

Reply has been filed only on 20.10.2009. Mr.H.K.Das, learned counsel for the Applicant seeks and allowed four weeks time to file reply.

List on 02.12.2009.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

No rejoinder filed. /bb/

21/12/09

02.12.2009

Three weeks time is granted to file rejoinder.

List the matter on 24.12.2009.

(Madan Kr. Chaturvedi) (Mukesh Kumar Gupta)
Member (A) Member (J)

No rejoinder filed.
23.12.09

lm/

O.A.1 of 2009

29/12/09

Rejoinder filed
by the Applicant -
Copy served -

29/12/09

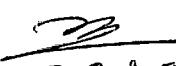
24.12.2009 Learned counsel for the Applicant submitted that rejoinder is ready. He will file the same during the course of the day.

List the matter on 1st February 2010 for hearing.


(Madan Kumar Chaturvedi)
Member (A)

The case is ready
for hearing.

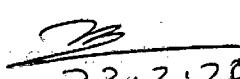
lm


29.1.2010

01.02.2010 On the request of Mrs.M.Das, learned Sr.C.G.S.C. adjourned to 24.02.2010.


(Madan Kumar Chaturvedi) 
Member (A) Member (J)

/bb/


23.2.2010

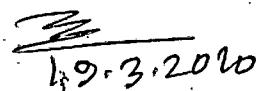
24.02.2010 On the request of parties adjourn to 5.3.2010.


(Madan Kr. Chaturvedi)
Member (A)


(Mukesh Kr. Gupta)
Member (J)

/pg/

The case is ready
for hearing.


4.3.2010

05.03.2010 Mr A.Ahmed, learned counsel for the applicant states that he is no longer the counsel of the applicant in the present case. In the circumstances adjourned to 22.3.2010.


(Madan Kr. Chaturvedi)
Member (A)


(Mukesh Kr. Gupta)
Member (J)

/pg/

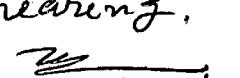
22.03.2010

List the matter on 22nd April 2010.


(Madan Kumar Chaturvedi)
Member (A)

The case is ready
for hearing.

/pb/

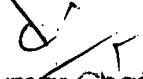

21.4.2010

6
O.A.No.01/2009

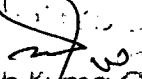
22.04.2010

On the request of learned counsel for the parties adjourned to 27.04.2010.

The case is ready for hearing.

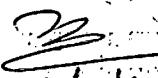

(Madan Kumar Chaturvedi)

Member (A)


(Mukesh Kumar Gupta)

Member (J)

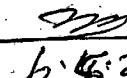
hkm


26.4.2010

27.4.2010

On the request of Mrs. M. Das, learned Sr. Standing counsel for Respondents, case is adjourned to 07.5.2010.

The case is ready for hearing.


6.5.2010

lm


(Madan Kumar Chaturvedi)

Member (A)


(Mukesh Kumar Gupta)

Member (J)

07.05.2010

Learned proxy counsel for Respondents prays time which is not objected by learned counsel for Applicant.

Case is adjourned to 26.5.2010.


25.5.2010

26.5.2010

The case is ready for hearing.


8.6.2010

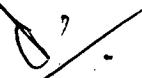

(Madan Kumar Chaturvedi)

Member (A)


(Mukesh Kumar Gupta)

Member (J)

Mr. H.K. Das, learned counsel for Applicant has made a ^{written} request for adjourning the case namely, O.A.No. 1/2009. Mrs. M. Das, learned Sr. Standing Counsel for Respondents also prays for adjournment. In the circumstances, list the matter on 9th June 2010.


(Madan Kumar Chaturvedi)

Member (A)


(Mukesh Kumar Gupta)

Member (J)

/Lm/

F
O.A. No. 1 of 2009

Final Order/Judgment

Cl. 14, 6-2010 6.A. No 01/09
09.06.2010

MP. 02/10 has been
designated to send to
District for issuing to
all Respondent by Post
one copy handed over
to Lt. Counsel for the
both Party.

M. No 1480 to 1483

at 13-7-2010

Received by

Received copy for

Mrs. M. Das, S.C.G.S.C

Deka

8.7.10

/pg/

14.06.2010

Heard Mr H.K.Das, learned counsel for
the applicant and Mrs M.Das, learned Sr.
C.G.S.C for the respondents. Hearing
concluded. Order reserved.

D
(Madan Kr. Chaturvedi)
Member (A)

J
(Mukesh Kr. Gupta)
Member (J)

Judgment pronounced in open Court. Kept
in separate sheets. Application is dismissed. No
costs.

D
(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)
Member (A) Member (J)

bb

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.01 of 2009

&

Misc. Application No. 02 of 2010

Date of Decision: This, the 14th day of June, 2010.

HON'BLE SHRI MUKESH KUMAR GUPTA, JUDICIAL MEMBER

HON'BLE SHRI MADAN KUMAR CHATURVEDI, ADMINISTRATIVE MEMBER

Sri Tapan Sutradhar
Lower Division Clerk,
Subsidiary Intelligence Bureau (SIB)
Ministry of Home Affairs,
Government of India, Beltola
Guwahati-22.

...Applicant

By Advocate: Mr.H.K.Das

-Versus-

1. Union of India,
Represented by the Secretary to the
Government of India, Ministry of Home Affairs,
North Block, New Delhi-110003
2. The Director,
Intelligence Bureau,
Ministry of Home Affairs, 35 SP Marg,
New Delhi-110003.
3. The Joint Director
Subsidiary Intelligence Bureau
Ministry of Home Affairs
Government of India
Itanagar, Arunachal Pradesh
PIN-791111.
4. The Assistant Director (E)
Subsidiary Intelligence Bureau
Ministry of Home Affairs
Government of India, Itanagar
Arunachal Pradesh
PIN-791111. ... Respondents

By Advocate: Mrs.M.Das, Sr. C.G.S.C.

ORDER

MUKESH KUMAR GUPTA, MEMBER (J):

M.A.No.02/2009 has been filed seeking condonation of delay.

Reply has been filed. As the issue raised in the present O.A. relates to penalty imposed in disciplinary proceedings, we are of the view that interest of justice demand that the same be decided on merits and be not rejected on mere technicality. Hence delay is condoned. M.A. is allowed.

2. Tapan Sutradhar, LDC, Subsidiary Intelligence Bureau (SIB in short) in this O.A. under Section 19 of the Administrative Tribunals Act, 1985, challenges memorandum dated 27.01.2006, vide which penalty of reduction of pay by three stages from Rs.3975/- to Rs.3725/- in the time scale of pay of Rs.3050-4590/- for a period of three years (Annexure-16) had been inflicted, as reduced by appellate authority order dated 16.06.2006 (Annexure-18) to "two stages" for a period of "two years". He seeks all consequential benefits including costs.

3. Admitted facts are that memorandum dated 30.03.2005(Annexure-5) under Rule 14 of CCS (CCA) Rules, 1965 had been issued containing two article of charges, namely (i) he was found in the habit of keeping the papers for months together and adopting dilatory tactics in prompt disposal of Govt. work and (ii) Even though he proceeded on 5 days casual leave w.e.f. 13.12.2004 to 17.01.2004, he reported for duty only on 27.12.2004 and despite repeated verbal directions and written instruction vide Memo dated 17.02.2005, he did not submit his joining report and formal application for leave. As the charges

were denied on 27.04.2005, an oral enquiry was held. He participated in the inquiry. Ultimately, the enquiry officer vide report dated 27.12.2005, concluded that both the charges stood proved and the disciplinary authority having agreed with said findings forwarded the enquiry report to him vide memorandum dated 28.12.2005 (Annexure-18) for making representation, if any, and he indeed submitted representation dated 05.01.2006 (Annexure-15) stating that the charges leveled against him were false and issued with a view to harass him. Ultimately, the Assistant Director/E, SIB, Itanagar, being the disciplinary authority, imposed afore noted penalty besides directing that he will not earn increment during the period of reduction and that on expiry of said period, reduction will have the effect of postponing his future increment. Period of suspension w.e.f. 14.02.2005 to 26.04.2005 will be treated as 'dies non'. It further averred that as applicant has already been awarded another penalty minor penalty vide order dated 14.09.2005, both the penalties would not run concurrently and said major penalty would come into effect after expiry of period of minor penalty. Statutory appeal preferred was disposed of vide order dated 16.06.2006 and taking a lenient view such penalty of reduction had been reduced by two stages for a period of two years instead of three stages for a period of three years, as inflicted by the disciplinary authority period of suspension was also directed to be treated as leave of the kind due and admissible, instead of 'dies non'.

4. Learned counsel appearing for the applicant Mr.H.K.Das raised the following contentions:-

(i) Allegation made vide charge no.I is not a misconduct. Similarly, with regard to charge no.II, it was stated that totally false allegation has been made against him. He had submitted his joining report on 27.12.2004 besides requesting the concerned authorities that 12 days of leave availed by him from 13.12.2004 to 24.12.2004 may kindly be sanctioned as earned leave. Reliance was placed on Annexure-8, a communication addressed to Section Officer/A, SIB, Itanagar, to buttress the aforesaid contention.

(ii) Applicant has been harassed and had a heavy workload, which factum was brought to the notice of concerned authorities on 10.01.2005, highlighting that he had been doing various duties, as described therein. It was also requested that workload may kindly be minimized. Vide order dated 24.1.2005, the work load has been distributed amongst the staff of Accounts Branch, but applicable w.e.f. 01.02.2005. This in itself would indicate that earlier he was over burdened, which aspect had been accepted by the concerned authorities.

(iii) In response to charge memorandum, vide representation dated 27.04.2005, he clarified that he was dealing not only with the bills of ALC, PPSS and Misc., but also works pertaining to bills of Long Term Advance, O.A.E. - which includes canteen staff pay bill, minor work, major work, wages – which includes covering contingency staff pay and related bills, rent rate and taxes, motor vehicle, grant in aid, AC bill and DC bill etc. He had discharged his duties to the best of the abilities. Many documents, where were listed under article-I, in

fact, had not been received by him, but were received by others, namely N.Murali, C.Chetry and P.Dey. With regard to article-II, it was pointed out that due to heavy workload, he could not reply to memorandum dated 17.01.2005 till 13.02.2005. He had already submitted his joining report along with formal leave application on 27.12.2004. As such there was no justification or necessity to submit the same once again.

(iv) Enquiry officer while establishing the charge against him, had relied upon the statement of Section Officer/E. No opportunity of cross-examination of said official had been afforded, which amounts to negation and violation of principles of natural justice. Neither Murali – the complainant, which led to initiation of charge was listed as witness nor Mr.Viplav, Section Officer/I, who had made a totally false statement. When said enquiry report was made available to him, he made representation dated 05.01.2006 highlighting that Section Officer/I had harassed him falsely and without any justification merely because he belongs to SC community. Works had not been distributed equally or in accordance with rules. As such, it was prayed that the case may be finalized imposing no penalty.

Placing strong reliance on **1979(2) SCC 286, Union of India & Others v. J.Ahmed** it was contended that there may be negligence in performance of duty and a lapse in performance of duty or error of judgment in evaluating the developing situation may be negligence in discharge of duty but it ipso facto would not constitute misconduct unless the consequences directly attributable to negligence would be such as to be irreparable or the

resultant damage would be so heavy that the degree of culpability would be very high.

In the above backdrop, learned counsel prayed that applicant is entitled to relief, as prayed for.

5. Contesting the claim and by filing reply, it was stated that applicant was a senior LDC and posted in Accounts Branch. Initially he had applied for 5 days casual leave from 13.12.2004 to 17.12.2004, he was due to join duties on 20.12.2004 (with suffixing 18 & 19.12.2004), but he extended his leave by sending a message stating that he was unable to join due to some domestic work. Later he physically reported for duty on 27.12.2004. He was asked to submit his joining report and to apply for earned leave for the whole period w.e.f. 13.12.2004 to 26.12.2004. Despite sever reminders, he did not submit joining report along with formal leave application. Vide memorandum dated 17.01.2005, he was again advised to submit joining report along with formal leave application, but he disobeyed said direction and lawful order of competent authority. Thus, he was placed under suspension vide order dated 14.02.2005, and later charge memorandum had been issued on 30.03.2005. On representation made, suspension order was revoked and he was reinstated in service vide order dated 26.04.2005. As no witness was listed and the entire allegation was based on documentary evidence, after affording opportunity of hearing to the applicant, the enquiry office submitted his findings. The disciplinary authority after going through all the relevant records, submissions made by the applicant as well as enquiry report and also representation dated 06.01.2006 found that applicant used intemperate language against his

superior officers and concluded that the charges leveled against him stood proved and consequently punishment in question was inflicted. Though the findings recorded by the enquiry officer as well as disciplinary authority holding him guilty of the charges were confirmed by the appellate authority, but taking a lenient view, penalty imposed had been modified. Vide reply para 4.8, it was specifically stated that vide memorandum dated 17.01.2005, applicant was advised to submit joining report immediately along with formal leave application to the Section Officer/A, SIB, Itanagar, but said direction had been flouted. The so-called application dated 27.12.2004 "**in fact was not submitted before the authority**". It was further stated that said communication placed on record did not bear either any signature or acknowledgement of the concerned officer. When the papers are received by the Accounts section, first entry is made in the branch diary register and thereafter same are distributed to all dealing hands according to allotted subjects. There is no record about his joining report and leave application in the office register.

6. Thus, Mrs.M.Das, learned counsel for the respondents vehemently contended that applicant is making false, baseless and misleading statement that he had submitted joining report and formal leave application. Our attention was also drawn to representation dated 06.01.2006 preferred against the findings recorded by the enquiry officer to suggest that plea raised by the applicant regarding no opportunity afforded to him to cross-examine Section Officer/E as well as other persons is afterthought as no such plea had been taken therein. Learned counsel also emphasized that appellate authority had taken a lenient view of the

matter and modified the penalty. Thus, there is no scope for any judicial interference.

7. During the course of hearing, before the enquiry officer, applicant did not submit any list of witness, whom he required to examine nor made any prayer to cross-examine any witness. Since Mr.Viplav, Section Officer /A was not examined during the hearing, question of cross-examining him did not arise. Reliance was placed on **2009 (4) SCC 225, Praveen Bhatia v. Union of India & Ors.**, and **2005(8) SCC 351 M.M.Malhotra v. Union of India & Ors.** to contend that the power of Court/Tribunal to interfere with the quantum of punishment is extremely restricted and only when the relevant factors have not been considered the Court can direct reconsideration or in an appropriate case to shorten litigation, indicate the punishment to be awarded; and that can only be in very rare case.

Ultimately, it was prayed that applicant does not deserve any further sympathy from this Tribunal.

8. We have heard learned counsel for the parties, perused the pleadings and other materials placed on record very carefully. We will first deal with the gravamen of the charge as far as article-II is concerned. In order to appreciate this aspect, it would be expedient to notice, the contents of said article, which read thus:-

"ARTICLE-II

That the said Shri E Sutradhar, LDC while working in Accounts Branch proceeded on 5 days C.L. w.e.f. 13 to 17 Dec., 2004. However, he reported for duty on 27.12.2004. Despite repeated verbal directions and written instruction given vide Memo

No.17/Accts//Misce/2001-02 (9) dated 17.02.05 he did not submit his joining report and formal application for leave.

Thus, he disobeyed the lawful order of the Competent Authority and tried to play fraud with the Govt. He exhibited conduct violative of Rule-3 of the CCS (Conduct) Rules, 1964."

(emphasis supplied)

Vide statement of imputation, it was observed that:-

"ARTICLE-II

That the said Shri Sutradhar while working in Accts. Branch applied for 5 days C.L. w.e.f. 13.12.04 to 17.12.04 (prefixing 11-12/12/04 and suffixing 18-19/12/04 being Sats./Sundays) and permission to leave station for Guwahati on the grounds of very urgent domestic work vide application dated 9.12.2004. He was allowed to proceed on said C.L. by the competent authority. He was to report for duty on 20.12.04. However, he did not report for duty on 20.12.2004 and sent a msg. that he was unable to attend the duty/office due to urgent domestic works.

He reported for duty on 27.12.04. He was asked to apply for EL and submit formal joining report and application of leave. Despite several reminders, he did not do so. Therefore vide Memo No.17/Accts/Misce/2001-02(9)-275 dt.17.01.05 he was directed to do the same. However, he again disobeyed the order of the competent authority.

Thus, he tried to evade submitting joining report and application for leave with a view to manipulating his leave. He disobeyed the lawful order of the competent authority and tried to play fraud with the government. He exhibited conduct violative of Rule 3 of the CCS (Conduct) Rules, 1964."

(emphasis supplied)

At the outset, we may note that applicant vide representation dated 27.04.2005, offered the following explanations:-

"ANNEXURE-II, ARTICLE-11

That Sir, I have already explained the reply in Annexure-1 Article-11, but here I received the said memo. Of dt. 17.01.05 but due to heavy work load I could not be replied the said memo, till 13.02.05, but here the authority thought that I tried to evade submitting joining report and application for leave with a view to manipulating my leave, but here, there is no question of evasion/manipulation of leave from me since, I have already submitted my joining report along with formal leave application on 27.12.04 i.e. on the day of my joining."

(emphasis supplied)

9. The sole issue, which requires consideration with regard to article-II is whether he submitted joining report along with formal leave application on 27.12.2004, as well as attended memorandum dated 17.01.2005 or not. Bare perusal of above, would establish beyond doubt that applicant had not replied to memorandum dated 17.01.2005. Only explanation offered by him had been that: "due to heavy work load I could not" reply the said memo till 13.02.05.

On examination of Annexure-8, communication addressed to Section Officer/A SIB, Itanagar, which according to applicant, was the joining report submitted, we noticed that it did not bear any acknowledgement of the concerned officer/section. If the applicant had submitted his joining report besides formal leave application on 27.12.2004, we failed to understand as to why he did not reply to memorandum dated 17.01.2005 promptly in writing only one line that he had already submitted such joining report. Non-furnishing of reply to said memorandum in itself indicates that things were not as simple and crystal clear, as projected. Rather, there had been some gray area. The only explanation furnished by him was that he had submitted said joining report to Shri Viplav on

27.12.2004 by hand. Further allegation made had been that he had been harassed and implicated. If there is any truth on this aspect, why he did not implead him in present proceedings, and did not request the inquiry Officer to summon him for examination, remains a mystery. It appears that applicant has though projected that it as a case of malice, but failed to prove said aspect. We may note that Hon'ble Supreme Court in **E.P. Royappa v. State of Tamil Nadu, (1974) 4 SCC 3** held that:

"The burden of establishing mala fides is very heavy on the person who alleges it. The allegations of mala fides are often more easily made than proved, and the very seriousness of such allegations demands proof of a high order of credibility."

10. So far as allegation made vide article-I is concerned, allegation in specific had been that he was found to be in habit of keeping the papers pending for months together. It is not in dispute that he was posted in Accounts Branch in August, 2004. The details of bills for approval which alleged to have been kept pending were detailed vide statement of imputation and it was pointed out that he though received many papers during the period in question i.e., when he was posted in said branch, but made no sincere efforts to clear the pendency expeditiously. It is no doubt true that distribution of works amongst the staff of Accounts Branch had been notified w.e.f. 01.02.2005, but the fact remains that work allotted to the applicant prior to said date had not been attended promptly and sincerely. In his defence statement dated 27.04.2005, he had taken a plea that he was heavily overburdened and the work distribution was not equitable. While categorizing the documents under three heads namely, handed over to S/Shri Murali, C.Chetry and P.Dey, he pointed out that five

out of 15 documents were received by Sh.Murali, 4 out of 27 taken over by Sh. C.Chetry and out of 50 papers taken by Sh.P.Dey, "some papers" were kept pending. If the figure, as noticed, is taken into consideration, this in itself would imply that dispute was raised only in response to insignificant number of documents. In other words, it had not been clearly disputed that sizable number of documents received by him during the period in question had not been attended to and not placed before the concerned authorities for taking appropriate decision. Moreover, the scope of judicial review has been aptly summarized in **B.C.Chaturvedi v. Union of India & Others, reported in (1995) 6 SCC 749** wherein Hon'ble Supreme Court held that in a disciplinary enquiry, the strict proof of legal evidence and findings on that evidence are not relevant and adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before the Court/Tribunal. In **Kuldeep Singh v. Commissioner of Police, (1999) 2 SCC 10** Hon'ble Supreme Court held that courts would not interfere with the findings of facts recorded at the domestic enquiry but if the findings of 'guilt' is based on no evidence, it would be a perverse finding and would be amenable to judicial scrutiny.

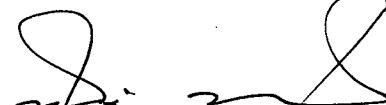
11. On examination of further aspect, namely, quantum of penalty, we may note that though the appellate authority, in principle, had approved the findings recorded by the enquiry officer, as accepted by the disciplinary authority, but took a lenient view in the matter and modified the penalty. Fact remains another minor penalty had been imposed vide order dated 14.09.2005, which in itself would indicate that applicant had surely some deficiencies to overcome. We may further note that it is not the

case of applicant that said minor penalty order dated 14.09.2005 has either been modified, interfered by the appellate authority or challenged before the judicial forum. We do not find any justification in the contention raised that judgment in J.Ahmed (supra) and Kuldip Singh (supra) are applicable in the facts and circumstances of present case. Similarly, it is not the case of no evidence, where very high standard of efficiency was ^{expected} accepted from the LDC. The standard of proof in the departmental enquiry is preponderance of probability and the provisions of Evidence Act are not applicable. In our considered view, there had been no violation of the principles of natural justice.

12. On examination of all aspects of the matter, we do not find any illegality in the disciplinary authority order dated 27.01.2006, as modified by appellate order dated 16.06.2006. Similarly, we also do not find any substance in the various contentions raised by the application for the reasons, discussed hereinabove.

13. In the result, finding no merits, O.A. is dismissed. No costs.


(MADAN KUMAR CHATURVEDI)
ADMINISTRATIVE MEMBER

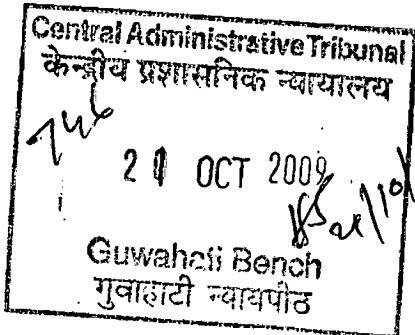

(MUKESH KUMAR GUPTA)
JUDICIAL MEMBER

/BB/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:

GUWAHATI BENCH

File in Court on.....21/10/09
Court Officer.



IN THE MATTER OF:

M.P. No. 2/09
In O.A. No. 1/09

Sri Tapan SutradharApplicant
-vs-
Union of India and othersRespondents

-AND-

IN THE MATTER OF:

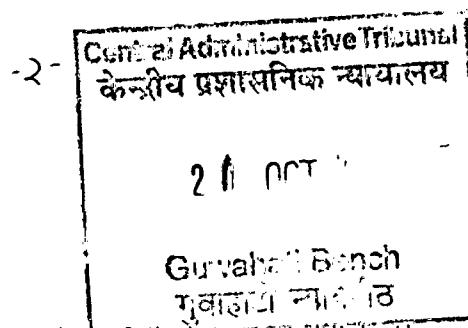
An objection to the Miscellaneous Application
filed by the applicant praying for condonation
of delay in filing the Original Application.

I, Sri SANTAY PRAKASH DUBEY, S/o.....SHRI.....R. M. DUBEY,
aged about 44 years, presently working as the ASSISTANT DIRECTOR(E)
S.I.B., M.H.A., Itanagar, Arunachal Pradesh, do hereby solemnly affirm and state as follows:-

*Received copy
H.S.
20.10.09.*

1. That I am the ASSISTANT DIRECTOR(E) S.I.B., M.H.A., Itanagar, Arunachal Pradesh. I have been impleaded as party respondent no I have gone through the Original Application and have understood the contents thereof. I am conversant with the facts and circumstances of the case. I have been authorized to file this written statement on behalf of all respondents.
2. That I do not admit any of the averments except which are specifically admitted hereinafter and the same are deemed as denied.
3. That the applicant in the present Miscellaneous Application has failed to explain the delay by taking meticulous case why the application could not be filed within the period of limitation and why the application is being filed taking so much time. The contents of the application on the face of it reflected the casual manner in which the application is prepared.
4. That the contents of the application do not indicate any bonafide reason sufficient enough to condone the delay.

File No: 1
The Respondents
F. No. 2
M.C. No. 2
S.C. No. 2
eAT 2010/09



5. That the applicant in fact has failed to establish the sufficient cause which is beyond this control for invoking the help of Section 5 of the Limitation Act, 1963.

6. As stated by the applicant he was in great financial hardship. In this respect the humble answering respondent begs to state that the poor financial condition or want of fund of the applicant would not constitute a sufficient cause within the meaning of Section 5 of the Limitation Act, 1963.

7. That the applicant negligently made enormous delay without explaining the sufficient cause for delay and on face it reflects the casual manner in which the application is being prepared. Hence, on sole ground also the applicant for condonation of delay is liable to be dismissed and consequently the O.A. is liable to be dismissed.

8. That the applicant in fact slept over the matter for about 540 days (One year and one hundred and seventy five days).

9. That with regard to the statements made in paragraphs 1 and 2 of the Miscellaneous Application, the humble answering respondent begs to state that the applicant Sri Tapan Sutradhar was found in the habit of keeping the papers pending with him. He even did not obey the order of the Section Officer, Accounts in respect of processing of bills and kept pending the bills with him without showing any reasons. He was not inclined to clear the bills as a result of which the payment to concerned parties (workshop owners) could not be made. Moreover, he also ignored the urgency of several messages for early clearance of bills and did not take prompt action to clear the said bills.

