

10

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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P.D. 24/7/2015  
SECTION OFFICER (JUDL.)

J. S.  
24/7/2015

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

3109

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

Applicant(S) DIC, CIL, D.G.O. VS- Union Of India & Ors

Advocate for the Applicant(S) Mr. U. K. Nair, Mr. B. Sarma, A. Chettri

Advocate for the Respondent(S) Addl. C.G.S.C. M. K. Boro

Notes of the Registry	Date	Orders of the Tribunal
1. The application is in form is in Form F. fee Rs. 10/- dated 12.12.2008 Regd. No. 396384688 Dated 7.1.09	28.01.2009	Heard Mr.U.K.Nair, learned counsel appearing for the Applicant and Mr.M.K.Boro, learned Addl. Standing counsel for the Union of India appearing for Respondents 1 & 2 (to whom a copy of this O.A. has already been supplied) and perused the materials placed on record.
Steps taken without envelope. Copy served.		Issue notice to the Respondents requiring them to file their reply/written statement by 18.03.2009.
<i>Paris 12/1/09</i>		Call this matter on 18.03.2009.
		Notwithstanding the pendency of this case Respondents shall remain free to pass orders on the representation dated 12.12.2008 of the Applicant (which is part of Annexure-10 to this O.A.) before the next date.
		Contd....

OA 3/09

-2-

Contd  
28.01.2009

DL. 28.1.09  
Pl. issue Notices  
to the Respondents regu-  
ring them to file their  
Statement by 18.3.09

18.3.09

Copies of Notice Order  
dt: 28.1.09 sent to S/o/counsel  
for issuing to the Respondents  
Statement by Regd. A/c post.

ST/AO. 296-299  
dt: 3-2-09

Notice already served on  
R-1

16.2.09

/bb/

Dr. C. L. Goel, Applicant, Baruah  
in O.A. 3/09 CAT, Guwahati 18.03.2009  
Bench has filed an application as the Applicant is present. Mr. M.K. Boro, learned  
before the Hon'ble Granthi High Court, Addl. Standing Counsel is absent for his  
Court, which was registered due to personal difficulties.

as W.P.(C) No. 3488/09. However  
the applicant has been withdrawn  
to file the same day wise Case No. 71/08  
with liberty. A copy of the order  
dated 13.2.08 (at page A) is  
submitted before the Hon'ble Court  
in connection with O.A 3/09 for  
further directions.

Pl. consider before the Hon'ble  
Court for further order.

Mr. B. Sarma, learned counsel for the  
Bench, has filed an application as the Applicant is present. Mr. M.K. Boro, learned  
before the Hon'ble Granthi High Court, Addl. Standing Counsel is absent for his  
Court, which was registered due to personal difficulties.

Advocate, Tsubu Khro makes a  
statement that she has got instructions to  
appear for the State of Nagaland. She  
undertakes to file 'Vokalatnama' for  
Respondent Nos. 3 & 4 by the next date. She  
also prays for extension of time to file written  
statement on behalf of the State of Nagaland.

Mr. P. Khatanier, Advocate, appearing for  
one Sri A.R.Ao. files a petition (M.P.No.22 of  
2009) seeking permission to be impleaded in  
this case as Respondent No.5; to permit to  
the said petitioner to file his written  
statement, as Respondent No.5.

Contd/-

Normal  
80(G) 16.2.09

16.2.09

W/S not biled.

OA. 3/2009

- 4 -

19.5.09

As per Court's order  
dt. 30.4.09 the  
Applicant has filed  
objection in M.P. No.  
22/09 through his  
Advocate Mr. A.K. Singh.  
16  
19/5/09

Vakalathnama filed  
by Mr. S.P. Roy M.R. P.N.  
Singh Mr. A.K. Singh  
on behalf of Applicant

dt. 29/5/09

12.6.09

NO W.S filed.

b/

W/S not filed.

29.6.09

2.7.09

order dt. 30.6.09  
send to D.P.S for issue  
the same to the Applicant  
Respondents ride

No. 3695 to 3699

dt. 2.7.09

21/7/09

12.7.09  
no W.S by Respondent

b/

15.06.2009, Mr. A.K. Singh, learned Counsel for  
the Applicant, is present. Mr. T. Ao,   
- Counsel for the State of Nagaland  
present. Mr. P. Khataniar, Advocate, who  
has filed a petition on behalf of Mr A.R. Ao  
to be impleaded as party Respondent No.5  
is also present.

Heard on M.P.No.22/2009 and  
perused M.P.No.22/2009 and the objection  
filed thereto.

Mr. A.R. Ao is permitted to be  
impleaded as Respondent No.5 in this case.  
Mr. P. Khataniar, learned Counsel for the  
newly added Respondent No.5, prays for  
time to file written statement.

Call this matter on 30.06.2009  
awaiting written statement from the newly  
added Respondent No.5 and rejoinder from  
the Applicant.

4  
S  
(M.R. Mohanty)  
Vice-Chairman

nkm

30.06.2009 Mr. R.P.N. Singh, learned counsel for the  
Applicant is present. Mr. Gaurab Khandalia,  
Advocate representing the Respondent No.5 prays  
for time to file written statement. He may do so by  
20.07.2009.

Call this matter on 20.07.2009.

Respondents were called upon to cause  
production of records. They have not yet done so.

In the aforesaid premises, Respondents are  
called upon to produce the records by 20.07.2009.

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

4  
(M.R. Mohanty)  
Vice-Chairman

166/

18.03.2009

Contd/-

Copies of the aforesaid M.P.No. 22 of 2009 has already been served on Mr.B.Sarma, learned counsel appearing for the Applicant; on Mr.G.Baishya, representing the Union of India and on the learned counsel for the State of Nagaland. Mr.B.Sarma, learned counsel for the Applicant seeks ~~more~~ time to file objection to the M.P.No.22 of 2009.

In the aforesaid premises, call this matter on 30<sup>th</sup> April, 2009 awaiting written statement and objection from the parties. The Respondent, State of Nagaland, should produce the records(as called for by our order dated 28.01.2009) by the said date/30.04.2009.

*Yobal*  
18/03/09  
( M.R. Mohanty)  
Vice-Chairman

Lm

30.04.2009

in this case written statement on behalf of the Respondent Nos. 3 & 4 (State of Nagaland) have already been filed. No written statement has yet been filed one behalf of Govt. of India. No objection to M.P. No.22/2009 filed by one Sri A. Rongsenwati Ao has yet been filed by the Applicant.

In the aforesaid premises, call this matter on 15.06.2009 awaiting written statement from the Government of India and objection to M.P. No.22/2009 from the Applicant.

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

*Yobal*  
(M.R. Mohanty)  
Vice-Chairman

D/N o - 2261-2266 /bb/

Clear 15/09. Dt: 7-5-2009

5  
O.A. No. 3/2009

20.07.2009

Mr.R.P.N.Singh, learned counsel for the Applicant is present. Mr.G.Khandalia, Advocate representing Respondent No.5 undertakes to file written statement in course of the day. He should do it only after serving copies of the same on the learned counsel appearing for other parties.

20.7.09

*N/S filed  
by the Respondent  
No.5 through his  
Advocate Mr.  
G. Khandalia  
with undertaking  
to serve a copy  
of the same to the  
Advocate for the  
Applicant.*

20.7.09

/bb/

10-8-2009

11.08.2009

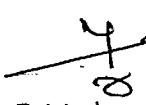
  
(M.K.Chaturvedi)  
Member (A)

  
(M.R.Mohanty)  
Vice-Chairman

In this case a written statement has already been filed by the Respondent No.5. No rejoinder has yet been filed by the Applicant. Call this matter on 15.09.2009 awaiting rejoinder from the Applicant.

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

  
(M.K.Chaturvedi)  
Member (A)

  
(M.R.Mohanty)  
Vice-Chairman

On the request of learned counsel for the Applicant, call this matter on 13.10.2009 awaiting rejoinder from the Applicant.

  
(M.K.Chaturvedi)  
Member (A)

*Copies of order dt. 11/8/09  
sent to D/Sec. DoS  
issuing to applicant  
by post.*

/bb/

*D/No - 9547*

*14/8/09. Dt = 19/8/09*

13.10.2009

No rejoinder has been filed, learned Addl. Standing counsel for the Govt. of India is present. Counsel representing Respondent No.5 is also present.

14.10.09

No rejoinder has been filed.

12.10.09

12.10.09

Rejoinder has been filed by the Applicant. Copy served to the Addl. C.G.S.C. and under taking to serve to the Govt. Adv. Napanland and Counsel for Respndt No.5.

15/10/09 - The case is ready for hearing.

K.Das / Deem

Send copy of this order to the Applicant and to the Respondents.

14/10/09

15/10/2009

/bb/

Copy of order dtd

13/10/2009 send to the D/section for issuing to the Applicant & Respnts. by post.

D/No. 11878 to 11882  
15/10/09  
Dtd. - 19.10.09

The case is ready for hearing.

9.11.09

- 6 -

Mr.P.K.Tiwari, learned counsel for the Applicant is present. Mr.M.K.Boro, learned Addl. Standing counsel for the Govt. of India is present. Counsel representing Respondent No.5 is also present.

In this case, written statement and rejoinder have already been filed. Mr.P.K.Tiwari, learned counsel for the Applicant undertakes to serve copy of the rejoinder on the counsel for the Respondent Nos.3 & 4 by 23.10.2009.

Subject to legal pleas to be examined at the final hearing, this case is admitted and set for hearing to 10.11.2009.

Call this matter on 10.11.2009 for hearing.

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

  
(M.K. Chaturvedi)  
Member (A)

  
(M.R. Mohanty)  
Vice-Chairman

O.A.NO. 03/2009

7-

30.11.09

Inspection of office files and records received from the Under Secretary to the Government of Nagaland in connection with O.A 3/09, copy kept in 'A' file at flag 'A',

Q  
30/11/09

The case is ready for hearing.

229  
1.12.09

nkm

Additional statement of the facts filed by the applicant, copy served.

229  
1.12.09

8.12.09

Rejoinder has been filed by the applicant against the N/S filed by the respondent No. 5, the 8/12/09.

10.11.2009

Learned proxy counsel states that Ms Khro, learned counsel for respondent Nos. 3 and 4 though present in court had to leave because of her illness and therefore, prays for adjournment. Request has not been opposed by Mr P.K. Tiwari, learned counsel for applicant.

In the circumstances, case is adjourned to 02.12.2009.

Records as directed on 30.06.2009 shall be made available for perusal of the Tribunal.

  
(Madan Kumar Chaturvedi)  
Member (A)

  
(Mukesh Kumar Gupta)  
Member (J)

02.12.2009

The principal relief claimed in present O.A is for quashing suspension order dated 17.11.08 (Annexure-7). Vide order of the same date departmental proceeding was also initiated against the applicant. Validity of disciplinary proceeding is not in question in present O.A. One of the basic contention raised by the applicant is suspension order has not been reviewed nor extended thereafter. Learned counsel appearing for respondents 3 & 4 seeks some more time to take appropriate instruction on this aspect.

List on 10.12.2009.

  
(Madan Kr. Chaturvedi)  
Member (A)

  
(Mukesh Kr. Gupta)  
Member (J)

/pg/

10.12.2009

10.12.09

- 1) Reply of Respondent Nos 3 & 4 to the Rejoinder filed by the applicant.
- 2) Reply of the Respondent No 3 & 5 to the Addl. Statements filed by the applicant.

10.12.09

Learned counsel for respondent No.5 states that rejoinder has been filed by applicant, wherein certain fresh allegations have been made, which needs to be properly dealt with. In the circumstances, liberty is sought to file reply to the same within 10 days.

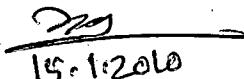
On request of learned counsel for parties, list it on 18.01.2010.

  
(Mukesh Kumar Gupta)  
Member (J)

nkm

The case is ready  
for hearing.

18.01.2010

  
15.1.2010

Shri C.L.Goel, IFS, Principal Chief Conservator of Forest in present proceeding challenges order dated 17.11.2008 (Annexure-2) whereby during pendency of the disciplinary proceeding initiated against him he has been placed under suspension with immediate effect. The contention raised by the applicant is that no review has been undertaken at any stage either on expiry of 90 days period as provided under Rule 3(1) or under Rule 3(8) of All India Service (Discipline & Appeal) Rules 1969. Contention of respondents 3-4 on the other hand is that once a disciplinary proceeding is initiated against an officer simultaneously he has placed under suspension, there is no necessity or requirements of rule to review such suspension. It has further been admitted by learned counsel for said respondents that no review has been undertaken of applicant's suspension at any stage. Furthermore, contention raised is said suspension has been ordered to be resorted to for facilitating impartial enquiry initiated against the applicant.

Heard both sides. Reserved for orders.

  
(Madan Kr. Chaturvedi)  
Member (A)

  
(Mukesh Kr. Gupta)  
Member (J)

09  
O.A.3-09

28.01.2010

Judgment pronounced in open court,  
kept in separate sheets. O.A. is allowed in  
terms of the order. No costs.

Received  
for P.K.Tiwari  
Ranu Lakshmi  
21/2/10

/bb/

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

2-2-2010

Judgment/Final Order dated

28-1-2010 Prepared and  
Sent to the applicant/all  
the respondents by Post  
vide NO 324 to 326

dated 08-2-2010

27

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No.03 of 2009

DATE OF DECISION: 28.1.2010.

Dr C.L. Goel, IFS

APPLICANT(S)

Mr P.K. Tiwari

ADVOCATE(S) FOR THE  
APPLICANT(S)

- versus -

Union of India & Ors.

RESPONDENT(S)

By Advocates Mr Mr M.K. Boro, Addl. C.G.S.C.  
for respondent No.1, Ms T. Khrong for respondent  
Nos. 3&4 and Mr P. Khataniar for respondent No.5.

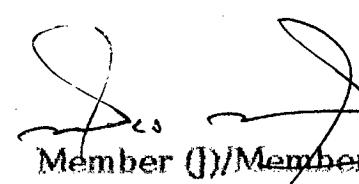
ADVOCATE(S) FOR THE  
RESPONDENT(S)

CORAM:

The Hon'ble Shri Mukesh Kumar Gupta, Judicial Member

The Hon'ble Shri Madan Kumar Chaturvedi, Administrative Member

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

  
Member (J)/Member (A)

७७

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No.03 of 2009

Date of Order: This the 28<sup>th</sup> day of January 2010

The Hon'ble Shri Mukesh Kumar Gupta, Judicial Member

The Hon'ble Shri Madan Kumar Chaturvedi, Administrative Member

Dr C.L. Goel, IFS,  
S/o Shri R.C. Goel,  
Presently posted as the  
Principal Chief Conservator of Forests,  
Nagaland (under suspension),  
Kohima- 979001.

..... Applicant

By Advocate Mr P.K. Tiwari.

- versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Personnel, Public Grievances and Pension (Department of Personnel and Training), North Block, New Delhi-1.
2. The Secretary to the Government of India, Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, Lohdi Road, New Delhi-3.
3. The State of Nagaland, represented by the Chief Secretary, Government of Nagaland, Kohima-797001.
4. The Commissioner and Secretary to the Government of Nagaland, Department of Forests, Ecology, Environment and Wildlife, Kohima-797001.

5. Shri A. Rongsenwati,  
S/o Late Aoplden,  
Resident of Lower Forest Colony,  
Working as Principal Chief Conservator  
of Forests,  
State of Nagaland,  
Kohima-797001. ....Respondents

By Advocates Mr M.K. Boro, Addl. C.G.S.C. for  
respondent No.1, Ms T. Khro for respondent Nos.3 &4,  
Mr P. Khataniar for respondent No.5,

.....  
**ORDER**

**MUKESH KUMAR GUPTA, JUDICIAL MEMBER**

Dr C.L. Goel, IFS, 1977 batch of Nagaland Cadre, in this O.A., challenges Annexure-7 Order dated 17.11.2008 whereby in contemplation of disciplinary proceeding and in exercise of power under Rule 3 (1) (a) of the All India Services (Discipline and Appeal) Rules, 1969 he has been placed under suspension with immediate effect. Mr P.K. Tiwari, learned counsel appearing for applicant alongwith Mr R.J. Das, vehemently contended that no review of said suspension had been undertaken till date, which is contrary to the mandate of Sub Rule (8) of Rule 3 and, therefore, he is entitled to relief as prayed for. It was pointed out that vide order of even date, the disciplinary proceedings were also initiated against him alleging certain manipulation and tampering of his own ACRs. It was pointed out that validity of said disciplinary proceedings has not been assailed and questioned in present proceedings and further said proceedings remained inconclusive though more than a year has passed since

then. Our attention was also drawn to the checkered history of the case to contend that suspension order as well as departmental proceedings are a result of vendetta purely by respondent No.5. Since we do not intend to burden the order and go into the unnecessary factual aspects, we deem it fit not to refer to the same as issue raised in present O.A. can be adjudicated purely on legal issue noticed hereinabove.

2. In the above backdrop, learned counsel forcefully contended that he is entitled to relief as prayed for.

3. By filing reply respondent Nos.3 and 4 stated that Vigilance Commission vide letter dated 15.09.2008 forwarded letter to Commissioner and Secretary, Department of Forest, Government of Nagaland, on the subject of disciplinary proceedings against the applicant and, therefore, he was placed under suspension to facilitate impartial enquiry free from any interference. Various factual aspects have been narrated in the reply, which are not concerned with the precise issue raised regarding suspension.

4. Respondent No.5, impleaded later on, has also denied allegations of malice etc. raised against him. It was further stated that applicant was diverting the basic issue of tampering ACRs without any justification. It was further denied that he has any vested interest in continuation of applicant's suspension.

5. We have heard learned counsel for parties, perused the pleadings and other material placed on record besides the rule position as explained.

6. Ms T. Khro, learned counsel for respondent Nos.3 and 4, during the course of hearing forcefully contended that since disciplinary proceedings had been initiated against the applicant on even date of suspension, there was no necessity or requirement under rules or law to hold review of said suspension. In other words, it was emphasized that once a disciplinary proceeding is initiated against the delinquent official besides placing him under suspension, no rule or law requires review of such suspension by the competent authority and the same can be continued till the departmental proceedings are concluded. It was emphasized that applicant's continuous suspension is essential to conduct impartial enquiry so that applicant has no chance of influencing any witness or tamper with the records.

7. We have heard both sides, perused the pleadings and other material placed on record. We have also bestowed our careful consideration to all aspects of the case. Before proceeding further it would be expedient to notice excerpts of Rule 3 of the All India Services (Discipline and Appeal) Rules, 1969 as amended from time to time, which reads as under:

"3. Suspension.- (1) If, having regard to the circumstances in any case and where articles of charge have been drawn up, the nature of the charges, the Government of a State or the Central Government, as the case may be, is satisfied that it is necessary or desirable to place under suspension a member of the service, against whom disciplinary proceedings are contemplated or are pending, that Government may,-

- (a) if the member of the service is serving that Government, pass an order placing him under suspension, or
- (b) if the member of the service is serving under another Government, request that Government to place him under suspension

pending the conclusion of the disciplinary proceedings and the passing of the final order in the case:

.....

(6-A) Where an order of suspension is made, or deemed to have been made, by the Government of a State under this rule, detailed report of the case shall be forwarded to the Central Government ordinarily within a period of fifteen days of the date on which the member of the Service is suspended or is deemed to have been suspended, as the case may be.

7(a) An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) Where a member of the Service is suspended or is deemed to have been suspended, whether in connection with any disciplinary proceeding or otherwise, and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the member of the Service shall continue to be under suspension [subject to sub-rule (8)].

(c) An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority which made or is deemed to have made the order.

(8)(a) An order of suspension made under this rule which has not been extended shall be valid for a period not exceeding ninety days and an order of suspension which has been extended shall remain valid for a further period not exceeding one hundred eighty days at a time, unless revoked earlier.

(b) An order of suspension made or deemed to have been or continued, shall be reviewed by the competent authority on the recommendation of the concerned Review Committee.

(c) The composition and functions of the Review Committee and the procedure to be followed by them shall be as specified in the Schedule annexed to these rules.

(d) The period of suspension under sub-rule (1) may, on the recommendations of the concerned Review Committee, be extended for a further period not exceeding one hundred and eighty days at a time;

Provided that where no order has been passed under this Clause the order of suspension shall stand revoked with effect from the date or expiry of the order being reviewed."

(emphasis supplied)

8. A combined reading of aforesaid rule position would make it abundantly clear that an order of suspension initially passed has a life of ninety days and under sub-rule (8) unless it has been reviewed by the competent authority and extended, it comes to an end. The competent authority can extend the same for a further period not exceeding one hundred and eighty days at a time, unless revoked earlier. In other words it nowhere requires or prescribes that merely because departmental proceedings has also been initiated against the delinquent official, besides placing him under suspension, there is no necessity to conduct such review of a suspension order. No law has been pointed out by the respondents supporting their aforesaid contention, as noticed hereinabove. Proviso under sub-rule (8) of Rule 3, as noticed hereinabove, in specific, provides that where no order has been passed under said clause 8 extending the period of suspension, the same "**shall stand revoked**" w.e.f. date of expiry of the order being reviewed. In other words it mandatorily requires to have a review of the suspension before expiry of ninety days beginning from the date of suspension. Admittedly, the official respondents have not undertaken any such exercise on specious plea that departmental proceedings had been initiated on the even date and thus there was no necessity to hold a review to extend or otherwise of such suspension. We do not find any justification and substance in the said contention.

9. In view of discussion made hereinabove and holding that suspension order dated 17.11.2008 had a life of only ninety days and since it has not been extended thereafter at no point of time, it is rendered non est and shall stand revoked by legal fiction on expiry of

ninety days. Thus O.A. is allowed. Applicant is deemed to have been reinstated on expiry of ninety days from 17.11.2008 with all consequential benefits. No costs.

*Chaturvedi*  
( MADAN KUMAR CHATURVEDI )  
ADMINISTRATIVE MEMBER

*Mukesh*  
( MUKESH KUMAR GUPTA )  
JUDICIAL MEMBER

nkm

File in Court on..... 18/11/10

Court Officer.

In O.A. No. 3 / 2009

**(Dr. C.L. Goel -Vs- Union of India & Ors)**

**LIST OF DATES WITH BRIEF FACTS**

1977: Applicant was appointed as a direct recruit Indian Forest Service Officer of Nagaland Cadre.

01.04.2004 Civil Services Board / Screening Committee in its meeting recommended the applicant for promotion to the cadre of Additional Principal Chief Conservator of Forests. For assessment of the applicant the Screening Committee among others also considered the ACRs of the applicant for period 2000-01, 2001-02, 2002-2003 and 2003-04. The Screening Committee was constituted with the following persons:

1. Shri R.S.Pandey,	-----	Chairman
IAS, Chief Secretary		
2. Shri Tali Temjen Ao,	-----	Member
IAS, Additional Chief Secretary & Home Comm.		
3. Dr. S.C.Deorani,	--	Member-Secretary
IFS, Principal Secretary, Forests & Environment		

**(ANNEXURE-22 to the applicant's Rejoinder against the WS of respondent 5, Pg. 9)**

16.04.2004 On having come to know that the applicant has been recommended for the post of Additional PCCF the Respondent 5 (A. Rongsenwati Ao- Initially he was not a party but got himself impleaded to oppose the OA) an aspirant to the post of Additional PCCF and 1978 Batch IFS officer, wrote a letter to the Principal Secretary to the Government of Nagaland highlighting his performance since the year 2000 onwards and prayed for review of his ACRs for the period 2001-2003 so that he could also get the outstanding grading like the applicant.

**(ANNEXURE-II to the WS of respondent 2, 3 & 4, Pg. 14-15 and ANNEXURE-R 2 of the WS of respondent 5, Pg.14-15)**

10.05.2004 Similar letter written by respondent 5 reiterating his prayer for review of his ACRs for the period 2001 to 2003.

**(ANNEXURE-R 3 to the WS of respondent 5, Pg.16)**

18.10.2004 Respondent 5 wrote a letter to the Principal Secretary, Forests, Ecology, Environment and Wildlife, Government of Nagaland alleging that the applicant had tampered with his ACRs for the period 2001 to 2004 and demanded appropriate action.

**(ANNEXURE-R 3A to the WS of respondent 5, Pg.19)**

03.11.2004 The then PCCF, Nagaland Shri N. Lolenmeren Ao purportedly wrote a letter to the Principal Secretary, Department of Forests Ecology, Environment & Wildlife that as a reporting authority of the applicant for his ACRs during the period 2000-2004 he cannot exactly say anything about the year 2001-2002 and 2002-2003 but for the year 2003-2004 he could remember that he graded the applicant as very good. (Applicant has pleaded in Para 8 of his rejoinder to the WS of the respondent 2, 3 & 4 that the communication dated 03.11.04 is unreliable and has to be reviewed with suspicion. Para 4.27 and Para 4.28 may also be referred)

**(ANNEXURE-III to the WS of respondent 2, 3 and 4, Pg.16)**

13.12.2004 Respondent 5 wrote a letter to the Principal Secretary, Forests, Ecology, Environment and Wildlife stating that though in response to the representation of respondent 5 dated 18.10.04 PCCF Nagaland had written to the Principal Secretary about applicant tampering with his ACRs but even then the Principal Secretary, Forests, Ecology, Environment and Wild Life recommended the applicant for promotion to Additional PCCF.

**(ANNEXURE-R 5 to the WS of respondent 5, Pg.23)**

\* \* \* \* \* Additional Chief Secretary, Nagaland made an enquiry on the complaints of respondent 5 dated 18.10.04 and 13.12.04 and submitted his report. (Refer Para 7 of the applicant's rejoinder against the written statement of Respondent 5)

**02.02.2005** The then Minister, Forest examined the report of the then Additional Chief Secretary and in his office note in Government File No. FOR-Estt-5/94-IFS wrote that "As per the investigation report submitted by Addl Chief Secretary (P & AR) there is no relevant proof of tampering. ACRs of ( Dr C.L.Goel) by him , therefore this case may be closed in the best interest of the department".

**(Refer to para 7 of the Applicant's rejoinder against the WS of Respondent 5, Pg.4)**

**12.12.2005** Another letter of respondent 5 to the Commissioner & Secretary, Forests, alleging tampering of ACRs by the applicant.

**(ANNEXURE-R 4 to the WS of respondent 5, Pg.20-22)**

**19.01.2006** Respondent 5 wrote a letter to the Commissioner & Secretary, Forests, reiterating the allegation of tampering of ACRs by the applicant.

**(ANNEXURE-R 6 to the WS of respondent 5, Pg.24)**

**17.02.2006** Respondent 5 wrote to the Vigilance Commissioner, Government of Nagaland reiterating the allegation of tampering of ACRs by the applicant and demanded enquiry into the matter.

**(ANNEXURE-R 7 to the WS of respondent 5, Pg.25)**

**23.02.2006** Civil Services Board / Screening Committee in its meeting recommended the applicant for promotion to the cadre of Principal Chief Conservator of Forests. For assessment of the applicant the Screening Committee on this occasion among other materials considered the ACRs of the applicant for the period 2000-01, 2001-02, 2002-03, 2003-04 and 2004-05. The Screening Committee was constituted with the following persons:

1. Shri P. Talitemjen Ao, IAS, Chief Secretary -- Chairman
2. Shri Lalthara, IAS, Additional Chief Secretary  
(P&AR) -- Member
3. Shri N. Lolenmeren Ao, IFS, PCCF -- Member

**" (reporting authority of the applicant  
for the ACRs of 2000-04)**

4. Shri R. Binchilo Thong, IAS, Commissioner  
& Secretary, Department of Forests, Ecology  
Environment & Wildlife -- Member Secretary

(ANNEXURE-23 to the applicant's rejoinder against the  
WS of Respondent 5, Pg.10)

**01.03.2006** Applicant on being recommended by the DPC was promoted on a regular basis as the Principal Chief Conservator of Forests.

**07.06.2007** The Government of Nagaland issued a Notification transferring and posting the applicant to the post of Chairman, Nagaland Pollution Control Board and the post was declared equivalent in pay and status to that of the Principal Chief Conservator of Forests and directed the applicant to hand over charge to Mr. A. Rongsenwati Ao (Respondent 5) an IFS officer of 1978 batch on or before 12.07.07.

(ANNEXURE: 1 to the O.A., Pg. 19)

**08.06.2007** Applicant on receipt of the copy of the Notification dated 07.06.07 submitted a representation praying for revocation of the Notification dated 07.06.07.

(ANNEXURE: 2 to the O.A., Pg. 20)

**June 2007** The applicant filed Original Application No. 147/07 before this Tribunal assailing the said Notification dated 07.06.07.

**11.06.2007** The Hon'ble Tribunal while issuing notices in Original Application No. 147/07, passed an interim order restraining the authorities from implementing the said Notification dated 07.06.07.

**29.06.2007** Respondent 5 wrote to the Commissioner & Secretary, Department of Forests, stating that his ACR for the period 1<sup>st</sup> April 2006 to 31<sup>st</sup> March 2007 was submitted to the applicant on 09.04.07 in his capacity as reporting authority of respondent 5 but the said ACR did not reach the Government. In

the letter it was urged that the applicant should not be allowed to write ACR of other officers.

**(ANNEXURE R 8 to the WS of respondent 5, Pg.26)**

**12.07.2007** The Hon'ble Tribunal in the Miscellaneous Application No. 58/07 of the Government of Nagaland vacated its interim order dated 11.06.07.

**July 2007** The applicant being aggrieved filed W.P. (C) No. 3488/07 assailing the order dated 12.07.07.

**18.07.2007** The Hon'ble Court admitted the writ petition and in the interim directed the respondents not to give effect to the posting of the applicant as Chairman, Nagaland Pollution Control Board.

**(ANNEXURE: 3 to the O.A., Pg.21-22)**

**August 2007** When the respondents did not comply with the interim order and insisted on applicant making way for respondent 5, the applicant filed Contempt Case No. 370/

**01.10.2007** The Hon'ble Gauhati High Court in Contempt Case (C)No. 370/07 recorded the undertaking given by the authorities to reinstate the applicant as Principal Chief Conservator of Forest, Nagaland and closed the contempt proceedings before it.