The applicant showed lack of devotion to duty and willfully adopted dilatory tactics in disposal of government work to the detriment of public interest. He reflected his conduct of violation of Rules 3 (1) and Rule 3-A of the CCS (Conduct) Rules, 1964 and acted in a manner unbecoming a government servant.

The applicant while working in Accounts branch, SIB Itanagar applied for five days' casual leave with effect from 13.12.04 to 17.12.04 prefixing 11-12/12/04 and suffixing 18-19/12/04 being Saturdays and Sundays and to leave station for Guwahati for urgent domestic work vide application dated 09.12.04. He was allowed to proceed on said Casual Leave and was to report for duty on 20.12.04. However, he did not report for duty on said date and sent a message for his inability to attend his duties.

21 PCT 2005

Gujahati Bench

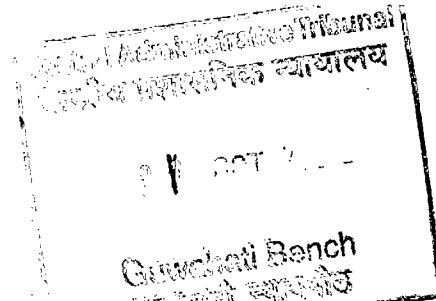
The applicant reported back for duty on 27.02.04. He was asked to apply for Earned Leave and to submit formal joining report and applicant for leave. But he, inspite of several reminders of the department, did not do so. The department again on 17.01.05 issued a letter to the applicant to submit the application for leave but the applicant again disobeyed the order of the department authority. The applicant in fact disobeyed the order of the department authority and at his whims does his duty that too without respecting the order of superiors.

Thereafter, the applicant was placed under suspension vide order dated 14.02.05. An enquiry was initiated against him. The applicant was charge sheeted by giving him the Article of charges vide memorandum dated 30.03.05. The suspension order was revoked vide order dated 26.04.05. The departmental enquiry was held. The applicant was also asked for appearing in the hearing into the enquiry. The Enquiry Report was prepared and the Enquiry Officer found that the charges against Sri Tapan Sutradhar (applicant) as proved. The disciplinary authority thereafter imposed the penalty under Rule 11 (5) of the CCS (CCA) Rules, 1965 vide order dated 27.01.06 by reducing the pay of the applicant by three stages from Rs. 3975/- to Rs. 3725/- in time scale of pay of Rs. 3050-75-3950-80-4590 for a period of three years. Further it was ordered that the applicant will not earn increment of pay during the period of reduction and that on expiry of this period the reduction will have the effect of postponing his increment of pay. Further directed that the period of his suspension with effect from 14.02.05 to 26.04.05 will be treated as 'dies non'.

The applicant has already been awarded minor penalty vide order dated 14.09.05. Hence it was ordered in order dated 27.01.06 that both the penalties will not run concurrently and the major penalty imposed vide order dated 27.01.06 will come into effect after expiry of the period of minor penalty.

10. That with regard to the statements made in paragraph 3 of the Miscellaneous Application, the humble answering respondent begs to state that the department authority has conducted the enquiry as per CCS (CCA) Rules, 1965.

11. That with regard to the statements made in paragraph 4 of the Miscellaneous Application, the humble answering respondent begs to state that the grounds taken for delay of 540 days in filing the case before this Hon'ble Tribunal are not sufficient grounds and not meticulously explained by the applicant. Further ignorance of law by a literate person and lack of awareness of urgency in filing the Original Application is not a sufficient cause for invoking the provision of Section 5 of the Limitation Act.



12. That a bare reading of the application, it can be understood that there is no such sufficient cause established which is beyond his control for invoking the help of the section.

13. That the instant Miscellaneous Application is not filed bonafide and without sufficient cause.

14. That in view of the above the application for condonation of delay is liable to be dismissed.

VERIFICATION

I, Sri SANJAY PRAKASH DUBEY, S/o. SHRI R. M. DUBEY
aged about 44 years, presently working as the ASSISTANT DIRECTOR (E)
SJB, MHA, Itanagar, Arunachal Pradesh, do hereby verify as follows:-

That the statements made in paragraphs 1-8, 11-13 are true to my knowledge and belief, those made in paragraphs 9, 10 being matters of record are true to my information derived therefrom and rests are my humble submission before the Hon'ble Tribunal. I have not suppressed any material fact before the Hon'ble Tribunal.

And I sign this verification on this 20th day of October, 2009 at
Guwahati.



SIGNATURE

Assistant Director (E)
Subsidiary Intelligence Bureau
(MHA) Govt. of India
Itanagar

NOTICE

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

9 JAN 2009

गुवाहाटी न्यायालय
Guwahati Bench

3X

From,
H.K. Das.
Advocate.

To,
Mr. C.B.S.C
Advocate

Sub:

Sir,

Please find enclosed herewith a
copy of this case being filed today. Kindly
acknowledge the receipt of this same.

Thanking you.

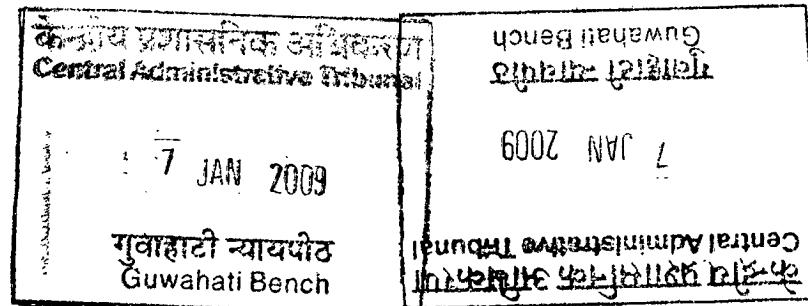
Received copy.

Guwahati Bench

9.1.09

Advocate

Sincerely yours,
Das



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

OA No. 1 of 2009

Tapan Sutradhar ..**APPLICANT**

- Vs -

Union of India & Ors. ..**RESPONDENTS**

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7 JAN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

39

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Filed by *[Signature]*

Advocate

7 JAN 2009

गुवाहाटी बायाँठ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI

OA No. 1 of 2009

Tapan Sutradhar

...APPLICANT

- Vs -

Union of India & Ors. ...RESPONDENTS

S Y N O P S I S

The applicant is presently working as LDC in the office of the Subsidiary Intelligence Bureau (SIB), Beltola, Guwahati. The applicant while was working as LDC in the SIB, Itanagar the applicant had to join the Accounts Branch of SIB, Itanagar on 6.9.2004 by virtue of an oral order. After few days of his joining the applicant could find that a huge numbers of works were pending before his joining in the Accounts Branch of SIB, Itanagar. The applicant did his best to finish the works. However, in the process he found himself in the midst of heavy work load which he informed the respondents by a communication dated 10.12.04 (Annexure- A/1).

The applicant surprised to receive an order dated 16.02.05 suspending him with immediate effect in contemplation of a departmental proceeding. The applicant by his representation dated 18.02.05 prayed for revocation of the order of suspension.

On 30.03.05 the Assistant Director/E, Disciplinary Authority, SIB, Itanagar issued a charge sheet vide Memorandum No. 33/E/2004(2)-356-2462 under Rule 14 of the CCS(CCA) Rules,1965 framing 2 (two) article of charges against the applicant. The first charge related to the habit of the applicant of keeping the papers pending. Whereas the second charge was related to non submission of the joining report and formal leave application for the leave availed by the applicant. The applicant submitted his written statement of defense dated 27.04.05 denying all the charges.

17 JAN 2009

गुवाहाटी न्यायालय
Guwahati Bench

On 28.12.2005 the inquiry officer submitted inquiry report to the disciplinary authority holding both the charges to be proved.

In the entire inquiry procedure there was gross violation of natural justice in each and every step. Inquiry Officer while holding Article I charge to be proved took into consideration the complaint made by Sri N.Murali, LDC, MT Branch and the order dated 17.02.05. The said Sri N. Murali was not made a witness in the proceeding, never part of the hearing and the applicant was denied with the opportunity to examine the said Sri N. Murli and on the other hand the order dated 17.02.05 was never included in the list of documents annexed to the charge sheet dated 30.03.05. The said document was never served upon the applicant.

On the other hand the inquiry officer while holding Article II charge to be proved solely placed reliance on the statements made by the Sri Viplab, Section officer/I, SIB, Itanagar, whom the applicant submitted his joining report and leave application by hand. Therefore, the said Sri Viplab, Section Officer/ I, Itanagar was never been a part of the enquiry proceeding and the applicant was denied with the opportunity to examine the said SO/I. Hence, entire enquiry proceeding was vitiated for miscarriage of justice and gross violation of natural justice.

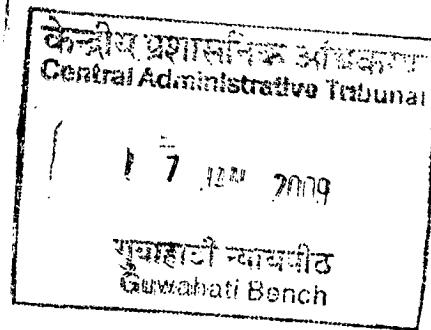
The disciplinary authority as well as the appellate authority placing reliance on the inquiry report imposed upon the applicant a major penalty vide order dated 27.01.06 and 16.06.06 respectively.

Being aggrieved by the orders dated 27.01.06 and 16.06.06 of the disciplinary as well as the appellate authority the applicant has come before this Hon'ble Court for quashing and setting aside the aforesaid two orders being based on perverse finding of the inquiry officer and gross violation of natural justice.

Hence the present original application.

Filed by

Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI

OA No. 1 of 2009

LIST OF DATES

10.12.04 Representation by the applicant to reassess and reduce the work allotted. **[Annexure- A/1] [Page- 16]**

27.12.04 Joining report submitted by the applicant. **[Annexure- 8] [Page- 35]**

14.02.05 Order of the Assistant director/E, Disciplinary Authority under memo no. 32/E/2004(2)-1471 suspending the applicant with immediate effect. **[Annexure- A/2] [Page- 19]**

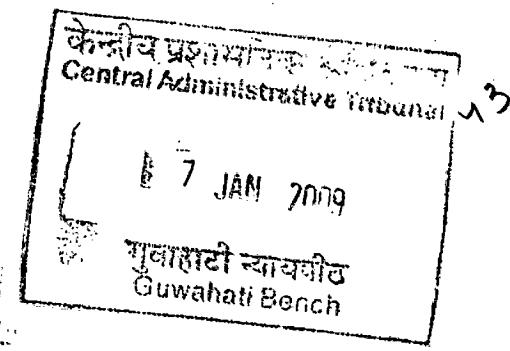
16.02.05 Order of the Assistant director/E, Disciplinary Authority granting the subsistence allowance equal to the leave salary. **[Annexure- A/3] [Page- 20]**

18.02.05 Representation submitted by the applicant for cancellation of the suspension order dated 14.02.05. **[Annexure- A/4] [Page- 21]**

30.03.05 Memorandum of charges. **[Annexure- A/5] [Page- 21]**

24.01.05 Order under memo no. 17/SO-MISC/ACCTTS/03-04 showing distribution of work among the staff of accounts branch. **[Annexure- A/9] [Page- 36]**

05.04.05 Representation submitted by the applicant to the disciplinary authority i.e. Assistant Director/E, SIB, Itanagar to furnish the relevant documents for preparation of his written statement of defense. **[Annexure- A/6] [Page- 31]**



24.04.05 Written statement of defense. **[Annexure- A/7] [Page-32]**

26.04.05 Order under memo no. 33/E/2004(2)-3089 revoking the suspension order.

05.05.05 Order under memo no. 33/E/2004(2)-3344 appointing Sri Raj Kamal Sitaram, SO/G, SIB, Itanagar as Inquiry Officer.

05.05.05 Order under memo no. 33/E/2004(2)-3345 appointing Sri Debashish Pal, UDC as Presenting Officer.

03.06.05 Order issued under memo no. I/SO(G)-INQUIRY/2004-481-4015 fixing the date of preliminary hearing as 14.06.05. **[Annexure- A/10] [Page-38]**

14.06.05 Proceedings of the preliminary hearing. **[Annexure- A/11] [Page-40]**

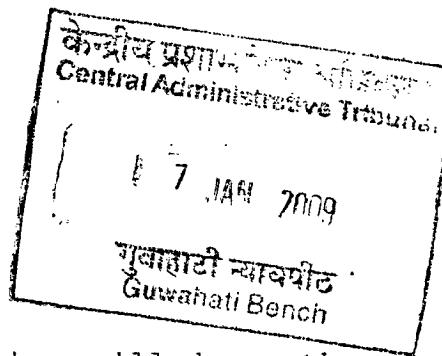
15.12.05 Communication by which the Inquiry Officer forwarded the written brief of the Presenting Officer dated 08.12.05 to the applicant. **[Annexure- A/12] [Page-41]**

23.12.05 Representation of the applicant against the brief submitted by the Presenting Officer. **[Annexure- A/13] [Page-44]**

28.12.05 Inquiry report dated 27.12.05 forwarded by the Disciplinary Authority. **[Annexure- A/14] [Page-45]**

05.01.06 Representation submitted by the applicant against the inquiry report. **[Annexure- A/15] [Page-47]**

27.01.06 Order of the disciplinary authority imposing a major penalty of reduction in pay by three stages from Rs. 3975/- to Rs. 3725/- in time scale of pay of Rs. 3050-75-3950-80-4590/- for a period of three years with further stipulation that the applicant will not earn increment during the period of reduction and on



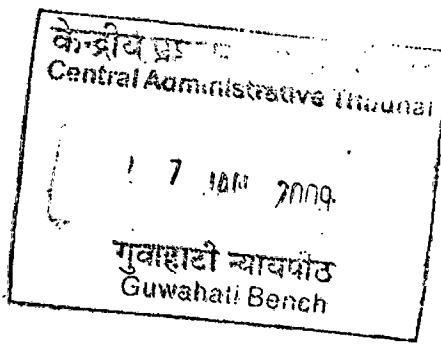
expiry of this period the reduction will have the effect of postponing his future increment of pay. It was also directed that the period of his suspension w.e.f. 14.02.05 to 26.04.05 will be treated as "DIES NON". **[Annexure- A/16] [Page-49]**

06.02.06 Representation submitted by the applicant to the *Appeal* appellate authority. **[Annexure- A/17] [Page-51]**

16.06.06 Order of the appellate authority imposing a penalty of reduction in pay by two stages from Rs. 3950/- to Rs. 3800/- in time scale of pay of Rs. 3050-75-3950-80-4590/- for a period of two years with further stipulation that the applicant will not earn increment during the period of reduction and on expiry of this period the reduction will have the effect of postponing his future increment of pay. It was also directed that the period of his suspension w.e.f. 14.02.05 to 26.04.05 will be treated as leave. **[Annexure- A/18] [Page-52]**.

Filed by

Advocate



Filed By:
The Applicant
Through
Advocate

His/Her
Advocate
Date
21.09

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

OA No. 1 of 2008

BETWEEN

Tapan Sutradhar,
Lower Division Clerk,
Subsidiary Intelligence Bureau (SIB),
Ministry of Home Affairs,
Government of India, Beltola,
Guwahati- 22.

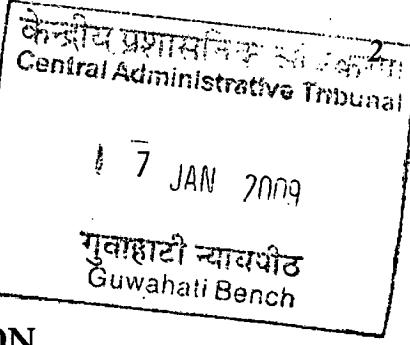
APPLICANT

-Versus-

1. Union of India,
represented by the Secretary to the
Government of India, Ministry of
Home Affairs, North Block, New
Delhi- 110003.
2. The Director,
Intelligence Bureau, Ministry of
Home Affairs, 35 SP Marg, New Delhi- 110003
3. The Joint Director,
Subsidiary Intelligence Bureau,
Ministry of Home Affairs, Government
of India, Itanagar, Arunachal
Pradesh. PIN- 791111
4. The Assistant Director (E),
Subsidiary Intelligence Bureau,
Ministry of Home Affairs, Government
of India, Itanagar, Arunachal
Pradesh. PIN- 791111.

RESPONDENTS

Tapan Sutradhar



DETAILS OF APPLICATION

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

The present application is made against the order no. 32/E/2004(2)-4175 dated 27.01.2006 issued by the Assistant Director/E, Subsidiary Intelligence Bureau, Itanagar and order no. 33/E/2004(2)-4175 dated 16.06.06 issued by the Joint Director, Subsidiary Intelligence Bureau, Itanagar. **(Annexure: A/16 and A/18)**.

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:

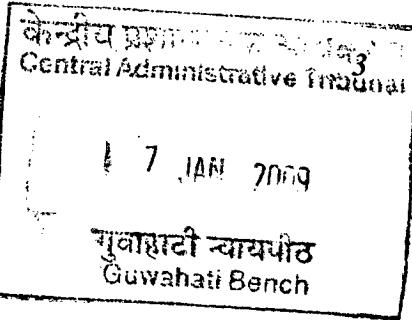
The applicant further declares that the application is within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE:

4.1 That the applicant is presently working as Lower Division Clerk in the Office of the Subsidiary Intelligence Bureau (herein after referred to as 'SIB'), Beltola, Guwahati- 22.

4.2 That the applicant initially joined the service as LDC on 24.10.1994 in the office of SIB, Guwahati. Thereafter, on 7.11.1994 he was transferred and posted at SIB, Silchar. It was on 6.9.2004, while the applicant was working as LDC in the SIB, Itanagar, by virtue of an oral order he had to join the Accounts Branch of SIB, Itanagar. The nature of job of an LDC is diary, dispatch and typing according to Swamy's rule. After few days of his joining the applicant could find that a huge numbers of works were pending before his joining in the Accounts Branch of SIB, Itanagar. The applicant worked his level best to finish the pending works which resulted in a

Japar Subrahmanya



heavy work load on the shoulders of the applicant. Apart from these the applicant had to perform the Air Bag duty also. It is stated that the primary reason for allotting such huge nos. of work to the applicant is to harass him and make his service life miserable. There was no equal distribution of works among the LDC's in the branch. Therefore, the applicant had to face tremendous work load in the branch and on being burn out made a representation dated 10.12.04 to the Section Officer/A, SIB, Itanagar for reassessing the works allotted to him and to reduce the work load. However, the respondents did not attend the prayer made by the applicant.

A copy of the representation dated 10.12.04 is annexed herewith and marked as **Annexure- A/1**.

4.3 That it was while the applicant was working as LDC in the Accounts Branch of SIB, Itanagar surprised to receive an order under Memo No. 33/E/2004(2)-1471 dated 14.2.05 invoking Sub-rule (1) of Rule 10 of the CCS(CCA) Rules' 1965 placing the applicant under suspension in contemplation of a departmental proceeding with immediate effect. Accordingly, by an order dated 16.2.05 subsistence allowance was granted to the applicant.

A copy of the Memo No. 33/E/2004(2)-1471 dated 14.2.05 and order dated 16.2.05 is annexed herewith and marked as **Annexure- A/2 and A/3**.

4.4 That the applicant who had no knowledge of the reasons for his suspension made a representation dated 18.2.05 to the Assistant Director/E for withdrawal/cancellation of the order dated 14.2.05.

A copy of the representation dated 18.2.05 is annexed herewith and marked as **Annexure- A/4**.

4.5 That the Assistant Director/E, Disciplinary Authority, SIB, Itanagar issued a charge sheet vide Memorandum No. 33/E/2004(2)-356-2462 dated 30.03.05 under Rule 14 of the CCS(CCA) Rules,1965 providing opportunity to

Japan Sabindhar

7 JAN 2009

गुवाहाटी ब्यायधीठ
Guwahati Bench

the applicant to prefer representation against the said memorandum of charges.

A copy of the Memorandum No. 33/E/2004(2)-356-2462 dated 30.03.05 is annexed herewith and marked as **Annexure- A/5.**

4.6 That in the aforementioned memorandum (Annexure-A/5) two charges were framed against the applicant. The first charge related to the habit of the applicant of keeping the papers pending. Whereas the second charge was related to non submission of the joining report and formal leave application for the leave availed by the applicant.

4.7 That on 05.04.05 the applicant made a communication to the disciplinary authority i.e. Assistant Director/E, SIB, Itanagar to furnish the relevant documents for preparation of his written statement of defense. However, causing prejudice to his defense the disciplinary authority never supplied the relevant documents to the applicant for preparation of his defense statement.

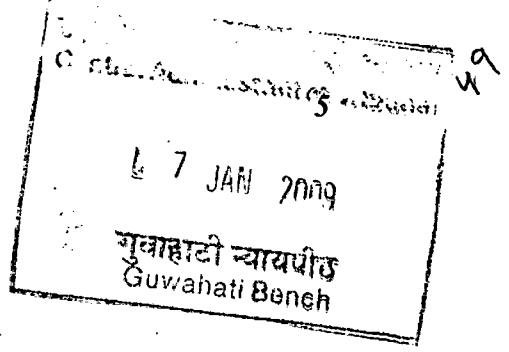
A copy of the communication dated 05.04.05 is annexed herewith and marked as **Annexure- A/6.**

4.8 That the applicant submitted his written statement of defense dated 27.04.05 denying the charges leveled against him vide the memorandum no. 33/E/2004(2)-356-2462 dated 30.03.05. The applicant in his written statement of defense categorically denied both the charges.

A copy of the written statement of defense dated 27.04.05 is annexed herewith and marked as **Annexure- A/7.**

4.9 That the applicant while denying the Article I charge categorically stated in his written statement of defense that by a verbal order on August'2004 he was posted at the Accounts Branch of SIB, Itanagar. Before his joining in the accounts branch huge numbers of papers were pending. The applicant did put his best efforts to complete the

Japan Subrahman



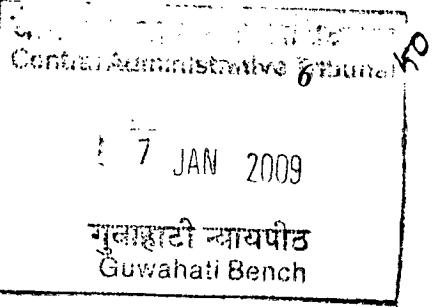
pending works but in the process he found himself in heavy work load. To that effect the applicant also made a representation dated 10.12.04 (Annexure- A/1) for reassessing and reducing the work load allotted to him. However, the respondents never attended the prayer made by the applicant and continued to harass him by allotting more works making his service life miserable. Instead of attending the prayer made by the applicant the respondents without any basis with the sole purpose to harass him issued the suspension order dated 14.02.05 in contemplation of a departmental proceeding and came up with the memorandum of charges dated 30.03.05. It was also stated by the applicant that he did more works besides his normal duty hours and in this regard he received Over Time Allowance (OTA) from time to time. Hence, no reasonable person properly instructed in law could come to a conclusion that the applicant acted in a manner which is unbecoming of a Government servant and there is no *prima facie* legal evidence to show recklessness or misconduct on the part of the applicant under Rule 3(1) and Rule 3-A of the CCS (Conduct) Rules, 1964.

4.10 That the applicant while denying the Article II charge categorically stated in his written statement that on 27.12.04 at the time of joining, he submitted his joining report along with the formal leave application to SO/I by hand in the office of the SIB, Itanagar. It was also specifically stated by the applicant that he did not receive the memo dated 17.02.05 as mentioned in the Memorandum of charges dated 30.03.05 in Article- II charge.

A copy of the joining report submitted by the applicant dated 27.12.04 is annexed herewith and marked as **Annexure- A/8**.

4.11 That the applicant begs to state that the works which were shown to be kept pending by the applicant vide Annexure- II to Article- I are not the stipulated works allotted to him. The receipts took over by N. Murali, LDC, MT Branch were pertaining to motor vehicle bill. The

Japen Salordhar



distribution of works among the staff of Accounts Branch issued vide order dated 24.01.05 by Section Officer/A, did not disclose that the work of preparation of MV bills was allotted to the applicant. Therefore, the applicant was charged for not performing the works which were never been part of the works allotted to him. Hence, there is no legal evidence to show that the applicant exhibited conduct violative of Rule 3(1) and Rule 3-A of the CCS (Conduct) Rules, 1964.

A copy of the order dated 24.01.05 issued by the SO/A is annexed herewith and marked as **Annexure- A/9**.

4.12 That by an order under memo no. 33/E/2004(2)-3089 dated 26.04.05 the suspension order dated 14.02.05 was revoked. Thereafter, the disciplinary authority issued an order under memo no. 33/E/2004(2)-3344 dated 05.05.05 appointing Sri Raj Kamal Sitaram, SO/G, SIB, Itanagar as Inquiry Officer to enquire into the charges leveled against the applicant. Again by another order under memo no. 33/E/2004(2)-3345 dated 05.05.05, Sri Debashis Pal, UDC, SIB, Itanagar was appointed as Presiding Officer to present the case in support of the article of charges against the applicant.

4.13 That on 03.06.05 an order was issued by the Inquiry Officer under memo no. I/SO(G)-INQUIRY/2004-481-4015 fixing the date of preliminary hearing in the matter on 14.06.05 at 'G' Branch, SIB, Itanagar. Accordingly on 14.06.05 applicant appeared in the preliminary hearing.

Copies of the order dated 03.06.05 under memo no. I/ SO(G) - INQUIRY/ 2004-481-4015 and proceedings of the preliminary hearing dated 14.06.05 are annexed herewith and marked as **Annexure- A/10 and A/11**.