**(ANNEXURE: 4 to the O.A., Pg.23-26)**

**21.12.2007** By a fresh order the applicant was allowed to continue as Principal Chief Conservator of Forest, Nagaland and the Notification dated 07.06.07 was superseded. The applicant was also granted all consequential service benefits. Consequently respondent 5 was released from the post of PCCF and posted as Chairman, Nagaland Pollution Control Board. Applicant resumed his service as PCCF on the same day.

**(ANNEXURE: 5 and 6 to the O.A., Pg. 27 & 28)**

**15.09.2008** Recommendations of the State Vigilance Commission for disciplinary proceeding against the applicant for his purported acts of omission and commission.

17.11.2008

The applicant was placed under suspension in contemplation of disciplinary proceeding.

(ANNEXURE: 7 to the O.A., Pg. 29)

17.11.2008

On the same day charge sheet was issued against the applicant containing two charges. The First charge was to the effect that while serving as Additional PCCF, Nagaland during the period 2001-2004 the applicant tampered his own ACR by typing the Reporting Officer's Column. The Second Charge was to the effect that the applicant cello-taped the grading columns of his ACR after the manipulations were done.

(ANNEXURE: 8 to the O.A., Pg. 30-36)

24.11.2008

Applicant submitted a letter for supply of copies of the listed documents in charge sheet.

(ANNEXURE: 9 to the O.A., Pg. 37)

12.12.2008

The applicant preferred a statutory appeal under Rule 16 of the All India Services (Discipline & Appeal) Rules, 1969 before the appellate authority (Central Government) against his order of suspension.

(ANNEXURE: 10 to the O.A., Pg. 38-43)

18.12.2008

The Chief Secretary to the Government of Nagaland (Disciplinary Authority) appointed an Inquiry Officer and the Presenting Officer in a disciplinary proceeding against the applicant.

January 2009

O.A. No. 3/2009 filed by the applicant challenging the order of suspension dated 17.11.2008.

06.01.2009

The official respondents by forwarding letter send the copies of the listed documents asked for by the applicant for preparation of his written statement of defense and also granted him further 10 days time from the date of receipt of documents for filing of written statement of defense. The applicant received the aforesaid documents on 03.03.2009.

12.03.2009

Applicant prepared the written statement of defense controverting the charges leveled against him and

submitted the same to the Chief Secretary of the Government of Nagaland (Disciplinary Authority).

**(ANNEXURE-11 to the applicant's Rejoinder against the WS of Respondent 2, 3 & 4, Pg.12-23)**

**19.03.2009** Letter of the Joint Secretary to the Government of Nagaland to the applicant requesting the applicant to return his Personal File to the custody of the office of the Principal Chief Conservator of Forests, Nagaland as the aforementioned file is not in the custody of the concerned office since 2001-02. The applicant came to know about the issuance of this letter only when the Reply of Respondent No. 3 and 4 to the Rejoinder of the Applicant against the Written Statement of Respondent 2, 3 & 4 was received on 10.12.09.

**(ANNEXURE-A to the Reply of Respondent No. 3 and 4 to the Applicant's Rejoinder against the WS of Respondent 2, 3 & 4, Pg.9)**

**10.06.2009** The Central Government wrote to the State Government to furnish its comments on each para of the applicant's appeal against the order of suspension along with a brief background note and relevant authenticated case records in order to enable the Central Government to examine the matter and take a decision.

**17.06.2009** The Government of India, Ministry of Environment & Forests wrote another letter to the Chief Secretary, Government of Nagaland, seeking relevant information pertaining to the case of the applicant along with necessary departmental records and also referred to its earlier letter dated 10.06.09

**(ANNEXURE: 18 of the Additional Statement of Facts, Pg.7-8)**

**01.07.2009** The Inquiry Officer sent a notice calling upon the applicant to be present for preliminary hearing in the departmental proceeding on 27.07.09.

**(ANNEXURE-12 to the Applicant's Rejoinder against the WS of Respondent 2, 3 & 4, Pg.24)**

**04.07.2009** The Government of Nagaland forwarded a copy of the present OA to the Central Government.

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**(ANNEXURE-A to the Reply of Respondent No. 3 and 4 to the  
Additional Statement of Facts by the Applicant, Pg.6)**

**15.07.2009** The Government of Nagaland forwarded a copy of the written statement filed by the State Government.

**(ANNEXURE-A to the Reply of Respondent No. 3 and 4 to the  
Additional Statement of Facts by the Applicant, Pg.7)**

**22.07.2009** The Government of Nagaland informed the Central Government about the next date of hearing of the present OA.

**(ANNEXURE-A to the Reply of Respondent No. 3 and 4 to the  
Additional Statement of Facts by the Applicant, Pg.8)**

**24.07.2009** Applicant requested the Inquiry Officer to keep the inquiry in abeyance till the Original Application is decided by the Hon'ble Tribunal. The applicant also requested in his letter that he may be furnished with the copy of the Government order dated 18.12.08 by which the Inquiry Officer was appointed because the applicant had no knowledge of such an order and he came to know about the same because the reference to the said order was made in the notice of the Inquiry Officer dated 01.07.09.

**(ANNEXURE-12 to the Applicant's Rejoinder against the  
Written Statement of Respondent 2, 3 & 4, Pg.25)**

**28.07.2009** The Tribunal for Disciplinary Proceeding directed that the copy of the order dated 18.12.08 appointing the Inquiry Officer be furnished to the applicant and re-fixed the matter for preliminary hearing of the charges on 10.08.09.

**(ANNEXURE-13 to the Applicant's Rejoinder against the  
WS of Respondent 2, 3 & 4, Pg.26)**

**05.08.2009** Applicant requested the Disciplinary Authority to allow him the assistance of a legal practitioner as his Defense Assistant in the departmental proceeding.

**(ANNEXURE-14 to the Applicant's Rejoinder against the  
WS of Respondent 2, 3 & 4, Pg.27)**

07.08.2009      Applicant requested the Inquiry Officer and the Disciplinary Authority to supply him the copies of certain documents which were highly relevant in the departmental proceeding for proving his innocence. In his letter the applicant gave details of those documents with reasons for which those documents were necessary.

**(ANNEXURE-15 to the Applicant's Rejoinder against the  
WS of Respondent 2, 3 & 4, Pg.28-31)**

10.08.2009      The applicant appeared before the Tribunal for Disciplinary Proceeding for participation in preliminary hearing in terms of order dated 28.07.09. The applicant made three ~~prayers, viz,~~

- (i) he be allowed to inspect 9 files of the forest department, details of which he had given in his letter dated 07.08.09, in order to prepare his defense in the departmental proceeding;
- (ii) he be furnished with the copy of the order of the Government's appointment of the Inquiry Officer; and
- (iii) he be allowed to engage a lawyer for the inquiry.

10.08.2009      The Tribunal for Disciplinary Proceeding (Inquiry Authority) by its order allowed all the three prayers of the applicant and fixed the departmental proceeding after 60 days of the order dated 10.08.09.

**(ANNEXURE-16 to the Applicant's Rejoinder against  
the WS of Respondent 2, 3 & 4, Pg.32)**

18.08.2009      Applicant wrote a letter wherein he requested the Disciplinary Authority to allow him to examine, inspect and obtain photocopies of the relevant documents required for his defense in terms of the order dated 10.08.09 of the Tribunal for Disciplinary Proceeding. The documents asked for by the applicant were precisely those very documents, details of which he had given in his letter dated 07.08.09.

**(ANNEXURE-17 to the Applicant's Rejoinder against the  
WS of Respondent 2, 3 & 4, Pg.33)**

**12.10.2009** The applicant filed his rejoinder against the written statement of respondent no. 2, 3 & 4.

**31.10.2009** Applicant submitted an application to the Chief Secretary, Government of Nagaland (which was received by the Chief Secretary personally) for permission to leave headquarter due to critical illness of his wife who is living in Dehradun and from Dehradun he prayed for extension of his leave till 28.11.09 through telegram.

(ANNEXURE: 20 of the Additional Statement of Facts, Pg.10)

**07.11.2009** Letter of the Inquiry Officer to the Under Secretary to the Government of Nagaland, Department of Forests, Ecology and Environment & Wildlife submitting the Status Report on Disciplinary Proceedings against the applicant.

(ANNEXURE-A to the Reply of Respondent No. 3 and 4 to the applicant's rejoinder against the WS of Respondent 2, 3 & 4, Pg.9)

\* \* \* \* \* Inquiry Authority issued two undated summons/letters asking the applicant to be present either in person or through pleader for the departmental proceeding on 11.11.09 and 20.11.09.

(ANNEXURE: 21Colly of the Additional Statement of Facts, Pg.11-12)

**17.11.2009** The Government of Nagaland, Department of Forests, Ecology & Wildlife issued letter wherein the applicant was supposedly "reminded" that the files and records of the Office of the Department of Forests, Ecclogy & Wildlife and the P.C.C.f Office are available for his inspection during regular office hours under the terms & condition stipulated by the Vigilance Commission.

(ANNEXURE: 19 of the Additional Statement of Facts, Pg.9)

**November 2009** The applicant filed his Additional Statements of Facts.

**20.11.2009** Letter of the Government of Nagaland forwarding the copy of applicant's statutory appeal against the order of suspension with its parawise comments and background note.

**(ANNEXURE-A to the Reply of Respondent No. 3 and 4 to the Additional Statement of Facts by the Applicant, Pg.9)**

**28.11.2009** Applicant informed the official respondents that he along with his pleader (who would also be his defense assistant) would be visiting the office to inspect, examine and take photocopies of the relevant files on 03.12.09 at about 10.30 am. **(Refer Para 14 to the applicant's rejoinder against the WS of Respondent 5)**

**03.12.2009** When the applicant along with his pleader went to the Office of the Department of Forests, Ecology & Wildlife, they were informed that the relevant files were not in the office and as such the applicant could not inspect, examine and/or take photocopies of the same. On the same day applicant wrote a letter to the Secretary, Department of Forests, Government of Nagaland stating these facts.

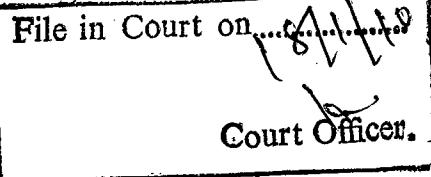
**(ANNEXURE-24 to the applicant's rejoinder against the WS of Respondent 5, Pg. 11-12)**

**05.12.2009** The applicant filed his rejoinder against the written statement of respondent no.5.

**16.01.2009** Reply of respondent 5 against the rejoinder of the applicant was received.

Filed by

*Rupam Tyagi Das*  
Advocate



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Filed by the  
Respondent No.5  
through  
Parasuram Chandola  
Advocate  
18/1/10

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:

GUWAHATI BENCH AT GUWAHATI

O.A. No. 3 /2009

IN THE MATTER OF:

Dr. C.L. Goel

...Applicant

Versus

The Union of India & Others

...Respondents

And

IN THE MATTER OF:

Reply filed by the Respondent No.5 i.e. Sri A. Rongsenwati Ao against the  
Rejoinder filed by the Applicant.

The humble Respondent No.5 above named –

MOST RESPECTFULLY SHEWETH:

1. That the answering Respondent No.5 is in receipt of a copy of the  
Rejoinder filed by the Applicant against the written statement of the Respondent  
No.5, and having read over the understood the contents thereof, the answering  
Respondent No.5 deems it fit and proper to file this reply in order to bring the  
correct facts on record.

2. That save and save and except what is specifically admitted by the  
answering Respondent in this written statement, all statements made in the

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Rejoinder filed by the Applicant is deemed to have been specifically denied, and the Applicant is put to strict proof thereof.

3. That with regard to the statements made in paragraph 2, the answering Respondent No.5 denies the correctness thereof and reiterates the statements made in paragraph 6 of his written statement. It is categorically stated that he is not the beneficiary of the order of suspension in question in as much as he is the automatic choice for holding the post of Principal Chief Conservator of Forests, Nagaland (PCCF for short) temporarily since he is the only eligible officer to hold the said post. The allegation that the answering Respondent No.5 would like the applicant to remain in suspension is baseless inasmuch as the answering Respondent No.5 is asked to hold the additional charge of PCCF apart from his regular posting as the Chairman of Nagaland Pollution Control Board without any extra service benefits and being a Government servant, the answering Respondent No.5 has to abide by the decision by the competent authority to hold the post of PCCF in the interest of ~~the~~ public.

4. That with regard to the statements made in paragraph 3, the answering Respondent No.5 has merely narrated the facts as available on record of his service, and nowhere in his written statement the answering Respondent No.5 has requested anyone else to share his view.

5. That with regard to the statements made in paragraph 4 and 6, the answering Respondent No.5 denies the same as those are not correct and the Applicant is put to strict proof thereof. The statements to the effect that the suspension order dated 09.08.2007 was withdrawn by the State Respondents on

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interference of the Hon'ble High Court are totally incorrect and misinterpreted by the Applicant in order to mislead this Hon'ble Tribunal. The answering Respondent No.5 states that this Hon'ble Tribunal by an order dated 12.07.2007 passed in M.P. No.58/07 (in OA No.47/07), inter-alia, held that there was no illegality in effecting the transfer of the Applicant to the Nagaland Pollution Control Board. In this regard, the answering Respondent, who was the then Additional PCCF and Chief Wildlife Warden, was to take over current charge of PCCF. However, the said order was stayed by the Hon'ble High Court by order dated 19.07.2007 passed in W.P.(C) No. 3488/07, though by then the answering Respondent had already assumed the charge as PCCF as per the Govt. notification dated 17<sup>th</sup> July, 2007 in view of vacation of the interim order dated 11.06.2007 by this Hon'ble Tribunal. Therefore, it is not correct to say that the order of suspension was withdrawn by the official respondents on interference by the Hon'ble High Court, rather, the Applicant himself withdrew his writ petition i.e. W.P.(C) No. 3488/07. The answering respondent states that the Applicant ought to have produced the High Court's orders to substantiate his statements, but as he has not done so, the answering Respondent craves leave of this Hon'ble Tribunal to produce the relevant orders of the Hon'ble High Court at the time of hearing.

6. That with regard to the statements made in paragraph 5, the answering Respondent No.5 states that the various screening committees which had considered the ACR's of the Applicant could not detect tampering as they were not experts to detect tampering and fabrication of records, which has been established by the subsequent investigations carried out by Vigilance Commission. In this context, the answering Respondent No.5 states that the issue relating to tampering of ACR's by the Applicant is the subject matter before

*Rangsingh*

the disciplinary authority and the Applicant must face the said proceedings and prove himself to be innocent. Furthermore, it is specifically stated that the Applicant is not entitled to the documents annexed as Annexure-22 and 23, and the presence of copy of the said documents with the Applicant is indicative of the fact that he has some way to access the said records and he could have easily committed tampering of his ACR's as stated above. However, the answering Respondent has no personal knowledge about the contents of the said document and, as such, the answering Respondent reserves his comment thereon.

7. That with regard to the statements made in paragraph 7, the answering Respondent No.5 states that the enquiry was carried out by the Vigilance Commission on being directed by the State Govt. and later basing on the report by the Vigilance Commission, the notification dated 17.11.2008 was issued and therefore, the question of the matter being closed does not arise. The promotion of the applicant was effected by overlooking the representations made by the answering Respondent as well as the then PCCF's letter dated 03.11.2004 stating that he had not given outstanding grade to the Applicant, and to that effect the ACR of the Applicant was found to have been tampered with. It is stated that the answering Respondent No.5 has come to know from reliable sources that an investigation was made by the Handwriting Expert from the Questioned Document Examination Bureau, Govt. of West Bengal, C.I.D., Bhabani Bhawan, 3<sup>rd</sup> Floor, Alipore, Kolkata-700027, at the request by the Vigilance Commission, and the findings of which *prima facie* indicates existence of a serious offence. Hence, if as per the version of the Applicant the case of tampering of his ACR's were closed, the authorities would not have gone ahead with any further investigation in the case. It is further stated that the answering Respondent brought to the notice of the State Govt. the irregularities committed

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by the Applicant as the answering Respondent has a right to represent before the higher authorities if any irregularity is committed by a high officer of stature of the Applicant and moreover, his representation was not in violation of any rule.

8. That with regard to the statements made in paragraph 8, the answering Respondent No.5 denies the same and reiterates his statements made in paragraph 13 of his written statement.

9. That with regard to the statements made in paragraph 9, the answering Respondent No.5 states the Applicant is trying to divert the issue of tampering of ACR's by the applicant and in this context it is stated as follows:-

- a. The incident of tampering of ACRs by the Applicant is known to many other officers both in the office of the PCCF and in the Forest Secretariat of the Govt. of Nagaland;
- b. The answering Respondent wanted a review of his ACR, which was not considered, but on the request of the Principal Secretary to the Reporting Authority, the then PCCF informed that he had not given the Applicant an "outstanding grade" in his ACR's and on coming to know about the same, the answering Respondent requested the Govt. to inquire into the matter of tampering of ACRs by the Applicant.
- c. On further enquiry, the answering Respondent No.5 came to know that the Applicant had been tampering with his ACR's since the year 2002 by grading himself "exceptionally outstanding", whereas there is no provision or column for the said grading in the applicable ACR format, and the said information compelled the

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answering Respondent to make his subsequent representation before the competent authority and, as such, the said representation must be considered to be in the interest of the public.

d. The Answering Respondent worked as Addl. CCF and CCF in the office of the PCCF and as CCF (Headquarters), the answering Respondent used to handle the entire IFS Service matters including cadre review, and files relating to IFS including ACR's were kept under the custody of Sri Chumchamo Patton, a Dealing Assistant (U.D.A.). It is known from reliable sources, that the said UDA has deposed before the Vigilance Commission that the ACR's of the Applicant was not routed through the proper official channels and that the same was handled by the Applicant himself. Reliable sources further revealed that as many as three Stenographers in the office of the PCCF had also testified before the Vigilance Commission that the Applicant asked them to type the ACR's in question.

e. Regarding the allegations that the answering Respondent No.5 might have done the tampering because he had a motive in harming the applicant is stoutly denied as malicious, false, frivolous, baseless and vexatious and the Applicant is put to strict proof thereof. The said story of the answering respondent having done the tampering is now being maliciously cooked up, and would be evident from the fact that in the Original Application this was never the case of the Applicant, and the Applicant is put to strict proof thereof.

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10. That with regard to the statements made in paragraph 10, the answering Respondent No.5 stoutly denies that any mischief by him to harm the Applicant in any manner whatsoever. The said allegations are serious and malicious in nature and must be strictly proved by the Applicant, failing which the Applicant may be directed to withdraw the said allegations.

11. That with regard to the statements made in paragraph 11, the answering Respondent No.5 states that the suspension order dated 17.11.2008 was passed by the competent authority by considering all the aspects of the matter and the said order speaks for itself why it was passed and in this connection the answering Respondent reiterates the statements made by him in paragraph 16 of his written statement. It is denied that the answering respondent has any vested interest in continuance of suspension of the Applicant as alleged.

12. That with regard to the statements made in paragraph 12, the answering Respondent No.5 denies the same and reiterates the statements made in paragraph 17 of his written statement and in this connection it is further stated that the answering Respondent No.5 is one of the listed witness in the disciplinary proceedings. The Applicant is making irrelevant submissions and statements with a view to divert the real issues in controversy in the present case by repeating similar statements again and again.

13. That with regard to the statements made in paragraph 13, the answering Respondent No.5 denies the baseless allegations that he is benefited by the applicant's suspension and in order to maintain brevity, the answering Respondent reiterates the statements made in paragraph 9 and 10 above. At this

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juncture, the answering Respondent invites the attention of this Hon'ble Tribunal to the conduct of the Applicant of the fact that he initially did not implead the answering Respondent because he had nothing adverse to say about the answering Respondent, but once this Hon'ble Tribunal impleaded the answering Respondent in this case, the Applicant has started to make wild allegations against the answering Respondent. Moreover, the allegation that the answering Respondent has impleaded himself is baseless and without merit as because this Hon'ble Tribunal permitted such impleading on a proper application filed in by the answering Respondent in this behalf.

14. That with regard to the statements made in paragraph 14 and document referred therein, the answering Respondent No.5 has no personal knowledge about the same and the statements do not pertain to him, as such, no comments is made thereon.

15. That with regard to the statements made in paragraph 15, the answering Respondent No.5 reiterates the statements made in paragraph 19 and 20 of his written statement.

Verification....

*Ramgopal*

**VERIFICATION**

I, Sri A. Rongsenwati Ao, son of Late Aolepden, aged about 57 years, resident of Lower Forest Colony, Kohima, working as Principal Chief Conservator of Forest, State of Nagaland, do hereby verify that the contents of paragraph 1 to 20 are true on legal advice and that I have not suppressed any material fact.

*Rongsenwati*  
(Signature of the Respondent No.5)

Place: Kohima.

*Hasan Lehder*  
(Signature of the Advocate)

Dated: 15<sup>th</sup> January, 2010.

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GOVERNMENT OF NAGALAND  
DEPARTMENT FORESTS, ECOLOGY, ENVIRONMENT & WILDLIFE  
NAGALAND : : KOHIMA

NO.FOR/COURT-1/2009

Dated Kohima, the 30th Nov.2009.

To

Dr. C.L.Goel  
Principal Chief Conservator of Forest (U/S).

Sub :- Inspection of Office files and records.

Sir,

I am directed to refer to extract copy of the order passed by Tribunal for Disciplinary Proceeding, Vigilance Commission dated the 10<sup>th</sup> Aug. 2009 (copy enclosed) wherein you were allowed to inspect the office files and records for preparation of your defense in the disciplinary proceeding against you. You have so far not approached the Department of Forest Ecology & Wildlife nor the office of the Principal Chief Conservator of Forest to inspect the files and records in spite of the Vigilance Commission's speaking order which enables you to inspect the files and records.

You are therefore reminded that the files and records of this Office and the P.C.C.F. Office are available for your inspection during regular office hours under the terms & condition stipulated by the Vigilance Commission.

Yours faithfully,

  
( T. IMTIWAPANG AIER )  
Under Secretary to the Government of Nagaland

NO.FOR/COURT-1/2009

Dated Kohima, the

th Nov.'2009

Copy to :-

1. The Principal Chief Conservator of Forest, Nagaland, Kohima.
2. The Tribunal for Disciplinary Proceedings (Inquiry Officer), Vigilance Commission, Nagaland, Kohima.
3. The Central Administrative Tribunal, Guwahati, Rajgarh Road, Bhangagarh, Guwahati-5 (O.A.No. 03 of 2009).
4. Addl. Sr. Court Advocate, Nagaland, Guwahati High Court, Guwahati with reference to O.A. No. 3/09 CAT.
5. The Director, Vigilance, Ministry of Environment & Forests, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi for information.

50(3)  
NS  
30.11.09

  
( T. IMTIWAPANG AIER )  
Under Secretary to the Government of Nagaland.

Files & Records.

- 1 -

(98)

**EXTRACT COPY OF THE ORDER PASSED BY  
TRIBUNAL FOR DISCIPLINARY PROCEEDINGS  
VIGILANCE COMMISSION**

Ref: TRL/8/2009

Dated: Kohima the 10<sup>th</sup> August 2009

**Proceedings against Dr. C.L Goel  
IFS. Principal Chief Conservator of Forest (U/S)**

Charged Officer Dr. C.L. Goel, IFS PCCF (U/S) Kohima appears before the inquiry and has submitted that:

- (1) He be allowed to inspect nine files of the forest department and take notes and also to acquire Photostat copy of relevant papers required for his preparation of the inquiry.
- (2) He be furnished with a copy of the order of the government's appointment of the Inquiry Officer.
- (3) He be allowed to engage a lawyer for the inquiry.

The charged officer's prayers are examined and after due consideration of the matter the T.D.P. is pleased to rule that:

The charged officer maybe privileged to inspect, take notes and also acquire photo copies of the documents which is relevant for the preparation of his defense (on payment):

On the second issue the charged officer has been furnished with the same which is duly acknowledged by him.

On the third issue, it remains the legal right of the petitioner to be assisted by a lawyer whether any Court or Inquiry Officer rules to that effect or not.

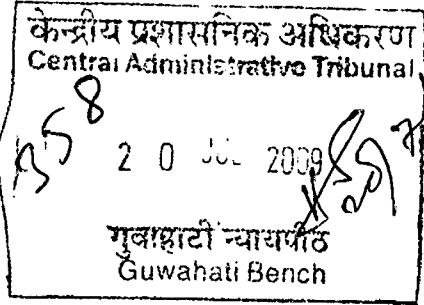
The petitioner/charged officer has also prayed that 60 days time maybe granted to him to collect all the materials required by him to defend his case, and engage a lawyer. The prayer is allowed. Fix the matter for the preliminary hearing 60 days from the day of the passing of this order.

Extract copy of this order be furnished to the concerned department that the charged officer maybe allowed to examine, inspect and obtain photo copies of the relevant documents required for his defense. (For the sake of brevity the file No.s and the purpose for which it is sought has not been recorded on the case sheet, endorsement of the Inquiry Officer has been made on the petition for necessary action).

*CTC*  
*SL*  
(S. HUKATO SWU)

Tribunal For Disciplinary Proceedings

DISCIPLINARY PROCEEDINGS  
COMMISSION  
KOHIMA



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH AT GUWAHATI

O.A. NO. 37 OF 2009

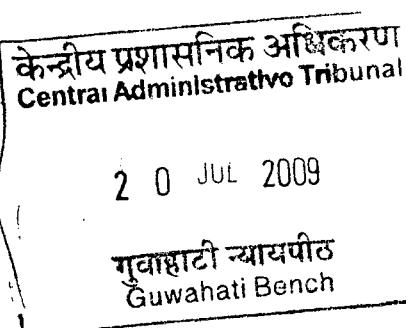
Dr. C.L.Goel	... Applicant
- Versus -	
Union of India & Others	... Respondents

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Filed by the Respondent No 5.  
through

(Gaurav Khandelia  
Advocate)



filed by  
Rongsenwati  
10/07/2009  
50

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:

GUWAHATI BENCH AT GUWAHATI

O.A. No. 37/2009

IN THE MATTER OF:

Dr. C.L. Goel ...Applicant

Versus

The Union of India & Others ...Respondents

And

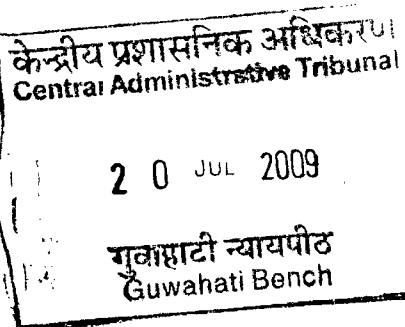
IN THE MATTER OF:

Written Statement filed by the newly impleaded Respondent No.5 i.e. Sri A. Rongsenwati Ao.

The humble Respondent No.5 above named –

MOST RESPECTFULLY SHEWETH:

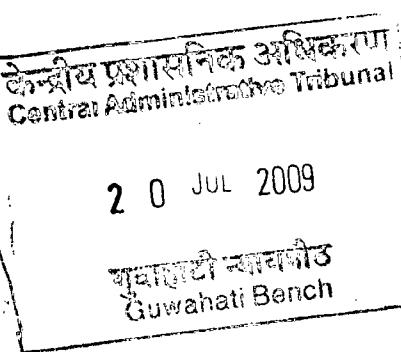
1. That the Original Application filed by the Applicant is not maintainable on facts and law.
2. That the Original Application (hereinafter referred to as "the OA" for the purpose of brevity) is misconceived and for oblique purpose, and is liable to be dismissed.
3. That before venturing to address the various statements and allegations made by the Applicant, the answering Respondent states that the *Rongsenwati* ✓



answering Respondent is in the rank and grade pay scale of Principal Chief Conservator of Forest, and is presently the Chairman, Nagaland Pollution Control Board, holding additional charge of Principal Chief Conservator of Forest, Nagaland.

4. That the answering Respondent states that the Applicant has made certain personal allegations against the answering Respondent without impleading him, thereby compelling this answering Respondent to implead himself in this proceeding as Respondent No.5 so as to answer those allegations in order to assist this Hon'ble Tribunal for a just and fair adjudication of the issues involved in this case.
5. That save and except what is specifically admitted by the answering Respondent in this written statement, all statements made in the OA is deemed to have been specifically denied, and the Applicant is put to strict proof thereof.
6. That with regard to the statements made in paragraph 1, the answering Respondent stoutly denies the allegations that the order of suspension of the Applicant is only an eye wash and the actual reason is to see the ouster of the applicant from the post of Principal Chief Conservator of Forests, Nagaland. The answering Respondent states that the Applicant himself is to be blamed for his conduct and the impugned order has correctly been passed and the same is sustainable on facts and law.
7. That with regard to the statements made in paragraph 4.2 of the OA, the answering Respondent states that he is also a direct recruit Officer to

✓ Rongemwali

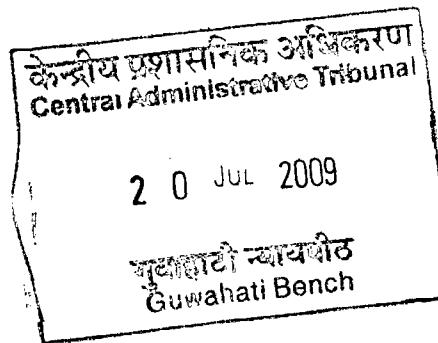


the Indian Forest Service, belonging to the 1978 batch borne on Nagaland Cadre. The answering Respondent has been working for the last 31 years with devotion to his duty and has a clean service record all throughout. The answering Respondent was promoted to the grade of Principal Chief Conservator of Forest (PCCF for short) vide Government Notification No. FOR-33/83 dated 3<sup>rd</sup> December, 2007. As of now, there are three IFS officers in the grade pay scale of Principal Chief Conservator of Forests, namely, Dr. C. L. Goel (1977); Shri. A. Rongsenwati Ao (1978) and Shri. Ansar Ahmed who is on Central deputation (1978). A copy of the said Govt. Notification No.FOR-33/83 dated 3<sup>rd</sup> December 2007 is enclosed herewith and marked as Annexure – R/I.

8. That with regard to the statements made in paragraph 4.3 of the OA, the answering Respondent denies the correctness of the allegation that there exists nothing adverse against the applicant with regard to the discharge of his duties as PCCF, and in this connection the answering Respondent states that the Applicant has suppressed material facts by withholding that he had twice been suspended, and he is presently under suspension as he has committed misconduct by manipulating and tampering his own ACR's and failing to maintain integrity and devotion to his duty.

9. That with regard to the statements made in paragraph 4.4 and 4.5, it is stated that the issue involving the Applicant was of tampering of his own ACR by the Applicant, and the illegality thereof has been established through investigation by the Vigilance Commission, and therefore, the question that the Applicant was found suitable for promotion to the post of PCCF prior to Vigilance Commission's findings in the matter of tampering of ACRs does not hold water nor does it absolve the Applicant for the misconduct committed by him.

*Rongsenwati*



10. That with regard to the statements made in paragraph 4.6, it is stated that transfer and posting is the prerogative of the employer and the Notification dated 07.06.2007 was issued under the relevant rules and there has been no infringement on any of the rights of the Applicant. The Applicant challenged the notification in question before this Hon'ble Tribunal. This Hon'ble Tribunal by an order dated 12<sup>th</sup> July, 2007 passed in M.P. No. 58 of 2007 (in OA No.147/07), inter-alia, held that there was no illegality in effecting the transfer of the applicant to the Pollution Board and the respondents cannot be faulted. Therefore, in this case the transfer order cannot be said to be violative of any provisions of the Constitution of India or hit by any arbitrariness or malafide. In this regard it is stated that the answering Respondent, who was then Addl. PCCF & Chief Wildlife Warden, was to take over current charge of PCCF vide Govt. Notification No C&S (FOR) MISC-1/2006 dated 7<sup>th</sup> June, 2007. However, the said order was stayed by the Hon'ble High Court by an order dated 19.07.2007 passed in W.P.(c) No. 3488/07 though by then the answering Respondent had already assumed the current charge as PCCF as per the said Govt. notification dated 17<sup>th</sup> July, 2007 in view of vacation of the interim order dated 11.06.2007 by this Hon'ble Tribunal in connection with the said O.A. No. 147/2007.

11. That with regard to the statements made in paragraph 4.7 to 4.17, the answering Respondent does not admit anything which are beyond record.

12. That with regard to the statements made in paragraphs 4.18 and 4.19, the answering Respondent denies the statements that nothing adverse existed against the Applicant herein. In this connection it is stated that the Applicant is presently under suspension Vide Memorandum No. C&S (FOR) MISC-

✓ Long Panwali

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गुवाहाटी न्यायपीठ  
Guwahati Bench

1/2006 dated 17<sup>th</sup> November, 2008 for manipulating and tampering of his own ACRs, failure to maintain integrity and devotion to duty and such suspension is in pursuance to findings of the Vigilance Commission's Inquiry and therefore, the Applicant's transfer order of 2007 is not liable to be clubbed with the present case. In this connection, it is denied that there are any vested interests in operation against the Applicant. It is further stated that bringing the notice of the concerned authorities about the tampering of ACR by the Applicant cannot be said to be an act of vested interest. In fact, but for such tampering of ACR by the Applicant, the answering Respondent ought to have been promoted before the promotion of the Applicant. In this connection, it is stated as follows:-

- a. The answering Respondent states that by his letter No. CWL/ESTT/89/32 dated 16<sup>th</sup> April, 2004 and CWL/ESTT/89/991 dated 10<sup>th</sup> May, 2004 the answering Respondent made representation before the concerned authorities for review of his ACR. A copy of the said letter dated 16<sup>th</sup> April 2004 and 10<sup>th</sup> May, 2004 are annexed herewith as Annexure-R/2 & R/3 respectively.
- b. The Answering Respondent by his letter No. CWL/ESTT/Part-I/89/435 dated 18<sup>th</sup> October, 2004 informed the Principal Secretary, Forest, Ecology, Environment & Wildlife, Govt. of Nagaland, that the Applicant herein had tampered with his ACR, and asked for suitable action. A copy of the said letter dated 18<sup>th</sup> October, 2004 is annexed herewith as Annexure-R/3A
- c. The answering Respondent by a letter No. FE-1/28/93 (Part-1)/10649 dated 12<sup>th</sup> December, 2005 represented before the Commissioner & Secy. Forest against tampering of ACRs by the Applicant herein. The said letter dated 12<sup>th</sup> December, 2005 is annexed herewith as Annexure-R/4.

*Ramgopal*

देशभ्रम एवं अनियन्त्रित करण  
Court of Civil Appeal Tribunal

d. The answering Respondent once again by his letter No. CWL/ESTT/Part-1/89/562 dated 13<sup>th</sup> December, 2004 requested the Principal Secretary, Forest on the tampering with ACR with further request that promotion of officers in the rank of CCF to Additional PCCF should not be taken up unless the case of tampering of ACR by the Applicant herein is not finalized. A copy of the said letter dated 13.12.2004 is annexed herewith as Annexure-R/5.

e. The answering Respondent once again by his letter No. FE-1/28/93 (Part-1)/10966 dated 19<sup>th</sup> January, 2006 submitted information to the then Commissioner & Secy., Forest about tampering of ACR by the Applicant herein. A copy of the said letter dated 19.01.2006 is annexed herewith as Annexure-R/6.

f. The answering Respondent by his letter No. FE-1/28/93 (Part-1)/11687 dated 17<sup>th</sup> February, 2006 informed the Vigilance Commissioner through Commissioner & Secy., Department of Forest, Environment, Ecology and Wildlife that although the case of tampering of ACR by the Applicant herein was brought to the notice of the Government on 18.10.2004, but nothing was heard of any enquiry of the case. It was further represented that it would be unjustified to allow the Applicant herein to write ACR of other officers. A copy of the said letter dated 17.02.2006 is annexed herewith as Annexure-R/7.

g. By another letter No.CWL/Estt/Part-1/89/315 dated 29<sup>th</sup> June, 2007 written to the Commissioner & Secy., Forest, the answering Respondent represented that his ACR for the period from 1<sup>st</sup> April, 2006 to 31<sup>st</sup> March, 2007 was submitted to the Applicant herein on 9<sup>th</sup> April, 2007 as he was the reporting authority, but the same had *been delayed*.

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Guwahati Bench

not reached the Government, and also represented that tainted officer (i.e. the Applicant herein) ought not to be permitted to write ACR of other officers. A copy of the said letter dated 29.06.2007 is annexed herewith as Annexure-R/8.

13. That with regard to the statements made in paragraph 4.22, it is categorically denied that the answering Respondent is the beneficiary by ousting the Applicant from the post of PCCF. The allegations are totally baseless as the tampering of ACRs has been prima- facie found through investigation by the authority none other than Vigilance Commission. While denying the allegation that the answering Respondent has been favoured with posting as PCCF, it is stated that this Hon'ble Tribunal would be pleased to consider that only by virtue of 'long-hands', that the Applicant herein has been able to prevent any enquiry to proceed against him for about five long years from 2004 despite regular representations made in this regard by the answering Respondent. The answering Respondent states that he is the only other competent officer in that grade to hold charge of the post of PCCF, because:

- a. The promotion of the answering Respondent to the post of PCCF was effected after completing the required length of continuous service;
- b. The service record of the answering Respondent was good;
- c. There was no vigilance case against the answering Respondent;
- d. The case of promotion of the answering Respondent to the post of PCCF was by the Civil Service Board as per the guideline for promotion of Indian Forest Service Officers to various grades;
- e. Promotion to the post of PCCF can be effected only on completion of 28 years of continuous service, and the answering Respondent

*Raghuwanshi*

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Guwahati Bench

was promoted to the post of PCCF on completion of 29 years of service.

It is stated that by making unfounded and wild allegations against the answering Respondents, the Applicant has tried to mislead the Hon'ble Tribunal by bringing forth unrelated matters in this application.

14. That with regard to the statements made in paragraph 4.24 and 4.25, the answering Respondent denies the correctness thereof. In this regard it is stated that the Applicant herein has all along been continuously favoured by not initiating any proceedings or action against him for all these years in spite of various representations. It is denied that at the relevant time when the ACR was tampered by the Applicant, his ACR was with the Govt. The tampering was done by the Applicant while he was in PCCF's Office as CCF, and the tampered ACR as received from the PCCF's Office were in the Govt. record, which was examined by the Vigilance Commission. The competent authorities examined witnesses and the relevant records. Hence, it is a fit and proper case wherein this Hon'ble Tribunal may call for the records pertaining to enquiry by the Vigilance Commission. Since tampering was done while the Applicant was in PCCF's Office, it is pointless to say whether he had any access to his ACR.

15. That with regard to the statements made in paragraph 4.26, the answering Respondent states that the truth about the allegations would definitely come out during further investigation or Departmental proceedings.

16. That with regard to the statements made in paragraph 4.27, the answering Respondent denies the correctness thereof, and states that the suspension of the Applicant is only with a view to facilitate an impartial enquiry,

*Ramgopal*

20 JUL 2009

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Guwahati Bench

as it is well known that no one would come forward to adduce give any evidence if the delinquent officer remains in charge of office and if authorized to write ACR of people who could be a possible witness in the case for the prosecution against him.

17. That with regard to the statements made in paragraph 4.31, the answering Respondent denies the correctness thereof, and states that sufficient materials exist to show that serious offence was committed by the Applicant by tampering his own ACR, and if he is allowed to continue in the said post, it will not only hamper the impartial enquiry, but the ACR of all those persons whose names appear in the list of prosecution witness, including this answering Respondent would be at great and irreparable risk and jeopardy of manipulation by the Applicant so as to dissuade those witness from disclosing any incriminating evidence against the Applicant.

18. That as regards the grounds for relief as pleaded in paragraph 5, the answering Respondents deny the correctness thereof, and state that had the ACR of the Applicant not been tampered, the promotion of the answering Respondent should have been considered with retrospective effect i.e. with effect from the 3<sup>rd</sup> February, 2005 i.e. the date when the Applicant was promoted to the post of Addl. PCCF. Moreover, the draft Article of Charge and Statement of Imputation framed against the Applicant was framed by the Vigilance Commission, which was forwarded to the Chief Secretary on 05.09.2008, basing on which the Applicant has been placed under suspension. The Applicant has no good grounds for this case as the tampering of ACR was done by the Applicant while he was the CCF in the PCCF's Office and the tampered ACR as received from PCCF's Office are in the Govt. record and these

✓ Ronglakhlani

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Guwahati Bench

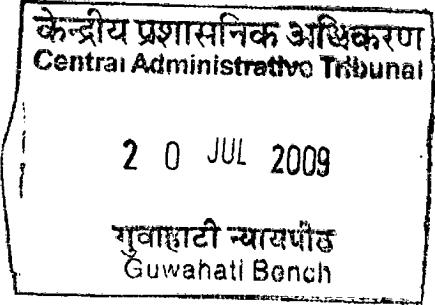
was the ACR which was examined by the Vigilance Commission. Since tampering was done while the Applicant was in PCCF's Office, only he would be the beneficiary of such tampering and, as such, it is pointless to say whether the Applicant had any access to his ACR. Moreover, the Applicant herein had been favoured all throughout as despite representations, no action whatsoever was taken against him for last several years. Hence, the Applicant is not entitled to any relief in this case.

19. That the answering Respondent states that the Applicant has failed to make out any case for interfering with the impugned order by this Hon'ble Tribunal, as such the Applicant is not entitled to any relief in this case, and the same is liable to be dismissed.

20. PRAYER: The answering Respondent therefore, prays for dismissal of this instant case.

Verification.....





### VERIFICATION

I, Sri A. Rongsenwati Ao, son of Late Aoploden, aged about 56 years, resident of Lower Forest Colony, Kohima, working as Principal Chief Conservator of Forest, State of Nagaland, do hereby verify that the contents of paragraph 1 to 20 are true on legal advice and that I have not suppressed any material fact.

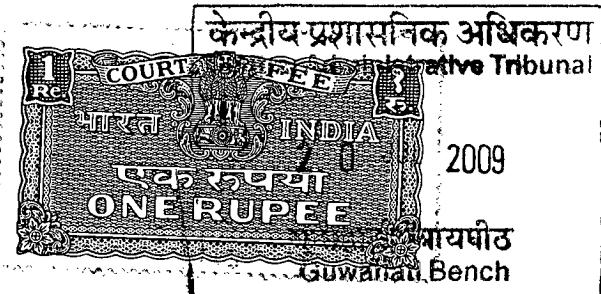
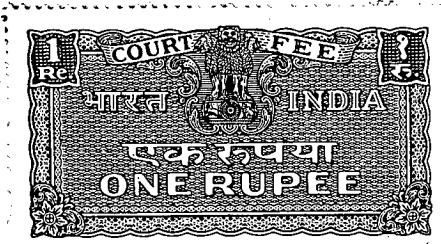
✓ *Rongsenwati*

(Signature of the Respondent No.5)  
*Respondent No.5*

Place: Kohima.

*W. Chandel*  
(Signature of the Advocate)

Dated: 23<sup>rd</sup> June, 2009



**AFFIDAVIT**

I, Sri A. Rongsenwati Ao, son of Late Aoploden, aged about 56 years, resident of Lower Forest Colony, Kohima, working as Principal Chief Conservator of Forest, State of Nagaland, do hereby solemnly affirm and state as follows:-

1. That I am the impleaded Respondent No. 5 in this case. I am fully conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the statement made in this affidavit and in paragraphs 1 to 4, 6, 8 to 11, and 13 to 18 are true to my knowledge, those made in paragraphs 7 and 12 being matters of record are true to my information derived therefrom, which I believe to be true and the rest are my humble submissions before this Hon'ble Court.

And I sign this affidavit on this the 24<sup>th</sup> day of June, 2009 at Guwahati.

Identified by:

✓ *Rongsenwati*

DEPONENT

Advocate

*Swaran before me*  
*24/6/09*  
*Chief Judicial Magistrate*  
*Kohima*

GOVERNMENT OF NAGALAND  
OFFICE OF THE ADDL. PRINCIPAL CHIEF CONSERVATOR OF FORESTS  
& CHIEF WILDLIFE WARDEN,  
NAGALAND: DIMAPUR

No.CWL/Estt/Part-1/89/315

Dt. Dimapur the 29<sup>th</sup> June 29, 2007

To

Shri R.B.Thong IAS  
The Commissioner & Secretary to the Govt. of Nagaland  
Department of Forests, Ecology, Environment & Wildlife  
Kohima.

Sub: ACR in respect of Shri A.Rongsenwati Ao IFS, Addl. Principal Chief Conservator of Forests & Chief Wildlife Warden, Nagaland – Dimapur  
For the period from 1<sup>st</sup> April 2006 to 31<sup>st</sup> March 2007.

Sir,

I have the honour to bring to your notice that ACR in respect of self for the period from 1<sup>st</sup> April 2006 to 31<sup>st</sup> March 2007 was submitted to the Reporting Authority i.e., Dr.C.L.Goel, PCCF vide this letter No.CWL/Estt/Part-1/ 89/26 dt. Dimapur 9<sup>th</sup> April' 2007 followed by verbal request for timely submission to the Reviewing Authority but so far it is learnt that my ACR in question has not reached the Govt.

In this context, I may be permitted to draw your kind attention to my earlier representation to the Government vide letters No. FE-1/28/93(Part-I)/10649, dt. Kohima the 12<sup>th</sup> Dec' 2005 and No.FE-1/28/93/Part-I/11687, dt Kohima the 17<sup>th</sup> Feb' 2006, in which request has been made not to allow an officer with tainted integrity (Dr.C.L.Goel) to write the ACRs of other officers and colleagues unless proven otherwise and now that the said officer being the Reporting Authority, Government may kindly make favourable decision on this matter so as to safeguard sanctity of service of the members of the Indian Forest Service.

In view of the above, I request you to look into the matter at the earliest so as to avoid any further delay in writing my ACR.

Encd: Copy to Reporting Authority.  
Thanking you,

Yours faithfully

(A.Rongsenwati Ao)

Addl. Principal Chief Conservator of Forests  
& Chief Wildlife Warden  
Nagaland: Dimapur

CTC  
Rongsenwati

केन्द्रीय प्रशासनिक अधिकारा  
Central Administrative Tribunal

20 JUL 2009

गुवाहाटी न्यायालय  
Guwahati Bench

Confidential

ANNEXURE - R/2

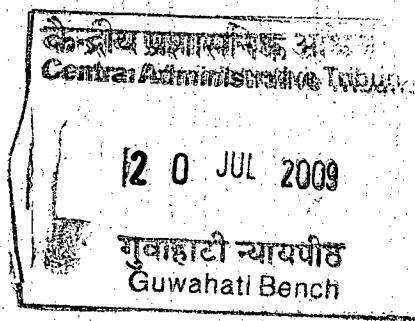
GOVERNMENT OF NAGALAND  
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FOREST  
NAGALAND:: KOHIMA

No.FE-1/28/93(Part-1)/10647 Dt. Kohima 17/12/2005 Feb' 2006

To

The Vigilance Commissioner  
To the Government of Nagaland  
Nagaland, Kohima.

(Through Commissioner & Secretary, Dept. of Forest, Env. Ecology and Wildlife)



Sub:- Tampering of ACR by Dr.C.L.Goel, IFS and inquiry thereof:

Sir,

I have the honour to state that a case of tampering of ACR by Dr.C.L.Goel, IFS, the then CCF(Hq) was brought to the notice of the Govt. vide letter Nos. CWL/ESTT/Part-1/89/435 dt.Dimapur the 18<sup>th</sup> Oct' 04 and CWL/ESST/Part-1/89/562 dt. Dimapur the 13<sup>th</sup> Dec' 04.

In this context, I would like to say that so far nothing is heard of any inquiry made by the Govt. relating to this particular case. Further, I intend to bring to your notice that reminders enclosing copies of PCCF's letter No. FE-1/7/2004/8261 Dt. Kohima the 3<sup>rd</sup> Nov' 2004 and Statements given by the ministerial staff of PCCF's office testifying tampering of ACR had been sent to the Govt. for adducing as additional evidences in support of my representation vide letter nos. FE-1/28/93(Part-1) /10649, dt. Kohima the 12<sup>th</sup> Dec'2005 and FE-1/28/93(Part-1)/10966, dt. Kohima the 19<sup>th</sup> Jan'2006 : : copies enclosed herewith.

I feel that inquiry by Vigilance Commission is pertinently warranted, so that I may also get an opportunity to dispose my statement before the commission.

It also appears to be unjustifiable to allow such an officer with tainted integrity to write ACRs of other officers unless proved otherwise and therefore taking this point into account, timely remedial measure is badly required for maintaining sanctity of the career of government servant.

In the circumstances mentioned above, I would request you to kindly look into the matter at the earliest, in order that such malpractice is prevented for ensuring sanctity of the public service.

Yours faithfully

11/12  
(A.Rongsenwati Ao, IFS)  
Chief Conservator of Forest  
Env., Biodiversity & Research  
(O/o PCCF)  
Nagaland, Kohima.

CR  
Rongsenwati

Confidential

GOVERNMENT OF NAGALAND  
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FOREST  
NAGALAND KOHIMA

No.FE-1/28/93 (Part-1)/ 10649 Dt. Kohima the 19<sup>th</sup> January, 2006

To

The Commissioner & Secretary  
Dept. of Forest, Env. Ecology & Wild life  
Govt. of Nagaland

Sub : Tampering of ACRs by Dr. C.L. Goel IFS.

Ref:- This office letter No. 1/28/93 (Part-1)10649 Dt. Kohima The 12<sup>th</sup> Dec' 2006.

Sir,

In continuation of this office letter cited above, I am to enclose herewith the statements given by the stenographers of the office of PCCF in the matter of tampering of ACRs which clearly indicates that the **Reporting Officer** did not write ACRs of Dr. C.L. Goel. Statements enclosed as Annexures -I, II & III.

Shri. K. Chumchamo Patton who had been assigned to look after matters of IFS including ACR also said that Dr. C.L. Goel's ACRs were not kept under his custody during the period from 2002 to 2004. He further stated that he had processed ACRs of other IFS officers except Dr. Goel's as it never came to him which is again a clear indication that ACRs for the period in question were not under the custody of **Reporting Officer**.

Statement enclosed as Annexure -IV

It is therefore requested to take into cognizance all these documentary evidences during the process of enquiry.

Encl. as stated above.

Yours faithfully

(A. Rongsenwati Ao)  
Chief Conservator of Forest  
Env. Biodiversity & Research

No. FE-1/28/93(Part-1)/ 10649 Dt.Kohima the 19<sup>th</sup> January, 2006

(A. Rongsenwati Ao)  
Chief Conservator of Forest  
Env. Biodiversity & Research

C/L  
Rongsenwati

केन्द्रीय प्रशासनिक अ  
Central Administrative

20 JUL 2005

गुवाहाटी न्यायघरीठ  
Guwahati Bench

GOVERNMENT OF NAGALAND  
OFFICE OF THE CHIEF WILDLIFE WARDEN  
NAGALAND :: DIMAPUR

No.CWL/ESTT/Part-1/89/562

Dated Dimapur the December, 2004

To

The Principal Secretary  
Forest, Ecology, Environment & Wildlife  
Nagaland, Kohima.

Subj:- Promotion at the level of CCF & above and tampering with ACR thereof:

Sir,

In response to my representation vide letter No. CWL/ESTT/ Part-1/89/435 dt. 18<sup>th</sup> Oct'2004, PCCF has communicated to you that Dr.C.L.Goel has tampered with the ACR whereas you have proposed him for promotion to Addl.PCCF without taking into cognizance the offence and irregularity committed by him.

It is also to mention here that I have completed 26 years in the service and in the zone of promotion to the post of Addl. PCCF : whereas you have not proposed my name.

It is, therefore, requested to redress commission of such irregularity in the proposal for promotion so as to avoid legal problem; and the promotion of officers in the rank of CCF to Addl.PCCF should not be taken up unless Dr.Goel's case of tampering with ACR is finalised.

Yours faithfully

(A.Rongsenwati Ao)  
Chief Wildlife Warden  
Nagaland: Dimapur

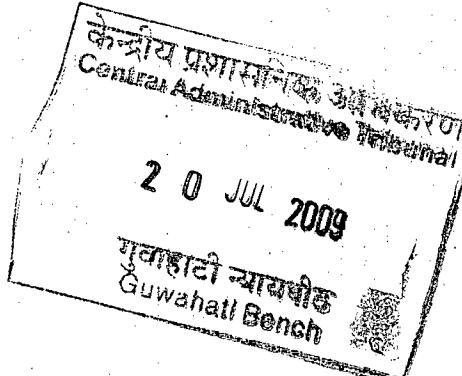
No.CWL/ESTT/Part-1/89/563-64

Dated Dimapur the 13th December, 2004

Copy to:

- 1) P.S to Minister Forest, Nagaland, Kohima
- 2) P.S to Chief Secretary, Nagaland, Kohima with a request to intervene in the matter.

(A.Rongsenwati Ao)  
Chief Wildlife Warden  
Nagaland: Dimapur



C/C  
Rongsenwati

GOVERNMENT OF NAGALND  
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS  
NAGALAND :: KOHIMA

No. FE-1/28/93 (Part-1) / 10649 Dt. Kohima the 12/12/ 2005

To

The Commissioner & Secretary  
Department of Forest, Environment, Ecology & Wildlife  
Govt. of Nagaland : Kohima

Sub:- Representation against Tampering of ACRs by Dr.C.L.Goel,  
IFS,Chief Conservator of Forest (Hq) and Inquiry thereof:

Ref: - My letter Nos : (i) CWL/ESTT/Part-1/89/435 dt.Dimapur the 18<sup>th</sup> Oct' 04  
(ii) CWL/ ESTT/ Part-1/89/562 dt Dimapur the 13<sup>th</sup> Dec'04  
(iii)CWL/ESST/89/32 dt. Dimapur the 16<sup>th</sup> April, 2004

Sir.

31. I have the honour to invite your attention to the subject cited above and beg intervention of your kind authority by taking appropriate action towards redressing grievances as explained hereunder :-

A case of tampering of ACRs for the three consecutive years viz., 2001-2002, 2002-2003 and 2003-2004 by Dr.C.L.Goel, the then CCF(Hq) was brought to the notice of the govt. vide my letters referred to above.

Substantiating his admission before Principal Secretary, Forest in presence of other senior officers, PCCF vide his letter No. FE-1/7/2004/8261, dt. 3.11.2004 communicated to the govt. that ACR of Dr. C.L. Goel for the 2003 – 04 has been found to be tampered with.

He further informed the Govt. in the same letter of his inability to establish tampering of ACRs for the years 2001-02 and 2002-03 in absence of back up copies of the same.

In spite of the finding submitted by PCCF, government has not so far conducted inquiry or initiated any action against Dr.C.L.Goel - nor was the matter brought to the knowledge of GOI : rather he was promoted to Addl. PCCF. The effect of such action being condoned

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

20 JUL 2009

## গুৱাহাটী ন্যায়পীঠ Guwahati Bench

CTC Roughnawali

tamount to demoralizing officers in the department and in addition thereto, it will now be open for any officer to manipulate ACRs for furtherance of his / her career.

It is not justified to allow such an officer with tainted integrity to write ACRs of other officers and colleagues unless proved otherwise and therefore govt may have to consider this point for maintaining sanctity of the career of the govt. servants.

ACR should usually indicate a clear opinion on the character, conduct and integrity of the officer reported upon and also there should not be any hesitation on the part of the reporting officer to record adverse remarks in the subsequent year in justified cases but such principles are not observed in this case.

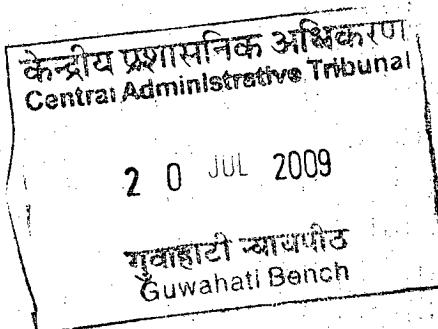
Further, I am to state here that I have been working closely with Shri. N. Lolenmeren Ao, PCCF in the same dept. for the last twenty five years at various capacity and to the best of my knowledge he has not so far typed entries in the ACRs as Reporting or Reviewing Officer. He has been continuously writing my ACRs as Reporting Officer for the last five years and I am sure all the entries in the relevant columns of my ACRs have been made in his own handwriting which may kindly be verified.

I represented to the Govt. against tampering of ACR by Dr.C.L.Goel since it came to my notice incidentally which was further confirmed through the persons who had been assigned by him to type entries in all the relevant columns of his ACRs including Reporting Officers' column. This matter was brought to the knowledge of the PCCF on several occasions and it was on his verbal permission that representation was made to the higher authority. Three type writers were used which will be produced / exhibited before the inquiry committee along with other evidences and details.

In view of the aforesaid facts and circumstances, I would request you to either conduct departmental inquiry or refer the case to Vigilance Commission for inquiring into the matter on the following points :

- Tampering of ACR for the year 2001-02 and 2002-03 to be verified since tampering for the year 2003-04 has already been established.
- ACR for the year 2000-01 may also be examined in order to establish genuineness of Reporting Officer's entries in the relevant columns in his own hand writing.
- And also in the process of inquiry, Photo- copies of Dr. C.L. Goel's ACR for the periods in question may be compared with the ACR -photo-copies of his colleagues in order to ascertain authenticity of the entries made in the reporting officer's column.

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- modus operandi of tampering including type writers used, the persons who typed, pasting of cello-tape over the grading for 2003-2004, etc.
- Criteria/Justification for grading "Exceptionally Outstanding" for three consecutive years whereas it is known in the dept. that the incumbent has not even been attending office regularly : not to speak of performing his duty.
- Justification for promoting the officer to Addl. Principal Chief Conservator of Forests whereas govt. was already informed of the tampering of ACR by the said officer vide my letter CWL/Esstt/Part-1/89/562 dt Dimapur the 13<sup>th</sup> Dec' 2004, & PCCF's LetterNo. FE-1/7/2004/8261 Dt.Kohima the 3rd Nov' 04 under reference.

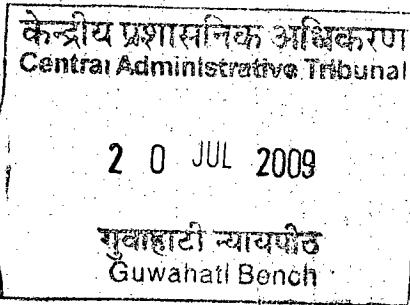
I may kindly be permitted to add that if appropriate action is not taken in time, legal remedy would be sought in the interest of the officers in the dept. & social justice without further bringing the matter to the notice of the government.

Copies of letters referred to above enclosed for your ready reference.

Yours faithfully

(A.Rongsenwati Ao)

Chief Conservator of Forest  
Env. Biodiversity & Research  
(O/O of PCCF)  
Nagaland :: Kohima



CTC  
Rongsenwati

GOVERNMENT OF NAGALAND  
OFFICE OF THE CHIEF WILDLIFE WARDEN  
NAGALAND; DIMAPUR

No.CWL/ESTT/ Part-1/89/

Dt.Dimapur, the 18th Oct : 2004

To

The Principal Secretary  
Forest, Ecology, Environment & Wildlife  
Govt. of Nagaland : Kohima

Subject : **Tampering with Annual Confidential Report by Dr. C.L. Goel IFS**  
**Chief Conservator of Forest (HQ)**

Sir,

The Annual Confidential Report is an important document which provides the basic and vital inputs for assessing the performance of an officer for his further advancement in career. It is equally important both in the interest of efficiency of the service and also of the officers that ACRs are written with the greatest possible care so that conduct, character and capabilities of the officers reported upon can be accurately judged from the recorded opinion. Whereas, it has come to my knowledge that Dr. C.L. Goel CCF (HQ) has tampered with ACRs for the preceding 3 (three) consecutive years i.e. (2001-02, 2002-03 & 2003-04) by way of:

- Making type-written entries by himself in the columns required to be filled in only by the Reporting Authority
- Manipulating the Grading
- Also it does not bear the official seal of the designated Reporting Authority

Therefore, in view of circumstances mentioned above, suitable action may be taken by enquiring into the tampering of the document so as to maintain sanctity of the career of the govt. servants

I may be permitted to mention here that if appropriate action is not taken in time, I may be compelled to seek remedy in the court of justice in order to protect the career and image of the service members.