4.14 That the Presenting Officer on 08.12.05 submitted his written brief to the Inquiry Officer holding all the

Japson Subrata Das

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charges to be proved. The written brief of the Presenting Officer was communicated to the applicant by the inquiry Officer vide memo no. I/SO(G)-INQUIRY/2004-1035-8063 dated 15.12.05 giving opportunity to submit his reply.

A copy of the memo no. I/SO(G)-INQUIRY/2004-1035-8063 dated 15.12.05 is annexed herewith and marked as **Annexure- A/12.**

4.15 That the applicant by a communication dated 23.12.05 submitted his written brief to the Inquiry Officer. The applicant in his reply very categorically stated that there was no equitable distribution of works among the staff in the Accounts Branch of SIB, Itanagar which resulted in heavy work load upon the applicant. The applicant also stated that during his small tenure in Accounts Branch, SIB, Itanagar, he alone prepared the bill amounting to Rs. 87,97,550/- exclusive of other works. Again while denying Article -II charge the applicant in very clear terms stated that he submitted his joining report along with leave application on 27.12.04 to SO/I, SIB, Itanagar making a prayer to sanction his 12 days leave period from 13.12.04 to 24.12.04 as earned leave.

A copy of the reply to the written brief submitted to the inquiry officer is annexed herewith and marked as **Annexure- A/13.**

4.16 That thereafter the Inquiry Officer submitted his report which was communicated to the applicant by a memorandum no. 33/Ett/2004(2)-9054 dated 28.12.05. The Inquiry Officer placing reliance on the documentary evidence and report of the presenting officer hold the Article-I charge to be proved. In Article -II charge the Inquiry Officer while holding it to be proved relied on the records and the Statement of SO/I, SIB, Itanagar.

A copy of the Inquiry report communicated vide memo no 33/Ett/2004(2)-9054 dated 28.12.05 is annexed herewith and marked as **Annexure- A/14.**

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4.17 That the applicant begs to state that the findings of the Inquiry officer is perverse being based on no evidence. The Inquiry Officer while holding both the charges to be proved left out relevant evidence and took into consideration evidence which are irrelevant. The Inquiry Officer derived conclusion on surmises and conjectures without discussing oral and documentary evidences.

It is further stated that that the Inquiry Officer while holding Article I charge to be proved took into consideration the complaint made by Sri N.Murali, LDC, MT Branch and order dated 17.02.05. It is stated that Sri N. Murali was not made a witness in the memo of charges, never part of the hearing and was not examined by the applicant and on the other hand the order dated 17.02.05 was never included in the list of documents annexed to the charge sheet dated 30.03.05. Again the said order dated 17.02.05 was never received by the applicant. Therefore, the opportunity to examine both the evidence in which reliance was placed by the Inquiry Officer to hold the Article-I charge to be proved was denied to the applicant, which resulted in gross violation of natural justice and vitiated the entire enquiry proceeding. Moreover, so far as Article- II charge is concerned the Inquiry Officer while holding it to be proved placed reliance solely on the Statement made by the Section officer/I, SIB, Itanagar, whom the applicant submitted his joining report and leave application by hand. The said Section Officer/I was not made a witness and the applicant was not given opportunity to examine the SO/I, SIB, Itanagar causing serious prejudice to the defense of the applicant leading to gross violation of natural justice. Hence, the entire enquiry proceeding vitiated for gross violation of natural justice and resulted in perversity of the enquiry report being based on no evidence.

4.18 That by a communication dated 05.01.06 the applicant submitted his reply against the report of the Inquiry Officer holding the findings to be perverse and being

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based on no evidence. The applicant begs to state that there was clear non application of mind on the part of the Inquiry Officer while proving the charges. The Inquiry Officer recorded in his findings in the Article- I charge that the applicant kept papers pending for more than 6 (six) months whereas the period of posting of the applicant in the Accounts Branch of SIB, Itanagar was only 5 months and 7 days. Hence, the Inquiry Officer without appreciating any evidence on record derived conclusion only on conjectures and surmises.

A copy of the reply dated 05.01.06 against the enquiry report is annexed herewith and marked as **Annexure- A/15.**

4.19 That the applicant begs to state that the Disciplinary Authority vide order under memo no. 33/E/2004(2) dated 27.01.06 issued the impugned order imposing a major penalty of reduction in pay by three stages from Rs. 3975/- to Rs. 3725/- in time scale of pay of Rs. 3050-75-3950-80-4590/- for a period of three years with further stipulation that the applicant will not earn increment during the period of reduction and on expiry of this period the reduction will have the effect of postponing his future increment of pay. It was also directed that the period of his suspension w.e.f. 14.02.05 to 26.04.05 will be treated as "DIES NON".

A copy of the order imposing penalty of the Disciplinary Authority dated 27.01.06 under memo no. 33/E/2004(2) is annexed herewith and marked as **Annexure- A/16.**

4.20 That thereafter the applicant submitted an appeal dated 06.02.06 before the Joint Director, SIB, Itanagar i.e. Appellate Authority for re-examination of his case and revision of the order imposing penalty dated 27.01.06.

A copy of the appeal preferred by the applicant is annexed herewith and marked as **Annexure- A/17.**

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4.21 That the appellate authority by order under Memo No. 33/E/2004(2)-4175 dated 16.06.06 reduced the penalty by imposing punishment of reduction in pay by two stages from Rs. 3950/- to Rs. 3800/- in time scale of pay of Rs. 3050-75-3950-80-4590/- for a period of two years with further stipulation that the applicant will not earn increment during the period of reduction and on expiry of this period the reduction will have the effect of postponing his future increment of pay. It was also directed that the period of his suspension w.e.f. 14.02.05 to 26.04.05 will be treated as leave.

A copy of the impugned appellate order under memo no. 33/E/2004(2)-4175 dated 16.06.06 is annexed herewith and marked as **Annexure- A/18**.

4.22 That the order imposing penalty dated 27.01.06 does not disclose any reason as to how the charges against the applicant have been proved. The impugned order is cryptic, brief and it ex-facie showed non consideration of relevant details in the proceeding. The order imposing penalty only gives the details of the charges while holding the charges to be proved without furnishing any cogent reason. Hence, the impugned order imposing penalty is a non-speaking order and not sustainable in law.

4.23 That the satisfaction of the appellate authority as well as the disciplinary authority on the applicant being guilty of both the charges is not based on any evidence. The orders dated 27.01.06 and 16.06.06 of the disciplinary authority as well as appellate authority did not discuss anything for proving the guilt of the applicant in the Article- I charge. However, the both the authorities while holding the charges to be proved solely relied on statement of Section Officer/I, the applicant was never given any opportunity for examination of the SO/I, thereby causing gross violation natural justice. Hence, on this score alone the impugned orders 27.07.06 and 16.06.06 is liable to be set aside and quashed.

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

5. GROUNDS FOR RELIEF(S) WITH LEGAL PROVISIONS:

5.1 Because the applicant prayed for inspection of documents vide his communication dated 05.04.05. However the disciplinary authority denied the applicant the said opportunity causing gross violation of natural justice and serious prejudice to his defense. Hence, on this ground alone the impugned order imposing penalty is required to be set aside and quashed.

5.2 Because the Inquiry Officer while holding the Article I charges to be proved took into consideration the complaint made by Mr. N. Murali, LDC, MT Branch. However, the said LDC was neither made a part of the list of witnesses nor was examined during the course of hearing. Therefore, there is clear violation of natural justice causing serious prejudice to the defense of the applicant. Hence, the findings of the Inquiry officer as well as the disciplinary authority are based on no evidence and perverse and liable to be set aside and quashed.

5.3 Because the Inquiry Officer while holding the Article I charge to be proved relied on the order dated 17.02.05. The said order dated 17.02.05 was not a part of the list of documents and the applicant was denied his opportunity to examine the said document. Therefore, the findings of the Inquiry Officer are perverse being based on no evidence and the entire departmental proceeding vitiated for violation of natural justice. Hence, the entire enquiry procedure smacks of malice and vendetta and as such liable to be interfered with by this Hon'ble Tribunal and the order imposing penalty of the disciplinary authority is cryptic, brief and it ex-facie shows non consideration of relevant details and liable to be set aside and quashed.

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5.4 Because the Inquiry Officer while holding the Article II charge to be proved solely relied on the statements made by SO/I, SIB, Itanagar, whom the applicant submitted his joining report dated 27.12.2004. However, the said SO/I, SIB, Itanagar was neither made a witness in the departmental proceeding nor was examined in the regular hearing thereby causing gross violation of natural justice. Hence, the findings of the Inquiry Officer and the satisfaction of the disciplinary as well as appellate authority are perverse being contrary to the evidence available on record.

5.5 Because there is no evidence available on record to prove the conduct of the applicant to be violative of Rule 3(1) and Rule 3-A of the CCS(Conduct) Rules, 1964. On the contrary, the evidence available on record shows the bonafide conduct of the applicant. Hence, the order imposing penalty of the disciplinary as well as the appellate authority are cryptic and liable to be set aside and quashed.

5.6 Because the impugned order of penalty is a non speaking order as it does not disclose any reason as to how the charges against the applicant have been proved. The impugned order therefore, is arbitrary being passed in total non application of mind.

5.7 Because the Inquiry Officer came to the conclusion of charges to be proved on surmises and conjectures without discussing oral and documentary evidence. Two most valuable witnesses i.e. Sri N. Murali, LDC, MT Branch and Sri Viplav, Section Officer/I were not examined wherein reliance was placed by the Inquiry Officer. Therefore, the entire enquiry proceeding is vitiated for violation of natural justice. Hence the entire enquiry report is devoid of any substance and cannot form a basis for imposing penalty on the applicant because law is very clear that the departmental enquiry is not an empty formality.

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5.8 Because by applying the test of preponderance of probability no reasonable person can arrive at a finding that the applicant is guilty of both the charges. Hence the order of the disciplinary as well as appellate authority holding the applicant to be guilty of both the article of charges is unreasonable and not liable to be sustained.

5.9 Because the disciplinary authority in the present case did not apply its independent mind and was guided by the cryptic and sketchy report of the Inquiry Officer. Since the mind of the disciplinary as well as appellate authority was made up, it failed to consider the relevant evidence available on record and relied on irrelevant aspects and thus made a serious error of law and fact in holding the applicant guilty of the charges and imposing upon him major penalty.

5.10 Because from the sequence of events it is clear that the order imposing penalty has been passed with the sole purpose to harass the applicant and make his service life miserable. The disciplinary authority was predetermined and the entire enquiry process was an empty formality. Hence on this ground alone the order of penalty is liable to be quashed.

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

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authority nor any such application, writ petition or suit is pending before any of them.

8. RELIEF(S) SOUGHT FOR:

8.1 Quash and set aside the order imposing penalty under Memo No. 33/E/2004(2) dated 27.01.2006 issued by the Assistant director, Subsidiary Intelligence Bureau, Itanagar and Memo No. 33/E/2004(2)-4175 dated 16.06.2006 issued by the Joint director, Subsidiary Intelligence Bureau, Itanagar and grant all the consequential service benefits.

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:

At this stage the applicant does not pray for any interim order.

10. The application is filed through Advocates.

11. PARTICULARS OF THE IPO:

(I) IPO No.	:	39G 377034
(II) Date of Issue	:	7.1.09
(III) Issued from	:	Guwahati
(IV) Payable at	:	Guwahati

12. LIST OF ENCLOSURES:

As stated in the Index.

...Verification

Tapas Sarbadhar

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

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Guwahati Bench

VERIFICATION

I, Sri Tapan Sutradhar, Lower Division Clerk, Subsidiary Intelligence Bureau(SIB), Ministry of Home Affairs, Government of India, Beltola, Guwahati- 22, do hereby solemnly affirm and verify that the statements made in the accompanying application in paragraphs 4.1, 4.6, 4.17, 4.22 and 4.23 are true to my knowledge, those made in paragraphs 4.2, 4.3, 4.4, 4.5, 4.7, 4.8, 4.9, 4.10, 4.11, 4.12, 4.13, 4.14, 4.15, 4.16, 4.18, 4.19, 4.20, and 4.21 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 7th day of January, 2009 at Guwahati.

Tapan Sutradhar

APPLICANT

7 JAN 2009

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Guwahati Bench

(Typed copy)

To,

ANNEXURE - A/1

The Section Officer/A
SIB, Itanagar.

Sub: Request for not to harass me.

Sir,

With due respect I beg to inform you that I have been harassed by the authority concerned on pressing to do heavy work which is not possible be me to solve the work and clear the pending.

I have to do the following work:-

1. P.P.S.S.- Covering the subject.
 - (a) Portarage, (b) Airlift, (c) Police Guard,
 - (d) W/S clothing, (e) Army ration and (f) Legal fee.
2. Long Term Advance- Covering
 - (a) Scooter Advance, (b) House Building Advance,
 - (c) Any other long term advance.
3. O.A.E- which includes canteen staff pay also.
4. Minor Works (MW).
5. Major Works (MW).
6. O.E. - Miscellaneous (ALC claim only).
7. Wages.
8. R.R.T.
9. M.V. (Motor Vehicle).

2. It is requested that the work load may please be minimized which are possible to solve by me.

3. Memo please be issued in this regard, before decreasing the work load and after decreasing the work load for easy compare whether really decreased or not.

Thanking you.

Yours faithfully
Sd/-
T. Sutradhar,
LDC, SIB, Itanagar.
Date: 10.12.04.

To,

The Section Officer I/A,
SIB, Itanagar.

Sub:- Request for not to harass me.
Sir,

With due respect I beg to inform you that I have been harassed by the Authority concerned for pressuring to do heavy work which is not possible by me to solve the work and clear the pending.

Pl. discuss

I have to do the following work:-

① P.P.S.S. → Covering the Subject.
② Postage ③ Airlift ④ Police Guard ⑤ W/S clothing
⑥ Army Ration and ⑦ Legal fee.

⑧ Long Term Advance → Covering

⑨ Scooter Adr. ⑩ House Building Adr. ⑪ Army Other long term Adr.

⑫ O.A.E → Which includes Canteen Staff Pay also.

⑬ Minor Works (MW)

⑭ Major Works (MW)

⑮ O.E. → Miscellaneous (ALC claim only).

⑯ Wages

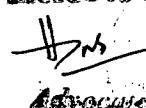
⑰ R.R.T.

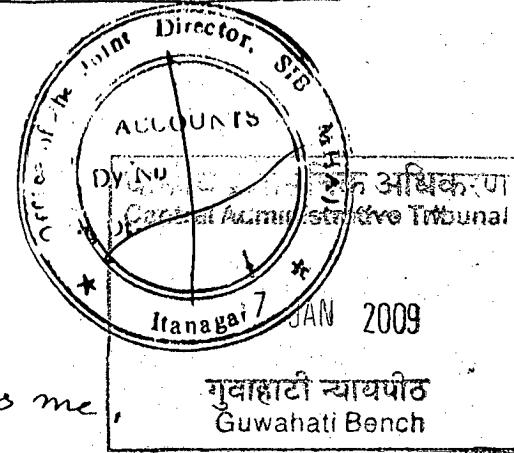
⑱ M.V. (Motor Vehicle)

2. It is requested that the work load may please be minimised which are possible to solve by me.

3. Memo please be issued in this regard, before decreasing the work load and after - cont.

Attest


Advocate



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- 2 -

केंद्रीय प्रशासनिक आयोग
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decreasing the work load for easy
compare whether really decrease
or not.

Thanking you, Sir.

Yours faithfully
T. Subhadra
L.D.C
SIB, ITA

No. 33/E/2004(2) - 147
Subsidiary Intelligence Bureau,
(MHA), Government of India,
Itanagar.

7 JAN 2009
गुवाहाटी न्यायालय
Guwahati Bench

Dated, the -

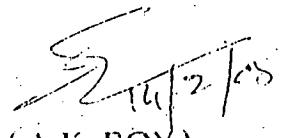
14 FEB 2005

ORDER

Whereas a disciplinary proceeding against Shri T. Sutradhar, LDC, SIB, Itanagar is contemplated/ pending.

Now, therefore, the undersigned in exercise of the powers conferred by Sub-rule (1) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules- 1965 hereby places the said Shri T. Sutradhar, LDC under suspension with immediate effect.

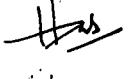
It is further, ordered that during the period that this order shall remain in force Headquarter of Shri T. Sutradhar, LDC should be at SIB, Itanagar and the said Shri T. Sutradhar, LDC shall not leave the Headquarters (SIB, Itanagar) without obtaining the previous permission of the undersigned.


(A.K. ROY)
Assistant Director/E
Disciplinary Authority,
SIB, Itanagar.

✓ To :

Shri T. Sutradhar, LDC, SIB, Itanagar. Orders regarding subsistence allowance admissible to him during the period of his suspension will be issued separately.

Attested


A.K. Roy

OFFICE ORDER NO.

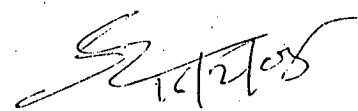
120/2005

DATED : 16.02.2005

Ref.: SIB, Itanagar Disciplinary Authority Order No. 33/E/2004(2) - 1471 dated 14.02.2005.

Sub : Placement of Shri T. Sutradhar, LDC, SIB, Itanagar under suspension w.e.f. 14.02.2005.

Shri T. Sutradhar, LDC, SIB, Itanagar (Under suspension) is granted subsistence Allowance, an amount equal to the leave salary which he would have drawn if he had been on half pay leave immediately before the date of his suspension until further order.


Assistant Director/E

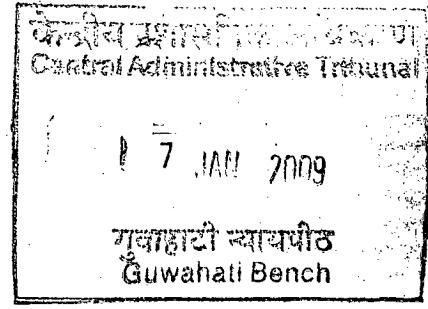
No. 33/E/2004(2) - 84-1529
Subsidiary Intelligence Bureau,
(MHA), Government of India,
Itanagar.

Dated, the - 11 FEB 2005

To -

Shri T. Sutradhar, LDC
(Under suspension)
SIB, Itanagar.

He should furnish every month a certificate to the effect that he is not engaged in any other employment, business, profession or vocation.



Attested


Advocate

To,
Shri A.K. Roy,
Assistant Director/E,
Disciplinary Authority,
SIB, Itanagar.

Sub :- Prayer for withdrawal/cancellation of
suspension order on sympathetic ground.

Ref.:- Order No.33/E/2004(2)-1471 dtd 14/02/05.

Sir,

With due respect I would like to lay down
the following few line for favour of your kind
sympathetic consideration please.

That Sir, a suspension order has been issued
to me on 14/02/05. I feel strange to receive the order
all on a sudden. I still could not understand the
reason behind my suspension. During my service period
at Itanagar it has always been my endeavour to obey
my seniors and sincerely discharge the duty assigned
to me. Nevertheless, anything mistake may happen by
me for which I am ready to acknowledge the same because
after all I am also a human being.

I therefore, earnestly request your honour
to kindly excuse me if anything mistaken committed by
me unknowingly. I also promise that I will try my level
best to preserve office decorum and never let any of
my seniors to complain against me in future. Thus,
the suspension order issued against me may kindly be
withdrawn/cancelled/invalid by the issue of another
order.

I shall be waiting for your kind consider-
ation please.

Thanking you.

Yours faithfully

Dated -18/02/2005.
Place - Itanagar.

(Tapan Sutradhar)
LDC, Accts/Br.,
SIB, Itanagar,
PIS No.124440.

Attested

Advocate

MOST IMMEDIATE

No. 33/E/2004(2) - 356-2462
Subsidiary Intelligence Bureau,
(MHA), Government of India,
Itanagar.

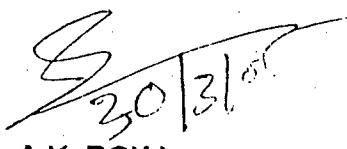
Dated, the -

30 MAR 2005

MEMORANDUM

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

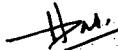
2. Shri Tapan Sutradhar, LDC is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.
3. He is informed that an enquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.
4. Shri Tapan Sutradhar, LDC is further informed that if he does not submit a 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 CCS (CCA) Rules, 1965, or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold the enquiry against his ex parte.
5. Attention of Shri Tapan Sutradhar, LDC is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is made on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Shri Tapan Sutradhar, LDC is aware of such a representation and that it has been made at his instance & action will be taken against him for violation of Rule 20 of the CCS/Conduct Rules, 1964.
6. The receipt of the Memorandum may be acknowledged.


(A.K. ROY)
Assistant Director/E
Disciplinary Authority
SIB, Itanagar.

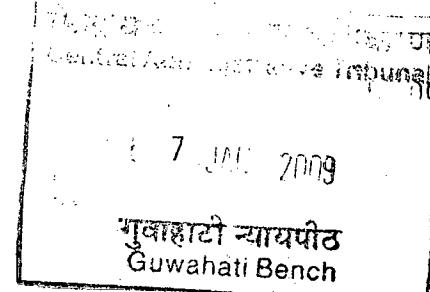
To

Shri Tapan Sutradhar, LDC
SIB, Itanagar.

Attested



Advocate.



ARTICLE-I

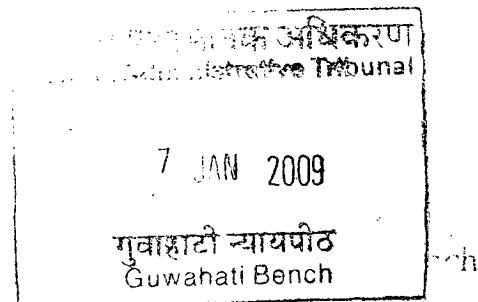
That the said Shri T. Sutradhar, LDC while working in Accts. Branch was found in the habit of keeping the papers pending for months together and adopting dilatory tactics in prompt disposal of Govt. work.

Thus, he exhibited conduct violative of Rule 3(1) and Rule 3-A of the CCS(Conduct) Rules, 1964.

ARTICLE-II

That the said Shri T. Sutradhar, LDC while working in Accounts Branch proceeded on 5 days C.L. w.e.f. 13 to 17 Dec., 2004. However, he reported for duty on 27/12/2004. Despite repeated verbal directions and written instruction given vide Memo No. 17/.../Misc/2001-02 (9) dated 17.02.05 he did not submit his joining report and formal application for leave.

Thus, he disobeyed the lawful order of the Competent Authority and tried to play fraud with the Govt. He exhibited conduct violative of Rule-3 of the CCS (Conduct) Rules, 1964.



Contd...3/-

ATTESTED

[Signature]

Advocate.

ARTICLE-I

That the said Shri T. Sutradhar, LDC was posted at Accts. Branch in Aug., 2004. He was allotted work pertaining to bills of ALC, PPSS and Misc. However, he was found in the habit of keeping the papers pending with him. Whenever he was asked by the Section Officer to clear the pendency he used to reply that he was heavily burdened or work distribution in the branch was inequitable and other dealing assistants were enjoying or similar extraneous reasons.

On 10.02.05, Shri N. Murali, LDC, MT Branch appeared before the SO/A and said that the bills of MT branch dating back to Aug., 2004 had been pending with Shri T. Sutradhar and despite his repeated requests Shri Sutradhar was not inclined in clearing the bills as a result payment to parties concerned (workshop owners) could not be made and he had to look a sorry figure before them. SO/A asked him to take over relevant papers from Shri Sutradhar and process them. Accordingly, Shri Murali took over following 15 receipts from Shri Sutradhar and submitted the bills for approval and signature of competent authority on 11.02.05.

Sl. No.	Accts. Br. No. & date	M.T. Branch Memo No. & Date	Amount Rs.	Bills processed vide C.B. No. & B. No./date	Remarks
1.	812.04	1/MV/2004-05(3)-3822 dt. 06.12.04	8210		
	1.12.04	1/MV/2004-05/3799-8878 dt. 20.12.04	8240	C.B. No. 19/MV/04-05	
	21.12.04	1/MV/2004-05(3)-3822 dt. 20.12.04	7560	B.No. 848/2004-05 dt. 11.02.05	
AKM	4357 dt. 30.08.04	1/MV/2004-05(4)-3823 dt. 27.08.04	9717		
	6095 dt. 15.12.04	1/MV/2004-05(3)-3822 dt. 13.12.04	29,991		
	9 dt. 17.12.04	1/MV/2004-05(4)-3823 dt. 15.12.04	8530		
	10 dt. 20.12.04	1/MV/2004-05(4)-3823 dt. 20.12.04	8979		
	5016 dt. 18.10.04	1/MV/2004-05(4)-3822 dt. 14.10.04	3977	C.B. No. 20/MV/04-05	
AKM	4355 dt. 30.08.04	1/MV/2004-05(8)-3892 dt. 27.08.04	2245	B.No. 849/2004-05 dt. 11.02.05 (Rs. 6,222)	
	5944 dt. 08.12.04	1/MV/2004-05/Genl-12/ dt.06.12.04	913	C.B. No. 21/MV/2004-05	
AKM	4354 dt. 30.08.04	1/MV/2004-05/Genl-12/ dt.27.08.04	350	B.No.850/2004-05 dt. 11.02.05	
	Received from Dy. Section	I/MV/2004-05(9)-5922 dt. 09.02.05	8040	C.B. No. 22/MV/04-05	
	5866 dt. 03.12.04	I/MV/2004-05/Genl-12/ dt. 02.12.05	280	B.No. 851/2004-05 dt. 11.02.05	
	6150 dt. 17.12.04	9/MV/Imp/2004-05 dt. 15.12.04	2025	C.B.No. 23/MV/04-05	
	Received from Dy. Section	9/MV/Imp/2004-05 dt. 11.02.05	1190	B.No. 852/2004-05 dt. 11.02.05	

Contd...4/-

ATTESTED
H.M.
Advocate

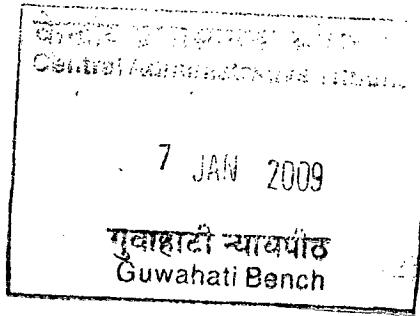
7.iii.2009
Guwahati Bench

Meanwhile, messages No. (1) PM/12 dtd. 02.02.05 (received from BIP, Maja), (2) No. 21/Acctt (Misc)/DRJ/05 dtd. 10.02.05 (received from SIB, Daporijo), (3) KM/13 dtd. 12.02.05 (received from BIP, Sarli), (4) No. AM/04 dtd. 22.02.05 (received from BIP, Taksing) and (5) No. JK/07 dtd. 04.03.05 (received from BIP, Kalaktang) were received for early clearance of bills of ALCs as the ALCs were pressing hard for the same. However, Shri Sutradhar ignored the urgency of the messages and did not take prompt action to clear the bills.

And Shri Sutradhar was not making any effort for clearing his pendency expeditiously, and since the Financial year, 2004-05 had been coming to an end and budgetary targets were to be achieved, his remaining papers were given to Shri C. Chetri, JIO-Ly to and Shri P. Dey, SA/G.

Shri Chetri was given following 27 papers on 11.02.05.

- ✓ 1. Dy. No. 5546 dated 9.11.04.
- ✓ 2. Memo No. 6/ZRO/Accts(B)/2004/909 - SIB, Ziro.
- ✓ 3. Memo No. 2/ALC/TWG/2003-04/4288 - SIB, Tawang
- ✓ 4. Memo No. 11/ALC/TWG/2003-04/4371
- ✓ 5. Dy. No. 03 dt. 07.01.05 - BIP, Koloriang.
- ✓ 6. Dy. No. 246 dt. 31.12.05 - BIP, Koloriang.
- ✓ 7. Dy. No. 4284 dt. 26.08.04 - BIP, Maja.
- ✓ 8. Dy. No. 4308 dt. 27.08.04 - SIB, Ziro.
- ✓ 9. Dy. No. 4282 dt. 26.08.04 - SIB, Daporijo.
- ✓ 10. Dy. No. 4851 dt. 30.09.04 - SIB, Ziro.
- ✓ 11. Dy. No. 4850 dt. 30.09.04 - SIB, Daporijo.
- ✓ 12. Dy. No. 4610 dt. 27.09.04 - BIP, Koloriang.
- ✓ 13. Dy. No. 5339 dt. 29.10.04 - SIB, Ziro.
- ✓ 14. Dy. No. 5186 dt. 20.10.04 - SIB, Daporijo.
- ✓ 15. Dy. No. 5188 dt. 20.10.04 - BIP, Maja.
- ✓ 16. Dy. No. 6252 dt. 27.12.04 - SIB, Daporijo.
- ✓ 17. Memo No. 6/Posts/DRJ/04/522 dt. 23.11.04
- ✓ 18. Dy. No. 526 dt. 31.01.05 - SIB, Daporijo.
- ✓ 19. Dy. No. 5115 dt. 12.10.04
- ✓ 20. Dy. No. 5071 dt. 14.10.04
- ✓ 21. Dy. No. 5445 dt. 05.11.04
- ✓ 22. Dy. No. 5949 dt. 09.12.04
- ✓ 23. Dy. No. 249 dt. 15.01.05
- ✓ 24. Dy. No. 375 dt. 24.01.05
- ✓ 25. Dy. No. 531 dt. 31.01.05
- ✓ 26. Dy. No. 6096 dt. 15.12.04
- * 27. Memo No. 55/G/PORT/2003-04(2)-1269-8976 dt. 24.12.04.



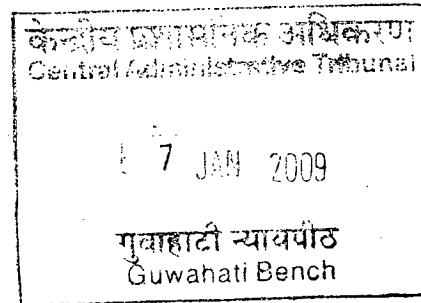
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-5-

Shri P. Dey was given following 50 papers on 22.02.05 :

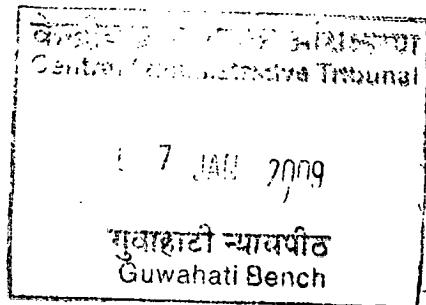
Sl. No. Diary No. and date

1. 5118 dt. 12.10.04
2. 128 dt. 11.01.05
3. 2292 dt. 26.04.04
4. 5121 dt. 12.10.04
5. 6176 dt. 22.12.04
6. 342 dt. 20.01.05
7. 5673 dt. 29.11.04
8. 5862 dt. 03.12.04
9. 3335 dt. 16.07.04
10. 3683 dt. 29.07.04
11. 4178 dt. 23.08.04
12. 4698 dt. 28.09.04
13. 5296 dt. 28.10.04
14. 5680 dt. 29.11.04
15. 374 dt. 24.01.05
16. 3200 dt. 07.07.04
17. 6175 dt. 22.12.04
18. 4554 dt. 09.09.04
19. 5629 dt. 27.11.04
20. 111 dt 10.01.05
21. 373 dt. 24.01.05
22. 460 dt. 28.01.05
23. 4351 dt. 30.08.04
24. 4983 dt. 06.10.04
25. 5364 dt. 02.11.04
26. 528 dt. 31.01.05
27. 4614 dt. 27.09.04
28. 5677 dt. 29.11.04
29. 5258 dt. 27.10.04
30. 5406 dt. 04.11.04
31. 5630 dt. 27.11.04
32. 5678 dt. 29.11.04
33. 5864 dt. 03.12.04
34. 6145 dt. 17.12.04
35. 6328 dt. 31.12.04
36. 6329 dt. 31.12.04
37. 106 dt. 07.01.05



Contd....6/-

- 38. 4585 dt. 10.09.04
- 39. 4849 dt. 30.09.04
- 40. 5632 dt. 27.11.04
- 41. 5634 dt. 27.11.04
- 42. 5631 dt. 27.11.04
- 43. 6112 dt. 16.12.04
- 44. 6265 dt. 28.12.04
- 45. 5863 dt. 03.12.04
- 46. 529 dt. 31.01.05
- 47. 530 dt. 31.01.05
- 48. 527 dt. 31.01.05
- 49. 4860 dt. 01.10.04
- 50. 6229 dt. 24.12.04



Thus, Shri Sutradhar acted in a manner unbecoming of a Govt. servant, showed lack of devotion to duty and wilfully adopted dilatory tactics in disposal of Govt. work to the detriment of public interest. He exhibited conduct violative of Rule 3(1) and Rule 3-A of the CCS (Conduct) Rules, 1964.

ARTICLE-II

That the said Shri Sutradhar while working in Accts. Branch applied for 5 days C.L. w.e.f. 13.12.04 to 17.12.04 (prefixing 11-12/12/04 and suffixing 18-19/12/04 being Sats./Sundays) and permission to leave station for Guwahati on the grounds of very urgent domestic work vide application dated 9.12.04. He was allowed to proceed on said C.L. by the competent authority. He was to report for duty on 20.12.04. However, he did not report for duty on 20.12.04 and sent a msg. that he was unable to attend the duty /office due to urgent domestic works.

He reported for duty on 27.12.04. He was asked to apply for EL and submit formal joining report and application of leave. Despite several reminders, he did not do so. Therefore vide Memo No. 17/Accts/Misce/2001-02(9)-275 dt. 17.01.05 he was directed to do the same. However, he again disobeyed the order of the competent authority.

Thus, he tried to evade submitting joining report and application for leave with a view to manipulating his leave. He disobeyed the lawful order of the competent authority and tried to play fraud with the government. He exhibited conduct violative of Rule 3 of the CCS (Conduct) Rules, 1964.

Contd....7/-

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST
SHRI TAPAN SUTRADHAR, LDC, SIB, ITANAGAR

Sl.No.

1. Dy. No. 5546 dated 9.11.04.
 2. Memo No. 6/ZRO/Accts(B)/2004/909 - SIB, Ziro.
 3. Memo No. 2/ALC/TWG/2003-04/4288 - SIB, Tawang. } (Dy. No. 6255 dt. 27.12.04)
 4. Memo No. 11/ALC/TWG/2003-04/4371
 5. Dy. No. 03 dt. 07.01.05 - BIP, Koloriang.
 6. Dy. No. 246 dt. 31.12.05 - BIP, Koloriang.
 7. Dy. No. 4284 dt. 26.08.04 - BIP, Maja.
 8. Dy. No. 4308 dt. 27.08.04 - SIB, Ziro.
 9. Dy. No. 4282 dt. 26.08.04 - SIB, Daporijo.
 10. Dy. No. 4851 dt. 30.09.04 - SIB, Ziro.
 11. Dy. No. 4850 dt. 30.09.04 - SIB, Daporijo.
 12. Dy. No. 4610 dt. 27.09.04 - BIP, Koloriang.
 13. Dy. No. 5339 dt. 29.10.04 - SIB, Ziro.
 14. Dy. No. 5186 dt. 20.10.04 - SIB, Daporijo.
 15. Dy. No. 5188 dt. 20.10.04 - BIP, Maja.
 16. Dy. No. 6252 dt. 27.12.04 - SIB, Daporijo.
 17. Memo No. 6/Posts/DRJ/04/522 dt. 23.11.04
 18. Dy. No. 526 dt. 31.01.05 - SIB, Daporijo.
 19. Dy. No. 5115 dt. 12.10.04
 20. Dy. No. 5071 dt. 14.10.04
 21. Dy. No. 5445 dt. 05.11.04
 22. Dy. No. 5949 dt. 09.12.04
 23. Dy. No. 249 dt. 15.01.05
 24. Dy. No. 375 dt. 24.01.05
 25. Dy. No. 531 dt. 31.01.05
 26. Dy. No. 6096 dt. 15.12.04
 27. Memo No. 55/G/PORT/2003-04(2)-1269-8976 dt. 24.12.04.

Sl.No. Diary No. and date

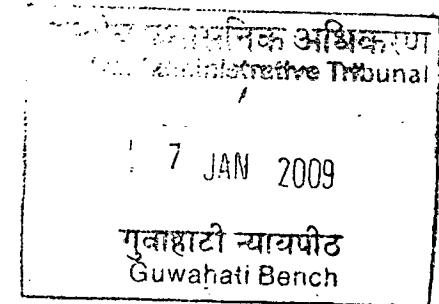
1. 5118 dt. 12.10.04
 2. 128 dt. 11.01.05
 3. 2292 dt. 26.04.04
 4. 5121 dt. 12.10.04
 5. 6176 dt. 22.12.04

Contd...8/-

Arrested
Has
arrived

-8-

6. 342 dt. 20.01.05
7. 5673 dt. 29.11.04
8. 5862 dt. 03.12.04
9. 3335 dt. 16.07.04
10. 3683 dt. 29.07.04
11. 4178 dt. 23.08.04
12. 4698 dt. 28.09.04
13. 5296 dt. 28.10.04
14. 5680 dt. 29.11.04
15. 374 dt. 24.01.05
16. 3200 dt. 07.07.04
17. 6175 dt. 22.12.04
18. 4054 dt. 09.09.04
19. 27.11.04
20. 30.01.05
21. 573 dt. 24.01.05
22. 30 dt. 28.01.05
23. 4681 dt. 30.08.04
24. 4983 dt. 06.10.04
25. 5364 dt. 02.11.04
26. 528 dt. 31.01.05
27. 4614 dt. 27.09.04
28. 5677 dt. 29.11.04
29. 5258 dt. 27.10.04
30. 5406 dt. 04.11.04
31. 5630 dt. 27.11.04
32. 5678 dt. 29.11.04
33. 5864 dt. 03.12.04
34. 6145 dt. 17.12.04
35. 6328 dt. 31.12.04
36. 6329 dt. 31.12.04
37. 106 dt. 07.01.05
38. 4585 dt. 10.09.04
39. 4849 dt. 30.09.04
40. 5632 dt. 27.11.04
41. 5634 dt. 27.11.04
42. 5631 dt. 27.11.04
43. 6112 dt. 16.12.04
44. 6265 dt. 28.12.04
45. 5863 dt. 03.12.04



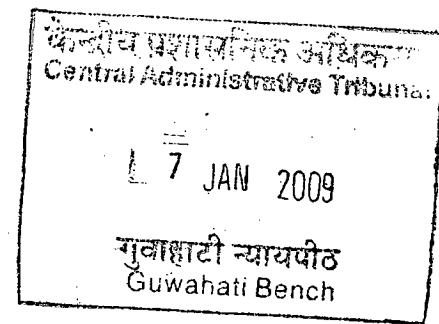
Contd...9/-

46. 529 dt. 31.01.05
7. 530 dt. 31.01.05
48. 527 dt. 31.01.05
49. 4860 dt. 01.10.04
50. 6229 dt. 24.12.04

ANNEXURE-IV

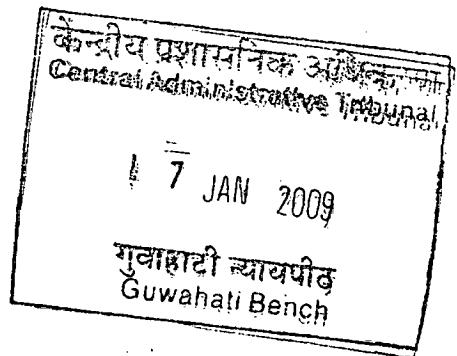
WITNESSES BY WHOM ARTICLES OF CHARGE FRAMED AGAINST SHRI TAPAN SUTRADHAR, LDC ARE PROPOSED TO BE SUSTAINED.

On documentary evidences only.



ATTESTED
Hm/
Advocate

28
ANNEXURE - A/6



To,
The Assistant Director/E,
SIB, Itanagar.

EXTREMELY SYMPATHETICAL

Sub :- Prayer for permission to collect the relevant documents to write my defence statement.

Ref. :- Your memo No.33/E/2004(2)-356-2462 dt. 30/03/2005.

Sir.

With due respect I beg to state that I may please be permitted to collect the relevant document from today (i.e., from 05/04/2005 to till the date of submission of my defence statement) from E/Br. and Accts/Br. to write my defence statement against your memo. reference above.

Thanking you.

Yours faithfully

Dated - 05/04/2005.

(Tapan Sutradhar)
LDC, SIB, Itanagar,
PIS No.124440.

Attested

[Signature]

Advocate.

केन्द्रीय प्रशासनिक अधिकारा Central Administrative Tribunal	
7 JAN 2009	ANNEXURE - A/7
गुवाहाटी न्यायालय Guwahati Bench	EXTREME SYMPATHETICAL

To
The Assistant Director/E
SIB, Itanagar.

Sub :- Prayer for submission of my defence statement in writing.

Ref. :- 1. Your order no. 33/E/2004 (2)-1471 dt. 14.02.05
2. Your memo no. 33/E/2004 (2)-356-2462 dt. 30.03.05.

Sir,

With due respect and humble submission I beg to inform you that I have been charged against my suspension order issued on 14.02.05 in Ref. (1) above and also asked to submit a written statement of my defence in Ref. (2) above.

That Sir, following are the step by step reply with best of my knowledge and belief.

ANNEXURE-I-ARTICLE-I

That Sir, when I came from leave/tour at the same time I was verbally posted in Accts Br. on a particular table all on a sudden, at that time large nos. of papers were pending before my posting at that table and hence, there were no question of dilatory tactics rather I have done more work beside my normal duty hours, in this regard I have received OTA too from time to time whereas, my nature of duty were not so according to Swamy's Manual on Office Procedure.

ANNEXURE-I - ARTICLE-II

That sir, I proceeded on 5 days C/L due to urgent domestic work but could not report duty on time due to another urgent work and leave extended upto 24.12.04 with intimation and I reported for duty on 27.12.04 with the submission of my joining report alongwith formal leave application wherein, I requested for sanction of 12 days E/L and deducted from my credited leave. On repeated verbal directions by the authority, I was also replied verbally from time to time but I have not received your memo of dt. 17.02.05.

ANNEXURE-II - ARTICLE-I

That sir, I was allotted not only the work pertaining to bills of ALC, PPSS and Misc but also the work pertaining to bills are as under :-

1. Long Term Advance - which covering (a) Scooter Advance (b) House Building Advance (c) Computer Advance (d) Car Advance (e) Any other long term Advance
2. O.A.E. - which includes canteen staff pay bill also.

Attested

H.S.

Advocate.

Contd..... 2

7 JAN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

3. Minor Work.
4. Major Work.
5. Wages - which covering contingency staff pay and related bills.
6. Rent Rate and Taxes.
7. Motor Vehicle.
8. Grant in Aid.
9. AC Bill and DC Bill.

That sir, besides the above mention work I was also detailed to perform Air-Bag duty tour to SIB, Guwahati and back by the authority from time to time and I carried out the said order smoothly. Whenever I asked to clear the pendency I used to reply I was heavily burdened or work distribution in the branch was inequitable, really it was in this regard I informed to the authority verbally from time to time and at last I informed in writing on 10.12.04 wherein I requested to decrease the present workload which were possible to solve and the Section Officer/A commented in writing on the body of my request representation that he would be discussed with me but it was pending to him.

That Sir, suddenly a new work distribution order was issued vide order no. 17/SO-MISC/ACCTTS/03-04 dt. 24.01.05 w.e.f. 01.02.05 wherein my subject was to prepare all bills/claims (e.g. pay bills, GPF, LTC, Medical, TA etc.) of JIO-II but I received papers of my old subject from diary upto on 31.01.05 on pressure and I tried my level best to clear all the papers which were pending to me and upto 10.02.05. I have done my old work on that day the remaining old papers were taken by the authority from me and allow me to do the new work, accordingly I was going on.

That sir, according to Annexure-II, Article-I, 1st para I was allotted work pertaining to bills of ALC, PPSS and MISC, but here I was charged for pending of Motor Vehicle's bill again you said that Sh. N. Murali, LDC took over 15 receipts from me but it is clear from chart that Sl. No. 12 and 15 were received from diary by Sh Murali and also Sl. No. 4, 9 and 11 were not received by me, it shows that your statement is not correct here.

That sir, lastly I prepared consolidated ALC bills vide B/No. 804/04-05 dt. 27.01.05 for Rs. 43,452/- which was most urgent said by the SO/A, whereas, being a LDC my nature of duty is not to prepare/prbcess bill. It is requested that the nature of duty of LDC may please be known from Swamy's Manual, if necessary.

That sir, out of the 27 papers which were given to Sh. C. Chetri, JIO-I/G on 11.02.05, Sl. No. 5, 6, 17 and 27 did not trace out by me, though my subject was changed on 01.02.05 by order and also my nature of duty was not so.

That sir, again out of the 50 papers which were given to Sh. P. Dey, SA on 22.02.05 are as under

7 JAN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

- a) Action of some papers were taken by me.
- b) Some papers were received by earlier dealing assistant.
- c) Some papers were not my subject then according to you.
- d) Some papers had no action.
- e) Some papers were kept by me for filing.

Though the subject was changed on 01.02.05 and also my nature of duty was not so.

ANNEXURE-II, ARTICLE-II

That sir, I have already explained the reply in Annexure-I Article-II, but here I received the said memo. of dt. 17.01.05 but due to heavy work load I could not be replied the said memo. till 13.02.05, but here the authority thought that I tried to evade submitting joining report and application for leave with a view to manipulating my leave, but here, there is no question of evasion/manipulation of leave from me since, I have already submitted my joining report alongwith formal leave application on 27.12.04 i.e. on the day of my joining.

ANNEXURE-III

That sir, regarding list of document by which the articles of charge framed, I have already described in my reply of your Annexure-II, Article-I.

ANNEXURE-IV

That sir, regarding list of witnesses by whom articles of charge framed are as under :-

1. Witness should be any person here.
2. Person should be mentally and physically fit.

So, documentary evidences is not exist here since, person is not compare with document and hence, Annexure-IV has no value here.

Whatever may be, I shall be waiting for your kind consideration please.

Thanking you, Sir,

Yours faithfully

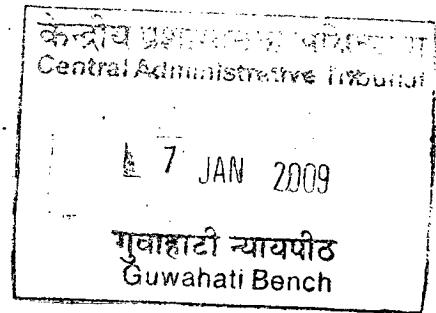
Place : Itanagar
Dated : 27.04.05.

(T. SUTRADHAR)
LDC, SIB, Itanagar
PIS No. 124440

ANNEXURE - A/8

To,
The Section Officer/A,
SIB, Itanagar.

Sub:- Joining report.



Sir,

With due respect I beg to inform you that I went on 5 days C/L from 13/12/04 to 17/12/04 on urgent domestic work but I could not reported duly on time due to another urgent work and leave extended upto 24/12/04 with intimation.

It is requested that the 12 days leave availed by me from 13/12/04 to 24/12/04 may kindly be sanctioned as E/L and hence the formal leave application is enclosed herewith and also submitting my joining report ^{today} here-with today on 27/12/04 (F/N).

Thanking you.

Yours faithfully

T. Subrahmanya
27/12/04
T. Subrahmanya
LDC, SIB,
Itanagar

Attested

Hm
Advocate.

17/SO-MISC/ACCTTS/03-04
 Subsidiary Intelligence Bureau
 (MHA), Govt of India
 Itanagar

ANNEXURE - A/9

Sub : Distribution of work among the staff of the Accounts Branch.

Distribution of work among the staff of the Accounts Branch w.e.f. 01.02.2005 shall be as under:

ORDER

Central Administrative Tribunal
 7 JAN 2009

गुवाहाटी आयोजित
 Guwahati Bench

Sl. No.	Name (S/ Shri)	Work
1.	A.T.Dey, Assistant	1. All work pertaining to Budget 2. Monthly expenditure statement 3. Reconciliation with RPAO <input checked="" type="checkbox"/> Long term advances 5. All bills, claims (e.g., Pay bills, GPFLTC, Medical, TA etc) of ACIO-II
2.	S.K.Mitra, Assistant	1. Issue of Cheques, LOC 2. Analysis of bill register 3. Reconciliation of Banks scrolls 4. Audit paras and other related work 5. Declaration/Change of DDO/ CDO
3.	S.S.Dutta, UDC	1. All bills/claims (e.g., Pay bills, GPFLTC, Medical, TA etc) of non-gazetted ministerial staff and Canteen staff/OAE
4.	M.Chakraborty, UDC	1. All bills/claims (e.g., Pay bills, GPFLTC, Medical, TA etc) of ACIO-I AND JIO-I
5.	A.Khoud, UDC	<input checked="" type="checkbox"/> 1. Bills of PPSS, Minor works, RRT, Wages, MV/Machinery etc.
6.	D.Purkait, LDC	1. Bills of OE
7.	O.P. Sonar, LDC	1. All bills/claims (e.g., Pay bills, GPFLTC, Medical, TA etc) of SAs
8.	T. Sutradhar, LDC	1. All bills/claims (e.g., Pay bills, GPFLTC, Medical, TA etc) of JIO-II

Attested


 Advocate

501

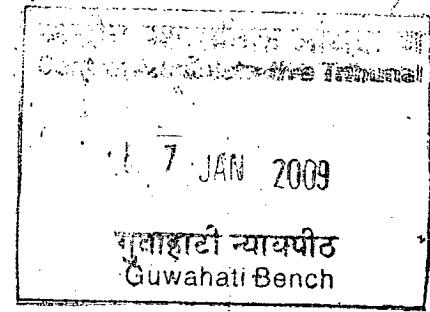
9.	S.R.Prasad, LDC	1. Bills of ALC, Pension bills ; 2. AL Bills/Claims of GOs
10.	B.K.Sahoo, LDC	1. All bills/claims (e.g., Pay bills, GPF, LTC, Medical, TA etc) of GOs 2. Income Tax of all ranks.
11.	Bhola Mondal, LDC	Diary, Despatch, Festival Adv., OTA.

- Any other work can be allotted to any other dealing assistant in public interest.
- Pending papers of the present dealing assistants shall not be passed on to the new dealing assistants.

V. Saxon
24.1.05
(VIPLAV),
Section Officer/A

All Dealing Assistants :

1.	A.T.Dey, Assistant
2.	S.K.Mitra, Assistant
3.	S.S.Dutta, UDC
4.	M.Chakraborty, UDC
5.	A.Khound, UDC
6.	D. Purkait, LDC
7.	O.P. Sonar, LDC
8.	T. Sutradhar, LDC
9.	S.R.Prasad, LDC
10.	B.K.Sahoo, LDC
11.	Bhola Mondal, LDC



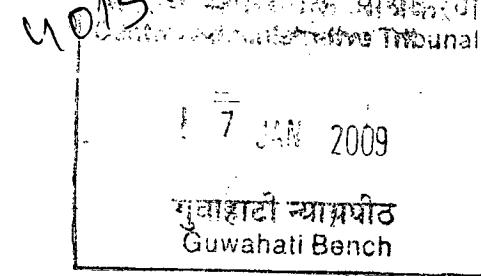
+ Major Work, Grant in Aid,
AC Bill & DC Bill

Copy to :

Assistant Director/E

82
ANNEXURE - A/10

NO. I/SO(G)-INQUIRY/2004-481
SUBSIDIARY INTELLIGENCE BUREAU
MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA
ITANAGAR



DATED - 03.06.05

TO,

03 JUN 2005

✓ SHRI TAPAN SUTRADHAR,
LDC,
SIB, ITANAGAR,
ARUNACHAL PRADESH.