Yours faithfully

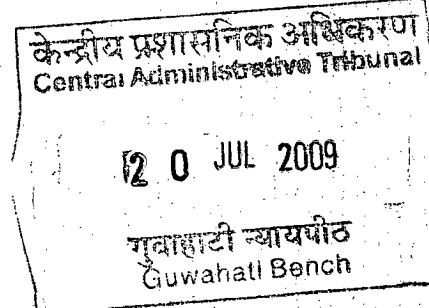
(A.Rongsenwati Ao )  
Chief Wildlife Warden  
Nagaland : Dimapur

No. CWL/ ESSTT/Part-1/89/ 436-22 Dt. Dimapur, the 18<sup>th</sup> Oct. 2004

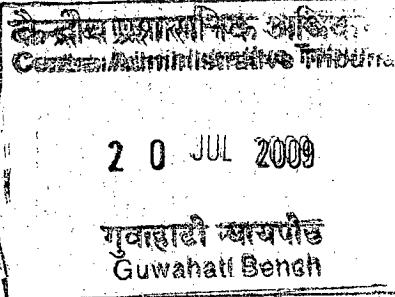
Copy in Advance to :-

- 1) PS to Minister Forest, for kind information of the Hon'ble Minister
- 2) PS to Chief Secretary, Nagaland for kind information of the Chief Secretary

(A.Rongsenwati Ao )  
Chief Wildlife Warden  
Nagaland : Dimapur



CWL  
Rongsenwati



-21-

ANNEXURE R/6

CONFIDENTIAL

To

Shri Lolenmeren  
Principal Chief Conservator of Forests  
Nagaland, Kohima.

No. CWL/ ESSTT/ 89/991

Dt. Dimapur 10<sup>th</sup> May, 2004

Subj:- Review of ACR

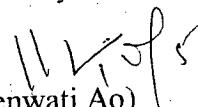
Sir,

With due respect, it is to bring to your notice that I have requested Principal Secy. vide office letter No.CWL/ESTT/89/32 Dt Dimapur the 16<sup>th</sup> April, 2004 -(enclosed) for review of my ACR for the year 2001- 2003 giving justifications. Since ACR determines the service career of an officer, I feel it justified to request for review in order that there is no hindrance while applying placement for higher responsibilities; more particularly outside the dept.

Justifications are being furnished and therefore request you to consider the matter.

Encl : as stated above.

Yours faithfully

  
(A.Rongsenwati Ao)  
Chief Conservator of Forests  
Nagaland : Kohima.

ctc  
Rongsenwati

Confidential

Government of Nagaland  
Office of the Chief Wildlife Warden  
Nagaland : Dimapur

CWL/ ESTT/89/

Dt. Dimapur the 16<sup>th</sup> April, 2004

केन्द्रीय प्रशासनिक अधिकारा  
Central Administrative Tribunal

20 JUL 2009

गुवाहाटी न्यायालय  
Guwahati Bench

To

Dr. S.C Deorani  
Principal Secretary to the govt. of Nagaland  
Dept. of Forests, Environment, Ecology & Wildlife

Subject : - Review of Annual Confidential Report

Sir,

With due respect, I am to state that there has not been any dereliction of duty and responsibility throughout my service career in the dept.

I have been posted as the Chief Wildlife Warden when you were the Principal Chief Conservator vide govt. order : FOR-25/82(pt) dt.Kohima the 15<sup>th</sup> February, 2000 and since the day of taking over the charge, I have been working with sincerity and dedication as a result of which the following outstanding achievements have been brought about :

1. Taking into account the importance of the Wildlife conservation and management, it was felt necessary to bring forth a well defined programme for sustainable forest and wildlife conservation concept and thus prepared and presented **A Feasibility Report on An Integrated Infrastructure Development for Sustainable Management, Conservation , Bioinformatics and Ecotourism in Intanki NP, Rangapahar, Puliebadzie and Fakim Wls.** The report received due appreciation even from the Planning dept. A copy was also forwarded to the Union Minister in charge North East Shri. Arun Shourie.
2. Rangapahar, once a prime forest - an incomparable resource of the state was devastated due to illegal removal of trees and encroachment. Eviction was carried out several times besides mobilizing the support of the surrounding villages and NGOs and now an area of 1.76 sq km has been secured and the developmental activities for establishing the Zoological park is under progress.
3. For many years Intanki National Park has been plagued with the twin problems of killing of wild animals and encroachment. Several attempts to evict the encroachers failed since 1991 but on 5/6/2002, it was cleared and till date this protected area is free from illegal settlers.
4. Identified and prepared digitized map of elephant habitats in the state and also prepared Perspective Plan of management basing on which strategies could be evolved with regard to conservation programme.
5. Conducted seminars in the villages for generating awareness towards wildlife protection & conservation and also distributed pamphlets, posters and stickers in

C/C  
Rangapahar

schools, offices, villages and among NGOs. In fact the slogans on the posters of elephant "My days are numbered" and "We are not for your meals" are the quotations coined by me which should not go unacknowledged.

6. Visited many villages sensitizing the community on the issue of formation of biodiversity rich area into community reserves.
7. Contributed towards formulation of Biodiversity Action Plan of Nagaland.
8. Wildlife Wing has been made functional and now there is also a good office building with Fax, e-mail/ internet facility.

I may also be permitted to state here that The State Forestry Research Plan was prepared during my tenure as CCF(Hq) which has been approved and released by Indian Council of Forestry Research & Education in My, 2000. Much has been contributed towards drafting of JFM resolution, FD and State Forestry Action Plan.

I sincerely feel that my ACR Grading should be in commensurate with contributions made. I have discussed the matter with the Hon'ble Minister, Forests.

As you are aware that IFS officers borne on Nagaland cadre are not given due privileges and opportunity in respect of placement, status and facilities which are being enjoyed by members of other two AIS. I feel one of the ways to bring about improvement in our service condition is by getting suitable placement outside the dept. at the senior level and herein ACR becomes the deciding factor. And for the same reason, I have been working hard and sincerely throughout my service career.

I am delighted to learn that my colleague Dr. C.L. Goel has been awarded outstanding grading and hence I feel it justified to request you to kindly review my ACR taking into account the achievements made by me for which act of kindness I shall remain grateful to you.

Yours Faithfully

11/1/04  
(A. Rongsenwati Ao)  
Chief Wildlife Warden  
Nagaland :: mDimapur

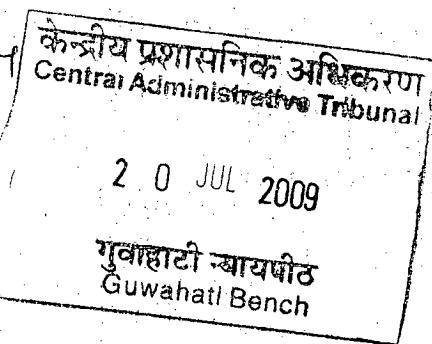
No. CWL/ESST/89/ 33

Dt. Dimapur 16 th April, 2004

Copy to :

P.S. to Hon'ble Minister Forests, Env. Ecology & Wildlife

11/1/04  
(A. Rongsenwati Ao)  
Chief Wildlife Warden  
Nagaland : Dimapur.



E/C  
CTC Rongsenwati

Confidential

Government of Nagaland  
Office of the Chief Wildlife Warden  
Nagaland : Dimapur

CWL/ ESTT/89/32

Dt. Dimapur the 16<sup>th</sup> April, 2004

केन्द्रीय प्रशासनिक अदायक  
Central Administrative Tribunal

20 JUL 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

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C1C  
Rangapahar

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11/1/04  
(A. Rongsenwati Ao)  
Chief Wildlife Warden  
Nagaland : mDimapur

केन्द्रीय प्रशासनिक अधिकारण  
Central Administrative Tribunal

20 JUL 2009

गुवाहाटी न्यायालय  
Guwahati Bench

No. CWL/ESST/89/ 33

Dt. Dimapur 16 th April, 2004

Copy to :

P.S. to Hon'ble Minister Forests, Env. Ecology & Wildlife

11/1/04  
(A. Rongsenwati Ao)  
Chief Wildlife Warden  
Nagaland : Dimapur.

E/C  
CTC  
Rongsenwati

GOVERNMENT OF NAGALAND  
 DEPARTMENT OF FORESTS, ECOLOGY, ENVIRONMENT  
 & WILDLIFE NAGALAND : KOHIMA

20 JUL 2009

गुवाहाटी आयोडी  
 Guwahati Bench**NOTIFICATION**

Dated Kohima, the 3rd December 2007

NO. FOR-33/83: The Governor of Nagaland is pleased to release the next higher grade of pay to promote the following IFS officers with immediate effect against the ex-cadre posts created vide NO. FOR-33/83/330 Dated Kohima, the 3rd December 2007.

1. Shri A. Rongsenwati Ao : The scale of Principal Chief Conservator of Forests in the scale pay of Rs 24,050- 650-26,000/- P.M
2. Shri Ansar Ahmed : The scale of Principal Chief Conservator of Forests, in the scale pay of Rs 24,050- 650-26,000/- P.M (*Pro-forma*)
3. Dr Shashidhar : The scale of Addl Principal Chief Conservator of Forests, in the scale pay of Rs. 22,400-525-24500/- against resultant vacancy of SI No 1 above.
4. Shri Wepretso : The scale of Conservator of Forests, in the scale pay of Rs 16,400 – 20,000/- p.m.

plus all other allowances as are admissible to AIS officers in the State of Nagaland.

This is issued with the approval of the Governor vide U.O No 2356 dated 19/11/07

Sd/- **LALHUMA**  
 Chief Secretary to the Government of Nagaland

NO. FOR-33/83/331

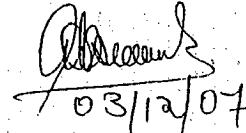
Dated Kohima, the 3rd December 2007

Copy to:-

1. The Secretary to the Governor of Nagaland, Kohima.
2. The Addl. Chief Secretary to the Chief Minister, Nagaland, Kohima.
3. The Secretary to the Government of India, Ministry of Environment & Forests, Paryavarai Bhavan, CGO Complex, Lodhi Road, New Delhi-110003.
4. The Director General of Forests & Special Secretary, Government of India, Ministry of Environment & Forests, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi-110003.
5. The Sr. P.S to the Chief Secretary, Nagaland, Kohima.
6. The Principal Secretary, P& AR Department
7. The Principal Chief Conservator of Forests, Nagaland, Kohima.
8. All Administrative Heads & Heads of Depts, Government of Nagaland
9. The Accountant General, Nagaland.
10. All CCF, Nagaland.
11. All Conservator of Forests/DCF, Nagaland.
12. The Publisher, Nagaland Gazette, Kohima.
13. Officers concerned
14. Personal file

(Akumla Chuba)

Under Secretary to the Government of Nagaland


 03/12/07

 CTC  
 Rongsenwati

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4
			<b>MISC CASE NO. 71/08</b>
			[In WP(C) No.3488/07]
			<b>BEFORE</b>
			<b>HON'BLE THE CHIEF JUSTICE MR. J. CHELAMESWAR</b>
			<b>HON'BLE MR. JUSTICE A.POTSONGBAM</b>
		13.02.2008	
			<b>[Chelameswar, CJ]</b>
			This application is filed with the prayer
			as follows:-
			" In the premises aforesaid it is most respectfully prayed that your Lordships may be pleased to allow the applicant herein to withdraw W.P(C) No.3488/07 with liberty, in terms of the Annexure A & B orders dated 21.12.07."
			For the reasons given in the application
			the W.P(C) No.3488/07 is dismissed on withdrawal.

Sd/- A. POTSONGBAM  
JUDGE

Sd/- J. CHELAMESWAR  
CHIEF JUSTICE

Memo No. HC.XXI.....1017 - 22...../R.M. Dtd.....

Copy forwarded for information and necessary action to:-

29/1/09

1. The Union of India, represented by the Secretary, Govt. of India, Ministry of Personal, Public Grievance and Pension (Department of Personal and Training) North Block, New Delhi-1.
2. The State of Nagaland represented by the Chief Secretary, Govt. of Nagaland, Kohima.
3. The Commissioner and Secretary, Govt. of Nagaland, Department of Forest, Ecology, Environment and Wild Life, Kohima.
4. Sri A. Rongsenwati, IFS Additional Principal Chief Conservator of Forest and Chief Wild Life Warden, Department of Forest, Ecology, Environment and Wild Life, Dimapur.
5. Sri Temsuwati, IFS, Chairman, Nagaland Pollution Control Board, Dimapur.
6. The Central Administrative Tribunal, Guwahati Bench, represented by its Registrar, Rajgarh Road, Guwahati, Assam.

By order

Asstt. Registrar (B)  
Gauhati High Court, Guwahati

29/1/09

THE GAUHATI HIGH COURT

(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura,  
Mizoram & Arunachal Pradesh)

## CIVIL APPELLATE SIDE

Appeal from  
Civil Rule

Misc Case No. 71 of 2008  
in wpcy 3488107

Dr. C. L. Sjoel, IFS

Appellant  
Petitioner

versus  
The Union of India & Ors

Respondent  
Opposite Party

Appellant  
For—

Mr. V.K.Nair

Petitioner

Mr. B. Sarme,

Mr. A. Chely

### Respondent

For G. A. Nagaland

## Opposite Party

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports orders or proceedings with signature
1	2	3	4

13 JAN 2009 180

गुवाहाटी न्यायपीठ  
Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: AT GUWAHATI.

ORIGINAL APPLICATION NO. 3 /2009

Dr. C. L. Goel

....Applicant

VERSUS

The Union of India & Ors.

.... Respondents

SYNOPSIS

That the applicant has by way of this Original Application assailed the arbitrary and illegal action on the part of the authorities in issuing a notification dated 17.11.08 towards placing him under suspension on the basis of frivolous and perverse allegations.

The applicant who is the Principal Chief Conservator of Forest, Nagaland was so appointed on the basis of his selection, on merit, by a duly constituted selection committee in the year 2006. Since joining as Principal Chief Conservator of Forest, Nagaland, moves were on at the behest of some unknown forces to see the ouster of the applicant from the post held by him, leading to institution of proceedings by him before this Hon'ble Tribunal and the Hon'ble Gauhati High Court. The directions as passed in the matter by the Hon'ble Gauhati High Court lead to the continuance of the applicant as the Principal Chief Conservator of Forest, Nagaland.

Thereafter, in continuation of the discriminatory treatment being meted out to the applicant, the order dated 17.11.08 came to be issued placing him under suspension. The order of suspension of the applicant is nothing but an eyewash and the actual reason is to see the ouster of the applicant from the post of Principal Chief Conservator of Forest, Nagaland.

13 JAN 2009 X

गुवाहाटी न्यायपीठ  
Guwahati Bench

The allegations purportedly forming the basis of the suspension of the applicant are all perverse and unsustainable. An examination of the factors leading to the recommendation of the applicant for promotion as Principal Chief Conservator of Forest, Nagaland, including the persons of the selection committee and the materials considered by it would reveal that the allegations now levelled against the applicant are all untenable and perverse.

The order of suspension, in the facts and circumstances of the matter, has assumed the proportion of a penalty and has adversely effected the service interest of the applicant. As such this application praying for urgent and immediate reliefs.

Filed by

(B. Sharma)

Advocate

13 JAN 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:  
GUWAHATI BENCH: AT GUWAHATI.

ORIGINAL APPLICATION NO. 3 /2009

Dr. C. L. Goel

.....Applicant

VERSUS

The Union of India & Ors.

.... Respondents

LIST OF DATES

1. 1977 - The applicant on his selection was appointed as a Direct Recruit Indian Forest Service Officer.
2. 01.03.06 - The applicant on being selected by the Civil Services Board/ Screening Committee for the Forest Department, Nagaland, promoted on regular basis as the Principal Chief Conservator of Forests.
3. 07.06.07 - The Government of Nagaland proceeds to transfer and post the applicant as the Chairman, Nagaland Pollution Control Board.
4. - The applicant files Original Application No.147/07 before this Tribunal assailing the said notification dated 07.06.07.
5. 11.06.07 - The Hon'ble Tribunal while issuing notices in Original Application No.147/07, was pleased by way of interim order to restrain the authorities from implementing the said Notification dated 07.06.07.
6. 09.07.06 - This Hon'ble Tribunal proceeds to hear the Original Application on merits as per consent of the parties. On

conclusion of hearing in the matter, the Judgment came to be reserved.

7. 12.07.07 - This Hon'ble Tribunal inspite of taking up the Original Application for hearing, proceeds only to dispose of the Miscellaneous Petition No.58/07 by vacating the interim directions as passed vide the order dated 11.06.07.

8. 18.08.07 - The Hon'ble Gauhati High Court in W.P. (C) No. 3488/07 restrains the authorities from releasing the applicant from the post of Principal Chief Conservator of Forest, Nagaland.

9. 01.10.07 - The Hon'ble Gauhati High Court in COP (C) No. 307/ 07 by recording the undertakings made by the authorities to reinstate the applicant as Principal Chief Conservator of Forest, Nagaland, closes the proceedings before it.

10. 21.12.07 - The applicant allowed to continue as Principal Chief Conservator of Forest, Nagaland. The Notification dated 07.06.07 superceeded. The applicant granted all consequential service benefits.

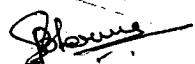
11. 17.11.08 - The applicant came to be placed under suspension in view of contemplated departmental proceedings against him.

12. 17.11.08 - Memorandum of charge issued against the applicant.

13. 24.11.08 - The applicant prays for supply of copies of the listed documents.

14. 12.12.08 - The applicant prefers a statutory appeal before the appellate authorities against his order of suspension.

Filed By

  
C.B. Sharma  
Advocate.

13 JAN 2009

गुवाहाटी न्यायालय  
Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: AT GUWAHATI.

ORIGINAL APPLICATION NO. 3 /2009

Dr. C. L. Goel

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VERSUS

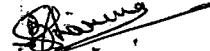
The Union of India & Ors.

.... Respondents

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Filed By

  
C.B. Sharma  
Advocate

13 ... 2009

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:  
GUWAHATI BENCH: AT GUWAHATI.

ORIGINAL APPLICATION NO.

3

/ 2009

BETWEEN

Dr. C. L. Goel, IFS, son of Sri R. C. Goel,  
presently posted as the Principal Chief  
Conservator of Forests, Nagaland (under  
Suspension), Kohima. Pin - 797001

.....Applicant

AND

1. The Union of India, represented by  
the Secretary to the Government of India,  
Ministry of Personnel, Public Grievance and  
Pension (Department of Personnel and  
Training) North Block, New Delhi - 1.

2. The Secretary to the Government of  
India, Ministry of Environment and Forests,  
Parivaran Bhawan, CGO Complex, Lodhi  
Road, New Delhi- 3.

3. The State of Nagaland represented by  
the Chief Secretary, Government of  
Nagaland, Kohima. Pin - 797001

4. The Commissioner and Secretary to  
the Government of Nagaland, Department of  
Forests, Ecology, Environment and Wildlife,  
Kohima. Pin - 797001

..... Respondents

Filed by:- the Applicant  
through → Brijesh Kharwa.  
Advocate.

*Notby impleaded as Resp't-5*

5) ~~Dr. C. L. Goel, IFS,  
son of Sri R. C. Goel,  
presently posted as the  
Principal Chief Conservator  
of Forests, Nagaland (under  
Suspension), Kohima~~

~~Pin - 797001  
As per order dt. 15.06.09~~

(6) ~~Sri A Rongserwati  
son of Late Aoplde  
resident of Lower Forest  
Colony  
working as Principal  
Chief Conservator of  
Forests  
State of Nagaland  
Kohima - 797001~~

1. **PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION IS MADE:**

That this application is directed against the notification bearing memo no. C&S (FOR) MISC- 1/ 2006 dated 17.11.08, issued by the Chief Secretary to the Government of Nagaland towards placing the applicant under suspension in view of contemplated drawal of departmental proceedings against him. The said notification came to be issued without proper appreciation of the matter and without examining the fact as to whether a prima facie case was made out against the appellant. The order of suspension is only an eye wash and the actual reason is to see the ouster of the applicant from the post of Principal Chief Conservator of Forests, Nagaland.

2. **JURISDICTION:**

The applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

3. **LIMITATION:**

The applicant declares that the instant application has been filed within the limitation period prescribed under section 21 of the Central Administrative Tribunal Act, 1985.

4. **FACTS OF THE CASE:**

4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges guaranteed under the Constitution of India and the laws framed thereunder.

13.10.2009

नगालैण्ड केंद्रीय नियंत्रिका अधिकारपाल

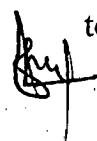
4.2 That the applicant is a direct recruit Indian Forest Service officer and on his such selection was allotted the Nagaland Cadre. The year of allotment of the applicant is 1977. The applicant since his date of his initial appointment has held various responsible positions in the service and had all along discharged his duties with upmost sincerity, dedication and with due promptness. The applicant as on date is the senior most officer in the Nagaland cadre of the Indian Forest Service.

4.3 That the applicant states that riding the ladder of promotion, the applicant came to be promoted on regular basis as the Principal Chief Conservator of Forests, Nagaland w.e.f. 01.03.06. The post of Principal Chief Conservator of Forests is designated as the "Head of the Department" and the applicant has been discharging the duties against the said post to the best of his ability and without blemish to any quarter. There exists nothing adverse against the applicant with regard to the discharge of his duties as Principal Chief Conservator of Forests, Nagaland.

4.4 That the applicant states that the case of the applicant for promotion to the cadre of Principal Chief Conservator of Forests, Nagaland was considered by the Civil Services Board/ Screening Committee in its meeting held on 23.02.06. The said committee was constituted with the following persons;

1. Shri P. Talitemjen Ao, IAS, Chief Secretary – Chairman
2. Shri Lalthara, IAS, Additional Chief Secretary (P&AR) – Member
3. Shri N. Lolenmeren Ao, IFS, PCCF, – Member
4. Shri R. Binchilo Thong, IAS, Commissioner & Secretary, Department of Forests, Ecology Environment & Wildlife – Member Secretary

4.5 That the applicant states that the Civil Services Board/Screening Committee on examination of the ACRs, Vigilance Clearance Report and Integrity Certificate of the officers before it, including the applicant, proceeded to recommend the name to the applicant for promotion as Principal Chief



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Guwahati Bench  
Guwahati Bench

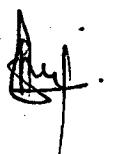
Conservator of Forests, Nagaland w.e.f. 28.02.06 (AN). The said recommendation came to be made in favour of the applicant on his merit and suitability being found to be superior to that of the other officers in the Zone of consideration. It may be mentioned here that Sri L. Lolenmeren Ao, IFS, the then Principal Chief Conservator of Forests, Nagaland who was a member of the said Screening Committee, happened to be the Reporting Officer in case of the applicant while the applicant was holding the post of Chief Conservator of Forests as well Additional Principal Chief Conservator of Forests, Nagaland.

4.6 That the applicant states that after assuming the charge of the post of Principal Chief Conservator of Forests w.e.f. 01.03.06, a move was initiated for ousting the applicant from the post of Principal Chief Conservator of Forests. The moves initiated lead to issuance of a notification dated 07.06.07 by which the applicant was transferred and posted as the Chairman of Nagaland Pollution Control Board purportedly in exercise of power under Rule 6 of the IFS (Cadre) Rules 1966. Further, the post was declared to be equivalent in pay and status to that of Principal Chief Conservator of Forests, Nagaland in consonance with Rule 9 (i) of the IFS (Pay) Rules 1968. One Shri A. Rongsenwati, IFS, Additional Principal Chief Conservator of Forests, Nagaland was directed to take the current charge of the post of Principal Chief Conservator of Forests. The notification also required the applicant to hand over charges of the post held by him on or before 12.06.07.

A copy of the notification dated 07.06.07 is annexed as Annexure – 1.

4.7 That the applicant states that on receipt of the copy of the notification dated 07.06.07, the applicant vide his representation dated 08.06.07 prayed for revocation of the notification dated 07.06.07 specifically on the ground that the status, duties and responsibilities as attached to the post of Chairman, Nagaland Pollution Control Board is not similar to that of Principal Chief Conservator of Forests and efforts to equate the same has been already negated in the past.

A copy of the representation dated 08.06.07 is annexed as Annexure – 2.



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Guwahati Bench

**4.8** That the applicant states that being aggrieved with the issuance of the said notification dated 07.06.07, he approached this Hon'ble Tribunal assailing the same, by way of filing Original Application being O.A. No.147/07. This Hon'ble Tribunal vide its order dated 11.06.07 while issuing notices in the matter fixing 27.06.07 as the date for filing of affidavits by the Respondents, was pleased to direct the Respondents not to give effect to the said notification dated 07.06.07.

**4.9** That the applicant states that in terms of the directives passed by the Hon'ble Tribunal he continued as the Principal Chief Conservator of Forests, Nagaland. Poised thus the applicant was intimated on 21.06.07 to appear before the Chief Secretary to the Government of Nagaland and the Secretary to the Government of Nagaland, Department of Forests, for a discussion for finding out an amicable settlement with regard to the grievances raised by the applicant before this Hon'ble Tribunal. The applicant accordingly appeared before the said authorities on 21.06.07 and 22.06.07. The meeting had proceeded in a very congenial atmosphere and the grievances raised by the applicant were assured to be redressed. As per the impression drawn by the applicant, the respondent authorities were to withdraw the notification dated 07.06.07 and thereafter issue fresh notification invoking the provisions of proviso to Rule 4 and Rule 8 (3) of the IFS (Cadre) Rules, 1966 creating ex-cadre posts in the rank of Principal Chief Conservator of Forests. Accordingly, the applicant basing on the said impression drawn by him during the said meeting and as insisted upon by the authorities, proceeded to issue communication dated 22.06.07 to his Counsel requesting for withdrawal of the Original Application No. 147/07.

**4.10** That the applicant states that the respondent authorities contrary to the impression drawn by the applicant during the discussions indicated herein above proceeded to issue a notification dated 22.06.07 incorporating certain measures for the smooth functioning of the Nagaland Pollution Control Board. The said measures as contained in the notification dated 22.06.07 did not in any manner redress the grievances of the applicant. After considering the matter in detail, the applicant instructed his counsel on 23.06.07 not to act upon

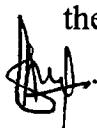
his communication dated 22.06.07. The applicant thereafter again approached the authorities for initiating steps for an amicable settlement in the matter, but noting concrete has emerged there-from. The respondent authorities were insisting upon the applicant to comply with the directions contained in the impugned notification dated 07.06.07.

**4.11** That the applicant states that the respondent authorities entered appearance in the matter before this Hon'ble Tribunal and filed their written statement along with an application registered and numbered as M.P. No.58/07 praying for vacation of the interim directions passed on 11.06.07.

**4.12** That the applicant states that on 09.07.07 the matter was listed for admission before this Hon'ble Tribunal and as agreed to by the parties it was decided that the Original application would be taken up for disposal. Accordingly, the matter was heard on merits and on conclusion of the hearing the judgment came to be reserved. It is stated that the applicant had submitted his rejoinder to the written statement as filed by the respondent state in the original Application and the pleadings in the said application was also complete.

**4.13** That the applicant states that the Learned Tribunal on 12.07.07 passed an order disposing of the Miscellaneous Petition No.58/07 by vacating the interim directions passed on 11.06.07. The Original application although heard as per agreement of the parties and as desired by this Hon'ble Tribunal was however, kept pending. This Hon'ble Tribunal while passing the impugned order dated 12.07.07 disposing of the Miscellaneous petition recorded findings on the merits of the case and for all practical intent and purpose had virtually decided the issues involved in the Original Application.

**4.14** That the applicant states that being aggrieved by the order dated 12.07.07, the applicant moved before the Hon'ble Gauhati High Court assailing the said order by way of filing W.P. (C) No. 3488/ 07. The Hon'ble Gauhati High Court on appreciating the contentions made and on examining the matter was pleased vide order dated 18.07.07 to issue notices in the matter,



with further direction that the applicant's posting as Chairman, Nagaland Pollution Control Board shall not be given effect to.

A copy of the order dated 18.07.07 is annexed as Annexure - 3.

**4.15** That the applicant states that the respondent authorities inspite of the clear directions contained in the order dated 18.07.07 (Annexure - 3) failed to implement the same and thereby violated the said directives. The applicant was shown to be released from the post of Principal Chief Conservator of Forests, Nagaland and the directives passed by the Hon'ble Gauhati High Court came to be ignored. Poised thus the applicant instituted an application registered and numbered as COP(C) No. 370/07 praying for drawal of contempt proceedings against the authorities. The respondent authorities on receipt of notices entered appearance in the matter and undertook before the Hon'ble Gauhati High Court to reinstate the applicant as Principal Chief Conservator of Forests, Nagaland. This aspect of the matter was taken note of by the Hon'ble Gauhati High Court and vide order dated 01.10.07, the COP(C) no. 307/ 07 came to be closed by recording the statement made by the respondent authorities.

A copy of the order dated 01.10.07 is annexed as Annexure - 4.

**4.16** That the applicant states that during the pendency of the proceedings the applicant was suspended vide issuance of an order dated 09.08.07 and the same was also not grounded on any cogent and justifiable reasons. The respondent no. 3 thereafter vide his order dated 21.12.07 proceeded to revoke the order of suspension of the applicant with further direction that the period of his suspension w.e.f. 09.08.07 be treated to be on duty for all purposes including drawal of salary.

A copy of the said order dated 21.12.07 is annexed as Annexure - 5.

4.17 That the applicant states that the respondent no. 3 vide his order dated 21.12.07 proceeded to supersede the earlier notification dated 07.06.07 and ordered that the applicant would continue as the Principal Chief Conservator of Forests, Nagaland.