SUBJECT - DEPARTMENTAL ENQUIRY UNDER RULE 14 OF THE CCS
(CC(A)) RULES, 1965 AGAINST SHRI TAPAN SUTRADHAR,
LDC.

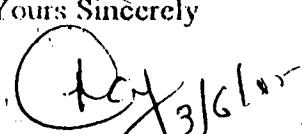
SIR,

I have been appointed Inquiring Authority vide Order No. 33/E/2004(2)-3344 dated 05.05.05 to enquire into the charges framed against you vide Memo No. 33/E/2004(2)-356-2462 dated 30.03.05

I shall hold the preliminary hearing in the matter on 14.06.05 at 11.45 a.m. at 'G' Branch, SIB Itanagar, Gohpur Tinali. You are requested to attend the hearing either alone or with your defence assistant. Your defence assistant should be a government servant or retired government servant and should not be a legal practitioner. Particulars of the defence assistant may be furnished well in advance so that necessary correspondence from the competent authority of your defence assistant could be made. You can also submit list of additional documents/witnesses required for your defence during the preliminary hearing.

If you fail to appear in the preliminary hearing on the aforesaid date, time and venue, the hearing shall be held ex parte.

Yours Sincerely


(RAJKAMAL SITARAM)
SECTION OFFICER/G
AND
INQUIRING AUTHORITY

Attested



Advocate

COPY TO :-

1. SO/A, SIB ITANAGAR
2. ASSISTANT DIRECTOR/E, SIB, ITANAGAR - FOR INFORMATION
3. ASSISTANT DIRECTOR/E, IB, HEADQUARTERS, NEW DELHI - FOR INFORMATION.
4. SHRI DEBASISH PAL, UDC, SIB ITANAGAR AND THE PRESENTING OFFICER.

7 JAN 2009

গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

①
Boj 3/105

INQUIRING AUTHORITY

84
Date of sig. on 05/09/2005.

ANNEXURE - A/11

Sub : Departmental Enquiry under rule 14 of the CCS (CC&A), Rules, 1965
against Shri Tapan Sutradhar, LDC.

Preliminary hearing dated 14-06-05.

Present: 1) Shri Tapan Sutradhar, LDC & Charged Officer,
2) Debasish Paul, UDC & Presenting Officer.

7 JAN 2009

গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

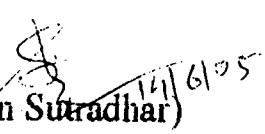
During the preliminary hearing on 14-06-05 (started at 1600 hrs.) when
Shri Sutradhar was asked about the charge (Article-I) against him, he replied as
under:

- (1) The works allotted to him were not the job of a LDC.
- (2) Before his posting in Accounts Branch on a particular table, huge
works were already pending.
- (3) He was allotted the works pertaining to bills of ALC, PPSS and
Misc. But the 15 receipts took over by Shri Murli were pertaining
to Motor Vehicle.
- (4) Some of the receipts given to S/Shri Chetri and Dey were not
pertaining to his allotted works and some of them were filing
papers/had no action.

Further when Shri Sutradhar was asked about another charge (Article-II),
he replied as under:

- (1) On his return from leave on 27-12-04 he submitted joining report
and leave application to SO/I by hand at I. Branch.
- (2) He received the memo dated 17-01-05. However he could not
submit reply due to heavy rush of work in his table.
- (3) He did not receive the memo dated 17-02-05. He said that the memo
dtd. 17-2-05 had not been issued by the Admin. and thus D.A. said false in
this regard.

Finally Shri Sutradhar added that his Defence Statement dated 27-04-05
may be taken as deposition before the Inquiry Officer.


(Tapan Sutradhar)
Charged Officer


(Debasish Paul)
Presenting Officer


(Rajkamal Sitaram)
SO/G & Inquiring Authority

Attested



Advocate

ANNEXURE - A/12
RON C

NO. I/SO(G)-INQUIRY/2004- 1035- 8063
SUBSIDIARY INTELLIGENCE BUREAU
MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA
ITANAGAR

DATED - 15.12.05

✓ TO,

SHRI, TAPAN SUTRADHAR,
LDC,
SIB, ITANAGAR,
ARUNACHAL PRADESH.

7 JAN 2009

मुख्यालयी न्यायालय
Guwahati Bench

SUBJECT - DEPARTMENTAL ENQUIRY UNDER RULE 14 OF THE CCS
(CC&A) RULES, 1965 AGAINST SHRI TAPAN SUTRADHAR,
LDC.

SIR,

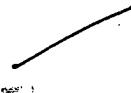
Please find the enclosed written brief submitted by the Presenting Officer.
You are asked to submit your written brief as per rules to the undersigned within
ten days.

Yours Sincerely


15/12/05
(RAJKAMAL SITARAM)
SECTION OFFICER/G
AND
INQUIRING AUTHORITY

COPY TO -

1. SHRI DEBASISH PAL, UDC, SIB ITANAGAR AND
THE PRESENTING OFFICER.


INQUIRING AUTHORITY

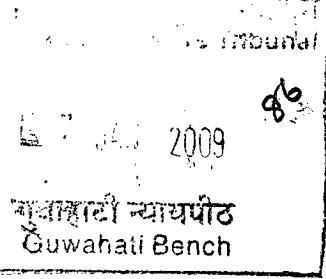
Attested



Advocate.

To

Shri Rajkamal Sitaram,
Section Officer/G & Inquiring Authority



Sub : Departmental Enquiry under rules 14 of the CCS(CC&A), Rules, 1965
against Shri Tapan Sutradhar, LDC- written brief of Presenting Officer.

Sir,

Please refer to your letter No.1/SO(G)-INQUIRY/2004990-7682 dated
29.11.05 on the subject cited above.

Shri Tapan Sutradhar, LDC has been issued Charge Sheet under rules 14
of the CCS(CC&A) Rules, 1965 for his following misconduct:

ARTICLE-I

That the said Shri Tapan Sutradhar, LDC while working in Accounts
Branch was found in the habit of keeping the papers pending for months
together and adopting dilatory tactics in prompt disposal of Govt. work.

Thus he exhibited conduct violative of Rule 3(1) and Rule 3-A of the
CCS (Conduct) Rules, 1964.

ARTICLE-II

That the said Shri Tapan Sutradhar, LDC while working in Accounts
Branch proceeded on 5 days CL w.e.f. 13 to 17 Dec., 2004. However, he
reported for duty on 27.12.04. Despite repeated verbal directions and written
instruction given vide Memo No.17/Accts/Misc/2001-02(9) dated 17.02.05, he
did not submit his joining report and formal application for leave.

Thus, he disobeyed the lawful order of the Competent Authority and tried
to play fraud with the Govt. He exhibited conduct violative of Rule-3 of CCS
(COnduct) Rules, 1964.

During the course of preliminary hearing on 14.06.05 when Shri Tapan
Sutradhar, LDC was asked about the charge (Article-I) against him, he replied
as under:

- (1) The works allotted to him were not the job of a LDC.
- (2) Before his posting in Accounts Branch on a particular table, huge
works were already pending.
- (3) He was allotted the works pertaining to bills of ALC, PPSS and Misc.
But the 15 receipts took over by Shri Murli were pertaining to Motor
Vehicle.
- (4) Some of the receipts given to S/Shri Chetri and Dey were not
pertaining to his allotted works and some of them were filing papers/
had no action.

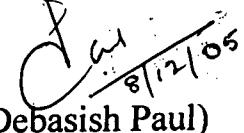
(2)

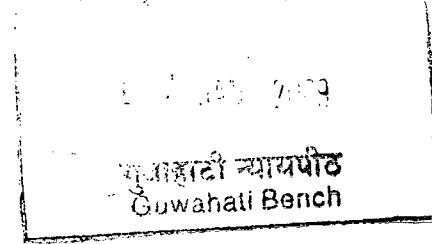
Further when Shri Sutradhar was asked about another charge (Article-II), he replied as under:

- (1) On his return from leave on 27.12.04 he submitted joining report and leave application to SO/I by hand at I. Branch.
- (2) He received the memo dated 17.01.05. However he could not submit reply due to heavy rush of work in his table.
- (3) He did not receive the memo dated 17.02.05. He said that the memo dated 17.02.05 had not been issued by the Admn. and thus D.A. said false in this regard.

Documents show that Shri Sutradhar kept the papers pending for months together without any plausible reasons. Further it is also confirmed from/Estt. Branch that Shri Sutradhar did not submit joining report and leave application on his return from leave. Hence the charges against Shri Sutradhar stand proved.

Submitted please.


8/12/05
(Debasish Paul)
UDC & Presenting Officer



ANNEXURE - A/13

To
Shri Rajkamal Sitaram,
Section Officer/G,
Inquiring Authority,
SIB, Itanagar.

7 JAN 2009

গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

Ref :- Your letter No./SO(G)-INQUIRY/2004-1035-8063 dated 15.12.2005.

Sub :- Submission of representation against brief submitted by the Presenting Officer(PO).

Sir,

With due respect I beg to reply the brief submitted by the PO on 08.12.05 those are as under –

REGARDING PENDING WORKS

1. Works had not been distributed according to rank
2. Myself is an LDC and hence, my nature of jobs are diary, dispatch and typing only according to Swamy's rule though, on that period I prepared bills amounting to Rs.87,97,550/- exclusive of other work.
3. Other reasons were already been explained by me on my defense statement on 27.04.05.

REGARDING JOINING REPORT

1. I had submitted the joining report along with leave application on 27.12.04 to SO/I at I/Br. Wherein I requested that the 12 days leave availed by me from 13.12.04 to 24.12.04 may please be sanctioned as E/L for regularization of leave but, I know nothing why it did not reach to the SO/E.

It is therefore, requested that the case may please be finalized without penalty.

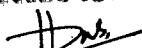
Thanking you.

Yours faithfully

Dated – 23.12.2005.

(Tapan Sutradhar)
LDC, B/Branch,
SIB, Itanagar.

Attested



Advocate.

ANNEXURE - A/14

7 JAN 2009

गुवाहाटी न्यायालय
Guwahati Bench

No.33/Estt/2004(2)- 9054
Subsidiary Intelligence Bureau,
Ministry of Home Affairs,
Government of India,
Itanagar.

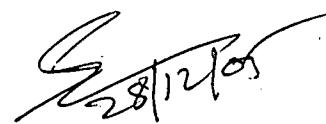
28 DEC 2005

Dated, the -

MEMORANDUM

Please refer to the Disciplinary Authority, SIB, Itanagar O.M. No. 33/E/2004(2)-356-2462 dated 30.03.2005 and O.M. No. 33/E/2004(2)-3344 dated 05.05.2005 regarding appointment of Shri Rajkamal Sitaram, SO/G, SIB, Itanagar as Inquiry officer to inquire into the charge, framed against Shri Tapan Sutradhar, LDC, Charged officer.

2. A copy of the report of the Inquiry officer, Shri Rajkamal Sitaram, SO/G, SIB, Itanagar is enclosed. The Disciplinary Authority will take a suitable decision after considering the report. If Shri Tapan Sutradhar, LDC, Charged officer wishes to make any representation or submission, he may wish to do so, in writing to the Disciplinary Authority within 15 days of receipt of this Memo.
3. The receipt of this Memo may please be acknowledged.



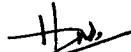
/Assistant Director/E

To

Shri Tapan Sutradhar, LDC
SIB, Itanagar.

Encl : As stated.

Arrested



Advocate

ENQUIRY REPORT

SUBJECT : ENQUIRY REPORT IN RESPECT OF CHARGES
FRAMED AGAINST SHRI TAPAN SUTRADHAR,
LDC VIDÉ MEMO NO. 33/E/2004(2)-356 DATED
30.03.05

The undersigned was appointed as the Inquiring Authority, vide order no. 33/E/2004(2)-3344 dated 05.05.05, to inquire into the following charges framed against Shri Tapan Sutradhar, LDC.

2009
গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

ARTICLE - I

That Shri Tapan Sutradhar, LDC, while working in Accounts Branch was found in the habit of keeping the papers pending for months together and adopting dilatory tactics in prompt disposal of government work.

Thus, he exhibited conduct violative of Rule 3(1) and Rule 3-A of the CCS (Conduct) Rules, 1964.

ARTICLE - II

That Shri Tapan Sutradhar, LDC, while working in Accounts Branch proceeded on 5 (five) days C.L. from 13th to 17th December, 2004, but reported for duty on 27.12.04. Despite repeated verbal directions and written instruction given vide Memo. No. 17/Accnts/Misc./2001-02 (9) dated 17.02.05 he did not submit his joining report and formal application for leave.

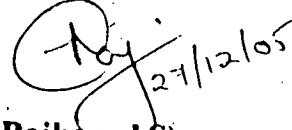
Thus, he disobeyed the lawful order of the Competent Authority, tried to play fraud with the Government and exhibited conduct violative of Rule-3 of the CCS (Conduct) Rules, 1964.

FINDINGS

ARTICLE - I - As per documentary evidence submitted by the Accounts Branch and as per the report of the presenting officer, after checking the Diary Register of the Accounts Branch, it is proved conclusively that Shri Tapan Sutradhar, LDC, had at least 68 papers pending with him, some of them for more than six months, without any plausible reason.

ARTICLE - II - As per the records of the Establishment Branch and as per the Statement of Section Officer/I it is also proved beyond doubt that despite repeated verbal directions and written instruction of the competent authority, he did not submit his joining report and formal application for leave.

Therefore, both the above mentioned charges stand proved against Shri Tapan Sutradhar, LDC.


27/12/05
(Rajkamal S)
Section Officer/G
&
Inquiring Officer

By the

ANNEXURE - A/15

To
The Assistant Director/E,
Disciplinary Authority,
SIB, Itanagar.

2009

গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

(Through Proper Channel)

Ref :- Your O.M. No.33/Estd/2004(2)-9054 dated 28/12/05.

Sub :- Submission of representation against false allegation and undue enquiry report submitted by the Inquiring Officer(IO) on 27/12/05.

Sir,

With due respect I beg to inform you that the enquiry report submitted by the IO on 27/12/05 has been disowned by me for the following reasons –

FROM ARTICLE- I

1. I have been posted verbally at Accts/Branch on 06/09/2004 but, according to Swamy's – CCS (Conduct) Rules – Do not convey oral instructions to the subordinates. (If done for unavoidable reasons, confirm in writing as soon as possible.) Thus, violation of rules by the Authority.
2. Large No. of papers was pending before my posting at that table.
3. A request representation had been submitted by me on 10/12/2004 to the SO/A for decreasing the work load and the SO/A also commented "Please discuss" on 10/01/2005 on the body of the same representation but, action has not been taken by him.
4. Work has not been distributed either equally or according to the rank.
5. Generally our working period is eight (8) Hrs. but, some of my working period was 56.5 Hrs. (Example - Normal office duty from 09.00 Hrs. after than started for Air-Bag duty by order, which is very risky work after than normal office duty started again without any rest up to 17.30 Hrs.)
6. The nature of job of an LDC is diary, dispatch and typing only according to Swamy's rule.
7. The work pending with me was not for diary, dispatch and typing.
8. Almost 54 No. of papers were pending with me but, not at least 68 No. of papers pending with me.
9. My period of posting at Accts/Branch was five(5) months and seven(7) days only at that time, therefore, how could I kept pending papers more than six(6) months.
10. At that period I received 252 No. of papers in addition to a large No. of pending papers and I disposed off almost all the actionable papers in addition to 2 pay bills and 2 RRT bills every month for those no paper has come and all together I prepared bills amounting to Rs.87,97,550/- along with I performed Air-Bag duty frequently to SIB, Guwahati and one (1) RP & AO, Shillong tour from Accts/Branch for Accts. matter.

Attested


Advocate.

(Continued page -2)

7 JAN 2009

गुवाहाटी न्यायालय
Guwahati Bench

-- 2 --

11. Other reasons were already been explained by me on my defense statement on 27/04/2005.

FROM ARTICLE - II

1. I had submitted the joining report along with leave application on 27/12/04 to SO/I at L/Branch.
2. The statement of Shri Viplav, SO/I was completely false, since, Shri Viplav is a liar, it is proved beyond doubt on my earlier representation dated 08/08/2005 against SO/G's letter No.1/SO(G)-INQUIRY/2004-5285 dated 28/07/05.
3. Shri Viplav, SO/I tried to trap/harass me on saying false since, I belong to S/C community.
4. If my joining report along with formal leave application had misplaced by any reason in that case I shall agree to resubmit the same.

FINDINGS/REFLECTION

On the study of the above mention points it is clear that there is completely other reason behind the charges framed against me vide O.M. No.33/E/2004-356 dated 30/03/2005.

That Sir, Rule 10(5), GII(10), Chapter 3 says "The total period of investigation and disciplinary proceedings should not ordinarily exceed six months.", thus the period of departmental action is over.

It is, therefore, requested that the case may please be finalized without penalty.

Thanking you.

Yours faithfully

Dated - 05/01/2006.

(Tapan Sutradhar)
LDC, B/Branch,
SIB, Itanagar.

Copy to :-

The Hon'ble Joint Director, SIB, Itanagar for information and kind necessary action please.

(Tapan Sutradhar)
LDC, B/Br., SIB, Itanagar.

ANNEXURE A/16
Central Administrative Tribunal

No. 33/E/2004(2)-
Subsidiary Intelligence Bureau,
(MHA), Government of India,
Itanagar.

7 JAN 2009

গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

Dated, the -

27 JAN 2006

ORDER

Whereas Shri T. Sutradhar, LDC while posted at SIB, Itanagar was issued Memo No. 33/E/2004(2)-356-2462 dated 30/03/05 under Rule-14 of CCS(CCA) Rules, 1965 on the following charges:

not disclosed
in the hearing

Article-I

"That the said Shri T. Sutradhar, LDC while working in Accts. Branch was found in the habit of keeping the papers pending for months together and adopting dilatory tactics in prompt disposal of Govt. work.

Thus, he exhibited conduct violative of Rule 3(1) and Rule 3-A of the CCS(Conduct) Rules, 1964".

Article-II

That the said Shri T. Sutradhar, LDC while working in Accts. Branch proceeded on 5 days C.L. w.e.f. 13 to 17 Dec., 2004. However, he reported for duty on 27.12.04. Despite repeated verbal directions and written instruction given vide Memo No. 17/Accts/Misc/2001-02 (9) dated 17.02.05, he did not submit his joining report and formal application for leave.

Thus, he disobeyed the lawful order of the Competent Authority and tried to play fraud with the Govt. He exhibited conduct violative of Rule-3 of the CCS (Conduct) Rules, 1964.

And whereas, Shri T. Sutradhar, LDC submitted his representation on 28/04/05 and denied all the charges framed against him. Therefore, Shri R.K. Sitaram, SO was appointed Inquiring Authority vide Memo No. 33/E/2004(2)-3344 dated 5.5.2005. The I.O. summoned Shri T. Sutradhar, LDC to appear before him for hearing on 14.06.2005 and he appeared on that day but denied the charges. He also made certain statement against the charges. After that the documentary evidences in connection with charges were checked thoroughly and it was proved conclusively that Shri T. Sutradhar, LDC had atleast 68 papers pending with him, some of them for more than six months, without any plausible reason. Further as per the records of the Establishment Branch it was also proved beyond doubt that despite repeated verbal directions and written instruction of the Competent Authority, he had not submitted his joining report and formal application for leave. The I.O. thus proved both the charges levelled against him and submitted his inquiry report dated 28.12.05.

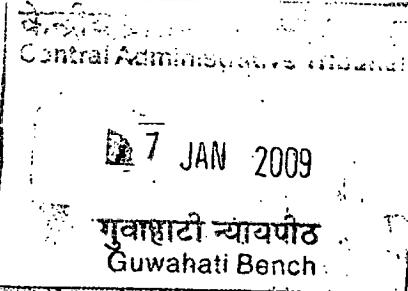
And whereas the undersigned on going through the Inquiry report, agreed with the findings of the I.O. and forwarded the Inquiry report to Sh. Sutradhar vide Memo No.33/E/2004(2)-9054, dated 28 Dec. 2005 for making representation on the report of I.O.

Contd...2/-

Attested

H.M.

Advocate



-2-

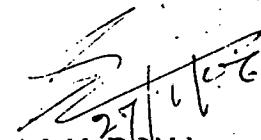
And whereas Sh. Sutradhar, LDC submitted his representation dated 06.01.06 wherein he said that charges levelled against him were false and with a view to harassing him. He also used intemperate language against the superior officers.

And whereas the undersigned on going through all relevant records and submission made by Shri Tapan Sutradhar, LDC finds that the charges against him stand proved.

NOW THEREFORE, THE UNDERSIGNED, AWARDS HIM MAJOR PENALTY UNDER RULE 11 (IV) OF THE CCS (CCA) RULES 1965 AND ORDERS THAT THE PAY OF SHRI T. SUTRADHAR, LDC BE REDUCED BY THREE STAGES FROM RS. 3975/- TO RS. 3725/- IN TIME SCALE OF PAY OF RS. 3050-75-3950-80-4590/- FOR A PERIOD OF THREE YEARS.

IT IS FURTHER DIRECTED THAT HE WILL NOT EARN INCREMENT OF PAY DURING THE PERIOD OF REDUCTION AND THAT ON EXPIRY OF THIS PERIOD THE REDUCTION WILL HAVE THE EFFECT OF POSTPONING HIS FUTURE INCREMENT OF PAY. IT IS ALSO FURTHER DIRECTED THAT THE PERIOD OF HIS SUSPENSION W.E.F. 14.2.2005 TO 26.4.2005 WILL BE TREATED "DIES NON".

FURTHER, SH. SUTRADHAR HAS ALREADY BEEN AWARDED MINOR PENALTY VIDE ORDER NO. 33/E/2004(2)-6269 DATED 14.09.2005. IT IS THEREFORE FURTHER ORDERED THAT BOTH THE PENALTIES WILL NOT RUN CONCURRENTLY AND THAT THIS MAJOR PENALTY WILL COME INTO EFFECT AFTER EXPIRY OF THE PERIOD OF MINOR PENALTY.



(A.K. ROY)

Assistant Director/E
Disciplinary Authority
SIB, Itanagar.

To
Shri T. Sutradhar, LDC
SIB, Itanagar.

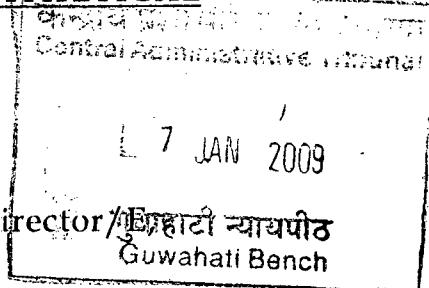
Copy to :- 1) The Assistant Directors : E,G,CC,ACR, IB Hqrs. New Delhi.
2) The Section Officer/A, SIB, Itanagar (2 copies).
3) The SB cell/ ACR cell, SIB, Itanagar.
4) The P.F. of Shri T. Sutradhar, LDC.

Assistant Director/E
Disciplinary Authority
SIB Itanagar

ANNEXURE - A/17

To,
The Hon'ble Joint Director,
Appellate Authority,
SIB, Itanagar.

EXTREME SYMPATHETICAL



Sub : Prayer for revision of the decision of the Assistant Director/ असामी न्यायपीठ
Disciplinary Authority, SIB, Itanagar.

Ref. : SIB, Itanagar O.O. No. 33/E/2004(2)- dated 27.01.2006.

Respected Sir,

With due respect and humble submission I made this representation to bring to your kind notice on the subject cited above in respect of reference above.

2. That Sir, a charge was framed against me on 30.03.2005 (after my setup transfer) vide O.M. No. 33/E/2004(2)-356-2462 dated 30.03.2005. After a long period the case was finalized with major penalties imposed on me.

3. It is, therefore, prayed before your kind authority & personal gracious self to kindly re-examine the case as to pass necessary order for refinalizing the case without penalty as your Honour would deem fit and proper for the ends of justice.

Thanking you Sir,

Yours faithfully,

(Tapan Sutradhar)
LCD, B/Br., SIB, Itanagar

Dated : 06.02.2006

Attested



Advocate.

No. 33/E/2004(2)- 4175
Subsidiary Intelligence Bureau,
(MHA), Government of India,
Itanagar.

ANNEXURE - A/18

Dated, the -
ORDER

16 JUN 2006

Whereas Shri T. Sutradhar, LDC while posted at SIB, Itanagar was issued Memo No. 33/E/2004(2)- 356-2462 dated 30/03/05 under Rule-14 of CCS(CCA) Rules, 1965 on the following charges :-

Article-I

"That the said Shri T. Sutradhar, LDC while working in Accts. Branch was found in the habit of keeping the papers pending for months together and adopting dilatory tactics in prompt disposal of Govt. work.

Thus, he exhibited conduct violative of Rule 3(1) and Rule 3-A of the CCS(Conduct) Rules, 1964".