A copy of the said order dated 21.12.07 is annexed as **Annexure – 6.**

4.18 That the applicant states that on resuming his duties as Principal Chief Conservator of Forests, Nagaland the applicant proceeded to discharge his duties in the manner required and nothing adverse exists against him with regard to such discharge of his duties. Inspite of the said position, certain vested interest in operation, from time to time tried to get proceedings initiated against the applicant basing on false and frivolous allegations. The attempts as made in this connection having failed, the said circle was on a look out to bring allegations against the applicant which would look very serious to the eye although such allegation might not have any basis whatsoever.

4.19 That the applicant states that poised thus he was shocked and surprised to receive an order dated 17.11.08 by which it was stated that in contemplation of disciplinary proceeding against the applicant he is being placed under suspension. The said order dated 17.11.08 came to be so issued by the Chief Secretary to the Government of Nagaland

A copy of the order dated 17.11.08 is annexed as **Annexure - 7.**

**4.20** That the applicant states that along with the order of his suspension the applicant was served a memorandum dated 17.11.08 by which an enquiry was proposed to be held against the applicant with regard to the charge set out in Annexure – 1 to the said memorandum

A copy of the memorandum dated 17.11.08 along with its enclosures is annexed as **Annexure – 8.**

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Guwahati Bench

**4.21** That the applicant states that given the nature of the allegations leveled against him and the same being vague and perverse, the applicant for a better understanding of the matter and for the purpose of preferring an effective statement of defence, proceeded vide his communication dated 24.11.08 to request the authorities to furnish to him the documents listed at Sl., No. 3 to 7 of the Annexure – 3 list of documents enclosed to the memorandum dated 17.11.08. The applicant is yet to be given access to the said documents and his prayer in this connection is still pending disposal.

A copy of the communication dated 24.11.08 is annexed as Annexure – 9.

**4.22** That the applicant states that a perusal of the memorandum of charge dated 17.11.08 would go to show that the allegation leveled against the applicant pertains to purported manipulations and tampering of his ACRs for the years 2001-02, 2002-03 and 2003-04 pertaining to his service as Chief Conservator of Forests/ Additional Principal Chief Conservator of Forests. The said manipulation was alleged to have been made by the applicant so as to get good gradings in the Reporting Officer column. It is also seen that there exists a complaint from Sri A. Rongsenwati, IFS in the matter. It is pertinent to note that it is this person who was a beneficiary of the ouster of the applicant from the post of Principal Chief Conservator of Forests, Nagaland in the year 2007. Again on suspension of the applicant it is this very same person who has been favoured with a posting against the post of Principal Chief Conservator of Forests, Nagaland.

**4.23** That the applicant states that the authority issuing the memorandum of charge and the reporting officer whose purported statements have been made the basis for issuance of the charge memo in his capacity as the reporting officer of the applicant then, where the same authorities who were the constituents in the Civil Service Board/ Screening Committee constituted in the year 2006 for the purpose of considering the cases of eligible officers, including the applicant, for promotion as Principal Chief Conservator of Forests, Nagaland. The ACRs in which manipulation has been alleged now



2009

were the same very ACRs that the said committee had considered in its meeting held on 23.02.06. It was on consideration of the said ACRs that the merit and suitability of the applicant was assessed for recommending his case for promotion as Principal Chief Conservator of Forests, Nagaland. It may be mentioned here that the ACRs of the applicant as Chief Conservator of Forests/ Additional Principal Chief Conservator of Forests for the years 2001-02, 2002-03 and 2003-04 were along with other ACRs examined, appreciated and marked by the said committee in its meeting held on 23.02.06.

**4.24** That the applicant states that the allegations now made against him pertains to the alleged manipulation of the remarks of the reporting officer. The Reporting Officer and his office staff, as revealed from the memorandum dated 17.11.08 has even gone to the extent of disowning the remarks existing in the Reporting officer's column of the ACRs of the applicant for the years 2001-02, 2002-03 and 2003-04. Such an allegation on the face of it is perverse and unsustainable inasmuch as it was this very reporting officer who had in the meeting of the screening committee held on 23.02.06 examined the said ACRs of the applicant and assessed his merit. The minutes of the said meeting would reveal that no doubt whatsoever was raised by the Sri Lolenmeren Ao, IFS. The allegations now leveled by the said reporting officer seen in the background of the steps continuously been taken for the ouster of the applicant from the post of Principal Chief Conservator of Forests, Nagaland can be clearly discerned to be a ploy made out to see the ouster of the applicant from the post of Principal Chief Conservator of Forests, Nagaland. The said ACRs of the applicant having been considered by its authors itself, while considering the case of the applicant for his promotion as Principal Chief Conservator of Forests, it is not open to the respondent authorities to now make allegations of the nature made in the memorandum dated 17.11.08 (Annexure – 8) inasmuch as the said ACRs were acted upon and the gradings therein are to be presumed to be made in the manner prescribed and by the authorities authorised to make such gradings. The ACRs and the gradings therein having attained its finality it is not open for the authorities to make allegations thereon at this distant point of time.

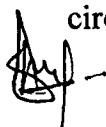


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4.25 That the applicant states that he does not have any access to the said ACRs which are kept in the custody of the Government. The nature of the allegations now leveled against the applicant, after the said ACRs were examined at various points of time by its authors itself, raises a doubt as regards the bonafide of the allegations itself. The allegations now leveled against the applicant cannot under any circumstances be said to be an outcome of an independent exercise. The allegations as malafide and have been so leveled so as to give coverage to the illegality committed in ousting the applicant from the post of Principal Chief Conservator of Forests.

4.26 That the applicant states that the nature of the allegations now leveled against the applicant and the facts as stated herein above clearly discredits the witnesses sought to be relied upon for both the purpose of leveling the allegation against the applicant and also for the purpose of sustaining the same in an enquiry if so held. There being no *prima facie* truth behind the allegation leveled against the applicant in view of the undisputed facts occasioning in the matter the memorandum of charge can safely be construed to be one issued without appreciating the fact as to whether a *prima facie* case of misconduct exists against the applicant.

4.27 That the applicant states that on a close perusal of the memorandum of charge dated 17.11.08 it is revealed that the allegations are being sought to be leveled against the applicant on basis of certain disclosures made by an U.D.A and three stenos who were attached to said Sri Lolenmeren Ao, IFS. The statements as made by the said persons in the event of there being any truth would have exposed them to departmental proceedings inasmuch as the acts done by them clearly construe misconduct. However, no proceedings had been initiated against the said persons which proves the veracity of the contentions of the applicant that the statements made by the said persons are all false and they have been forced to make the same basing on extraneous consideration. This aspect of the matter coupled with the unreliability of the disclosure made by Sri Lolenmeren Ao, IFS clearly extricates the applicant from the allegations leveled against him. The order of suspension in the present circumstances is nothing but an order of punishment and the continuance



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प्राप्ति वायदीठ

thereof is only to cause undue mental harassment to the applicant and also to lower his dignity in the society.

**4.28** That the applicant states that the contention of Sri Lolenmeren Ao, IFS that he had never graded any officer as "Outstanding" is an out and out false statement. In the event this Hon'ble Court is pleased to call for the records of the ACRs of officers which were dealt with by said Sri Lolenmeren Ao, IFS, the fact that the said contention has been made only with a view to bring out a case against the applicant would come to the forefront.

**4.29** That the applicant states that in the event this Hon'ble Tribunal is pleased to call for the ACRs of IFS officers working in the department it would be revealed that in the event there is event of a slightest of inconsistency, ambiguity existing in the reporting officer's column, the ACR concerned is not reviewed and/ or accepted by the reviewing and accepting authorities and the ACR is returned for clarification. In the case of the applicant right from 2001 to 2004 never had a occasion arisen for returning of any of his ACRs which goes to prove that the same was written and processed by the Reporting Officer and his office strictly in accordance with the manner prescribed.

**4.30** That the applicant states that as per the statutory prescription made in Rule 16 of the All India Service (Discipline and Appeal) Rules, 1969 the applicant by raising contentions as raised herein above had approached the appellate authority praying for revocation of his order of suspension. The said appeal was preferred by the applicant on 12.12.08 but inspite of lapse of considerable period of time no decision thereof has been received. Given the forces operating against the applicant and the political clout enjoyed by them, it has been gathered by the applicant that moves are on to have the said appeal rejected. As such, it is this Hon'ble Tribunal only left wherein the applicant can expect an impartial and dispassionate consideration of his grievances. It is pertinent to mention here that the applicant in addition to sending the said appeal through proper channel has also on 12.12.08 itself send a advance copy thereof to the appellate authority by courier.

A copy of the said appeal dated 12.12.08 along with the covering letter thereof and the postal receipt of sending the advance

13 JAN 2009

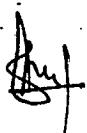
copy to the appellate authority are annexed  
as Annexure – 10 (series).

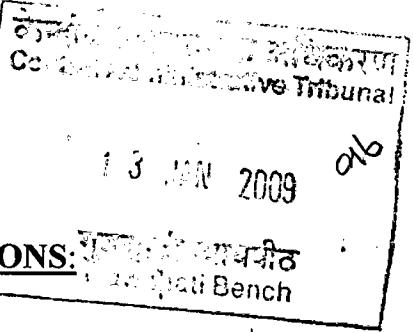
4.31 That the applicant states that he has brought on record materials which goes to show that the allegations leveled against him are perverse and no penalty worth its name can be imposed against him. Further, assuming though not admitting that a *prima facie* case has been made out against the applicant by the authorities, the continued suspension of the applicant is unjustified inasmuch as the statements made in the memorandum dated 17.11.08 goes to show that the authorities have got on record all materials which they deem to be sufficient for proceeding against the applicant. In this view of the matter the continuance of the order of suspension of the applicant is of no worth and the applicant given the facts existing in the matter cannot now hamper in any manner the proceedings, if at all initiated against him. As such, the order of suspension requires to be stayed pending final consideration of the matter by this Hon'ble Tribunal.

4.32 That the applicant submits that the order of suspension cannot be sustained inasmuch as the same are not being on materials which can be held to be authentic. The impugned action on the part of the respondent authorities in issuing the impugned notification dated 17.11.08 has the effect of meting out arbitrary treatment to the applicant and further subjecting the applicant to malafide exercise of power by the state machinery, the rights of the applicant guaranteed under Article 14 & 16 of the Constitution of India has been infringed with.

4.33 That the applicant states that he has no any other appropriate, equally efficacious, alternative remedy available to him and the remedy sought for herein if granted would be just, adequate, proper and effective.

4.34 That this application has been filed bonafide for securing the ends of justice





5. **GROUND FOR RELIEF WITH LEGAL PROVISIONS:** ab  
2nd Bench

5.1 For that the impugned action on the part of the respondent authorities is illegal, arbitrary and in violation of the principles natural justice.

5.2 For that the purported allegations leveled against the applicant requiring issuance of orders towards his suspension are all perverse and the same has been projected against the applicant without there being any truth behind the same. The purported allegations are all after thoughts and have been so leveled against the applicant so as to justify the illegality being committed in keeping him away from the post of Principal Chief Conservator of Forests, Nagaland.

5.3 For that the allegations leveled against the applicant at the present time are based on materials which were scrutinised by the authorities at several points of time including at the time of considering the case of the applicant for promotion to the post of Principal Chief Conservator of Forests, Nagaland. Had the said anomalies existed in the ACRs of the applicant as has been alleged now, the same would have been detected then and their itself inasmuch as the reporting officer whose remarks have been alleged to be manipulated/ tampered was a member of the committee which had considered the ACRs of the applicant for his promotion as Principal Chief Conservator of Forests, Nagaland.

5.4 For that the ACRs of the applicant having been scrutinized by the Civil Services Board/Screening Committee on 23.02.06 and the same having been examined therein by Shri Lolenmeren Ao, IFS in the said committee, no discrepancy having been found, it is not open to the authorities to now level allegations against the applicant with regard to the said ACRs, when the said ACRs were already acted upon and the person involved in writing the said ACR on examination of the same did not report of any discrepancy.

5.5 For that in view of the facts and circumstances involved in the matter, no *prima facie* case of the misconduct has been established against the

13 JAN 2009

ગુજરાતી બેન્ચ  
ગુજરાતી બેન્ચ

applicant and the allegations with regard to purported manipulation in his ACRs being not sustainable after it was acted upon, the order of suspension of the applicant is against public interest and requires to be set aside and quashed by this Hon'ble Tribunal.

5.6 For that the order of suspension issued against the applicant is not based on any prima facie material justifying such action and the materials basing on which such an action has been resorted to being perverse, the order of suspension has been rendered illegal, discriminatory and violative of the basic principles of service jurisprudence. As such, the impugned order of suspension and the continuance thereof having assumed the proportion of a penalty the same cannot be sustained and requires to be set aside and quashed.

5.7 For that in any view of the matter the impugned action on the part of the respondent authorities is bad and unsustainable in the eye of law.

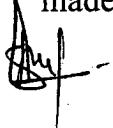
The applicant craves leave of the Hon'ble Tribunal to advance more grounds both legal as well as factual at the time of hearing of the case.

#### 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. The urgent nature of the relief's as sought for in this application has forced the applicant to approach this Hon'ble Tribunal at the earliest possible instance.

#### 7. **MATTER 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 grievance in respect of which this application is made before any other court or any other bench of this Tribunal or any other



13 JAN 2009

Guwahati Bench

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

**8. RELIEF SOUGHT FOR:**

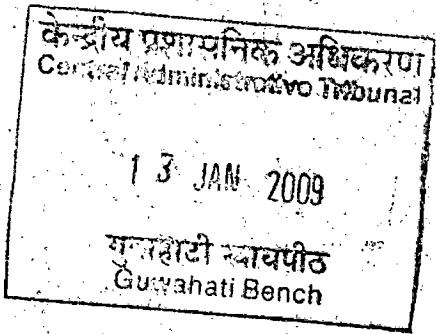
Under the facts and circumstances stated above, the applicant most respectfully prayed that the instant application be admitted, records pertaining to the selection and appointment of the applicant as Principal Chief Conservator of Forests, Nagaland and the records pertaining to the drawal of departmental proceedings against him on 17.11.08 along with the file containing the ACRs of the applicant including the ACRs for the period from 2001 to 2004 be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be pleased to grant the following relief's to the applicants:

- 8.1 To set aside and quash the impugned order dated 17.11.08.  
(Annexure - 7).
- 8.2 To direct the respondent authorities to reinstate the applicant as Principal Chief Conservator of Forests, Nagaland and to regularise his period of suspension as on duty for all purposes including drawal of salary, etc.
- 8.3 Cost of the application.
- 8.4 Any other relief/ reliefs that the applicant may be entitled to.

**9. INTERIM ORDER PRAYED FOR:**

The applicant in the facts and circumstances of the case prays that your Lordships would be pleased to stay the effect and operation of the impugned notification dated 17.11.08 (Annexure - 7);

9(a). ....



10. **PARTICULARS OF THE POSTAL ORDER:**

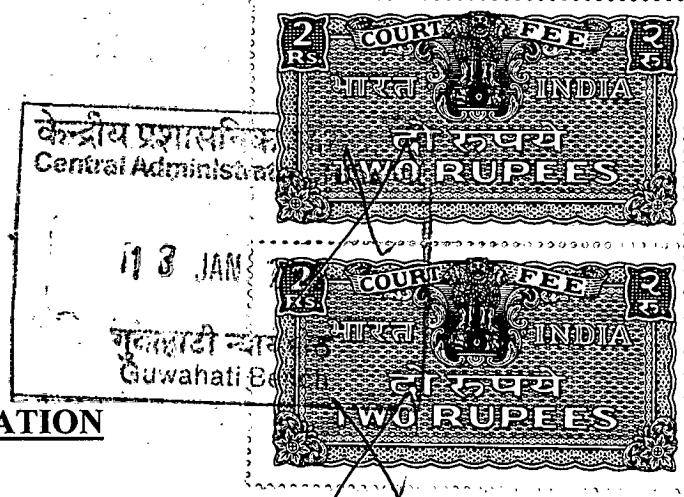
- i) IPO No. - 39G 384688
- ii) Issued from - Guwahati G.P.O
- iii) Payable at - Guwahati.

11. **DETAILS OF INDEX:**

An Index showing the particulars of documents is enclosed

12. **LIST OF ENCLOSURES:**

As per Index.



VERIFICATION

I, Dr. C. L. Goel, IFS, aged about 55 years, Son of Sri R.C. Goel, resident of Forest Colony, Kohima, in the State of Nagaland, do hereby solemnly affirm and verify that I am the applicant in this instant application and conversant with the facts and circumstances of the case, the statements made in paragraph 1, 2, 3 and 4 are true to my personal knowledge and those made in paragraphs 5, 6, 7, 8 and 9 believed to be true on legal advise and that I have not suppressed any material fact.

And I sign this verification on this the 22<sup>nd</sup> day of December, 2008, at Guwahati.

  
DR. C. L. GOEL  
DEPONENT

ANNEXURE - I

**GOVERNMENT OF NAGALAND  
DEPARTMENT OF FORESTS, ECOLOGY, ENVIRONMENT &  
WILDLIFE  
NOTIFICATION**

Dated Kohima, the 7th June 2007

**No. C&S (FOR) MISC-1/2006:** The Governor of Nagaland is pleased to order transfer and posting of the following IFS officers:-

1. Dr. C.L. Goel, IFS [NG: 77], Principal Chief Conservator of Forests is transferred and posted as Chairman, Nagaland Pollution Control Board (NPCB) under Rule 6 of IFS (cadre) Rules 1966. The post is hereby declared equivalent in pay and status to that of Principal Chief Conservator of Forests in consonance with Rule 9 (1) of IFS (Pay) Rules 1968.
2. Shri A. Rongenwati, IFS [NG:1978], Additional Principal Chief Conservator of Forests and Chief Wildlife Warden is to take current charge as Principal Chief Conservator of Forests vice Dr. C.L. Goel, IFS, Principal Chief Conservator of Forests transferred.
3. Shri Temsuwati, IFS [NG.83] Chairman, Nagaland Pollution control Board (NPCB) is to take current charge as Chief Wildlife Warden vide Sri A. Rongenwati, Chief Wildlife Warden Transferred.

Sl. No. 1 shall hand over charge to Sl. No. 2 on or before by 12 th June, 2007.

Sd/- R. Binchilo Thóng, IAS  
Commissioner & Secretary  
to the Government of Nagaland.

No. C&S (FOR) MISC-1/2006

Dated Kohima, the 7th June 2007

Copy to :-

1. The Commissioner and Secretary to the Governor, Nagaland, Raj Bhawan, Kohima.
2. The Addl. Chief Secretary to the Chief Minister, Nagaland Kohima.

.....  
.....  
.....  
.....  
12. The Officers concerned.  
13. Personal file/ Guard file of officers concerned.

(L.KIRE) IFS

Secretary to the Government of Nagaland

*Certified to be true copy*

*[Signature]*  
Advocate

Central Administrative Tribunal

13 JAN - 2009

গুৱাহাটী ন্যায়পোত  
Guwahati Bench

GOVERNMENT OF NAGALAND  
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS  
NAGALAND: KOHIMA

No. PCCF/FE-1/1581.

Dated the Kohima 8<sup>th</sup> June, 2007

To,

The Commissioner & Secretary,  
Department of Forests, Environment, Ecology & Wildlife,  
Govt. of Nagaland, Kohima.

Subject: Transfer and Posting – Representation Regarding.

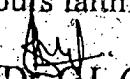
Sir,

I have the honour to draw your kind attention to State Govt. Notification No. C&S(FOR)MISC-1/2006 dated 7<sup>th</sup> June 2007 on the subject cited above transferring therewith undersigned to the post of Chairman, State Pollution Control Board, Nagaland, Dimapur. In this context, I wish to state following facts for your kind reference:

1. That, though the State Pollution Control Board, Nagaland is an autonomous body, but the fact remains that it is a subordinate organization under the Principal Chief Conservator of Forests, Environment, Ecology and Wildlife. The fact that SPCB draws its salary as grant from the Department speaks about the status of SPCB vis-à-vis Forest Department.
2. That, since the inception of SPCB, never ever any IFS Officer in the rank of PCCF had been posted as Chairman, State Pollution Control Board, Nagaland, Dimapur. If at all, Mr. T. Angami and Dr. S.C. Deorani were given charge, it was as an additional charge only. No officer in the rank of PCCF had never given substantive charge as Chairman, SPCB. Even, in past the effort to create one ex-cadre post in the rank of PCCF to head SPCB had not succeeded.

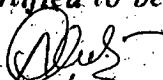
In view of aforesaid facts, you are kindly requested to look into the matter and do the needful for revocation of the said govt. order. Looking forward for an early decision in the subject matter.

Yours faithfully,

  
(Dr. G.L. Goel)

Principal Chief Conservator of Forests  
Nagaland, Kohima

Certified to be true Copy



Advocate

प्रतिलिपि के नियम दायरे की तारीख Date of application for the copy	स्थान जहाँ कोटिलो की जापेक्षित दस्ता दूसरित करने की तिथित Date fixed for notifying the receipt site number of the copy	नोटिफिकेशन की तिथियों देने की तारीख Date of delivery of the notifications - stamps and dated folios.	तारीख, जबकि देवे के सिए प्रतिलिपि तेवर थी Date on which the copy was ready for delivery.	कोपीका प्रतिलिपि देने की तारीख Date of making over the copy to the applicant
19/12/07	19/12/07	19/12/07	19/12/07	19/12/07

13 JAN 2009

IN THE GAUHATI HIGH COURT  
(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura,  
Mizoram & Arunachal Pradesh)

गुवाहाटी न्यायालय  
Guwahati Bench

## CIVIL APPELLATE SIDE

Appeal from  
Civil Rule

W.P.(C)

No. 3488 of 2007

Dr. C. L. Goel

Appellant  
Petitioner

versus

The Union of India for

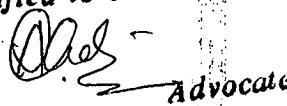
Respondent  
Opposite Party

Appellant  
For  
Petitioner  
Mr. N. Dutta,  
Mr. U.K. Naik,  
Mr. B. Sarma,  
Mr. A. Chetry - Advocate

Respondent  
For  
Opposite Party  
1) Govt. Advocate Nagaland

Noting by Officer or Advocate	Serial No	Date	Office notes, reports orders or proceedings with signature
	2	3	4

Certified to be true COPY



Advocate

13 JAN 2009

Guwahati Bench

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4

WP(C) No.3488/07

**PRESENT**  
**HON'BLE CHIEF JUSTICE MR. J.CHELAMESWAR**  
**HON'BLE MR.JUSTICE B.P.KATAKEY**

18.07.2007

(Katakey,J)

Heard Mr. N Dutta, learned senior counsel assisted by Mr. UK Nair, learned counsel for the petitioner.

Issue notice before admission returnable by two weeks.

Mr. H Rahman, learned Assistant Solicitor General of India accepts notice on behalf of Respondent No.1. Learned State counsel accepts notice on behalf of Respondent Nos.2 and 3. Notice on Respondent Nos.4 and 5 be served by registered post with A/D. No notice is necessary to be served on respondent No.6.

Heard learned senior counsel on the prayer for interim order.

In the interim, it is directed that the petitioner's posting as Chairman, Nagaland Pollution Control Board, Nagaland shall not be given effect to.

Dr. B.P.Katakey

Judge

P.W.D. No. 39050

Dated: 19.7.07

CERTIFIED TO BE TRUE COPY

Nukeredor Gpca

Date ..... 19/7/07

Superintendent (Corvin Section)

Guwahati High Court

Amber Road U/S 76, Assam 781001

PP. 1912607

Date of application for copy	Copy of the application for which stamp and fees were paid for sending the records along with the application.	Date of delivery of the records along with the application.	Date on which the copy was ready for delivery.	Central Administrative Tribunal Date of delivery of copy to the applicant.
				13 JAN 2009 105 Guwahati Bench

ANNEXURE-4

IN THE GAUHATI HIGH COURT

(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura,

Mizoram & Arunachal Pradesh)

CIVIL APPELLATE SIDE

Appeal from  
Civil Rule

Contempt Case C)

No. 370 of 2007

Dr. C.L. Goel

Appellant  
Petitioner

Sri R. Benchilo Thong.

Respondent  
Opposite Party

Appellant  
For

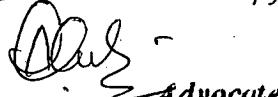
Mr. N. Dutta  
Mr. U.K. Naini,  
Mr. A. Chetry - Advocates

Respondent

For  
Opposite Party

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports orders or proceedings with signature
	2	3	4

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Advocate

13 JAN. 2009

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Froming by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
	2	3	4 Cont Case(C) No.370/07  BEFORE HON'BLE THE CHIEF JUSTICE SHRI J CHELAMESWAR HON'BLE SHRI JUSTICE ASOK POTSANGBAM  01-10-2007 (Chelameswar, CJ)  Heard Shri N Dutta, learned senior counsel for the petitioner and Shri KN Balagopal, learned Advocate General, Nagaland.  While admitting WP(C) No.3488/07 this court by an interim order dated 18-7-07 directed the respondents that the writ petitioner's posting as Chairman, Nagaland Pollution Control Board shall not be given effect to until further orders.  The present contempt case came to be filed complaining that notwithstanding the communication of the above interim order the respondents are insisting that the petitioner should give way to one Shri A Rongsenwatt, IFS.  Notice was drawn on 18-7-07 which was duly served on the respondents. Pursuant to the notice the Secretary to the Govt of Nagaland in the Department of Forest, Ecology etc represented by Shri KN Balagopal, learned Advocate General, Nagaland has filed an affidavit in opposition in substance stating that on 17-7-07, i.e, one day prior to the passing of the interim order by this court, a proceeding was issued by the respondents, the relevant portion of which reads as follows :-  "No C&S(FOR) MISC.-1/2006 : In continuation of the notification dated No.C&S(FOR) MISC.-1/2006 dated Kohima, the 7 <sup>th</sup> June, 2007 and in view of the vacation of Interim order dated 11/06/07 an Application No.147/2007 filed by Dr. C.L. Goel, IFS before Central Administrative Tribunal (CAT) Bench

13 JAN 2009

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature	Guwahati Bench
	2	3	Guwahati, Shri A Rongesenwati, IFS (NG 1978), Additional Principal Chief conservator of Forests and Chief Wildlife Warden is hereby allowed to assume current charge as Principal Chief conservator of Forests with immediate effect. Consequently Dr. C.L. Goel, IFS is released as Principal Chief Conservator of Forests."	4

Admittedly the said proceeding was served on the petitioner on 20-7-07. According to the learned Advocate General the respondents were labouring under a mistake in the eye of law that the order dated 17-7-07 would be an order by which the writ petitioner stood relieved of the Office of Principal Chief Conservator of Forests, Nagaland and the above mentioned Shri A Rongesenwati, IFS assumed charge of the above mentioned office.

Unfortunately, the understanding of the respondents is not in tune with the law applicable. Under Subsidiary Rule 11 the charge of an office must be handed over personally by the outgoing officer to the new incumbent replacing the outgoing officer unless there are specific orders passed otherwise by the transferring authority and such transferring authority is further obligated to give reasons under the rules for dispensing with the above mentioned procedure. No such reasons are available on the record and, therefore, by law handing over of charge or taking over of charge between the petitioner and the said Shri A Rongesenwati, IFS is not proper. According to the learned Advocate General the correct facts could not be brought to the notice of the court on 27-8-07 when this court ordered notice on the contempt petition, but the respondents filed an affidavit dated 27-7-07 in the WP(C) No. 3488/07 apprising the actual position that took place subsequent to the orders of the Administrative Tribunal which was challenged in the above mentioned writ

अधिकारण  
Guwahati Bench  
13 JAN 2009  
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Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
	2	3.	4.

petition. The learned Advocate General also made further statement that the respondents have not violated the interim order of this court and the respondents are willing to put the writ petitioner back in the Office of the Principal Chief Conservator of Forests, Nagaland.

In view of the statement of the learned Advocate General, we do not see any reason to proceed further with the contempt petition. The contempt petition is closed recording the above mentioned statement of the learned Advocate General that the petitioner would be put back in the Office of the Principal Chief Conservator of Forests.

SLP - T. Chakraborty  
Chief Justice

CERTIFIED TO BE TRUE COPY  
Refugee Camp, Dibrugarh  
Date: 10/1/09  
Superintendent (Copyist)  
Gauhati High Court  
Authorised U/S 76, Act 5, 1867

10/1/09

GOVERNMENT OF NAGALAND  
DEPARTMENT OF FORESTS, ENVIRONMENT & WILDLIFE  
ORDER

No.FOR/GEN-64/2007

13 JAN 2009

Guwahati Bench

Dated 21<sup>st</sup> Dec.2007

In supersession of the Government Notification No. C&S (FOR) MISC-1/2006 dated Kohima the 7<sup>th</sup> June 2007, the Governor of Nagaland is pleased to transfer and post the following IFS officers as hereunder:

1. Shri A. Rongsenwati Ao, IFS (NG: '78) is released from the current charge of looking after the post of the PCCF with immediate effect as entrusted to him vide Government Notification No FOR/GEN-54/2007 dated 03<sup>rd</sup> October 2007 and he is posted as Chairman, Nagaland pollution Control Board, Dimapur in the rank and status of the PCCF. Dr. C. L. Goel, IFS (NG: '77) will continue as Principal Chief Conservator of Forests, Nagaland, Kohima. Since Shri Rongsenwati Ao, IFS was promoted to the post of the PCCF vide Govt. No.FOR-33 / 83 dated 3<sup>rd</sup> Dec. 2007 , he will continue to draw his own pay-scale as Chairman, NPCB.
2. Shri T. Temsuwati Ao, IFS (NG: '83) Chairman, Nagaland pollution Control Board, Dimapur is transferred and posted as Chief Conservator of forests in the office of the Principal Chief Conservator of Forests, Nagaland , Kohima. Since Shri Temsuwati Ao, IFS was promoted to the post of the CCF vide Govt. No. FOR-40 /85 dated 5<sup>th</sup> April 2005, he will continue to draw his own pay-scale.