Article-II

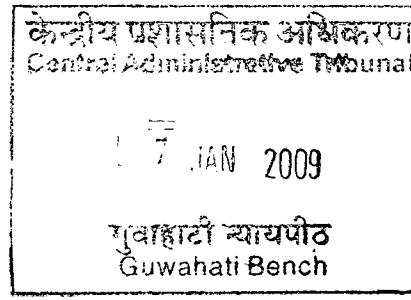
That the said Shri T. Sutradhar, LDC while working in Accts. Branch proceeded on 5 days C.L. w.e.f. 13 to 17 Dec., 2004. However, he reported for duty on 27.12.04. Despite repeated verbal directions and written instruction given vide Memo No. 17/Accts/Misc/2001-02 (9) dated 17.02.05, he did not submit his joining report and formal application for leave.

Thus, he disobeyed the lawful order of the Competent Authority and tried to play fraud with the Govt. He exhibited conduct violative of Rule-3 of the CCS (Conduct) Rules, 1964.

And whereas, Shri T. Sutradhar, LDC submitted his representation on 28/04/05 and denied all the charges framed against him. Therefore, Shri R.K. Sitaram, SO was appointed Inquiring Authority vide Memo No. 33/E/2004(2)-3344 dated 5.5.2005. The I.O. summoned Shri T. Sutradhar, LDC to appear before him for hearing on 14.06.2005 and he appeared on that day but denied the charges. He also made certain statement against the charges. After that the documentary evidences in connection with charges were checked thoroughly and it was proved conclusively that Shri T. Sutradhar, LDC had atleast 68 papers pending with him, some of them for more than six months, without any plausible reason. Further as per the records of the Establishment Branch it was also proved beyond doubt that despite repeated verbal directions and written instruction of the Competent Authority, he had not submitted his joining report and formal application for leave. The I.O. thus proved both the charges levelled against him and submitted his inquiry report dated 28.12.05.

And whereas the Inquiry report was forwarded to the Charged Officer, Sh. T. Sutradhar, LDC vide Memo No.33/E/2004(2)-9054 dated 28.12.2005 for making representation on the report of I.O. and Sh. Sutradhar, LDC submitted his representation dated 06.01.06, wherein he said that charges levelled against him were false and used intemperate language against the superior officers.

Contd...2/-



Attested

H.S.

Advocate.

Now, I being the Appellate Authority, have gone through all the records of the Departmental Enquiry and found that the DE against him had been conducted strictly as per the procedure laid down under CCS(CCA) Rules, 1965. The findings of the disciplinary authority conform to the evidence on record.

However, in view of the length of service rendered by him and other relevant factors, I am inclined to take a lenient view in the matter. Accordingly, I order that:

(i) The pay of Sh. T. Sutradhar, LDC be reduced by two stages from Rs. 3,950/- to Rs. 3,800/- in time scale of pay of Rs. 3050-75-3950-80-4590/- for a period of two years.

(ii) He will not earn increment of pay during the period of reduction and that on expiry of this period the reduction will have the effect of postponing his future increment of pay.

(iii) The period of his suspension w.e.f. 14.02.05 to 26.04.05 will be treated as leave of the kind due and admissible.

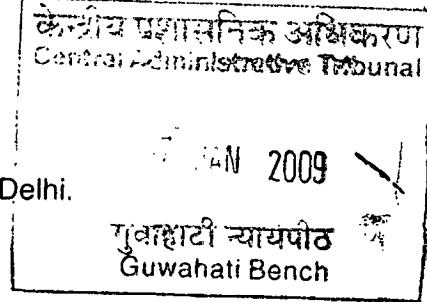
(iv) Further, as Sh. Sutradhar has already been awarded minor penalty vide, Order 33/E/2004(2)-6269 dated 14.09.2005, both the penalties will not run concurrently and that this major penalty will come into effect after expiry of the period of minor penalty.

16/6/06
(Dr. Anand Kumar)
Joint Director
Appellate Authority
SIB, Itanagar.

✓ To

Shri T. Sutradhar, LDC
SIB, Itanagar – Now, SIB Guwahati.

Copy to :- 1) The Assistant Directors : E,G,CC,ACR, IB Hqrs. New Delhi.
2) The Assistant Director/A, SIB, Guwahati.
3) The Section Officer/A, SIB, Itanagar (2 copies).
4) The SB cell/ ACR cell, SIB, Itanagar.
5) The P.F. of Shri T. Sutradhar, LDC.



Joint Director
Appellate Authority
SIB, Itanagar.

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

O.A. no. 01/09

Sri Tapan Sutradhar

...Applicant

-Vs-

Union of India and others

...Respondents

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Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

133 20 OCT 2009 10/10

Guwahati Bench
गुवाहाटी न्यायपीठ

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Filed by:

Mrs. Manjula Das,

Senior Central Govt. Standing Counsel
U.O.T.
CAT, Guwahati Bench.

Received copy.
Das
20. 10. 09.

55

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

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

20 OCT 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

IN THE MATTER OF:

In O.A. No. 1/09

Sri Tapan Sutradhar
.....**Applicant**

-vs.-
Union of India and others
.....**Respondents**

-AND-
IN THE MATTER OF:

Written statement on behalf of the
respondents.

(WRITTEN STATEMENT ON BEHALF OF RESPONDENTS)

I, Sri SANJAY PRAKASH DUBEY, S/o SHRI R. M. DUBEY,
aged about 44 years, presently working as the ASSISTANT DIRECTOR(E)
SIB, MHA, Itanagar, Arunachal Pradesh, do hereby solemnly affirm and state as follows:-

1. That I am the ASSISTANT DIRECTOR(E) SIB, MHA, Itanagar, Arunachal Pradesh I have been impleaded as party respondent no 4. I have gone through the Original Application and have understood the contents thereof. I am conversant with the facts and circumstances of the case. I have been authorized to file this written statement on behalf of all respondents.
2. That I do not admit any of the averments except which are specifically admitted hereinafter and the same are deemed as denied.
3. That before traversing various paragraphs of the present Original Application, the answering respondent would like to place the brief facts of the case.

BRIEF FACTS OF THE CASE:

- 3.1 That the applicant Sri Tapan Sutradhar was initially appointed as Lower Divisional Clerk in the office of the Subsidiary Intelligence Bureau, Guwahati. He was, thereafter, transferred and posted at SIB, Silchar. After completion of about ten years of service in the rank of LDC, the applicant was transferred to SIB, Itanagar on 06.09.04. The Applicant as being the senior LDC was posted in the Accounts branch and allotted accounts works.

File No: 10109
The Respondents
M. D. S. S.
M. D. S. S.
G. C. T. 20/10/09

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3.2 That the applicant was in fact in the habit of keeping the papers pending for months together and willfully adopted dilatory tactics in prompt disposal of the government works.

3.3 That the applicant while working in Accounts Branch, SIB, Itanagar, had applied for five days Casual Leave from 13.12.04 to 17.12.04, he was due to join on 20.12.04 (with suffixing 18-19/12/04) but he extended his leave by sending a message stating that he is unable to join due to some domestic work. Later, he physically reported for duty on 27.12.04. He was asked to submit his joining report and to apply for Earned Leave for the whole period i.e. from 13.12.04 to 26.12.04. Despite several reminders, he did not submit his joining report alongwith leave application.

3.4 That the authority, thereafter, vide letter dated 17.01.05 under no. 17/Accts/Misce/2001-02(9)-275 issued a memorandum to the applicant and advised him to submit his joining report immediately alongwith the formal leave application to the Section Officer, Accounts, SIB, Itanagar. But he did not submit the same and thereby, disobeyed the lawful order of the competent authority.

3.5 That the disciplinary authority issued suspension order to the applicant, Sri Tapan Sutradhar w.e.f. 17.02.05 under no. 33/E/2004(2)-84-1529-(A) and initiated an enquiry against him under Rule 14 of the CCS(CCA) Rules, 1965 for the imputation of misconduct. Accordingly, Articles of charges were issued to the applicant vide memo no. 33/E/2004(2)-356-2462 dated 30.03.05.

3.6 That the applicant made representation before the authority for the cancellation of the suspension order dated 18.02.05. The authority, however, thereafter, reinstated the applicant in service vide order dated 26.04.05.

3.7 That the departmental proceeding was initiated against him. An Enquiry officer was also appointed to make the inquiry into the charges leveled against the applicant, written statement of defence dated 27.04.05 was submitted by the applicant. The hearing in the matter was also fixed on 14.06.05 at 11:45 AM at "G" Brach, Itanagar, Gohpur Tiniali. The applicant was also requested to attend the hearing. In the hearing he replied into the charges framed against him. Thereafter vide letter dated 15.12.05, the applicant was asked to submit his written brief to the Inquiry Officer within ten days.

3.8 That after completion of the inquiry, the inquiry report was prepared and submitted to the Disciplinary Authority. The copy of the said inquiry report was also communicated to the applicant. On receipt of the inquiry

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report the applicant submitted an application dated 05.01.06 to the Disciplinary Authority against the inquiry report.

3.9 That the Disciplinary authority after going through all the relevant records and submissions made by the applicant found that the charges against him stood proved. The applicant was also given full opportunity to defend his case but he could not establish his case. As the charges leveled against the applicant were proved, the Disciplinary Authority thereafter imposed major penalty under Rule 11 (v) of the CCS (CCA) Rules, 1965 vide order no. 33/E/2004 dated 27.01.06 by reducing his pay by three stages from Rs. 3975 to Rs. 3725 in time scale of pay of Rs. 3050-75-3950-80-4590/- for a period of three years with a further direction that the period of his suspension with effect from 14.02.05 to 26.04.05 be treated as 'Dies-Non'. It was further ordered that this major penalty would come into effect after the expiry of period of his minor penalty which had already been awarded to him vide order no. 33/E/2004(2)-6269 dated 14.09.05.

3.10 That the applicant thereafter vide his application dated 06.02.06 requested the Appellate Authority to review the decision of the Disciplinary Authority whereby it imposed the major penalty vide order dated 27.01.06. The Appellate Authority, thereafter, reexamining the case of the applicant by taking into account the relevant records and proceedings of the inquiry, confirmed the decision of the Disciplinary Authority vide order dated 16.06.06.

4. REPLY TO THE FACTS OF THE CASE:

4.1 That with regard to the statements made in paragraph 4.1 of the application, the humble answering respondent has nothing to make comment on it as they are being matters of records.

4.2 That with regard to the statements made in paragraph 4.2 of the application, the humble answering respondent begs to state that the applicant Sri Tapan Sutradhar was initially appointed as Lower Divisional Clerk in the office of the Subsidiary Intelligence Bureau, Guwahati. He was thereafter transferred and posted at SIB, Silchar. After completion of about ten years of service in the rank of LDC, the applicant was transferred to SIB, Itanagar on 06.09.04. The Applicant as being the senior LDC was posted in the Accounts branch and allotted accounts works.

Further it is stated that the contention made by the applicant regarding the previous pending papers in fact was not based on records or documents.

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It is absolutely false that, to harass him and make his service life miserable, he was allotted huge works. The applicant is a senior LDC having experience in his service and the workload in fact was not unreasonable.

4.3 That with regard to the statements made in paragraph 4.3 of the application, the humble answering respondent begs to state that the applicant was in fact in the habit of keeping the papers pending for months together and willfully adopted dilatory tactics in prompt disposal of the government works. Thus he exhibited conduct violating of rule 3(1) and 3-A of CCS (Conduct) Rules, 1964.

Besides, the applicant while working in Accounts Branch, SIB, Itanagar, had applied for five days Casual Leave from 13.12.04 to 17.12.04, he was due to join on 20.12.04 (with suffixing 18-19/12/04) but he extended his leave by sending a message stating that he is unable to join due to some domestic work. Later, he physically reported for duty on 27.12.04. He was asked to submit his joining report and to apply for Earned Leave for the whole period i.e. from 13.12.04 to 26.12.04. Despite several reminders, he did not submit his joining report alongwith leave application. Thus, he tried to evade submitting joining report and leave application with an intention to manipulating his leave. Thus, thereby, the applicant disobeyed the order of the superiors.

4.4 That with regard to the statements made in paragraphs 4.4 to 4.6 of the application, the humble answering respondent has nothing to make comment on it as they are matters of record of the case.

4.5 That with regard to the statements made in paragraph 4.7 of the application, the humble answering respondent begs to state that the list of documents by which the articles of charge framed against the applicant was supplied to the applicant alongwith the articles of charges.

Further the letter dated 05.04.05 made by the applicant does not indicate the relevant documents as sought by him.

Further, it is stated that the applicant's right to inspect the documents or to get copies of the documents would acquire only when he would appear before the Inquiry Authority in course of formal inquiry that is before commencement of the recording of evidence, the delinquent is to be allowed all sorts of opportunities including inspection of documents and/or to have the copies of the documents proposed to be used against him. In the instant case it was premature on his part to ask for documents, that too without indication the relevancy of documents.

4.6 That with regard to the statements made in paragraph 4.8 of the application, the humble answering respondent has nothing to make comment on it as they are being matters of records.

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4.7 That with regard to the statements made in paragraph 4.9 of the application, the humble answering respondent begs to state that the Applicant as being the senior LDC was posted in the Accounts branch and allotted accounts works. Further it is stated that the contention made by the applicant regarding the previous pending papers in fact was not based on records or documents.

It is absolutely false that, to harass him and make his service life miserable, he was allotted huge works. The applicant is a senior LDC having experience in his service and the workload in fact was not unreasonable. Further the applicant also failed to furnish the detailed list of receipts on daily basis and on weekly basis to know his performance from time to time.

Hence in view of the above facts the representation dated 10.12.04 was found to be unfounded and unwarranted.

4.8 That with regard to the statements made in paragraph 4.10 of the application, the humble answering respondent begs to state that the applicant earlier applied for five days casual leave with effect from 13.12.04 to 17.12.04 vide his application dated 09.12.04. He was allowed to proceed on the said Casual Leave by the competent authority on 10.12.04 with due receipt and acknowledgement of the same. He was due to join duty on 20.12.04 (with suffixing 18-19/12/04) but did not do so and in fact reported back for duty only on 27.12.04.

Thereafter, the applicant was asked to apply for Earned Leave and submit formal joining report and leave application. Despite several reminders from the respondent authority he did not do so. The authority thereafter vide letter dated 17.01.05 under no. 17/Accts/Misce/2001-02(9)-275 issued a memorandum to the applicant and advised him to submit his joining report immediately alongwith the formal leave application to the Section Officer, Accounts, SIB, Itanagar.

It is pertinent to mention here that the so called application dated 27.12.04 as mentioned by the applicant in fact was not submitted before the authority. There is no any receipt with signature or any proof that he actually submitted his joining report alongwith his leave application since all the papers received by the Accounts Section, first made entry in branch diary register and after that it is distributed to all dealing hands according to allotted subjects. But there is no such record about his joining report and leave application in the office register.

Copies of the said application dated 09.12.04, memorandum dated 17.01.05 office note are annexed herewith and marked as **Annexure 1 and 2** respectively.

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4.9 That with regard to the statements made in paragraph 4.11 of the application, the humble answering respondent begs to state that being a dealing assistant, one cannot refuse to do the office work which is of urgent nature and is assigned to him by the In-charge i.e the Section Officer in addition to one's allotted work. The Section Officer/In-charge has the prerogative to change the allotted subject of any dealing assistant at any time by writing or orally as per the urgency of the work. The applicant being a senior LDC was allotted the works which is of urgent nature and the works were assigned to him by the Section Officer. The applicant was, thus, allotted the work of the preparation of the MV Bills by the Section Officer, Accounts but he did not obey the orders of the Section Officer and kept pending the bills with him without showing any reasons.

Further it is stated that besides the MV bills, the applicant also kept pending the clearance of other important bills, which were under the scope of work already allotted to him, for a long time. Messages no. (1) PM/12 dated 02.02.05 received from the BIP Maja, (2) No.21/Acctt(Misc)/DRJ/05 dated 10.02.05 received from SIB, Daporijo, (3) KM/13 dated 12.02.05 received from BIP, Sarli, (4) No.AM/04 dated 22.02.05 received from BIP Tasking, (5) No.JK/07 dated 04.03.05 received from BIP Kalaktang were received for early clearance of bills of ALCs but the applicant ignored the urgency of the messages and did not take prompt action to clear the said bills.

Thus, he acted in a manner unbecoming of a Govt. servant, showed lack of devotion to duty and willfully adopted dilatory tactics in disposal of Govt. work to the detriment of public interest, thereby, exhibiting conduct violative of Rule 3(1) and Rule-3A of the CCS (Conduct) Rules, 1964.

Copies of the said messages dated 02.02.05, 10.02.05, 12.02.05, 22.02.05 and 04.03.05 are annexed herewith and marked as **Annexure 3 series.**

4.10 That with regard to the statements made in paragraphs 4.12 to 4.14 of the application, the humble answering respondent has nothing to comment on it as they are being matters of records.

4.11 That with regard to the statements made in paragraph 4.15 of the application, the humble answering respondent begs to state that the applicant was allotted work to do all bills/claim of JIO-II/G only. Bills such as GPF advance, LTC, Medical and TA bills were required to be prepared as and when they prefer and pay bill are required to be prepared once in a month. As per work distribution order (Annexure-A/9 of the Original Application), the applicant was allotted the minimum work as because at that time the strength of JIO-II was 68 only.

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As regards his joining report and leave application, the applicant did not submit the same. He failed to submit any documentary proof as regard submission of his joining report with leave application.

4.12 That with regard to the statements made in paragraph 4.16 of the application, the humble answering respondent has nothing to comment on it as they are being matters of records.

4.13 That with regard to the statements made in paragraph 4.17 of the application, the humble answering respondent begs to state that in the departmental inquiry an inquiry officer was appointed and inquiry was conducted and opportunity was given to the applicant for hearing. Written statement of defence dated 27.04.05 was also submitted by the applicant. The hearing in the matter was also fixed on 14.06.05 at 11:45 AM at "G" Brach, Itanagar, Gohpur Tiniali. The applicant was also requested to attend the hearing. In the hearing he replied into the charges framed against him. After hearing and proper examination of the evidence of record on 14.06.05 the charges framed against the applicant were proved.

It is to be stated here that the enquiry officer found that there are in fact documents which show that the applicant, Sri Sutradhar, kept the papers pending for months together without any plausible reasons. Further it was also confirmed that the applicant did not submit joining report and his leave application on his return from leave. Hence the charges against Sri Sutradhar stood proved. Thereafter vide letter dated 15.12.05, the applicant was asked to submit his written brief to the Inquiry Officer within ten days.

It is to be stated here that from the records it appears that no such application dated 27.12.04 was submitted by the applicant. It was also admitted that the applicant received the Memo dated 17.01.05 whereby he was asked to submit the joining report and leave application to the authority. The applicant admitted that he cold not submit reply due to heavy rush of work in his table.

Further the Memo dated 17.02.05 (Annexure 3 of the Original Application) was issued to the applicant which contain as follows:

"He should furnish every month a certificate to the effect that he is not engaged in any other employment, business, profession or vocation."

In fact the said order dated 17.02.05 which in fact is not a relevant document into the charges framed against him.

Further Sri N Murali took all the pending bills from the applicant and processed the same and got sanction from the competent authority on 11-

02-05. From the record it appears that the urgent bill so allotted to Sri Sutradhar was not completed by the applicant and it is proved by the documentary evidence.

4.14 That with regard to the statements made in paragraph 4.18 of the application, the humble answering respondent begs to state that the charges were framed on documentary evidence. The Enquiry Officer recorded in his findings in Article I that the applicant was posted at the Accounts branch in the first part of the month of September, 2004 and he was placed under suspension w.e.f. 14.02.05. As such, it was more than 6 months i.e. from September, 2004 to February 14, 2004 that the bills and papers were pending with him. Moreover, it may be mentioned that the dealing hand cannot keep any bill or actionable paper more than 15 days at his own and without informing to his Section Officer-in-charge. But the applicant, Sri Sutradhar did not follow that procedure and he kept pending almost all the bills months together and thus hampered public interest.

Further, the inquiry officer in his inquiry report comes to a finding that that documentary evidence revealed that the applicant had the papers kept pending for months together without any plausible reason. It was also confirmed from the records that the applicant did not submit the joining report and leave application on his return from leave. After documentary evidence as well as from the inquiry it was found that the charges were proved.

4.15 That with regard to the statements made in paragraphs 4.19 to 4.21 of the application, the humble answering respondent has nothing to comment on it as they are being matters of records.

4.16 That with regard to the statements made in paragraph 4.22 of the application, the humble answering respondent begs to state that the disciplinary authority after having being satisfied with the inquiry report into the charges framed against the applicant as proved, issued the penalty order dated 27.01.06 by awarding penalty of reduction of salary in three stages from Rs. 3975/- to Rs. 3725/- in time-scale of pay of Rs. 3050-75-3950-80-4590/- for a period of three years.

The said order dated 27.01.06 is a speaking order.

4.17 That with regard to the statements made in paragraph 4.23 of the application, the humble answering respondent begs to state that all the charges against the applicant were proved on documents as well as after hearing of the applicant. So far the charges under Article II are concerned, in the hearing the applicant disclosed as follows:

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"He received the memo dated 17.01.05. However he could not submit reply due to heavy rush of work in his table."

Further there is no proof or any evidence on the part of the applicant that he submitted the application for leave on 27.12.04.

Further the applicant at the time of hearing replied that he did not received the Memo dated 17.02.05. The said order contains:

"He should furnish every month a certificate to the effect that he is not engaged in any other employment, business, profession or vocation."

The said order was issued to the applicant.

So far the charges under Article I is concerned, it appears from record that the applicant kept at least 68 papers pending with him, some of them more than six months without any plausible reason.

Thus, thereby it is established and proved that the charges leveled against the applicant are proved.

4.18 That this application has no merit at all and is liable to be dismissed.

7 OCT 2009

Guwahati Bench
गुवाहाटी न्यायालय

VERIFICATION

I, Sri SANJAY PRAKASH DUBEY, S/o SHRI R. M. DUBEY,
aged about 44 years, presently working as the ASSISTANT DIRECTOR (E)
SIB, MHA, Itanagar, Arunachal Pradesh, do hereby verify as follows:-

That the statements made in paragraphs

1, 2, 3'2, 4'5..... are true to my knowledge and belief, those made
in paragraphs 3'1, 3'3 to 3'10, 4'1 to 4'4, 4'6 to 4'7 being matters of record are true to
my information derived therefrom and rests are my humble submission before
the Hon'ble Tribunal. I have not suppressed any material fact before the Hon'ble
Tribunal.

And I sign this verification on this 20th day of October, 2009 at

Guwahati.


SIGNATURE

Assistant Director (E)
Subsidiary Intelligence Bureau
(MHA) Govt. of India
Itanagar

To,
The Section Officer I/A,
SIB, Itanagar,

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

20 OCT 2004

Guwahati Bench
गुवाहाटी न्यायपीठ

Sub:- Request for grant of 5 days C/I

Sir,

With due respect I beg to state that
I may kindly be granted 5 days C/I w.e.f.

13-12-04 to 17-12-04 due to very urgent

domestic work at my home at Guwahati

and hence 8th floor room permission may also

be granted on whole the leave period.

Thanking you, Sir.

Allowed.

N. Sarker
10.12.04.

Yours faithfully

T. Sarker
20/12/04

LDC, SIB,

Itanagar Accts. Br.

certified to be true

MS
20/10/04

11
13.1.2005
66

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

20 OCT 2009

Guwahati Bench
गुवाहाटी न्यायालय

No. 17/Accnts/Miscc/2001-02(9)-
Subsidiary Intelligence Bureau,
(MIHA), Govt. of India,

Itanagar, the ..

17 OCT 2005

MEMORANDUM

You were on leave from 13/12/04 to 24/12/04. But no joining report has been received either by SO/A or by SO/B though you have reported office on 27/12/04. As such, you are advised to submit your joining report immediately with the formal leave application to the undersigned.

13.1.2005
Section Officer/A

To:
Shri T.Sutradhar,
LDC
Accounts Branch

Copy for information to:

The Section Officer/B/ Bldg. Itanagar

13.1.2005
Section Officer/A

certified to be true

20/10/09

b

DR 644
4/3/2005

02/10/05

177

info - D.N.S

pur - M.J.P

for S.S/A in fin. O.C. M.J.P. kly. clear

ALC bill upto Oct 2004 at the earliest

as we are facing lot of problems at ALC
as we are facing our loads from limestone

as we are carrying our payment off their

to our due to them payment

pay 04/12 113.82 1.220/2

pay 04/12 113.82 1.156/2

VS
3.10.05 SP
S.T.S

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

20 OCT 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

Certified to be true

(W)

20/10/09

N
P. B.M
2/1
83/1
11/12/2005

172/CR/Par-1N/105
44th 68/

19
FAX NO ~~172~~/DRJ- 50+105

TO - MANAGAR (50/A)

sec(MT)

FM - DAPORIJO (A-114)

File No - 21 ACC+ (MISC) 1 DRJ 105 Dtd. 10/10/05

As BIP Daporijo is facing very difficulties to send the ration and other logistic items to BIP MAJA, BIP LIMKING and BIP TAKSING.

ALC payment is due since August 04 and till date we have managed to send the ration items and other essential logistic items anyhow, ALC also pressing hard to give their due amount as ALC are meagre paid and very poor. Hence it is requested to do the needful by releasing ALC payment (August 04 to January 05 = 6 Months) at your kind end.

This is for n/12 please.

1mrd. p1.

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय	
20. OCT 2004	
Guwahati Bench गुवाहाटी न्यायग्रीष्ठ	

Certified to be true

SP 10.10.05
Smt.S

MD
20/10/05

CRASH

1/B/MRC/2005-269
Dated: 15/2/05

To - IIA

2/2 - TRO

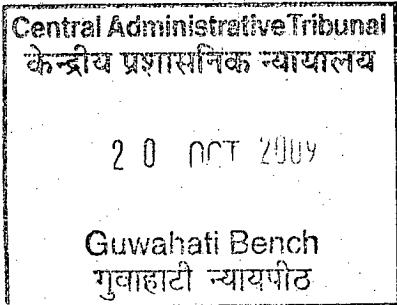
From - SRL

No: Km/1.3 Dtd: 12/2/05

It is surprising that our
ALCs at BIP SRL are not getting
their pay since Aug 2004.
Kindly send their pending pays
at the earliest otherwise we
will be in great trouble as they
are threatened to quit. O 43/12

✓ 13/2/05
14/2/05

✓ 12/2/05



certified to be true

20/10/09

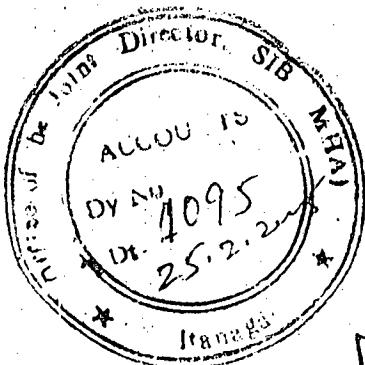
MIT

To-Zero

INF6 - TK3 / ITA

FM - DRJ

NO. AM/64 8/12 22-2-05



P.S. sub to Yrs. M. NO. NH/0

DT-17-2-05 neg. demand off ALCs by

N. Lammie, OC, BIP, TKG (1)

At BIP, TKG, there are C.

Nurs of ALCs employed and most
of the nation comes for birth (1)

Hance has newest bx. ALC. at TKJ,

2 Nas, or ALCs can be deployed at LKG. for B1P, TKG (if there is no need)

for. brev appointment of 2 nos of
ALCs at Lkg (1) & Ex. (kind) under

Pre () 1135/22

1500/22

1C-40122

3/02/22

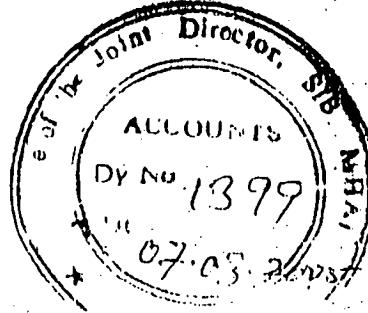
Central Administrative Tribunal केंद्रीय प्रशासनिक न्यायालय

20 OCT 2009

Guwahati Bench গুৱাহাটী ন্যায়পীঠ

certified as be true

20110909



10/10

To - ITA
INFO - JK

fm - KLG No JK/07 DT 4-3-02

MSG FOR A.D/E () WAGES OF

ALCS NOT YET RECEIVED SINCE

AUGUST 2004 () THEY ARE BECOME

AGITATED AND USE TO SPEAK SULUNG

LANGUAGES () OF COURSE THEY ARE

HUNGRY WITH FAMILY MEMBERS ()

THEY DEMANDED FOR THEIR WAGES

FROM AUGUST TO DEC 2004 () BOTH

THE ALCS PRESSING HARD () NO GRANT

SOME AMOUNT TO THEM BUT IT IS A

DROP OF WATER IN THE DESERT AS A

Human Being REQUESTED TO SCALD

THE ALCS WAGES OF 1110 KORORAH

AS EARLIER () FOR NO REASON

ACTION PLEASE () 77/4

13.3.05
T.S.12

SWPK

1130/4/1

1700/4

1258/4

1440/4

212.3.09

MS.

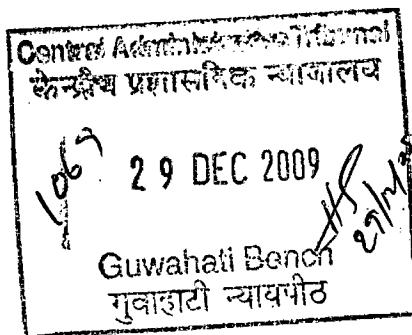
20/10/09

new
CAT/7505

certified

Filed by:
The Applicant
through
Hiring Mr. Das
Arvind A. Brodak
24.12.09

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



OA No. 1/2009.

BETWEEN

Tapan Sutradhar.

APPLICANT

-Versus-

Union of India and Ors

RESPONDENTS

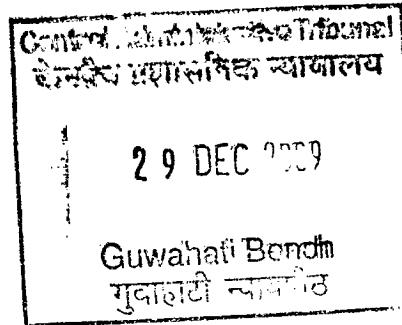
R E J O I N D E R

1. That a copy of written statement has been served upon the applicant. The applicant has gone through the same and under stood the contents thereof. The statements which are specifically admitted herein below, other statements made in the written statement are categorically denied and the respondents are put to the strictest proof thereof.

2.1 That with regard to the statements made in Para 3.1 of the written statement the deponent does not admit anything contrary to the relevant records of the case.

2.2 That with regard to the statements made in Para 3.2 of the written statement the deponent while denying the contentions made therein and reiterating and reaffirming the statements made in the O.A. begs to state that the applicant since his joining in the Accounts Branch of SIB, Itanagar discharges his duties to the satisfaction of all concern. It is stated that there were huge pending works before his joining in the Accounts Branch and the applicant did his best to finish the pending works. However, the respondents without

Received copy
for Mr. M. Das
Sr. C.G.S.C
F. K. Review
Ans.
24.12.09



assessing the work load shouldered on the applicant continued to give him more works and make his service life miserable. It is stated that there is not proper distribution of work among the staff in the SIB, Itanagar and as a result the applicant had to face tremendous work load and he submitted a representation dated 10.12.04 [Annexure- 1 of the O.A.] to the S.O., Itanagar to reassess the work allotted to him and reduce his work load. However, the respondents never attended such prayer of the applicant and sat over the matter.

2.3 That with regard to the statements made in Para 3.3 of the written statement the deponent while denying the contentions made therein begs to state that at the time of joining on 27.12.04 he submitted his joining report along with formal leave application to the S.O./I i.e. Sri Viplav. Hence, the contention raised by the respondents regarding non submission of joining report is unfounded and misleading.

2.4 That with regard to the statements made in Para 3.4 to 3.10 of the written statement the deponent does not admit anything contrary to the relevant records of the case and the respondents are put to the strictest proof thereof.

3.1 That with regard to the statements made in Para 4.1 & 4.2 of the written statement the deponent while denying the contentions made therein and reiterating and reaffirming the statements made in the O.A. begs to state that only with the sole purpose to harass him the respondents in spite of discharging duties to the outmost satisfaction by the applicant kept on assigning him more works to make his service life miserable and which made him compel the submit representation dated 10.12.04 for reassessment of works allotted to him and reduce his work load.

3.2 That with regard to the statements made in Para 4.2 & 4.3 of the written statement the deponent while denying the contentions made therein and reiterating and reaffirming the

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Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

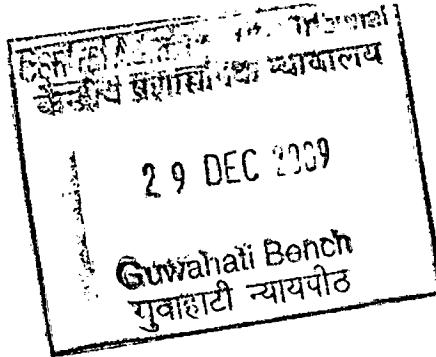
statements made in the O.A. begs to state that the applicant never developed such habit of keeping paper pending in fact it is due to his promptitude huge pending works before his joining in the Accounts Branch was disposed of. However, the respondents without considering such hard work of the applicant continued to assign him more works to make his service life miserable. The applicant never resorted to any dilatory tactics. Moreover, the applicant submitted his joining report along with the formal leave application to the S.O. /I by hand.

3.3 That with regard to the statements made in Para 4.4 of the written statement the deponent does not admit any thing contrary to the relevant records of the case.

3.4 That with regard to the statements made in Para 4.5 of the written statement the deponent begs to state that the prayer of the applicant for furnishing of necessary documents for preparation of written statement of defense was rejected causing serious prejudice to his defense and the respondents only with the sole purpose to evade inspection of the documents by the applicant had denied to furnish the necessary documents.

3.5 That with regard to the statements made in Para 4.6 of the written statement the deponent does not admit anything contrary to the relevant records of the case.

3.6 That with regard to the statements made in Para 4.7 of the written statement the deponent while denying the contentions made therein and reiterating and reaffirming the statements made in the O.A. begs to state that in spite of the representation dated 10.12.04 praying for reduction of work load. However, the respondents failed in totality to attend the grievance of the applicant at the relevant point of time and proceed departmentally against the applicant. Therefore, now at a distant point of time the attempt made by the



respondents to assess the merit of the said representation is totally uncalled for and has got no substance. Moreover, the respondents have not denied the fact that the applicant received Over Time Allowance (OTA) from time to time for discharging duties which clearly proves that contentions raised by the respondents pertaining to keeping the works pending is totally false and baseless and an attempt to mislead the Hon'ble Court.

3.7 That with regard to the statements made in Para 4.8 of the written statement the deponent while denying the contentions made therein and reiterating and reaffirming the statements made in the O.A. begs to state that the applicant submitted his joining report along with the formal leave application to the S.O./I i.e. Sri Viplav on 27.12.04 by hand. However, the respondents failed to consider the aforesaid aspect of the matter during the course of hearing. It is worthwhile to mention here that the respondents neither included said Sri Viplav in the list of witnesses nor examined him during the course of hearing. However, for recording the finding of article - II charge to be proved solely relied on the statements of Sri Viplav causing gross violation of natural justice and various Hon'ble Apex Court decisions in this regard. Moreover, the office notes annexed by the respondents have got no relevance in the matter because those are of 2005 not of 2004 and the contents of the office note are of no substance.

3.8 That with regard to the statements made in Para 4.9 of the written statement the deponent while denying the contentions made therein and reiterating and reaffirming the statements made in the O.A. begs to state that list of pending works cited by the respondents in Annexure- 3 are pertaining to the period when the applicant was placed under suspension. Therefore, the contentions raised by the respondents are baseless and misleading. Moreover, the respondents admitted the fact of the applicant getting Over Time Allowance (OTA)

29 DEC 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

and therefore there is no occasion for the respondents to hold the applicant guilty of Rule 3 (1) and 3-A CCS (Conduct) Rules' 1964.

3.9 That with regard to the statements made in Para 4.10 & 4.11 of the written statement the deponent does not admit anything contrary to the relevant records of the case.

3.10 That with regard to the statements made in Para 4.11 & 4.12 of the written statement the deponent begs to state that the respondents admitted the fact of reliance being placed on the statements of S.O./I i.e. Sri Viplav while coming to the finding of guilt of the applicant pertaining to the Article- II charge in gross violation of Principles of natural justice.

3.11 That with regard to the statements made in Para 4.13 of the written statement the deponent while denying the contentions made therein and reiterating and reaffirming the statements made in the O.A. begs to state that findings of the Inquiry officer is perverse being based on no evidence. The Inquiry Officer while holding both the charges to be proved left out relevant evidence and took into consideration evidence which are irrelevant. The Inquiry Officer derived conclusion on surmises and conjectures without discussing oral and documentary evidences. It is stated that the respondents have not denied that the inquiry officer while holding Article- I charge to be proved solely relied on the statements of Sri N.Murali, LDC, MT Branch and order dated 17.02.05 in gross violation of Principle of natural justice. The said Sri N.Murali was neither included in the list of witnesses and no any opportunity was given to the applicant to examine Sri Murali. The inquiry officer conducted the inquiry in gross violation of Principles of natural justice causing serious prejudice to the applicant. Moreover, the order dated 17.02.05 wherein reliance was placed by the respondents to prove the article- I charge was not included in the list of documents

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

and no opportunity was given to the applicant to place his say in the mater. Hence, on this score alone the entire proceeding vitiated for violation of Article 14 and 16 of the Constitution of India. It is further stated that the respondents have not denied that the inquiry officer hold Article-II charge to be proved only on the statements of S.O./I i.e. Sri Viplav, who the applicant submitted his joining report by hand. The respondents by not denying have admitted that the said Sri Viplav was not made a witness to the proceeding and the applicant was not given any opportunity to examined said Sri Viplav to bring the truth before the respondents during the proceeding. Hence, the entire enquiry proceeding vitiated for gross violation of natural justice and resulted in perversity of the enquiry report being based on no evidence. Therefore, on this score alone the impugned orders are liable to be set aside and quashed.

3.12 That with regard to the statements made in Para 4.14 of the written statement the deponent while denying the contentions made therein and reiterating and reaffirming the statements made in the O.A. begs to state that the inquiry officer derived conclusion on conjectures and surmises. The I.O. relied on the statements of persons who were not examined even not listed in the list of witnesses and the applicant was denied with the opportunity to examine those persons causing serious prejudice to the applicant. Moreover, the primary documentary evidence placing reliance on which the I.O. recorded finding of guilt had not been included in the list of documents and the applicant was not given opportunity to place his say in the matter. Hence, the impugned orders are liable to be set aside and quashed.

3.13 That with regard to the statements made in Para 4.15 of the written statement the deponent does not admit anything contrary to the relevant records of the case.

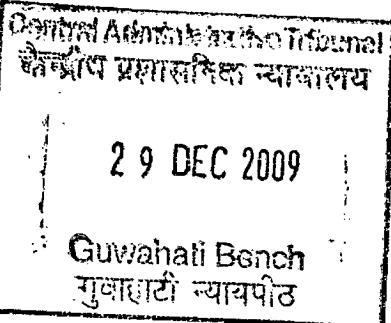
29/12/1983

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3.14 That with regard to the statements made in Para 4.16 of the written statement the deponent while denying the contentions raised therein and reiterating and reaffirming the statements made in the O.A. begs to state that the disciplinary authority as well as the appellate authority failed to records any reason as to how the charges against the applicant have been proved. Hence on this score alone the impugned orders are liable to be set aside and quashed.

3.15 That with regard to the statement made in Para 4.17 of the written statement the deponent while denying the contentions made therein and reiterating and reaffirming the statements made in the O.A. begs to state that the entire proceeding vitiated due to gross violation of Principles of natural justice and on this score alone the impugned order imposing penalty is required to be set aside and quashed.

3.16 That in view of the aforesaid facts and circumstances of the case the present O.A. deserves to be allowed with cost.



VERIFICATION

I, Sri Tapan Sutradhar, Lower Division Clerk, Subsidiary Intelligence Bureau(SIB), Ministry of Home Affairs, Government of India, Beltola, Guwahati- 22, do hereby solemnly affirm and verify that the statements made in the rejoinder in paragraphs 2.3, 2.4, 3.1, 3.2, 3.3, 3.4, 3.6, 3.8, 3.10, 3.12, 3.13, 3.14 & 3.15 are true to my knowledge, those made in paragraphs 2.2, 3.5, 3.7, 3.9, 3.11 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 24th day of December, 2009 at Guwahati.

Tapan Sutradhar

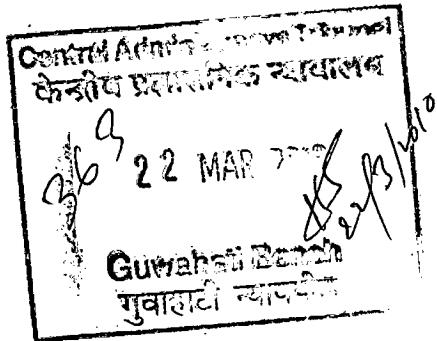
APPLICANT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Filed by:

The Respondents

through
M/s. C.A.T.
G.S.C. 22/3/2010



IN THE MATTER OF:-

O.A no. 1/09

Sri Tapan Sutradhar
...Applicant

-Vs-

Union of India and ors

...Respondents

-AND-

IN THE MATTER OF:

Reply statement on behalf of the respondents to the rejoinder filed by the applicant.

(REPLY STATEMENT ON BEHALF OF THE RESPONDENTS)

I, Sri A.K.Sarkar, S/O.....Lt. B.G. SARKAR....., aged about 58 years, presently working as the Assistant Director (E), SIB, MHA, Itanagar, Arunachal Pradesh, do hereby solemnly affirm and state as follows:

1. That I am the Assistant Director (E), SIB, MHA, Itanagar, Arunachal Pradesh. I have been impleaded as a party respondent no. 4 in the above application. A copy of the rejoinder in the aforesaid case has been served upon me. I have gone through the same and have understood the contents thereof. I am acquainted with the facts and circumstances of the case. I have been authorized to file this Reply on behalf of the respondents.
2. That I do not admit any of the averments except which are specifically admitted hereinafter and the same are deemed as denied.
3. That with regard to the statements made in paragraphs 2.1 of the rejoinder, the humble answering respondent begs to offer no comment as being matter of records.
4. That with regard to the statement made in paragraph 2.2 of the rejoinder, the humble answering respondent begs to state that the applicant Sri Tapan Sutradhar was appointed as LDC in SIB, Guwahati on 24.10.94 and posted to SIB, Itanagar on 12.06.2000.

Received copy
11/3/10
22/3/10

A. K. SARKAR
Assistant Director E
Substation Intelligence Bureau
(MHA) Govt. of India
Guwahati

After joining in SIB, Itanagar on 12.06.2000, initially he was posted to Accounts Section and was dealing with Pay Bill etc. but after receiving a complaint from his supervising officer about the pending work on 23.08.2000, he was shifted to MT section and attachment with AD/E, and being a Senior LDC he was again posted to Accounts Section from September 2004 onwards and entrusted the works of preparing of monthly bill of ALC, PPSS RRt, MV & Miscellaneous bills like other six LDC's posted in the branch. His approach towards official duties was very casual and negligent and willfully adopted dilatory tactics in disposal of the official work, amounting to huge unattended papers in his dealing subjects in the branch, causing monetarily loss to the persons concerned whose bills kept pending. The works of the branch after re-assessed were equally distributed to all the dealing officials in the branch taking into account the seniority of the officials vide order dated 24.01.2005. Therefore facing tremendous work load and not attending to the prayer of the applicant is not correct.

Copies of the complaint dated 23.08.2000 and distribution of work dated 24.01.2005 is annexed herewith and marked as **ANNEXURES- 1 & 2 respectively.**

5. That with regard to the statements made in paragraph 2.3 of the rejoinder, the humble answering respondent begs to state that after availing 5 days Casual Leave from 13.12.2004 to 17.12.2004, suffixing on 18/19.12.2004 (being closed holidays) he was supposed to join on 20.12.2004, but he extended the leave on domestic ground over a message dated 21.12.2004 and though he physically reported for duty on 27.12.2004, he did not submit his joining report which was required to regularize his leave period for extension. He was asked to submit his joining report alongwith leave application for the extension periods vide Memo dated 17.01.2005 for regularization of his extension period, but even then he did not give any response to the official instructions. The official record also did not reveal any records about submission of joining report dated 27.12.2004. It is mentioned here that, all papers submitted before the authority, the concerned supervising officer of the branch after putting his signature on the papers, sent for entry in the diary register in the branch for record and then distribute the papers to concerned dealing hand. Sri Tapan Sutradhar did not submit any statement against the Memo dated 17.01.2005, which revealed that he had not submitted any leave application or joining report on 27.12.2004. Therefore, the submission of joining report on 27.12.2004 as stated in the Rejoinder is not correct.

Copies of message dated 21.12.2004 and Memo dated 17.01.2005 is annexed herewith and marked as **ANNEXURE- 3 & 4 respectively.**

Substantive Intelligence Bureau
(MHA) Govt of India
Assistant Director E
A. K. SARKAR

Guwahati Bench
গুৱাহাটী বৰ্ষাৰ্থ

6. That with regard to the statements made in paragraph 2.4 of the rejoinder in respect of paragraphs 3.4 to 3.10 the humble answering respondent begs to state that the Disciplinary Authority, SIB, Itanagar, issued suspension order to the applicant vide order no. 33/E/2004(2)-1471 dated 14.02.2005 pending contemplation of disciplinary proceeding and granted subsistence allowance vide order no. 33/E/2004(2)-84-1529 dated 17.02.2005. The charge sheet was issued vide order no. 33/E/2004(2)-356-2462 dated 30.03.2005 under Rule 14 of CCS(CCA) Rules 1965 for two charges, the first charge is keeping pending papers and the second one is non-submission of joining report after availing extension of sanctioned leave. The applicant was given an opportunity to submit his defence statement within 10 days receipt of the charge sheet. He submitted an application dated 05.04.05 requesting for inspection of documents, it is to state that, the applicant does not indicate relevant documents sought by him and was to ask for documents at that stage. The listed documents appended to the charge sheet are made available to the charge officer during the hearing stage only. Therefore, the same was not considered. Sri Tapan Sutradhar, LDC submitted his defence statement on 27.04.05 and denied both the charges and thereby I.O. and P.O. was appointed for inquiring the charges. The suspension was reviewed on 27.04.05 and revocation of suspension order was issued vide order no. 33/E/2004(2)-3089 dated 27.04.05. The applicant was thereafter asked to appear before the hearing held on 14.06.05 at 11:45am at G Branch, SIB, Itanagar and advised him to bring his defence assistant and list of documents/witness if any required by him for defending the charges. But, he did not submit any list of documents or name of the witness required by him. He pursue the case himself during the hearing. During hearing he denied all charges under Article-I & II and denied to receive the Memo dated 17.02.2005. The memo dated 17.02.2005 was not marked to him. He was asked to submit his joining report vide Memo no. 17/Accts/Misc/2001-02(9)-275 dated 17.01.2005, which he categorically stated in his defence statement dated 27.04.05 that he received the Memo dated 17.01.2005 but due to heavy rush of work, he could not reply the same till 13.02.2005 and repeated his stand of submitting joining report on 27.12.2004. The IO's findings was served to him vide O.M. dated 28.12.2005 and the applicant, Sri Tapan Sutradhar, submitted his reply on 05.01.2006. The Disciplinary Authority after going through all the relevant records and submission made by the applicant found that the charges against him stood proved. The applicant given full opportunity to defend his case but he could not establish his defence in the time of enquiry. In considering the appeal made by the applicant dated 06.02.06, the Appellate Authority after re-examining the case confirmed the decision of the Disciplinary Authority vide order dated 16.06.2006.

Copies of the order dated 14.02.05,
17.02.05, 05.04.05, 27.04.05, 28.12.05,
05.01.06 and 16.06.06 is annexed
herewith and marked as **ANNEXURE- 5,**
6, 7, 8, 9, 10 & 11 respectively.

Ans
A. K. SARKAR
Assistant Director
Subsidiary Intelligence Bureau
(SIB) Govt of India
Respectfully
Subsidiary Intelligence Bureau
(SIB) Govt of India

Guwahati Bench
গুৱাহাটী ন্যায়পৌঠ

7. That with regard to the statements made in paragraph 3.1 to 3.4 of the rejoinder the humble answering respondent reiterate and reaffirm the statements made in para 4 and 6 of this reply statement.

8. That with regard to the statements made in paragraph 3.5 of the rejoinder the humble answering respondent has nothing to comment on it as being matters of record.

9. That with regard to the statements made in paragraph 3.6 of the rejoinder the humble answering respondent begs to state that the applicant as being the senior LDC was posted in the Accounts Branch and allotted accounts work. Further it is stated that the contention made by the applicant regarding previous pending papers was based on records or documents. It is absolutely false that to harass him and make his service life miserable, he was allotted huge works. He was allotted the work of preparing bills, like other LDC's in the Branch's and being a senior experienced LDC the works are not unreasonable. The workloads in the Branch were equally distributed to all dealing hands in the Branch taking care of the seniority of the officials vide order dated 24.01.2005 (Annexure A/9 to O.A.).

10. That with regard to the statements made in paragraph 3.7 of the rejoinder the humble answering respondent reiterate and reaffirm the statements made in para 5 of this reply statement. Further it is stated that the charge-sheet was issued on 30.03.2005 sustained by documentary evidence only. During hearing the applicant did not submit any list of witnesses which he required as witness or not raised any question about witness for cross-examination. Therefore, Sri Viplav, SO, was not examined during hearing.

10. That with regard to the statements made in paragraph 3.8 of the rejoinder the humble answering respondent reiterate and reaffirm the statements made in para 4 of this reply statement. Further it is stated that the Section Officer i/c has the prerogative to assign works to any dealing hand subject to urgency of the work and being a dealing hand one cannot refuse to do the work of urgent nature, but the applicant did not comply the orders of the Section officer and kept pending bills with him without showing any reasons.

It is pertinent to mention here that the applicant was placed under suspension on 14.02.5 whereas the period of pending bills is from August 2004 onwards.

Further it is stated that all the dealing hand posted in Accounts Section are allowed Over Time Allowance ('OTA' in short) as a incentive to clear the daily received papers on daily basis and accordingly the applicant also sanctioned OTA for clear the papers on daily basis to avoid the hassled situation during the end of financial year, i.e. March. But the applicant inspite of drawing the OTA kept papers pending with him.

A. K. SARKAR
Joint Director E
Subsidiary Intelligence Bureau
(S.I.B.) Govt of India
[Signature]

22 MAR 2009

Guwahati Bench
গুৱাহাটী চার্চেণ্ড

11. That with regard to the statements made in paragraph 3.9 and 3.10 of the rejoinder the humble answering respondent has nothing to comment on it as being matters of record.