Sd/- (LALHUMA)

Chief Secretary to the Government

No.FOR/GEN-64/2007

Dated 21<sup>st</sup> Dec.2007

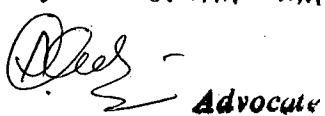
Copy to:

1. The Secretary to the Governor, Raj Bhawan, Kohima
2. The Addl. Chief Secretary to the Chief Minister, Kohima
3. The Chairman, Central Pollution Control Board, New Delhi
4. The Secretary ,Ministry of Environment & Forests, Paryavaran Bhawan, C.G.O. Complex, Lodi Road, New Delhi-110 003
5. The Director General Forests & Special Secretary (Forests), Paryavaran Bhawan, C.G.O. Complex, Lodi Road, New Delhi-110 003
6. The Advocate General, Nagaland, Kohima
7. The Principal Chief Conservator of Forests of all the states.
8. The Commissioner & Secretary, Law & Justice, Kohima
9. The Accountant General, Nagaland, Kohima
10. Dr. C.L.Goel, IFS, PCCF, Kohima
11. Shri Rongsenwati Ao, IFS, PCCF, Kohima
12. Shri Temsuwati Ao, IFS, CCF
13. The Addl.PCCF/All CCFs / All CFs / All DCFs / All DFOs in Nagaland
14. The Secretary, Nagaland Pollution Control Board, Dimapur

  
(Dr. S.C. Deorani)

Principal Secretary to the Government 21.12.07

*Certified to be true copy*

  
Advocate

13 JAN 2009

GOVERNMENT OF NAGALAND  
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS  
NAGALAND, KOHIMA

No.FE-1/PF-20/79 (Pt) 8599

Dated: Kohima the 21st December 2007 द्यायपीठ  
Guwahati Bench

To

**The Principal Secretary  
Government of Nagaland  
Department of Forests, Environment & Wildlife  
Kohima**

**SUB: TAKING OVER CHARGE OF THE OFFICE OF THE PRINCIPAL CHIEF  
CONSERVATOR OF FORESTS, NAGALAND**

Ref.: (i) My letter No. PCCF/FE-1/08-10.2007/1 Dated 08.10.2007  
(ii) Government Notification No FOR/GEN-54/2007 dated 03<sup>rd</sup> October'07 & (iii)  
Government Order No FOR/GEN-64/2007 dated 21<sup>st</sup> December'07

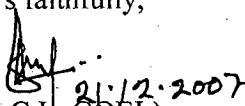
Sir,

With reference to the above I wish to inform you that in view directions passed by the Hon'ble Guwahati High Court vide order dated 01.10.2007 I continue as Principal Chief Conservator of Forests, Nagaland, which has already been reported to your honour vide my above referred letter No. PCCF/FE-1/08-10.2007/1 dated 08<sup>th</sup> October 2007.

In pursuant of the Government Order No FOR/GEN-64/2007 dated 21<sup>st</sup> December 2007, I resume my services in the FORENOON of this 21<sup>st</sup> day of December, 2007. A copy of the Certificate of Transfer of Charge is enclosed herewith for favour of kind information and necessary action please.

Yours faithfully,

Enclo: As stated.

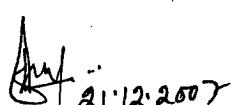
  
(DR. C.L. GOEL)

No.FE-1/PF-20/79 (Pt) 8600 -07

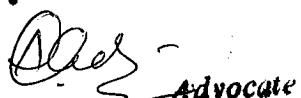
Dated: Kohima the December, 2007

Copy to:

1. The Addl. Chief Secretary to the Chief Minister, Nagaland, Kohima.
2. The Chief Secretary, Nagaland, Kohima.
3. Accountant General, Nagaland for information with a copy of Certificate of Transfer of Charge.
4. The Senior Treasury Officer, Kohima South Treasury, Kohima with a copy of Certificate of Transfer of Charge.
5. The Branch Manager, State Bank of India, Erie Branch, Kohima with a copy of Certificate of Transfer of Charge.
6. The Officers concerned.
7. Personal file of the officers concerned.
8. Guard file.

  
(DR. C.L. GOEL)

*S/ce*  
Certified to be true copy

  
Advocate

GOVERNMENT OF NAGALAND  
DEPARTMENT OF FORESTS, ECOLOGY, ENVIRONMENT & WILDLIFE  
NAGALAND: KOHIMA

ANNEXURE- 7

ORDER

13 JAN 2009

গুৱাহাটী চায়পোঠ  
Guwahati Beach

Dated Kohima, the 17<sup>th</sup> November 2008

No. C&S (FOR) MISC-1/2006: Whereas disciplinary proceeding against Dr.C.L.Goel, IFS, Principal Chief Conservator of Forest, Nagaland is contemplated;

Whereas, the Governor of Nagaland is satisfied that it is necessary and desirable to place the said Dr.C.L.Goel, IFS, Principal Chief Conservator of Forest, Nagaland, a member of the Indian Forest Service of the Nagaland Cadre, under suspension to facilitate impartial inquiry free from interference;

Now, therefore, the Governor of Nagaland, in exercise of Rule 3(1) (a) of the All India Services (Discipline and Appeal Rules), 1969, is pleased, during the pendency of the disciplinary proceedings against the said Dr.C.L.Goel, IFS, Principal Chief Conservator of Forest, Nagaland to place him under suspension with immediate effect.

Further, in exercise of Rule 4(1) (a) of The All India Services (Discipline and Appeal Rules) 1969, the Governor of Nagaland is pleased to order that during the period of suspension, the said Officer shall be entitled to a subsistence allowance equal to leave salary entitled to the Officer, on furnishing of a certificate that he is not engaged in any other employment, business, profession or vocation as required under Rule 4(2) of All India Services (Discipline and Appeal Rules) 1969.

It is further ordered that during the period that this order shall remain in force the headquarters of Dr.C.L.Goel, IFS, Principal Chief Conservator of Forest, Nagaland shall be Kohima and the said Officer shall not leave the headquarters without obtaining the previous permission of the undersigned.

Sd/-

(LALHUMA)

Chief Secretary to the Government of Nagaland

No. C&S (FOR) MISC-1/2006

Dated Kohima, the 17<sup>th</sup> November 2008

Copy to:-

1. The Secretary to the Governor, Raj Bhavan, Kohima.
2. The Addl Chief Secretary to the Chief Minister, Nagaland for information.
3. The Secretary to Government of India, Ministry of Environment and Forests, Paryavaran Bhawan, CGO complex, Lodhi road, New Delhi. They are requested to confirm suspension of the said Officer.
4. The P. P.S to Chief Secretary, Nagaland, Kohima.
5. The Vigilance Commissioner, Vigilance Commission, Nagaland.
6. The Accountant General, Nagaland, Kohima.
7. The Commissioner & Secretary, Forest Department.
8. All Commissioners & Secretaries/Secretaries/Addl. Secretaries to the Government of Nagaland, Kohima.
9. All Heads of Department, Government of Nagaland, Kohima.
10. Dr.C.L.Goel, IFS, for compliance.
11. Personal file of the Officer.

*J. Goel*  
(L. KIRE)

Commissioner & Secretary to the Govt of Nagaland

Certified to be true Copy

*D. S. -*  
Advocate

GOVERNMENT OF NAGALAND

DEPARTMENT OF FORESTS, ECOLOGY, ENVIRONMENT & WILDLIFE

NAGALAND: KOHIMA

13 JAN 2009

গুৱাহাটী ন্যায়পাঠ  
Guwahati Bench

MEMORANDUM

Dated Kohima, the 17<sup>th</sup> November 2008.

No. C&S (FOR) MISC-1/2006: The Governor of Nagaland proposes to hold an inquiry against Dr.C.L.Goel, IFS, Principal Chief Conservator of Forest, Nagaland under Rule 8 (2) of Part-IV of "The All India Services (Discipline and Appeal) Rules, 1969. The substance of the imputations of mis-conduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement *Articles of charge (Annexure-I)* with statement of the imputations of mis-conduct or misbehavior (*Annexure-II*) in support of each article of charge is enclosed. A list of documents by which: and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (*Annexure-III , IV*).

2. Dr.C.L.Goel, IFS, Principal Chief Conservator of Forest, Nagaland is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defense and also to state whether he desires to be heard in person as permissible under Rule 8(8) of Part-IV or to take the assistance of some Government Servant as permissible under Rule 8(4) (a) and (b) of Part-IV of 'The All India Services (Discipline and Appeal) Rules, 1969'.

3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Dr.C.L.Goel, IFS, Principal Chief Conservator of Forest, Nagaland ) is further informed that if he does not submit his written statement of defense 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 8(5) of Part-IV of 'The All India Services (Discipline and Appeal) Rules 1969' or orders/directions issued in pursuance of the said Rule, the inquiring authority may hold the inquiry against him ex-parte as permissible under Rule 8(21), Part-IV, of 'The All India Services (Discipline and Appeal) Rules 1969'.

5. Attention of Dr.C.L.Goel, IFS, Principal Chief Conservator of Forest, Nagaland is invited to Rules 17 and 18 of 'The All India Services(Conduct) Rules 1968' under which no member of the All India Services shall, except with the previous sanction of the Government have recourse to any court or to the press for the vindication of official act which has been the subject matter of adverse criticism or attack of a defamatory character, and that no member of the All India Services shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government.

*Certified to be true Copy*

*D. Deo*  
Advocate

If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Dr.C.L.Goel, IFS, Principal Chief Conservator of Forest, Nagaland is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rules 17 and 18 of 'The All India Services (Conduct) Rules, 1968'.

6. The receipt of this Memorandum may be acknowledged.
7. By order and in the name of the Governor of Nagaland.

Sd/-

(LALHUMA)

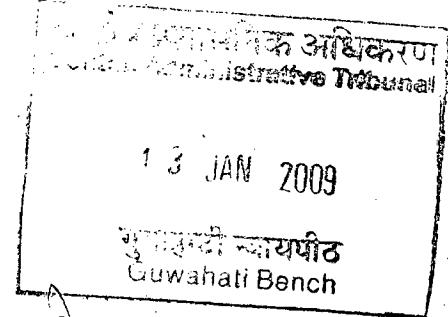
Chief Secretary to the Government of Nagaland

No. C&S (FOR) MISC-1/2006:

Dated Kohima, the 17<sup>th</sup> November 2008

Copy to:-

1. The Secretary to the Governor, Raj Bhavan, Kohima.
2. The Secretary to Govt of India, Ministry of Environment and Forests, Government of India, New Delhi.
3. The Sr. P.S to Chief Secretary, Nagaland, Kohima.
4. All Principal Secretaries/ Commissioners& Secretaries/Secretaries/Addl. Secretaries to the Government of Nagaland, Kohima.
5. Dr.C.L.Goel, IFS, for compliance.
6. The PCCF, Nagaland.
7. Personal file of the Officer.
8. Guard file



(L.KIRE)

Commissioner & Secretary to the Govt of Nagaland

Certified to be true Copy

*Deel*  
Advocate

## **ANNEXURE- 1**

## No. C&S (FOR) MISC-1/2006:

Dated-Kohima, the

17<sup>th</sup> November 2008

13 JAN 2009

## গুৱাহাটী চায়পৰিৱে Guwahati Bench

## ARTICLE -I

**Statement of articles of charges framed against Dr C.L Goel, IFS, Principal Chief Conservator of Forest, Nagaland.**

That Dr C.L Goel, IFS, while serving as Addl Principal Chief Conservator of Forest, Nagaland during the period from 2001 to 2004 has involved in the manipulation and tampering of his own ACRs in order to get good grading by typing the Reporting Officer's column. Secondly, Dr Goel has also covered the grading column of the ACR with cellotape after the manipulations were done.

Dr C.L Goel, IFS, by the above acts have failed to maintain absolute integrity and devotion to duty and conducted himself in a manner which was unbecoming of a senior member of the IFS and thereby contravened Rule 3(1) of "The All India Services (Conduct), Rules, 1968".

Sd/-

## (LALHUMA)

## Chief Secretary to the Government of Nagaland

**No. C&S (FOR) MISc-1/2006:**

Dated Kohima, the 17<sup>th</sup> November 2008.

Copy to:-

1. The Secretary to the Governor, Raj Bhavan, Kohima.
2. The Secretary to Govt of India, Ministry of Environment and Forests, Government of India, New Delhi.
3. The Sr. P.S to Chief Secretary, Nagaland, Kohima.
4. All Principal Secretaries/ Commissioners& Secretaries/Secretaries/Addl. Secretaries to the Government of Nagaland, Kohima.
5. Dr.C.L.Goel, IFS, for compliance.
6. The PCCF, Nagaland.
7. Personal file of the Officer.
8. Guard file

(L.KIRE)

**Commissioner & Secretary to the Govt of Nagaland**

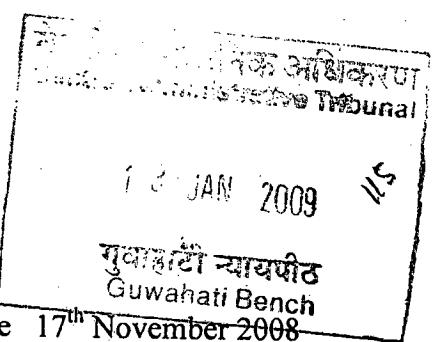
*Certified to be true Copy*

*Q. S. -*  
Advocate

ANNEXURE-II

No. C&S (FOR) MISc-1/2006:

Dated Kohima, the 17<sup>th</sup> November 2008



**Statement of imputations of misconduct or misbehavior in support of the articles of charges framed against Dr C. L Goel, IFS , the then Addl PCCF.**

**ARTICLE -I**

Dr C. L Goel while functioning as Addl PCCF has tampered with his own ACRs pertaining to 2001-02, 2002-03, 2003-04 in order to get good grading.

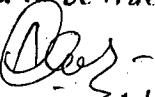
1. Shri K. Chumchamo Patton, UDA was Dealing Asst looking after the ACR files of IFS officers since 1997-98 to 2005. All other ACRs of the officers were processed by him every year and after the PCCF writes the Reporting Officer's column , he used to stamp the PCCF seal and thereafter forward to the Govt. However, in case of Dr.Goel, he has never handled his ACRs nor processed in file. It was Dr. Goel who used to do it by himself. Therefore, it is confirmed that Dr. Goel's ACRs were never routed through the proper official channels.
2. Three stenos of the PCCF office viz: Smti. Kehousenuo, Smti. Ellis and Smti. Temsunaro have all admitted that they were asked to type the ACRs of Dr. Goel for the years 2001-02, 2002-03, 2003-04 by Dr. Goel who has also instructed them to type in small or big letter size typewriters.
3. In said three years i.e 2001-02, 2002-03, 2003-04, where the tampering was done, the reporting officer's columns are all typed ones whereas the ACRs for the year after the said three years tampering, the reporting officer has written the ACR with his own handwriting.
4. Shri. Lolenmeren the then PCCF who was the reporting Officer for Dr. Goel for the said three years has categorically stated that he never gives outstanding ACRs to any officers including that of Dr. Goel. He has specifically clarified that the type written portions in Dr. Goel's ACRs for the year 2001-02 was not written by him. He used to write his name with his own handwriting. About the ACR for 2003-04 he has never given outstanding to Dr. Goel but he was given only Very Good. However, all these three years ACRs, Dr. Goel has tampered it by grading 'outstanding' by himself.
5. The Reporting Officer's signature found in the ACRs of Dr. Goel for the year 2001-02 and 2002-03 are not the genuine signatures of Lolenmeren as per the opinion of the Expert.

**ARTICLE-II**

Dr. Goel, IFS is also in the habit of covering the important portions in Govt./official documents with cello tape.

1. He is the one who has cello taped the grading columns of his ACR for the year 2003-04 and struck off the other irrelevant portion.
2. He is also the person who has done the cello tape covering in the notesheet of file.no. FE-3/5/88 where 'should be March' was written by him and covered with cello tape. Officers

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Advocate

like Shri. K.R.Lyngdoh, IFS whose signature also appeared in this notesheet is very much aware of this cellotaping.

Dr. C.L. Goel, IFS has therefore, failed to maintain absolute integrity, lack of devotion to duty and acted in a manner which is unbecoming of a Govt. servant and thereby contravened Rule 3(1) of the All India Services (Conduct)Rules, 1968.

116  
Sd/-

(LALHUMA)

Chief Secretary to the Government of Nagaland

No. C&S (FOR) MISC-1/2006:

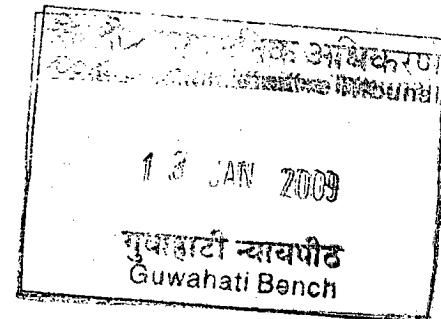
Dated Kohima, the 17<sup>th</sup> November 2008.

Copy to:-

1. The Secretary to the Governor, Raj Bhavan, Kohima.
2. The Secretary to Govt of India, Ministry of Environment and Forests, Government of India, New Delhi.
3. The Sr. P.S to Chief Secretary, Nagaland, Kohima.
4. All Principal Secretaries/ Commissioners& Secretaries/Secretaries/Addl. Secretaries to the Government of Nagaland, Kohima.
5. Dr.C.L.Goel, IFS, for compliance.
6. The PCCF, Nagaland.
7. Personal file of the Officer.
8. Guard file

(L.KIRE)

Commissioner & Secretary to the Govt of Nagaland



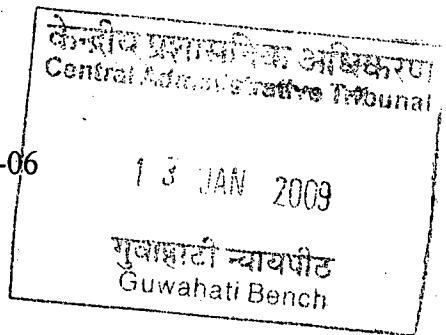
*Certified to be true Copy*

*[Signature]*  
Advocate

ANNEXURE-III

List of documents by which the articles of charge framed against Dr C.L Goel, IFS, are proposed to be sustained:-

1. All India Services (Conduct) Rules, 1968
2. The All India Services (Discipline and Appeal) Rules 1969
3. Complaint letter of Shri A. Ronsengwati
4. ACRs of Dr C.L Goel wef 2000-01, 2001-02, 2002-03, 2003-04, 2005-06
5. Notesheet of File No FE-3/5/88
6. Copy of Expert opinion
7. Specimen signature of Shri Lolenmeren Ao.



Sd/-

(LALHUMA)

Chief Secretary to the Government of Nagaland

No. C&S (FOR) MISC-1/2006:

Dated Kohima, the 17<sup>th</sup> November 2008.

Copy to:-

1. The Secretary to the Governor, Raj Bhavan, Kohima.
2. The Secretary to Govt of India, Ministry of Environment and Forests, Government of India, New Delhi.
3. The Sr. P.S to Chief Secretary, Nagaland, Kohima.
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5. Dr.C.L.Goel, IFS, for compliance.
6. The PCCF, Nagaland.
7. Personal file of the Officer.
8. Guard file

(L. KIRE)

Commissioner & Secretary to the Govt of Nagaland

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*Deb*  
Advocate

ANNEXURE-IV

केन्द्रीय प्रशासनिक अधिकारी न्यायालय  
Central Administrative Tribunal

13 JAN 2009

गुवाहाटी न्यायालय  
Guwahati Bench

List of list of witnesses which the articles of charge framed against Dr C.L Goel, IFS, presently serving as Principal Chief Conservator of Forests, Nagaland are proposed to be sustained:-

1. Shri A. Ronsengwati Ao, Chairman, Pollution Control Board, Nagaland, Dimapur
2. Smti Kehouseno, Sr Grade Steno, office of the PCCF, Nagaland, Kohima
3. Smti Ellis, Steno Grade III, office of the PCCF, Nagaland, Kohima
4. Smti Temsunaro, Steno Grade III, office of the PCCF, Nagaland, Kohima
5. Shri K. Chumchamo Patton, office of the Chief Wildlife Warden, Dimapur
6. Shri Lolenmeren, IFS PCCF ( Retd) c/o Bendangwala, UDA office of the PCCF, Nagaland, Kohima
7. Shri K.R Lyngdoh, IFS, Chief Conservator of Forest, Shillong ( on study leave)
8. Shri Utpal Bandyopadhyay, Examiner of Questioned Documents, QDEB, CID, West Bengal
9. Shri I. Meyionen, Addl SP, Vigilance & Anti -Corruption., Vigilance Commission, Nagaland.

Sd/-

(LALHUMA)

Chief Secretary to the Government of Nagaland

No. C&S (FOR) MISC-1/2006:

Dated Kohima, the 17<sup>th</sup> November 2008.

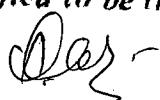
Copy to:-

1. The Secretary to the Governor, Raj Bhavan, Kohima.
2. The Secretary to Govt of India, Ministry of Environment and Forests, Government of India, New Delhi.
3. The Sr. P.S to Chief Secretary, Nagaland, Kohima.
4. All Principal Secretaries/ Commissioners & Secretaries/Secretaries/Addl. Secretaries to the Government of Nagaland, Kohima.
5. Dr.C.L.Goel, IFS, for compliance.
6. The PCCF, Nagaland.
7. Personal file of the Officer.
8. Guard file

(L.KIRE)

Commissioner & Secretary to the Govt of Nagaland

Certified to be true Copy

  
Advocate



PRINCIPAL CHIEF CONSERVATOR OF FORESTS

Nagaland : Kohima (under suspension)

Phone No. 0370-2224362 244444(R)

Ref. No.....

No. Misc-PCCF/ 2008-09/1

Date.....

Dated: Kohima the 24<sup>th</sup> November, 2008

To

The Chief Secretary  
Government of Nagaland,  
Kohima.

Ref: No.C&S (FOR) MISC-1/2006 dated 17<sup>th</sup> November 2008

**SUB: PRAYER FOR FURNISHING COPIES OF THE LISTED DOCUMENTS AVAILABLE AT ANNEXURE-III TO THE MEMORANDUM UNDER REFERENCE**

Sir,

With due deference and profound submission I beg to state that the memorandum under reference came to me as a great shock inasmuch as the allegations leveled against me are all vague and perverse. I categorically deny the allegations. However for the purpose of preferring an effective reply to the allegation levelled against me, I am in need of the documents specified under serial No. 3 (three) to 7 (seven) of the Annexure- III list of documents.

In view of the above, I request you to kindly furnish to me the documents at the serial No. 3 (three) to 7 (seven) of the list of documents Annexure- III list to the Memorandum under reference.

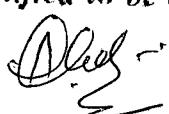
I further request you to extend the time of preferring my written statement of defence by further 10 (ten) days from the date of furnishing to me the documents indicated herein above.

Thanking you,

Yours faithfully,

DR. C.L. GOEL  
24.11.2008

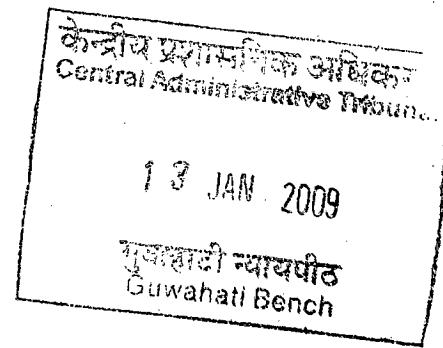
Certified to be true Copy

  
Advocate

To,

The Chief Secretary,  
Government of Nagaland, Kohima

Dated the 12th day of December, 2008



Ref: - Order bearing No. C&S (FOR) MISC-1/2006 dated 17.11.08.

Sub: - Appeal preferred under Rule 16 of the All India Service (Discipline and Appeal) Rule, 1969 against the order under reference.

Sir,

With due deference and profound submission I beg to request your honour to kindly take on record the accompanying appeal petition preferred by me against the order under reference and forward the same to the designated appellate authority at the earliest for due consideration thereof.

Enclosed: - As stated above.

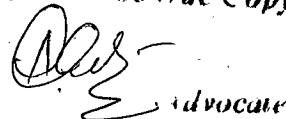
Thanking You,

Yours faithfully,

12.12.08  
(Dr. C.L. Goel, IFS)  
PCCF, Nagaland, Kohima.  
(Under Suspension)

Recd. Dr. M. S. 12/12/2008  
12/12/08  
PPS

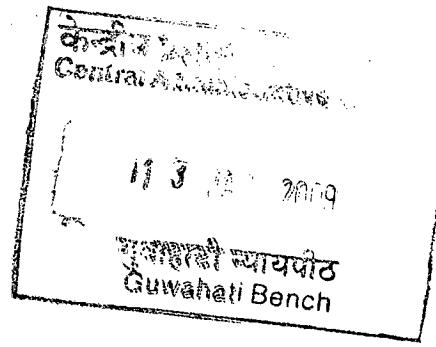
Certified to be true Copy

  
Advocate

To,

The Secretary,  
Govt. of India, Ministry of Environment & Forests,  
Paryavaran Bhawan, CGO Complex,  
Lodi Road, New Delhi.

(Through Proper Channel)



Dated the 12th day of December, 2008

**Ref:** - Order bearing No. C&S (FOR) MISC-1/2006 dated 17.11.08 issued by the Chief Secretary, to the Government of Nagaland.

**Sub:** - An appeal under Rule 16 of the All India Services (Discipline and Appeal) Rules, 1969 against notification bearing No. C&S (FOR) MISC-1/2006 dated 17.11.08 issued by the Chief Secretary, to the Government of Nagaland placing the appellant Dr. C.L. Goel, IFS under suspension.

Sir,

With due deference and profound submission I beg to lay this appeal for your honours kind consideration and necessary action;

That while working as the Additional Principal Chief Conservator of Forests Nagaland my case for promotion to the cadre of Principal Chief Conservator of Forests, Nagaland came up for consideration along with two other Senior IFS Officers. The selection committee constituted for the said purpose consisted of the following officers;

- (A) Sri P. Talitemjen Ao, IAS, Chief Secretary, Nagaland : Chairman
- (B) Sri Lalthara, IAS, Addl. Chief Secretary : Member
- (C) Sri R. Binchilo Thong, IAS, Commissioner and Secretary, Government of Nagaland, Department of Forests, Ecology, Environment & Wildlife : Member
- (D) Sri Lolenmeren Ao, PCCF, Nagaland : Member

12.12.08

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Advocate

13 JAN 2009

Guwahati Bench  
Guwahati Bench

The said selection committee in its meeting held in the month of February, 2006, on consideration of the ACRs of the officers in the zone of consideration was pleased to recommend my case for promotion as Principal Chief Conservator of Forests, Nagaland. On the basis of the said recommendation, I was vide order dated 10.03.06 promoted and appointed as Principal Chief Conservator of Forests, Nagaland. It may be mentioned here that the said selection committee had considered amongst others my ACRs for the period from 2001-2004. On my appointment as Principal Chief Conservator of Forests, Nagaland, I have been discharging the duties attached thereto to the best of my ability and without blemish to any quarter.

That while working as Principal Chief Conservator of Forests Nagaland, a vested circle initiated moves for seeing my ouster from the said post and such a move resulted in issuance of an order dated 07.06.07 transferring me as Chairman, Nagaland Pollution Control Board. Further, I was placed under suspension w.e.f. 09.08.07. The said order of transfer came to be challenged by me and ultimately the Hon'ble Gauhati High Court passed orders in the matter which resulted in my reinstatement as Principal Chief Conservator of Forests Nagaland. The Government of Nagaland in the Department of Forests, Environment & Wildlife was pleased in terms of the directives passed by the Hon'ble Gauhati High Court to issue order bearing No. FOR/ GEN-64/ 2007 dated 21.12.07 reinstating me as Principal Chief Conservator of Forests, Nagaland and further regularising the period of my suspension w.e.f. 09.08.07 to 21.12.07 as on duty with all consequential benefits.

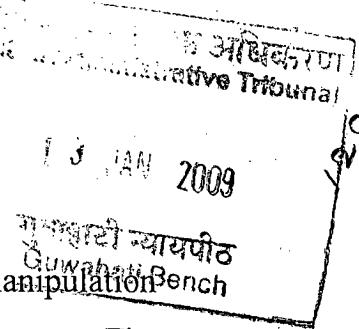
A copy of the order dated 21.12.07 is enclosed as Document No. 1.

That having failed in their attempts to see my ouster from the post of Principal Chief Conservator of Forests, Nagaland, move was initiated by the said vested circle to create doubts in the mind of the authorities with regard to the writing and maintenance of my ACRs for the period from 2001 to 2004. Basing on the said allegations, without appreciating the actual factual matrix in the matter, I came to be placed under suspension vide issuance of the order under reference. To justify the order of my suspension, a memorandum dated 17.11.08 also came to be

12.12.08

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*Advocate*



issued by which a charge "..... from 2001 to 2004 has involved in manipulation and tempering of his own ACRs ...." came to be levelled against me. The memorandum of charge reflects that the said charge came to be levelled basing on the statements of Shri Lolenmeren Ao, the then Principal Chief Conservator of Forests, Nagaland who was my reporting officer for the period from 2001 to 2004 and also statements of employees working in his office at that relevant point of time.

A copy of the order bearing No. C&S (FOR) MISC-1/2006 dated 17.11.08 is enclosed as Document No. 2.

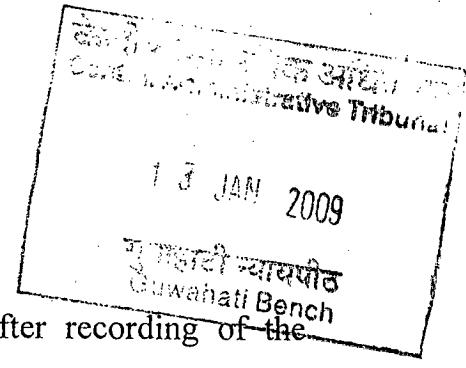
A copy of the memorandum No. C&S (FOR) MISC-1/2006 dated 17.11.08 along with its enclosures is enclosed as Document No. 3.