12. That with regard to the statements made in paragraph 3.11 of the rejoinder the humble answering respondent begs to state that the I.O. vide his letter dated 03.06.2005 asked the applicant to appear before him on 14.06.2005 at 11.45 am at SIB, Itanagar and giving him an opportunity to submit list of additional documents/witness required by him for his defence. During hearing the applicant did not submit any list of witness which he required as witness or not raised any objection about the witness for cross examination. Therefore, Sri Viplav, SO, was not examined during hearing. The applicant having the right to cross examination Sri Viplav, SO, during hearing failed to do so to establish his right. Thus, the question of violating the principles of natural justice does not arise.

13. That with regard to the statements made in paragraph 3.12 of the rejoinder the humble answering respondent begs to state that the allegation made by the applicant alleging that the relevant documents were not made available to him, is not tenable, since the copy of the enquiry report was given to him vide our Memo. No. 33/E/04(2)-9054 dated 28.12.05.

14. Thus the humble answering respondent begs to submit that the instant application has no merit at all and is liable to be dismissed.

Anil
(A. K. SARKAR)
Assistant Director E
Subsidiary Intelligence Bureau
(MHA) Govt. of India
Manager

Exhibit No. 129

22 MAR 2010

Guwahati Bench

High Court of Assam

VERIFICATION

I, Sri A.K.Sarkar, S/O Lt. B.G. SARKAR, aged about 58 years, presently working as Assistant Director (E), SIB, MHA, Itanagar, Arunachal Pradesh, Pin- 791111, do hereby solemnly verify and state that the statements made in paragraphs 2 and 9 are true to my knowledge and belief, those made in paragraphs 1, 3 to 8 and 10 to 13 being matters of records of the case, are true to my information derived therefrom which I believe to be true and the rest are my humble submission before the Hon'ble Tribunal.

And I sign this verification on the 19th day of March, 2010 at Guwahati.

Anil
(A. K. SARKAR)
SIGNATURE
Assistant Director 'E
Subsidiary Intelligence Bureau
(MHA) Govt of India
Itanagar

22 MAR 2010

Guwahati Bench
গুৱাহাটী ন্যায়পৌঁত

TYPED COPY.

ANNEXURE-1

SEAL

INTELLIGENCE BUREAU *MHA*

599/ 23/8

Shri T.Sutradhar (L.D.C.), who has been working in A/C Section and allotted to the desk dealing with Pay Bill and other allowances of the desk has been found frequently on leave causing much inconvenience and pending to the desk work. His service to this branch is not useful.

It is requested that he may be withdrawn from Account Branch and transferred to any other Section. In his place Sri P.Pandit who is a good worker may kindly be posted to Account Branch immediately to clear of the LTC, P.advance & other Miscellaneous.

Sri Sutradhar has been absent without intimation .

w.e.f. 21.08.2000.

Sd/

13/08/2000

To,

AD/E

SIB,Itanagar.

Sd/

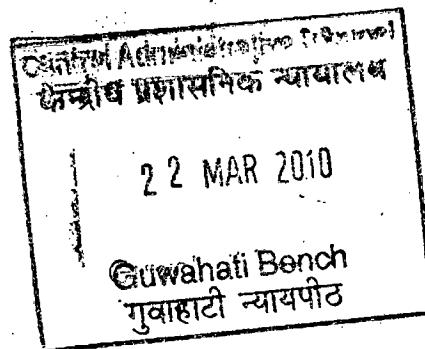
Sd/

Sd/

11/9

23/

28/8



Shri T. Sutradhar (L.L.C), who has been working in A/C Section and allotted to the desk dealing with pay Bill and other allowances of the desk has been found frequently on leave causing much inconvenience and pending to the desk work. His service to this branch is not useful.

It is requested that he may be withdrawn from Account Branch and transferred any other Section. In his place Shri P. Pandit who is a good worker may kindly posted to Account Branch immediately to clear to the L.T.C. advance & other Miscellaneous.

Shri Sutradhar has been already informed and written intimation has been sent.

To

ADTE

Sir stamp 48

~~SDR~~ S

23/3/84

1. Sub. Dr
2. Dr. 1/3/84
3. Dr. 1/3/84
4. Dr. 1/3/84
5. Dr. 1/3/84

1. Dr. 1/3/84
2. Dr. 1/3/84
3. Dr. 1/3/84
4. Dr. 1/3/84
5. Dr. 1/3/84

17/SO-MISC/ACCTTS/03-04

Subsidiary intelligence Bureau
(MHA), Govt of India

Itanagar

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

22 MAR 2010

Sub : Distribution of work among the staff of the
Accounts Branch.Guwahati Bench
गुवाहाटी न्यायालयDistribution of work among the staff of the
Accounts Branch w.e.f. 01.02.2005 shall be as under:ORDER

Sl. No.	Name (S/ Shri)	Work
1.	A.T.Dey, Assistant	1. All work pertaining to Budget 2. Monthly expenditure statement 3. Reconciliation with RPAO <input checked="" type="checkbox"/> Long term advances 5. All bills, claims (e.g., Pay bills, GPF, LTC, Medical, TA etc) of ACIO-II
2.	S.K.Mitra, Assistant	1. Issue of Cheques, LOC 2. Analysis of bill register 3. Reconciliation of Banks scrolls 4. Audit paras and other related work 5. Declaration/ Change of DDO/ CDO
3.	S.S.Dutta, UDC	1. All bills/claims (e.g., Pay bills, GPF, LTC, Medical, TA etc) of non-gazetted ministerial staff and Canteen staff/OAE
4.	M.Chakraborty, UDC	1. All bills/claims (e.g., Pay bills, GPF, LTC, Medical, TA etc) of ACIO-I AND JIO-I
5.	A.Khound, UDC	<input checked="" type="checkbox"/> 1. Bills of PPSS, Minor works, RRT, Wages, MV (Machinery etc.)
6.	D.Purkait, LDC	1. Bills of OE
7.	O.P. Sonar, LDC	1. All bills/claims (e.g., Pay bills, GPF, LTC, Medical, TA etc) of SAs
8.	T. Sutradhar, LDC	1. All bills/claims (e.g., Pay bills, GPF, LTC, Medical, TA etc) of JIO-II

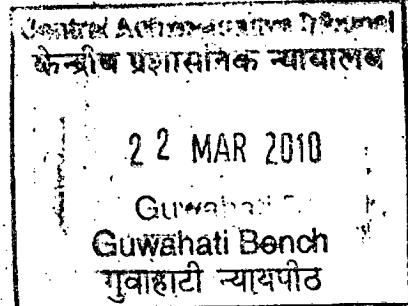
9.	S.R.Prasad, LDC	1. Bills of ALC, Pension bills ; 2. AL Bills
10.	B.K.Sahoo, LDC	1. All bills/claims (e.g., Pay bills, GPF, LTC, Medical, TA etc) of GOs 2. Income Tax of all ranks.
11.	Bhola Mondal, LDC	Diary, Despatch, Festival Adv., OTA

- Any other work can be allotted to any other dealing assistant in public interest.
- Pending papers of the present dealing assistants shall not be passed on to the new dealing assistants.

V. Saxon
24.1.05
(VIPLAV),
Section Officer/A

All Dealing Assistants :

1.	A.T.Bey, Assistant
2.	S.K.Mitra, Assistant
3.	S.S.Dutta, UDC
4.	M.Chakraborty, UDC
5.	A.Khound, UDC
6.	D.Purkait, LDC
7.	O.P.Sonar, LDC
8.	T.Sutradhar, LDC
9.	S.R.Prasad, LDC
10.	B.K.Sahoo, LDC
11.	Bhola Mondal, LDC



+ Major Work, Grant in Aid,

AC Bill → DC Bill

Copy to :

Assistant Director/E

C.R.R.D/X/IN/04
21/12/04 at 1558 1000 - II -

Annexure-3

✓ 90
184FAX MESSAGEPERSONAL/URGENT

1396

16/2



FROM - T. SUTRADHAR, LDC, SIB, ITAC

TO - SECTION OFFICER/A, SIB, ITAC

NO. NIL.

DT. 21/12/04

LEAVE EXTENSION PLEASE, DUE
TO VERY URGENT DOMESTIC WORK I COULD
NOT RESUME DUTY ON DUE TIME.

FORMAL LEAVE APPLICATION WILL
BE SUBMITTED LATER ON.

महासभा अधिकारी विभाग
कार्यालय अधिकारी विभाग
मुख्यमंत्री अधिकारी विभाग
मुख्यमंत्री अधिकारी विभाग

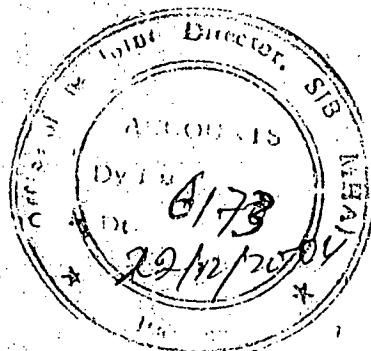
22 MAR 2010

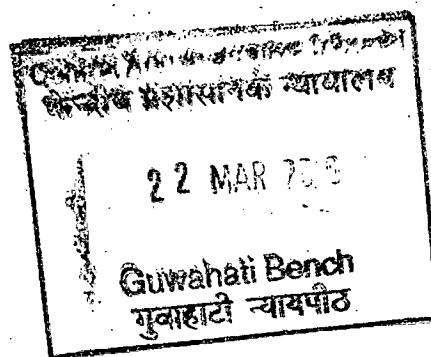
Guwahati Bench
गुवाहाटी न्यायपीठ

21.12.04

S. B. SKN

S.E. Pl.

1
2



No. 17/Accnts/Misce/2001-02(9)-
Subsidiary Intelligence Bureau,
(MHA), Govt. of India,

Itanagar, the 17. 3. 2005

975

MEMORANDUM

You were on ~~few days~~ leave from 13/12/04 to 24/12/04. But no joining report has been received either by SO/A or by SO/E though you have reported ~~for duty~~ on 27/12/04. As such, you are advised to submit your joining report immediately with the formal leave application to the undersigned.

Section Officer/A

To:
Shri. T. Sutradhar,
LDC
Accounts Branch.

Copy for information to :

The Section Officer/E, SIB, Itanagar.

V. Sankar
Section Officer/A

No. 33/B/2004(2) - 1471

Subsidiary Intelligence Bureau,
(MHA), Government of India,
Itanagar.

Dated, the

22 MAR 2019

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

14 FEB 2005

ORDER

Whereas a disciplinary proceeding against Shri T. Sutradhar, LDC, SIB, Itanagar is contemplated/ pending.

Now, therefore, the undersigned in exercise of the powers conferred by Sub-rule (1) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules- 1965 hereby places the said Shri T. Sutradhar, LDC under suspension with immediate effect.

It is further, ordered that during the period that this order shall remain in force Headquarter of Shri T. Sutradhar, LDC should be at SIB, Itanagar and the said Shri T. Sutradhar, LDC shall not leave the Headquarters (SIB, Itanagar) without obtaining the previous permission of the undersigned.

(A.K. ROY)

Assistant Director/E
Disciplinary Authority,
SIB, Itanagar.

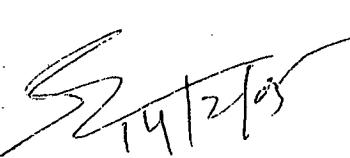
To :

Shri T. Sutradhar, LDC, SIB, Itanagar. Order regarding subsistence allowance admissible to him during the period of his suspension will be issued separately.

N.O.O.

Copy to :

1. The Assistant Director/E, IB Hqrs., New Delhi. The circumstances in which the order of suspension was made on the basis of an allegation of SO/A, SIB, Itanagar.
2. The Section Officer/A, SIB, Itanagar. Order regarding subsistence allowance admissible to him during the period of his suspension will be issued separately.
3. The SB Cell/ACR Cell/C.O. Book, SIB, Itanagar.
4. ✓ PF of Shri T. Sutradhar, LDC, SIB, Itanagar


Assistant Director/E
Disciplinary Authority,
SIB, Itanagar.

22 MAR 2010

Guwahati Bench
गुवाहाटी न्यायालय

OFFICE ORDER NO. 120/2005

DATED: 16.02.2005

Ref.: SIB, Itanagar Disciplinary Authority Order No. 33/E/2004(2) - 1471 dated 14.02.2005.

Sub : Placement of Shri T. Sutradhar, LDC, SIB, Itanagar under suspension w.e.f. 14.02.2005.

Shri T. Sutradhar, LDC, SIB, Itanagar (Under suspension) is granted subsistence Allowance, an amount equal to the leave salary which he would have drawn if he had been on half pay leave immediately before the date of his suspension until further order.

Assistant Director/E

No. 33/E/2004(2) - 84 - 1529
Subsidiary Intelligence Bureau,
(MHA), Government of India,
Itanagar.

Dated, the - 17 FEB 2005

To

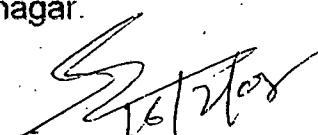
Shri T. Sutradhar, LDC
(Under suspension)
SIB, Itanagar.

He should furnish every month a certificate to the effect that he is not engaged in any other employment, business, profession or vocation.

N.O.O.

Copy to :

1. The Assistant Director/E, IB Hqrs., New Delhi.
2. The Section Officer/A, SIB, Itanagar (2 copies).
3. The O.O. Book/ SB Cell/ ACR Cell, SIB, Itanagar.
4. The P.F. of Shri T. Sutradhar, LDC, SIB, Itanagar.


Assistant Director/E

বিষয়: কেন্দ্রীয় প্রযোগসূচিক ন্যায়বাদ
কেন্দ্রীয় প্রযোগসূচিক ন্যায়বাদ

22 MAR 2010

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

To,
The Assistant Director/E.
SIB, Itanagar.

EXTREMELY SYMPATHETICAL

Sub :- Prayer for permission to collect the relevant documents to write my defence statement.

Ref. :- Your memo No.33/E/2004(2)-356-2462 dt. 30/03/2005.

Sir.

With due respect I beg to state that I may please be permitted to collect the relevant document from today (i.e., from 05/04/2005 to till the date of submission of my defence statement) from E/Br. and Accts/Br. to write my defence statement against your memo, reference above.

Thanking you.

Yours faithfully

Dated - 05/04/2005.

(Tapan Sutradhar)
LDC, SIB, Itanagar,
PIS No. 124440.

संघीय विधायक सभा
संघीय विधायक सभा

22 मार्च 2005

Guwahati Bench
गुवाहाटी न्यायपीठ

ORDER

Whereas an order placing Shri Tapan Sutradhar, LDC, SIB, Itanagar under suspension was made by the Assistant Director, SIB, Itanagar vide Order No. 33/E/2004(2)-1471 dated 14.2.2005.

Now, therefore, the undersigned in exercise of the powers conferred by Clause 'C' Sub-rule (5) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rule 1965 hereby revokes the said order of suspension with immediate effect.

(A.K. ROY)
Assistant Director/E
Disciplinary Authority,
SIB, Itanagar.

No. 33/E/2004(2) - 3089
Subsidiary Intelligence Bureau,
(MHA), Government of India,
Itanagar.

Dated, the

7 APR 2005

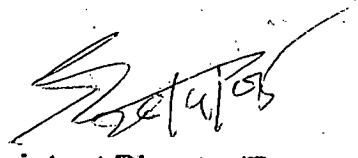
To :-

Shri Tapan Sutradhar, LDC, SIB, Itanagar - Orders as to how the period of his suspension is to be regularised would be issued on conclusion of the Disciplinary proceedings pending against him.

N.O.O.

Copy to :-

1. The Assistant Director/E, IB Hqrs., New Delhi.
2. The Section Officer/A, SIB, Itanagar - Order as to how the period of his suspension is to be regularised would be issued on conclusion of the Disciplinary proceeding pending against him.
3. The SB Cell/ ACR Cell/ O.O. Book, SIB, Itanagar.
4. PF of Shri Tapan Sutradhar, LDC, SIB, Itanagar.


Assistant Director/E
Disciplinary Authority,
SIB, Itanagar.

Annexure-9

केन्द्रीय प्रशासनिक न्यायालय
Guwahati Bench

22 MAR 2010

No.33/Estt/2004(2)- 9054
Subsidiary Intelligence Bureau,
Ministry of Home Affairs,
Government of India,
Itanagar.

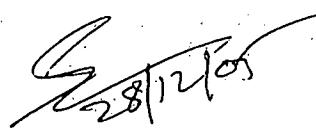
28 DEC 2005

Dated, the -

MEMORANDUM

Please refer to the Disciplinary Authority, SIB, Itanagar O.M. No. 33/E/2004(2)-356-2462 dated 30.03.2005 and O.M. No. 33/E/2004(2)-3344 dated 05.05.2005 regarding appointment of Shri Rajkamal Sitaram, SO/G, SIB, Itanagar as Inquiry officer to inquire into the charge, framed against Shri Tapan Sutradhar, LDC, Charged officer.

1. A copy of the report of the Inquiry officer, Shri Rajkamal Sitaram, SO/G, SIB, Itanagar is enclosed. The Disciplinary Authority will take a suitable decision after considering the report. If Shri Tapan Sutradhar, LDC, Charged officer wishes to make any representation or submission, he may wish to do so, in writing to the Disciplinary Authority within 15 days of receipt of this Memo.
2. The receipt of this Memo may please be acknowledged.


28/12/05

Assistant Director/E

To

Shri Tapan Sutradhar, LDC
SIB, Itanagar.

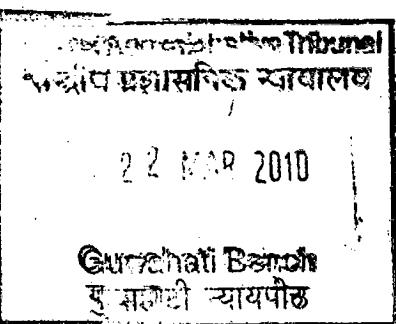
Encl : As stated.

Annexure-10

To
The Assistant Director/E,
Disciplinary Authority,
SIB, Itanagar.

(Through Proper Channel)

Ref :- Your O.M. No.33/Estt/2004(2)-9054 dated 28/12/05.



Sub :- Submission of representation against false allegation and undue enquiry report submitted by the Inquiring Officer(IO) on 27/12/05.

Sir,

With due respect I beg to inform you that the enquiry report submitted by the IO on 27/12/05 has been disowned by me for the following reasons—

FROM ARTICLE-1

1. I have been posted verbally at Accts/Branch on 06/09/2004 but, according to Swamy's - CCS (Conduct) Rules - Do not convey oral instructions to the subordinates. (If done for unavoidable reasons, confirm in writing as soon as possible.) Thus, violation of rules by the Authority.
2. Large No. of papers was pending before my posting at that table.
3. A request representation had been submitted by me on 10/12/2004 to the SO/A for decreasing the work load and the SO/A also commented "Please discuss" on 10/01/2005 on the body of the same representation but, action has not been taken by him.
4. Work has not been distributed either equally or according to the rank.
5. Generally our working period is eight (8) Hrs. but, some of my working period was 56.5 Hrs. (Example - Normal office duty from 09.00 Hrs. after than started for Air-Bag duty by order, which is very risky work after than normal office duty started again without any rest up to 17.30 Hrs.)
6. The nature of job of an LDC is diary, dispatch and typing only according to Swamy's rule.
7. The work pending with me was not for diary, dispatch and typing.
8. Almost 54 No. of papers were pending with me but, not at least 68 No. of papers pending with me.
9. My period of posting at Accts/Branch was five(5) months and seven(7) days only at that time, therefore, how could I kept pending papers more than six(6) months.
10. At that period I received 252 No. of papers in addition to a large No. of pending papers and I disposed off almost all the actionable papers in addition to 2 pay bills and 2 RRT bills every month for those no paper has come and all together I prepared bills amounting to Rs.87,97,550/- along with I performed Air-Bag duty frequently to SIB, Guwahati and one (1) RP & AO, Shillong tour from Accts/Branch for Accts. matter.

(Continued page -2)

11. Other reasons were already been explained by me on my defense statement on 27/04/2005.

FROM ARTICLE - II

1. I had submitted the joining report along with leave application on 27/12/04 to SO/I at I/Branch.
2. The statement of Shri Viplav, SO/I was completely false, since, Shri Viplav is a liar, it is proved beyond doubt on my earlier representation dated 08/08/2005 against SO/G's letter No.1/SO(G)-INQUIRY/2004-5285 dated 28/07/05.
3. Shri Viplav, SO/I tried to trap/harass me on saying false since, I belong to S/C community.
4. If my joining report along with formal leave application had misplaced by any reason in that case I shall agree to resubmit the same.

FINDINGS/REFLECTION

On the study of the above mention points it is clear that there is completely other reason behind the charges framed against me vide O.M. No.33/E/2004-356 dated 30/03/2005.

That Sir, Rule 10(5), GUI(10), Chapter 3 says "The total period of investigation and disciplinary proceedings should not ordinarily exceed six months.", thus the period of departmental action is over.

It is, therefore, requested that the case may please be finalized without penalty.

Thanking you.

Yours faithfully

Dated - 05/01/2006.

(Tapan Sutradhar)
LDC, B/Branch,
SIB, Itanagar.

Copy to :-
The Hon'ble Joint Director, SIB, Itanagar for information and kind necessary action please.

(Tapan Sutradhar)
LDC, B/Br., SIB, Itanagar.

Dated, the - 16 JUN 2006

ORDER

Whereas Shri T. Sutradhar, LDC while posted at SIB, Itanagar was issued Memo No. 33/E/2004(2)- 356-2462 dated 30/03/05 under Rule-14 of CCS(CCA) Rules, 1965 on the following charges :-

Article-I

"That the said Shri T. Sutradhar, LDC while working in Accts. Branch was found in the habit of keeping the papers pending for months together and adopting dilatory tactics in prompt disposal of Govt. work.

Thus, he exhibited conduct violative of Rule 3(1) and Rule 3-A of the CCS(Conduct) Rules, 1964".

Article-II

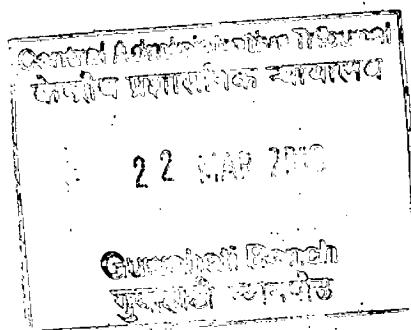
That the said Shri T. Sutradhar, LDC while working in Accts. Branch proceeded on 5 days C.L. w.e.f. 13 to 17 Dec., 2004. However, he reported for duty on 27.12.04. Despite repeated verbal directions and written instruction given vide Memo No. 17/Accts/Misc/2001-02 (9) dated 17.02.05, he did not submit his joining report and formal application for leave.

Thus, he disobeyed the lawful order of the Competent Authority and tried to play fraud with the Govt. He exhibited conduct violative of Rule-3 of the CCS (Conduct) Rules, 1964.

And whereas, Shri T. Sutradhar, LDC submitted his representation on 28/04/05 and denied all the charges framed against him. Therefore, Shri R.K. Sitaram, SO was appointed Inquiring Authority vide Memo No. 33/E/2004(2)-3344 dated 5.5.2005. The I.O. summoned Shri T. Sutradhar, LDC to appear before him for hearing on 14.06.2005 and he appeared on that day but denied the charges. He also made certain statement against the charges. After that the documentary evidences in connection with charges were checked thoroughly and it was proved conclusively that Shri T. Sutradhar, LDC had atleast 68 papers pending with him, some of them for more than six months, without any plausible reason. Further as per the records of the Establishment Branch it was also proved beyond doubt that despite repeated verbal directions and written instruction of the Competent Authority, he had not submitted his joining report and formal application for leave. The I.O. thus proved both the charges levelled against him and submitted his inquiry report dated 28.12.05.

And whereas the Inquiry report was forwarded to the Charged Officer, Sh. T. Sutradhar, LDC vide Memo No.33/E/2004(2)-9054 dated 28.12.2005 for making representation on the report of I.O. and Sh. Sutradhar, LDC submitted his representation dated 06.01.06, wherein he said that charges levelled against him were false and used intemperate language against the superior officers.

Contd.. 2/-



100
145

-21-

Now, I being the Appellate Authority, have gone through all the records of the Departmental Enquiry and found that the DE against him had been conducted strictly as per the procedure laid down under CCS(CCA) Rules, 1965. The findings of the disciplinary authority conform to the evidence on record.

However, in view of the length of service rendered by him and other relevant factors, I am inclined to take a lenient view in the matter. Accordingly, I order that:

(i) The pay of Sh. T. Sutradhar, LDC be reduced by two stages from Rs. 3,950/- to Rs. 3,800/- in time scale of pay of Rs. 3050-75-3950-80-4590/- for a period of two years.

(ii) He will not earn increment of pay during the period of reduction and that on expiry of this period the reduction will have the effect of postponing his future increment of pay.

(iii) The period of his suspension w.e.f. 14.02.05 to 26.04.05 will be treated as leave of the kind due and admissible.

(iv) Further, as Sh. Sutradhar has already been awarded minor penalty vide Order 33/E/2004(2)-6269 dated 14.09.2005, both the penalties will not run concurrently and that this major penalty will come into effect after expiry of the period of minor penalty.

16/6/06
(Dr. Anand Kumar)
Joint Director
Appellate Authority
SIB, Itanagar.

✓
To

Shri T. Sutradhar, LDC

SIB, Itanagar - Now, SIB, Guwahati.

Copy to :- 1) The Assistant Directors : E,G,CC,ACR, IB Hqrs. New Delhi.

- 2) The Assistant Director/A, SIB, Guwahati.
- 3) The Section Officer/A, SIB, Itanagar (2 copies).
- 4) The SB cell/ACR cell, SIB, Itanagar.
- 5) The P.F. of Shri T. Sutradhar, LDC.

Joint Director
Appellate Authority
SIB, Itanagar.

22 MAR 2010

Guwahati Bench
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