That as indicated herein above my said ACRs were scrutinised by a selection committee, which included Sri Lolenmeren Ao, as its member, while promoting me as Principal Chief Conservator of Forests, Nagaland. The ACRs having been scrutinized and the reflections made therein having been accepted, I came to be recommended for promotion to the post of Principal Chief Conservator of Forests, Nagaland. The said position coupled with my contention that there is a constant move to see my ouster from the post of Principal Chief Conservator of Forests, Nagaland, clearly reflects that the allegations now levelled against me are all perverse. It is also clear that I am in no way connected with the said allegations in any manner whatsoever.

That the order of my suspension and also the memorandum of charges issued against me cannot be sustained inasmuch as the same are not based on materials which can be held to be authentic. It is reiterated that it was only because of my excellent gradings in the ACRs and absence therein of irregularities/illegalities as alleged against me now, that I came to be promoted to the cadre of Principal Chief Conservator of Forests, Nagaland. The allegations now levelled against me is not sustainable inasmuch as the persons making the said allegation had not raised any such doubts when my said ACRs were considered by them during the said selection committee held in the month of February 2006.

*[Signature]*  
12.12.08

*Certified to be true Copy*  
*[Signature]*  
Advocate



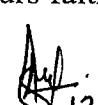
That as per the procedure prescribed the ACRs after recording of the reporting officers remark are not kept in the custody of the Principal Chief Conservator of Forests, Nagaland but the same is kept in the custody of the Government. The allegations now levelled against me of having manipulated the reporting officers remarks is further not sustainable inasmuch as never had any occasion arisen for returning any of my said ACRs by any superior authority above the Principal Chief Conservator of Forests, Nagaland. It is the practice in the department that the reviewing and accepting authorities in the Government do not carry out reviewing and accepting action of the ACRs until and unless such ACRs are put up by the Reporting Officer in the proper manner without any ambiguity.

In view of the above I pray that your Honour may be pleased to have an independent assessment of the fact involved in the matter by also taking into consideration the contention raised by me herein above and thereafter be pleased to cause revocation of the order of suspension under reference (Document No. 2) and further direct my reinstatement as the Principal Chief Conservator of Forests, Nagaland.

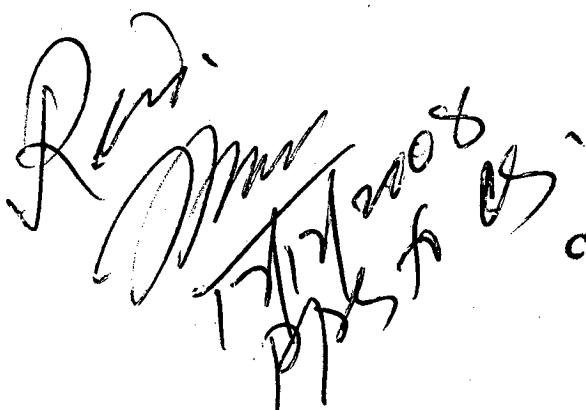
Should your Honour be pleased to accede to my prayer and thereby redress the discrimination meted out to me I shall remain bound to your Honour in deep gratitude.

Enclosures: - As stated above.

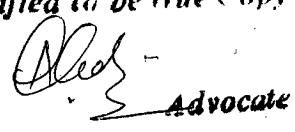
Yours faithfully,

  
12.12.08  
(Dr. C.L. Goel, IFS)  
PCCF, Nagaland, Kohima.  
(Under Suspension)

Advance copy of this appeal dated 12.12.08 along with its enclosures has been submitted to the Secretary, Government of India, Ministry of Environment & Forests, Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi.



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Advocate

  
12.12.08  
(Dr. C.L. Goel, IFS)  
PCCF, Nagaland, Kohima.  
(Under Suspension)

KOHIMA (797001)  
SP EE852314749 IN  
Counter No:3, DP-Code: USOU  
To: SECTY TO GOI, MIN OF ENVIRONMENT &  
New Delhi, PIN:110  
From: DR C L GOEL, KMA  
Wt: 90grams,  
Amt: 68.00, 12/12/2009, 12:40  
Taxes: Rs. 8.00 (Have a nice day)



केन्द्रीय प्रसारणीक अधिकारी  
Central Administrative Tribunal

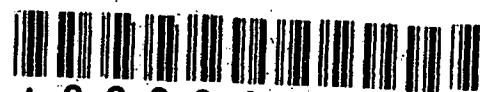
13.12.2009

गुवाहाटी न्यायालय  
Guwahati Bench



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\* 300017088 \*

IGIN

KOHIMA

DESTINATION

N. DGL H

DATE

12/12/09

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CONSIGNEE	THE SECRETARY GOVT OF INDIA M.O.G.F PARJAVARON BHAVAN MOHAMMED Ali Jinnah Road Mumbai - 400 020
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C.S.T/ VAT Regn. No.	

CHARGES	AMOUNT Rupees
Service Charge	
Strong Box	
F.O.V.	
Risk Charge	
C/N Charge	
<b>SUB-TOTAL</b>	
Fuel Surcharge	
<b>TOTAL</b>	
Service Tax	
<b>GRAND TOTAL</b>	168/-
RUPEES IN WORDS	

OF S.	PACKING	CONTENTS - DESCRIPTION (SAID TO CONTAIN)	DIMENSIONS (Cms.) Length x Width x Height	ACTUAL WEIGHT	CHARGED WEIGHT
		Doc			168

NATURE OF CONSIGNMENT	VALUE OF CONSIGNMENT	PAYMENT MODE
COMMERCIAL	Rs.	CASH ONLY
NON-COMMERCIAL	O/R C/R	

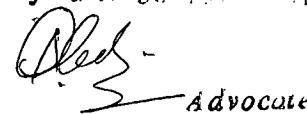
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OVERNITE EXPRESS LIMITED  
SIGNATURE

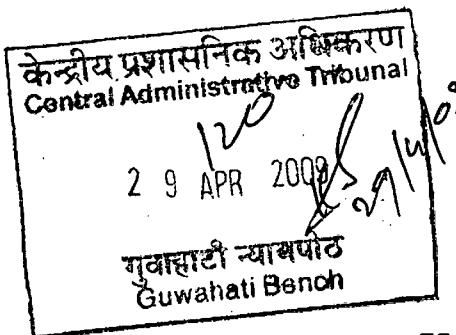
DATE 2/12/09 TIME

THANKS FOR USING OVERNITE EXPRESS  
SHIPPER'S COPY

Certified to be true copy

  
Advocate

## CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH



Original Application No. 3 of 2009

Dr C. L. Goel

Applicant

·Vs·

Union of India & Others

Respondents

INDEX

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11.	Notice		

Filed by

Tsibu Khr<sup>29.4.09</sup>

Govt. Advocate

State of Nagaland

Central Administrative Tribunal

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:  
GAUHATI BENCH AT GUWAHATI

IN CASE O/A 3/09

IN THE MATTER OF :-

Dr. C.L. Goel

..... Applicant.

- AND -

UOI & Others.

..... Respondents.

Written statement for and on behalf of the Respondents Nos.  
, 3, and 4.

Most Respectfully Submitted

I, Shri Imtiwapang Aier, aged about 34 years, son  
of Shri. Z. Toshi Aier, resident of village Yajang,  
Mokokchung, Nagaland do hereby solemnly affirm and declare  
as under:

1. That I am the Under Secretary to the Government of Nagaland, Department of Forest. That I am served with the copy of the original application and as such I am fully conversant with the facts and circumstances of the case. As such I am authorised to swear this affidavit.

2. That I now reply to the application parawise as follows:-

A. That with regard to the averment made in

filed by the respondent  
3 and 4 through  
Tribunal  
29.4.09 '27

29 APR 2009

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गुवाहाटी न्यायालय  
Guwahati Bench

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Copy 29/04/09 (A/C)  
(Guwahati Bench 128)

paragraph 1, the answering deponent does not admit anything not borne by records and says that the order of suspension dated 17.11.08 was issued subsequent to the findings of the Vigilance Commission investigation and Disciplinary Proceeding against the applicant before the Vigilance Commission vide letter dated 15.9.08. The order dated 17.11.08 was issued so as to facilitate impartial enquiry free from interference.

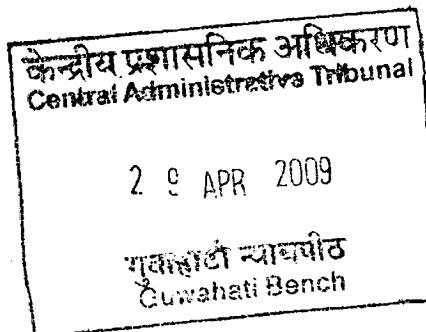
B. That with regard to the averment made in paragraph 2 and 3, the answering deponent does not offer any comment.

C. That with regard to the averment made in paragraph 4.1, the deponent does not offer any comment.

D. That with regard to the averment made in paragraphs 4.2, 4.3, the answering deponent does not admit anything not borne by record and says that the promotion in respect of Indian Forest Officers borne on Nagaland cadre is regularly effect as per guidelines relating to promotion of Indian Forest Officers to various grades. That vide Government Notification No.FOR-33/83 dated the 3rd December 2007 presently there are three IFS officers in the grade pay scale of Principal Chief Conservator of Forests- namely:- Dr. C.L. Goel (1977); Shri. A. Rongsenwati Ao (1978) and Shri. Ansar Ahmed (1978) who is on central deputation Government Notification No.FOR-33/83 dated Kohima the 3rd December

(Signature) 129  
Central Adminstrative Tribunal  
Guwahati Bench

2007. It is unfortunate but the applicant have several on toward history behind him and several communications were also served on him which are in records. As such it is denied that the applicant had no adverse records against him. The applicant was also suspended on 9.8.07 as well as 17.11.08.



Photocopy of the Government Notification dated 3.11.07 is enclosed herewith and marked as Annexure-I.

E. That with regard to the averment made in paragraphs 4.4, 4.5, the answering deponent does not admit anything not borne by records and says that although the applicant was considered by the Civil Services Board/Screening Committee in its meeting had considered the applicant for promotion to the cadre of Principal Chief Conservator of Forest vide its meeting held on 22.3.06. Overlooking the representation and communication in 2004 by officials. The Vigilance Commission vide letter dated 15.9.08 forwarded letter to the Commissioner and Secretary, Department of Forest on the subject of Disciplinary Proceeding against the applicant. The Vigilance Commission also forwarded the article of charges. The applicant was therefore placed under suspension vide order dated 17.11.08 to facilitate impartial enquiry free from interference. As such the issue here is Tampering of ACRs by the Applicant illegality of which has been established through investiga-

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Central Admin. Trib.

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tion by Vigilance Commission and therefore the question of he being found suitable for promotion to the post of PCCF prior to Vigilance Commission's findings in the matter of tampering of ACRs does not hold water nor does it absolve him from the illegalities committed.

F. That with regards to the averment made in paragraph 4.6, the answering deponent does not admit anything not borne by records and says that transfer and posting is prerogative of the employer and the transfer notification dated 7.6.07 was issued under the relevant rules. And as such the allegation level by the applicant that moves initiated for issuance of the said notification is baseless.

G. That with regard to the averment made in paragraphs 4.7, 4.8, 4.9, 4.10, 4.11, 4.12, 4.13, 4.14 and 4.15, the answering deponent does not admit anything not borne by records and says that the applicant had challenged the notification 7.6.07 by way of filing an application before this Hon'ble Tribunal which was numbered as OA 147/07. The Hon'ble Tribunal on 11.6.07 in the interim was pleased to direct the respondent not to give effect to the said notification. Meanwhile the respondent No.5 filed Misc. Application which was numbered as MP 58/07 praying for the vacation of interim direction was heard and the interim direction dated 11.6.07 was vacated on 12.7.07. Meanwhile the applicant being aggrieved with the said order dated 12.7.07 had filed an application before the Hon'ble High Court which

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was numbered as WP(C) No.3488/07. That the Hon'ble High Court on 18.7.07 had issued notice returnable by two weeks and in the interim direct that the order dated 7.6.07 shall not be given effect to. Meanwhile the said order had already been taken effect on 17.7.07, to that effect the respondent had filed an affidavit. The applicant had preferred a contempt petition which was numbered as Cont. Case (C) No.370/07 and the contempt petition was closed on 1.10.07 upon hearing both the parties that the applicant will be put back in the office of Principal Chief Conservator of Forest.

H. That with regard to the averment made in paragraph 4.16, 4.17, 4.18, the answering deponent does not admit anything not borne by records.

I. That with regard to the averment made in paragraphs 4.19, 4.20, 4.21, 4.22, the answering deponent does not admit anything beyond the records and says that the applicant had no doubt being indulging as an irresponsible officer of his status as is reveal from the records. The matter relating to tampering of ACRs for which he was suspended vide order dated 17.11.08 came to surface in the later part of 2003. The Chief Wildlife Warden on learning that his colleague (Applicant) has been awarded outstanding grading, had preferred a representation for review of his ACR to the Principal Secretary to the Government of Nagaland, Department of Forest vide letter dated 16.4.04. The Principal Chief Conservator of Forest vide his letter

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dated 3.11.04 had denied the grading of outstanding with underlined. Thereafter following several representation in the matter of tampering of ACRs by the applicant prompted the Vigilance Commission to look into the matter and accordingly upon the finding based on material of facts by the Vigilance Commission, the suspension order dated 17.11.08 was issued to the applicant. Therefore the order dated 17.11.08 was issued to facilitate impartial enquiry free from interference in pursuance to the finding of Vigilance Commission in respect of tampering of ACRs by the applicant. That on receiving the communication dated 24.11.08 preferred by the applicant, the Government had conveyed approval for extension of date by further ten days from the receipt of the document for preferring a written document in respect of the applicant vide letter dated 6.1.09 but the same could only be served on him only in march'09. It may be pertinent to mention herein that despite the condition placed by the authority concern to the erring officer not to leave the headquarter without obtaining previous permission from the authority concerned in the order dated 17.11.08, the applicant was away from the headquarter from 21.12.08 to 13.2.09 and from 5.3.09 to 13.3.09. Be it stated that an explanation call had been served to the applicant vide memorandum dated 17.4.09. To this effect it may be mentioned herein that besides the records of an officer, the continuously length of service of 28 years is another criteria to be promotion to the post of Principal Chief Conservator of Forest.

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Guwahati Bench (23)

Photocopies of letters dated 16.4.04, 3.11.04 and Memorandum dated 17.4.09 are enclosed herewith - and marked as Annexure-II, Annexure-III and Annexure-IV respectively.

J. That with regard to the averment made in paragraphs 4.23, 4.24, the answering deponent does not admit anything not borne by records and says that although the ACRs of the applicant were examined by the said committee on its meeting held on 23.2.06 for promotion as Principal Chief Conservator of Forest, Nagaland it is humbly submitted that when the Government finds that an officer is acting in the manner which he ought not to as a responsible officer and there is sufficient grounds/records to prove that, the authority concerned has to act according to the proceeding and take up disciplinary measure. Such is the case of the applicant, as such the allegation made by the applicant that "the very same ACRs that the said committee had considered in its meeting held on 23.2.2006 were manipulated" is baseless. Moreover the investigation in the instant matter of ACR tampering has been done by none other than Vigilance Commission. Be it stated that upon the consideration of the ACRs examined by the screening committee does not attain finality but the authority can always go into investigation if necessary and require to do so.

K. That with regard to the averment made in

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Guwahati Bench

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Guwahati Bench  
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paragraphs 4.25, 4.26, 4.27, 4.28 and 4.29 the answering deponent does not admit anything not borne by records and says that there are evidence and witnesses on the records that the applicant had tampered his ACRs by way of manipulating the entries of the reporting officers and by forging the signature of the reporting authority. That the investigation of which is carry out by the Vigilance Commission and the Disciplinary Proceedings against the applicant is in process. Prima facie has been established in the matter and a UDA and three stenographers were deposed before the Vigilance Commission and the applicant himself was deposed before the commission. The signature of the reporting officer which was found to be forged by the applicant was done by the handwriting expert. It is pertinent to mentioned herein that the applicant does not have any access to the said ACRs which are kept in the custody of Government is doubtful. The applicant is still holding his personal file of 2001-2002 till date and have not return the file to the custody of the office. A communication informing him to return the said file was issued on 19.3.09.

Photocopy of signature of the reporting officer which was found to be forged by the applicant is enclosed herewith and marked as Annexure -V.

L. That with regard to the averment made in paragraphs 4.30, 4.31, 4.32, 4.33 and 4.34, the answer-

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Guwahati Bench

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ing deponent does not admit anything not borne by records and says that at no point of time the rights of the applicant guaranteed under Article 14 and 16 of the Constitution of India has been infringed. Be it stated that the necessity of issuing the order dated 17.11.08 was the outcome of the finding of the Vigilance Commission subsequent to the several representations received from the concerning authorities in consonant with the records and materials available for conducting Disciplinary Proceedings by the Vigilance Commission.

3. That this answering deponent begs to state that the respondent authority had never acted in violation of principle of natural justice or arbitrary or illegal in as much as the opportunity was given to the applicant to place his written defence. The action and steps taken by the authority concern is denied to be arbitrary and illegal there are materials and records and the investigation is conducted by the Vigilance Commission itself. Be it stated herein that the tampering of the ACRs is not a matter which was initiated after issuance of the order dated 7.6.07 but the same has been initiated way back in 2004. And as such the authority at any point of time if prove that an officer is acting in a manner which involve integrity, responsibility, reliability and devotion to the duty and character that is not in accordance with the code of service rules and actually indulging in any illegal activities for his own interest or otherwise it is the duty of the concern authori-

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J. P. D.  
(Bench)  
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ty to take action and takes steps so that such incident may not occurred as a precedent in future. It is very much the duty of the concern authority, therefore to correct such lapse if at all committed due to inadvertent action. As such basing on the records and upon investigation made by the Vigilance Commission findings that the applicant was truly indulged in tampering of his ACRs cannot be left unattended too. It was therefore prima facie material justifying the order of suspension dated 17.11.08. It may be submitted that the proceeding is in the process and as such the instant application is fit to be dismissed.

4. The answering deponent begs to states that the order of suspension dated 17.11.08 was issued subsequent to the findings of the Vigilance Commission investigation and Disciplinary Proceeding against the applicant before the Vigilance Commission vide letter dated 15.9.08. The order dated 17.11.08 was issued so as to facilitate impartial enquiry free from interference.

Photocopies of letter dated 15.9.08 and order of suspension dated 17.11.08 are annexed herewith and marked as Annexure -VI and Annexure-VII respectively.

5. That this deponent begs to submit that the suspension order dated 17.11.08 was passed so as to facilitate

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Guwahati Bench

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impartial free investigation. It may also be submitted that the proceeding is conducted by the Vigilance Commission and he can also appear before the said commission if he so desire. As such, the instant application is liable to be dismissed.

6. In view of the above facts and circumstances it is humbly pray that this Hon'ble Tribunal may allow the concern authority to proceed with the Disciplinary Proceedings till the completion of the case by the Vigilance Commission.

AND OR

Pass any other order/orders as your Lordship may deem fit and proper.

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गुवाहाटी न्यायालय  
Guwahati Bench

Guwahati 78  
Guwahati 78

VERIFICATION

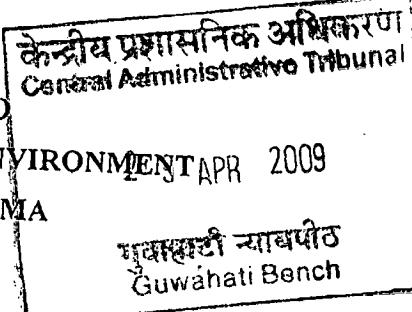
I Shri. T. Imtiwapang Aier, son of Shri. Z. Toshi Aier, aged about 34 years, resident of Lerie Colony Kohima, Nagaland do hereby solemnly affirm and verify that I am the Under Secretary, Department of Forest, Government of Nagaland authorised to file this affidavit on behalf of Respondents No. 3 and 4.

1. That the statement made in paragraph 1, 2.A to C, E-H, J, L & 3. are true to my knowledge and those made in paragraph A, D, F, I, K and 4. are true to my knowledge derived from records and rest are my humble submission before this Hon'ble Tribunal.

And I sign this verification on this the 29th day of April 2009 at Guwahati.

DEponent.

GOVERNMENT OF NAGALAND  
DEPARTMENT OF FORESTS, ECOLOGY, ENVIRONMENT & WILDLIFE NAGALAND : KOHIMA

NOTIFICATION

Dated Kohima, the 3rd December 2007

NO. FOR-33/83: The Governor of Nagaland is pleased to release the next higher grade of pay to promote the following IFS officers with immediate effect against the ex-cadre posts created vide NO. FOR-33/83/330 Dated Kohima, the 3rd December 2007.

1. Shri A. Rongsenwati Ao : The scale of Principal Chief Conservator of Forests in the scale pay of Rs 24,050- 650-26,000/- P.M
2. Shri Ansar Ahmed : The scale of Principal Chief Conservator of Forests, in the scale pay of Rs 24,050- 650-26,000/- P.M (Pro-forma)
3. Dr Shashidhar : The scale of Addl Principal Chief Conservator of Forests, in the scale pay of Rs. 22,400-525-24500/-against resultant vacancy of SI No 1 above.
4. Shri Wepretso : The scale of Conservator of Forests, in the scale pay of Rs 16,400 – 20,000/- p.m.

plus all other allowances as are admissible to AIS officers in the State of Nagaland.

This is issued with the approval of the Governor vide U.O No 2356 dated 19/11/07

Sd/- LALHUMA  
Chief Secretary to the Government of Nagaland

NO. FOR-33/83/331

Dated Kohima, the 3rd December 2007

Copy to:-

1. The Secretary to the Governor of Nagaland, Kohima.
2. The Addl. Chief Secretary to the Chief Minister, Nagaland, Kohima.
3. The Secretary to the Government of India, Ministry of Environment & Forests, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi-110003.
4. The Director General of Forests & Special Secretary, Government of India, Ministry of Environment & Forests, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi-110003.
5. The Sr. P.S to the Chief Secretary, Nagaland, Kohima.
6. The Principal Secretary, P& AR Department
7. The Principal Chief Conservator of Forests, Nagaland, Kohima.
8. All Administrative Heads & Heads of Depts, Government of Nagaland
9. The Accountant General, Nagaland.
10. All CCF, Nagaland.
11. All Conservator of Forests/DCF, Nagaland.
12. The Publisher, Nagaland Gazette, Kohima.
13. Officers concerned
14. Personal file.

*Chuba*  
03/12/07

(Akumla Chuba)

Under Secretary to the Government of Nagaland

*Certified copy  
true (16th)*

Confidential

Government of Nagaland  
Office of the Chief Wildlife Warden  
Nagaland : Dimapur

CWL/ ESTT/89/ 22

Dt. Dimapur the 16<sup>th</sup> April, 2004

केन्द्रीय प्रशासनिक अधिकारण  
Central Administrative Tribunal

25 APR 2009

गुवाहाटी न्यायालय  
Guwahati Bench

To

Dr. S.C Deorani  
Principal Secretary to the govt. of Nagaland  
Dept. of Forests, Environment, Ecology & Wildlife

Subject :- Review of Annual Confidential Report

Sir,

With due respect, I am to state that there has not been any dereliction of duty and responsibility throughout my service career in the dept.

I have been posted as the Chief Wildlife Warden when you were the Principal Chief Conservator vide govt. order : FOR-25/82(pt) dt. Kohima the 15<sup>th</sup> February, 2000 and since the day of taking over the charge, I have been working with sincerity and dedication as a result of which the following outstanding achievements have been brought about :

1. Taking into account the importance of the Wildlife conservation and management, it was felt necessary to bring forth a well defined programme for sustainable forest and wildlife conservation concept and thus prepared and presented **A Feasibility Report on An Integrated Infrastructure Development for Sustainable Management, Conservation, Bioinformatics and Ecotourism in Intanki NP, Rangapahar, Puliebadzie and Fakim Wls.** The report received due appreciation even from the Planning dept. A copy was also forwarded to the Union Minister in charge North East Shri. Arun Shourie.
2. Rangapahar, once a prime forest - an incomparable resource of the state was devastated due to illegal removal of trees and encroachment. Eviction was carried out several times besides mobilizing the support of the surrounding villages and NGOs and now an area of 1.76 sq km has been secured and the developmental activities for establishing the Zoological park is under progress.
3. For many years Intanki National Park has been plagued with the twin problems of killing of wild animals and encroachment. Several attempts to evict the encroachers failed since 1991 but on 5/6/2002, it was cleared and till date this protected area is free from illegal settlers.
4. Identified and prepared digitized map of elephant habitats in the state and also prepared Perspective Plan of management basing on which strategies could be evolved with regard to conservation programme.
5. Conducted seminars in the villages for generating awareness towards wildlife protection & conservation and also distributed pamphlets, posters and stickers in

schools, offices, villages and among NGOs. In fact the slogans on the posters of elephant " My days are numbered" and " We are not for your meals" are the quotations coined by me which should not go unacknowledged.

6. Visited many villages sensitizing the community on the issue of formation of biodiversity rich area into community reserves.
7. Contributed towards formulation of Biodiversity Action Plan of Nagaland.
8. Wildlife Wing has been made functional and now there is also a good office building with Fax; e-mail/ internet facility.

I may also be permitted to state here that The State Forestry Research Plan was prepared during my tenure as CCF(Hq) which has been approved and released by Indian Council of Forestry Research & Education in My, 2000. Much has been contributed towards drafting of JFM resolution, FD and State Forestry Action Plan.

I sincerely feel that my ACR Grading should be in commensurate with contributions made. I have discussed the matter with the Hon'ble Minister, Forests.

As you are aware that IFS officers borne on Nagaland cadre are not given due privileges and opportunity in respect of placement, status and facilities which are being enjoyed by members of other two AIS . I feel one of the ways to bring about improvement in our service condition is by getting suitable placement outside the dept. at the senior level and herein ACR becomes the deciding factor . And for the same reason,I have been working hard and sincerely throughout my service career.

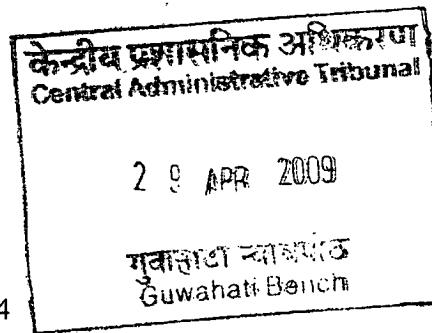
I am delighted to learn that my colleague Dr. C.L. Goel has been awarded outstanding grading and hence I feel it justified to request you to kindly review my ACR taking into account the achievements made by me for which act of kindness I shall remain grateful to you.

Yours Faithfully

11/16/4  
(A. Rongsenwati Ao)  
Chief Wildlife Warden  
Nagaland : mDimapur

No. CWL/ESST/89 / 33

Dt. Dimapur 16 th April, 2004



Copy to :

P.S. to Hon'ble Minister Forests, Env. Ecology & Wildlife

11/16/4  
(A. Rongsenwati Ao)  
Chief Wildlife Warden  
Nagaland : Dimapur.

copy

E/C

Certified true  
Certified T. B. D.

GOVERNMENT OF NAGALAND  
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS,  
NAGALAND, KOHIMA

No. FE-1/7/2004/8261

Dated Kohima the 3<sup>rd</sup> Nov. 2004

To

The Principal Secretary  
Department of Forests, Environment, Ecology and Wildlife,  
Government of Nagaland, Kohima.

केन्द्रीय प्रशासनिक अधिकारण  
Central Administrative Tribunal

29 APR 2009

गुवाहाटी न्यायालय  
Guwahati Bench

Sub:- Annual Confidential Report for Dr. C. L. Goel, IFS.

Ref.:- Your letter No. FOR-17/82 dt 06/10/04 &amp; FOR-17/82 dt 01/11/04

Sir,

Please refer to subject and letter no. mentioned above marked "Confidential" regarding Annual Confidential Report against Dr. C. L. Goel IFS, for the year 2001 - 02 to 2003 - 04 which "Outstanding" grading was underlined and cross marked the other grading thereafter cellotape the grading column.

In the absence of the back up copy of the ACRs I can not exactly say about year 2001-02 to 2002-03.

However, I am hereby solemnly confirm after seeing the ACR for the year 2003 - and careful consideration with best of my knowledge that the overall performance of Dr. L. Goel IFS has been graded and entered by me in the following category :-

1. He has been graded as "Very Good" by ticking mark the relevant grade.
2. The Officer has been graded "Very Good" by me after carefully assessing overall performances for the reporting year.

On careful scrutiny of the Photostat copy of the relevant page of the ACR enclosed along with the letter, it is confirmed that the grading made in the relevant page of ACR is found to be tampered with.

Further, I have not made cross marks on the grading column nor did I underlined the Outstanding grading.

Yours faithfully,

*N. Lolenneren Ao*  
( N. Lolenneren Ao )  
Principal Chief Conservator of Forests,  
Nagaland, Kohima.

*Certified true  
copy below*

17 61- 143  
ANNEXURE - IV  
GOVERNMENT OF NAGALAND  
DEPARTMENT OF FORESTS, ECOLOGY, ENVIRONMENT & WILDLIFE अधिकार  
NAGALAND : : KOHIMA  
Central Administrative Tribunal

25 APR 2009

MEMORANDUM

गुवाहाटी न्यायालय  
Gauhati Bench

Dated Kohima, the 17 th April' 2009.

NO.FOR-17/82(Vol-I) : Dr. C.L. Goel, IFS, PCCF (under suspension) was absent from Headquarter without obtaining Station leave permission from the appropriate Authority w.e.f. 21<sup>st</sup> December' 2008 to 13<sup>th</sup> February'2009 which is totally against Government order No.C&S (FOR) MISC-1/2006 dated 17-11-2008.

Dr. C.L.Goel, IFS, is hereby directed to submit in written on his conduct for behaving in an irresponsible way. His explanation should reach the Government within 1 (one) week from the date of issue of this letter.

Sd/-  
( LALHUMA )  
Chief Secretary to the Government of Nagaland.

NO.FOR-17/82(Vol-I) : : Dated Kohima, the th April'2009.  
Copy to :-

1. Dr. C.L. Goel, IFS, PCCF (under suspension).
2. Shri. Hukato Swu, (Inquiry Officer) Tribunal for Disciplinary Proceeding, Vigilance Commission, Nagaland.
3. Shri. Vikhazo, Presenting Officer, Vigilance Commission, Nagaland.

( L. Kine ) IFS  
Commissioner & Secretary to the Government of Nagaland.

Memorandum

*Certified true copy  
1/1/2009*

18 62

L. KIRE

केन्द्रीय प्रशासनिक अधिकारी  
Central Administrative Tribunal

29 APR 2009

Guwahati Bench

Government of West Bengal  
C.I.D. Bhabani Bhaban (3<sup>rd</sup> Floor),  
Alipore, Kolkata - 700 027.

Questioned Document Case No. 609/07.

ef.

Letter from the Senior Superintendent of Police, Vigilance and Anti Corruption, Nagaland, Kohima conveys under memo. No. A.I. 1/2006, dt. Kohima, the ~~xx~~ 31st. October, '07 rearing the Examination of documents by the Expert's of C.I.D., Kolkata, West Bengal.

Received the following documents for examination :-

(1) Specimen signatures in two sheets said to be of Sri Loiemmeren, stamped and marked by me as S/1 and S/2.

(2) Two admitted signatures said to be of Sri J. Loiemmeren appeared on the two Annual Confidential Reports for the year 31st. March, 2001 and 28th. February 2006, stamped and marked by me as A/1 and A/2 respectively.

(3) Three questioned signatures appeared on the three Annual Confidential Reports for the year 31st March, 2002, 31st. March, 2003 and 31st. March, 2004, stamped and marked by me as Q/1, Q/2 and Q/3 respectively.

I have carefully and thoroughly examined and compared all the signatures in the aspects of Hand writing identifications and detection of forgery with the help of scientific appliances including lighting arrangements. The photographs were taken by Sri Gopal Nath, Photographer, C.I.D., West Bengal under my directions and in my presence.

In obedience with the rules, procedures, cautions and the principles, I am of the opinions :-

#### OPINIONS

(1) The person who wrote the specimen signatures marked S/1, S/2 and the admitted signatures marked A/1, A/2 also wrote the questioned signatures marked Q/3.

contd... 2

19 - b3 -

... 2 ...

(2) The questioned signatures marked Q/1 and A/2 are not genuine and free hand imitation of the model of the signatures marked S/1, S/2 and A/1, A/2.

Utpal Bandyopadhyay  
26.6.03  
( Utpal Bandyopadhyay )  
Examiner of  
Questioned Documents, Q.D.C.,  
C.I.D., West Bengal.

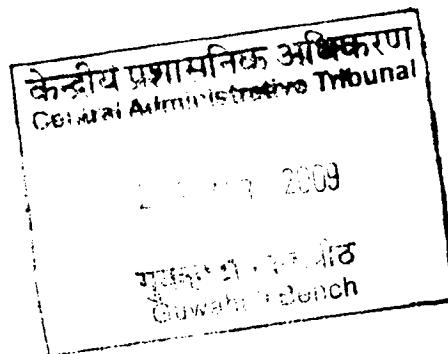
Typed by Dilip Kumar Dey.

26.6.03.

Enclo : (1) Original documents as mentioned in my report  
vide Sl. No. (1) to (3).

(2) Enlarged photographs of S/1, S/2, A/1 to A/3 and  
A/1, A/2.

N.B. : (1) Negative will be supplied if call for.



copy  
Certified true  
Certified True

20/64/

- 9/6 -

146

**VIGILANCE COMMISSION  
DIRECTORATE OF VIGILANCE & ANTI-CORRUPTION  
NAGALAND : KOHIMA**

No A.VIG-1/2006 //

Dated Kohima, the 15th Sept.2008

To,

The Commissioner & Secretary to the Govt. of Nagaland,  
Dept. of Forest, Ecology, Environment & Wildlife,  
Kohima.

केन्द्रीय प्रशासनिक अधिकारण  
Central Administrative Tribunal

25 APR 2009

गुवाहाटी न्यायालय  
Guwahati Bench

Sub:- Disciplinary proceedings against Dr.C.L.Goel IFS

Sir,

I have the honour to refer to the above subject and to state that the article of charges were forwarded against Dr.C.L.Goel IFS vide this Commission's letter of even No. dt. 5<sup>th</sup> Sept.2008. In this connection, it is regretted to state that due to oversight the Conduct Rules was inadvertently framed under the Nagaland Govt. Servants Conduct Rules, 1968. The draft article of charges has now been recasted and the same is forwarded for your further necessary action with a request to kindly return the earlier article of charges to this Commission and have the same replaced with the enclosed draft article of charges and statement of imputations under AIS ( Conduct Rules ) 1968 and not as rendered.

Inconvenience caused in this regard is regretted.

Encl: As stated

Yours faithfully,

( J.I. YADEN )  
Deputy Inspector General of Police (Hqr.)  
Vigilance & Anti-Corruption,  
Nagaland : Kohima.

certified and copy  
T. K. Choudhury

**GOVERNMENT OF NAGALAND**  
**DEPARTMENT OF FORESTS, ECOLOGY, ENVIRONMENT & WILDLIFE**

DEPARTMENT OF FOREIGN AFFAIRS  
केन्द्रीय प्रशासनिक अधिकारी निवारण बोर्ड  
Central Administrative Tribunal  
GALAI

29 APR 2009

**गुवाहाटी न्यायपीठ  
Guwahati Bench**

**ORDER**

Dated Kohima, the 17<sup>th</sup> November 2008

No. C&S (FOR) MISc-1/2006: Whereas disciplinary proceeding against Dr.C.L.Goel, IFS, Principal Chief Conservator of Forest, Nagaland is contemplated;

Whereas, the Governor of Nagaland is satisfied that it is necessary and desirable to place the said Dr.C.L.Goel, IFS, Principal Chief Conservator of Forest, Nagaland , a member of the Indian Forest Service of the Nagaland Cadre, under suspension to facilitate impartial inquiry free from interference;

Now, therefore, the Governor of Nagaland, in exercise of Rule 3(1) (a) of the All India Services (Discipline and Appeal Rules), 1969, is pleased, during the pendency of the disciplinary proceedings against the said Dr.C.L.Goel, IFS, Principal Chief Conservator of Forest, Nagaland to place him under suspension with immediate effect.

Further, in exercise of Rule 4(1) (a) of The All India Services (Discipline and Appeal Rules) 1969, the Governor of Nagaland is pleased to order that during the period of suspension, the said Officer shall be entitled to a subsistence allowance equal to leave salary entitled to the Officer, on furnishing of a certificate that he is not engaged in any other employment, business, profession or vocation as required under Rule 4(2) of All India Services (Discipline and Appeal Rules) 1969.

It is further ordered that during the period that this order shall remain in force the headquarters of Dr.C.L.Goel, IFS, Principal Chief Conservator of Forest, Nagaland shall be Kohima and the said Officer shall not leave the headquarters without obtaining the previous permission of the undersigned.

Sd/-

### (LALIUMA)

## Chief Secretary to the Government of Nagaland

No. C&S (FOR) MISC-1/2006

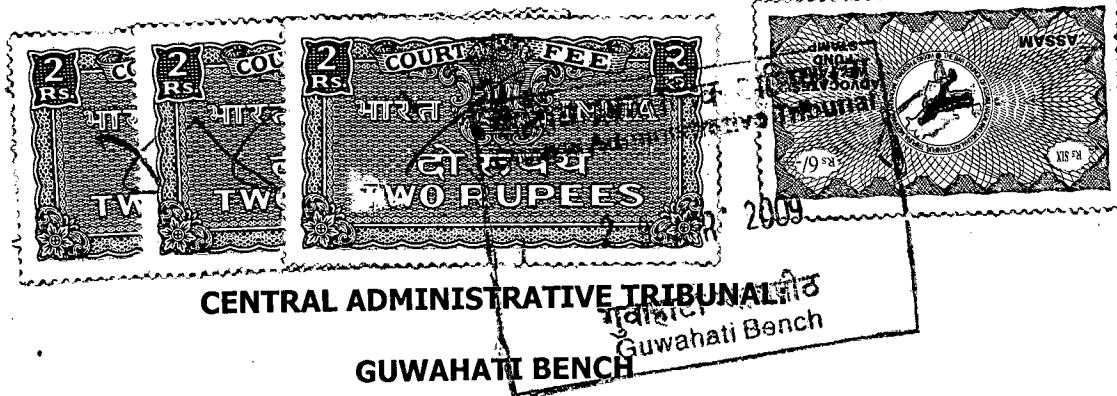
Dated Kohima, the 17<sup>th</sup> November 2008

Copy to:-

1. The Secretary to the Governor, Raj Bhavan, Kohima.
2. The Addl Chief Secretary to the Chief Minister, Nagaland for information.
3. The Secretary to Government of India, Ministry of Environment and Forests, Paryavaran Bhawan, CGO complex, Lodhi road, New Delhi. They are requested to confirm suspension of the said Officer.
4. The P. P.S to Chief Secretary, Nagaland, Kohima.
5. The Vigilance Commissioner, Vigilance Commission, Nagaland.
6. The Accountant General, Nagaland, Kohima.
7. The Commissioner & Secretary, Forest Department.
8. All Commissioners & Secretaries/Secretaries/Addl. Secretaries to the Government of Nagaland, Kohima.
9. All Heads of Department, Government of Nagaland, Kohima.
10. ~~With~~ Dr.C.L.Goel, IFS, for compliance.
11. Personal file of the Officer.

*and their  
files  
please.*

of Nagaland, Kohima.



**CENTRAL ADMINISTRATIVE TRIBUNAL**  
Tribunal  
**GUWAHATI BENCH**

(APPELLATE JURISDICTION)

**VAKALATNAMA**

(Form No.12, See Rule 67)

O.A. NO. 3 OF 2009

DR. C. L. Goel ...APPLICANT

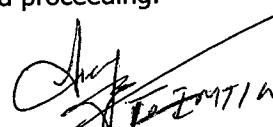
- versus -

Union of India & others. ...RESPONDENTS

I, Sri Intenapang Aier .... Applicant in the above application do hereby appoint and retain Ms. TSCBH KHRO, TIA TEM S.Y. .... Adv. .... Advocate/s to appear, plead and act for me/ us in the above application/ petition and to conduct and prosecute all proceedings that may be taken in respect thereof including Contempt of Court Petitions and Review Applications arising therefrom and applications for return of documents, enter into compromise and to draw any moneys payable to me/ us in the said proceeding.

Place: Guwahati

Date : 29.4.09

  
(Signature of the Party)

"Accepted"

Executed in my presence.

(Signature with date, name & designation)

Name and address of the Advocate for service:

  
(Signature with date)

"Accepted"

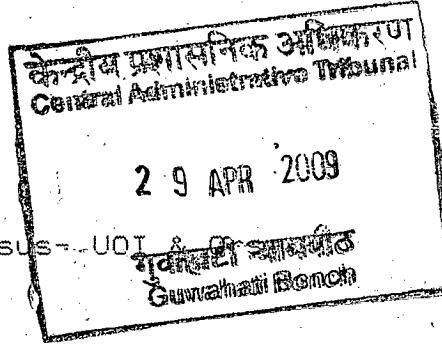
- : 13 :-

\* NOTICE \*

From : Addl. Sr. Govt. Advocate, Nagaland,  
Gauhati High Court,  
Guwahati.

To : U. K. Nair  
Advocate

Sub: DA No. 3/09  
Dr. C. L. Goel - Versus - UOI & others



Please find herewith the written statement along-  
with annexures file on behalf of Respondents No. 3 to 4 in  
the above said case.

Kindly acknowledge the receipt of the same.

Thanking you.

Yours faithfully,

*TSIBU KHRO*  
( TSIBU KHRO )  
29.4.09

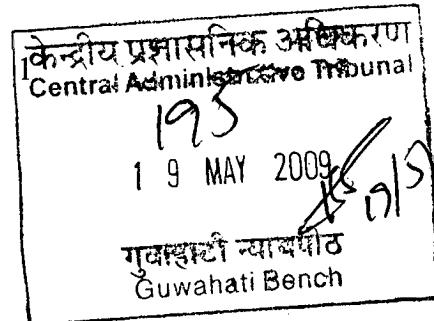
Received copy

1. *U. K. Nair*

( U. K. Nair )

2. Central Govt.

*Manoj Kr. Roy*  
Add. CASC.  
29/4/09



Filed by Surajit Singh  
 Delivered by Surajit Singh  
 through  
 CASHIER / REG. STAFF  
 At roonok  
 550 30.6.2009

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Misc. Petition No. 22109  
in O.A. No. 3 of 2009

Shri A. Rongsenwati Ao

....Petitioner

Vs

Union of India & Ors

...Opp. Parties

The humble O.P. No. 5 (Dr. C.L. Goel) begs to file his objection against the impleadment petition of the petitioner as follows :-

1. That the petition is not maintainable.
2. That as regards the statements made in para 1, it is replied that the same is within the knowledge of the petitioner.
3. That as regards the statements made in para 2, it is replied that those statements are the matters of the record.
4. That as regards the statements made in para 3, it is replied that there is no direct allegations against the petitioner, in the original application and on mere casual statements a person cannot be impleaded until and unless his impleadment is necessary for the effective adjudication of the matter and even if the original application is allowed, the same will not cause any prejudice to the petitioner, as such the petitioner is not a necessary party and the petition has been filed with a view to cause delay in disposal of the O.A. and if the disposal is delayed the petitioner will be benefited in holding the post of the PCCF, from which post the OP No. 5 has been suspended.
5. That as regards the statements made in para 5, it is replied that no prejudice will be caused to the petitioner if he is not impleaded in the O.A.

Received acpt of  
 objection  
 Minal Kumar Aw.  
 Addl. C.S.  
 26/5/09

19 MAY 2009

गुवाहाटी न्यायालय  
Guwahati Bench

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151

6. That as regards the statements made in para 6, it is replied that the petitioner has taken charge on temporary basis in place of OP No. 5 and if the suspension order is revoked, the OP No. 5 will resume the charge of the PCCF.

Relief and Prayer sought for :-

It is therefore, prayed as follows :-

1. That this learned Tribunal may be pleased to reject the petition of the petitioner with cost to the OP No. 5.

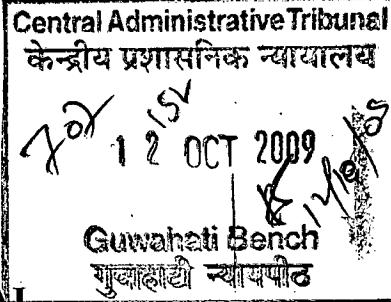
#### VERIFICATION

I, Dr. C.L. Goel, IFS, aged about 55 years, Son of Sri R.C. Goel, resident of Forest Colony, Kohima, in the State of Nagaland, do hereby solemnly affirm and verify that I am the OP No. 5 in this instant application and conversant with the facts and circumstances of the case, the statements made in paragraphs 1, 2, 4, 5, 6

are true to my personal knowledge and those made in paragraphs 3, 8 believed to be true on legal advise and that I have not suppressed any material fact.

And I sign this verification on this the 30th day of April, 2009 at Guwahati.

  
Signature



**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**

**Guwahati Bench**  
**O.A. No. 03 /2009**

**Between**

**Dr.C.L.Goel,**

.....APPLICANT

**-AND-**

**Union of India & Ors**

.....RESPONDENTS

**I N D E X**

<b>SI.NO.</b>	<b>PARTICULARS</b>	<b>PAGE NOS.</b>
1.	Rejoinder -----	1-11
2.	verification-----	11
3.	Annexure 11----- (Copy of the written statement of defense dated 12.03.09)	12-23
4.	Annexure 12Colly----- (Copies of the notice of preliminary hearing dated 01.07.09 and reply of the applicant dated 24.07.09)	24-25
5.	Annexure 13----- (Copy of the order dated 28.07.09 of the Tribunal for Disciplinary Proceeding (Inquiry Authority))	26
6.	Annexure 14----- (Copy of the applicant's letter dated 05.08.09)	27
7.	Annexure 15----- (Copy of the applicant's letter dated 07.08.09 to the Inquiry Officer and Disciplinary Authority)	28-31
8.	Annexure 16----- (Copy of the order dated 10.08.09 of the Tribunal for Disciplinary Proceeding (Inquiry Authority))	32
9.	Annexure 17----- (Copy of the applicant's letter dated 18.08.09)	33

Filed by:

*Prayon Lythi Das*  
Advocate

12 OCT 2009

Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :: GUWAHATI

69  
12/10/09  
Filed by the  
applicant through  
Rupam Tyagi  
Advocate  
12/10/09

In O.A. No. 3 / 2009

Dr. C. L. Goel

APPLICANT

-Versus-

Union of India & Ors

RESPONDENTS

REJOINDER OF THE APPLICANT AGAINST THE WRITTEN STATEMENT

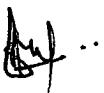
OF THE RESPONDENT NO. 2, 3 and 4.

I, Dr. C. L. Goel, S/o R. C. Goel, aged about 55 years, Resident of Forest Colony, Kohima, Nagaland, do hereby solemnly affirm and state as follows:

1. That I have received a copy of written statement (hereinafter referred to as the counter) filed by respondent No. 2, 3 & 4 in O.A. No. 3/09. I have perused the same and understood the contents thereof. Save and except the statements specifically admitted herein below, all other statements made in the counter are hereby denied.

2. That with regard to the statements made in paragraph 1 of the counter the applicant has no comment to make.

3. That while denying the statements made in paragraph 2 A of the counter, the applicant states that the impugned order of suspension dated 17.11.08 is a part of systematic vendetta being carried on by the official respondents against the applicant. The official respondents act of vendetta against the applicant started when he was promoted on a regular basis as the Principal Chief Conservator of Forests (PCCF), Nagaland on 01.03.06. The official respondents tried to oust the applicant from the post of PCCF by transferring him as the Chairman, Nagaland



12 OCT 2009

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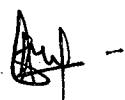
Guwahati Bench

गुवाहाटी न्यायपीठ

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Pollution Control Board. The official respondents could not succeed in their design due to the intervention of the Hon'ble Gauhati High Court in W.P.(C) No.3488/ 07 and they were compelled to allow the applicant to function as PCCF, Nagaland by passing a fresh order on 21.11.07. The official respondents have used the State Vigilance Commission as an instrument to continue with their act of vendetta against the applicant. Recommendations of the State Vigilance Commission against the applicant are based on fabricated and manufactured documents supplied to it by the official respondents. The State Vigilance Commission did not provide any opportunity of hearing to the applicant and placed reliance on the fabricated documents to arrive at the findings against the applicant. The disciplinary authority ought not to have acted mechanically on the basis of fabricated findings of the State Vigilance Commission.

4. That the applicant denies the statements made in paragraph 2 D of the counter and reiterates and reaffirms the averments made in para 4.2 and 4.3 of the application. The promotion of the applicant to the post of PCCF was in terms of the prescribed procedure. The applicant could not have been promoted as PCCF without the necessary vigilance clearance. It is only after the applicant was promoted as PCCF on 01.03.06 that the official respondents started working against him and tried to remove him from the post of PCCF by transferring him to the post of Chairman, Nagaland Pollution Control Board by order dated 07.06.07. When the official respondents were unsuccessful in removing the applicant from the post of PCCF and in compliance of the order of the Hon'ble Gauhati High Court they were compelled to allow the applicant to continue as PCCF, the official respondents embarked on a course of action leading to suspension of the applicant. The initial order of suspension dated 09.08.07 like the impugned order of suspension dated 17.11.08 was a part of vindictive action of the official respondents. It is pertinent to mention that the earlier order of suspension dated 09.08.07 was withdrawn by the official respondents on interference of



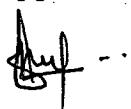
12 OCT 2009

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Guwahati Bench  
গুৱাহাটী বিধীপুরস্থ

the Hon'ble High Court. It is stated that when the official respondents failed to oust the applicant from the post of PCCF pursuant to the order dated 09.08.07 they proceeded to issue the impugned order of suspension dated 17.11.08. Though at present there are three IFS officers in the grade pay scale of PCCF the applicant is the senior most IFS officer in Nagaland with 1977 as his year of allotment. It is strange that the official respondents have referred to the blemished past of the applicant but these official respondents were unmindful of the applicant's blemished past when he was given regular promotion to the post of PCCF on 01.03.06. It is evident from the sequence of events that the official respondents have an ulterior motive and in malafide exercise of power they have initiated disciplinary proceeding against the applicant on extraneous consideration.

5. That the applicant denies the statements made in para 2 E of the counter and reiterates and reaffirms the statements made in para 4.4 and 4.5 of the application. The applicant was considered for promotion as PCCF by a Screening Board which was constituted of persons who were reporting, reviewing and accepting authorities of the applicant's ACRs. The applicant was found to be suitable for promotion as PCCF by the aforementioned Board and no apprehension of any manipulation of records by the applicant was raised at that point of time. It is therefore evident that the ACRs of the applicant were proper till the date of selection of applicant for promotion to the post of PCCF. The allegations now levelled against the applicant bear testimony to the fact that the ACRs of the applicant were subsequently manipulated/ tampered in order to prepare a ground for disciplinary proceeding against the applicant. It is denied that the Screening Committee which held its meeting on 22.03.06 for consideration of applicant's case for promotion to the cadre of PCCF, overlooked the representation and communication made by the officials in 2004. It is stated that the allegations made against the applicant of tampering the ACR made in the year 2004 could



not have been overlooked by the members of the Screening Committee in as much as members of the Screening Committee were the reporting, reviewing and accepting authority of the relevant ACRs of the applicant. It is therefore evident that the so called representation and communication made by interested officials in 2004 was subsequently planted after the promotion of applicant as PCCF. The recommendations of the State Vigilance Commission in its letter dated 15.09.08 for disciplinary proceeding against the applicant were made on the basis of tampered and manufactured documents which were planted after the promotion of the applicant as PCCF.

6. That with regard to the statements made in para 2 F of the counter the applicant states that in his case his transfer to the post of Chairman, Nagaland Pollution Control Board was on extraneous consideration with an oblique motive to oust him from the post of PCCF. It is primarily due to this reason that the Hon'ble High Court did not uphold the transfer and posting of the applicant as Chairman, Nagaland Pollution Control Board.

7. That the averments made in para 2 G of the counter are based on records and the applicant has no comment to make thereon.

8. That the applicant denies the statements made in 2 I of the counter and reiterates and reaffirms the averments made in 4.19, 4.20, 4.21 & 4.22 of the application. It is denied that the applicant behaved irresponsibly while discharging his official duties. The official respondents have tampered with the records to project the applicant in a bad light. If the matters relating to tampering of ACRs came to surface in the later part of 2003, then it does not stand to reason as to how the official respondents did not act on the same and instead cleared the applicant for promotion as PCCF on 01.03.06. Moreover the relevant ACRs allegedly tampered by the applicant for clearing his way for promotion as PCCF were prepared by those very officers who were the members of the Screening Committee which

*[Signature]*

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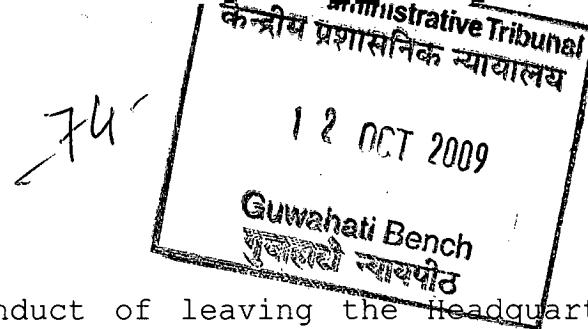
12 OCT 2009

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Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

recommended the applicant for promotion to the post of PCCF and on the basis of recommendation of the Screening Committee the applicant was promoted as PCCF on 01.03.06. Hence it is evident that the allegations made against the applicant were after thought and there was tampering of records and fabrication of documents to involve the applicant in a departmental proceeding for ousting him from the post of PCCF. The letter dated 16.04.04 of the Chief Wildlife Warden was manufactured by the Chief Wildlife Warden after the promotion of the applicant to the post of PCCF. The Chief Wildlife Warden is a likely beneficiary if the applicant could be ousted from the post of PCCF. The purported communication of the then PCCF dated 03.11.04 cannot be relied upon in as much as the same very authority had in the year 2006 considered the same very ACRs of the applicant for his promotion as PCCF and no objection was raised at that point of time. It is evident that in the year 2006 when the so called tampered ACRs of the applicant were placed before the Screening Committee for promotion of the applicant as PCCF, none of the members of the Screening Committee which included the members who had prepared those very ACRs, had raised any doubts about it. Hence in the facts and circumstances of the case the communication dated 03.11.04 has to be viewed with suspicion. The applicant has strong reasons to believe that his relevant ACRs were manipulated by those very officials who had vested interest in the matter and who were likely to be the beneficiary of applicant's ouster from the post of PCCF. It is evident that the tampered and manipulated ACRs with fabricated documents were forwarded to the State Vigilance Commission for its advice. The tampering and fabrication of documents were apparently done after consideration of the applicant's case for promotion as PCCF. In so far as allegations against the applicant of leaving the Headquarter without obtaining prior permission are concerned, it is stated that the applicant always left the Headquarter with prior information to the disciplinary authority and none of his requests for leave was rejected. The applicant denies that he was ever served with a memorandum dated 17.04.09 for





explaining his conduct of leaving the Headquarter without obtaining prior leave.

9. That the applicant denies the averments made in para 2 J of the counter and reiterates and reaffirms the statements made in para 4.23 & 4.24 of the application. It is reiterated that the relevant ACRs of the applicant were tampered after his promotion as PCCF. The fabricated documents and letters including the ACRs which were tampered after promotion of the applicant as PCCF, were forwarded to the State Vigilance Commission in order to involve the applicant in a disciplinary proceeding.

10. That the averments made in para 2K of the counter are denied and the statements made in para 4.25, 4.26, 4.27, 4.28 & 4.29 are reiterated and reaffirmed. It is denied that the applicant manipulated his ACRs for ensuring his promotion to the post of PCCF. The allegation that the applicant had forged the signature of reporting officer is not sustainable in as much as the same very reporting officer being a part of the selection committee, had considered the same very ACRs of the applicant and found nothing irregular/illegal therein leading to the promotion of the applicant as PCCF. The applicant denies the allegation that he had retained his personal file for the year 2001-02. It is stated that the said file was never under possession of the applicant.

11. That the legal submissions made in para 2 L of the counter are not tenable and the applicant reiterates the averments made in para 4.30, 4.31, 4.32, 4.33 & 4.34 of the application. It is clarified that the order dated 17.11.08 placing the applicant under suspension was the outcome of the recommendations of the State Vigilance Commission which was managed by forwarding fabricated and manufactured documents to the State Vigilance Commission.

12. That the statements made in para 3 of the counter are denied. It is evident from the records that until the



12 OCT 2009

Guwahati Bench  
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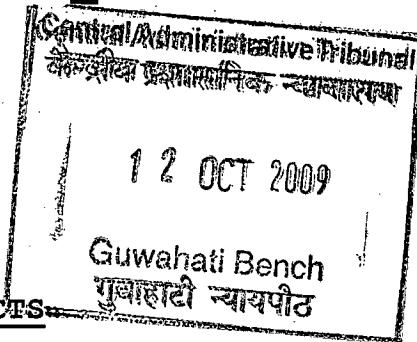
promotion of the applicant as PCCF there were no allegations against him as regard manipulation of his ACRs. The actions and steps of the official respondents are indeed vindictive, malafide, motivated, arbitrary and illegal. The materials on record on which the official respondents are placing reliance for making out the case against the applicant, are fabricated and manufactured materials. It is denied that the matter pertaining to tampering of the ACRs was initiated way back in 2004. It is stated that the relevant records were tampered after promotion of the applicant as PCCF to make out a case against the applicant. In the facts and circumstances of the case the suspension of the applicant by order dated 17.11.08 is motivated and result of malafide exercise of power.

**13.** That the statements made in para 4 of the counter are denied. It is stated that the order of suspension is the result of a conspiracy hatched against the applicant and the allegations forming the basis of the same are all manipulated and conjured.

**14.** That the statements made in paragraph 5 of the counter are denied. It is stated that the impugned order of suspension and the allegations forming the basis for the same are perverse as the same are based on fabricated, manipulated and manufactured documents. The disciplinary authority also acted mechanically on recommendation of the State Vigilance Commission without applying independent mind on the justification for holding disciplinary proceeding against the applicant.

**15.** That the submission made in para 6 of the counter are not tenable. Subject matter of original application is the legality of the order of suspension and not the continuation of disciplinary proceeding against the applicant.

 -



ADDITIONAL FACTS

16. That by two separate orders dated 18.12.08 the Chief Secretary to the Government of Nagaland (Disciplinary Authority) appointed the Inquiry Officer and the Presenting Officer in a disciplinary proceeding against the applicant.

17. That in response to the applicant's letter dated 24.11.08 wherein he had made a prayer for supply of copies of the listed documents of the Memorandum of Charge, the official respondents by forwarding letter dated 06.01.09 send the copies of the listed documents asked for by the applicant for preparation of his written statement of defense and also granted him further 10 days time from the date of receipt of documents for filing of written statement of defense.

18. That after receipt of the listed documents, the applicant prepared the written statement of defense controverting the charges levelled against him and submitted the same to the Chief Secretary of the Government of Nagaland (Disciplinary Authority) on 12.03.09.

A copy of the written statement of defense dated 12.03.09 is annexed herewith and marked as ANNEXURE: 11

19. That the Inquiry Officer by notice dated 01.07.09 which was received by the applicant on 24.07.09, called upon the applicant to be present for preliminary hearing in the departmental proceeding at the Chamber of Tribunal Vigilance Commission on 27.07.09. The applicant by his reply dated 24.07.09 requested the Inquiry Officer to keep the inquiry in abeyance till the pending original application is decided by the Hon'ble Tribunal. The applicant also requested in his aforementioned letter that he may be furnished with the copy of the Government order dated 18.12.08 by which the Inquiry Officer was appointed because the applicant had no knowledge of such an order and he came to know about the same because the reference to the said order was made in the notice of the Inquiry Officer dated 01.07.09

*[Signature]*

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Copies of the notice of preliminary hearing dated 01.07.09 and reply of the applicant dated 24.07.09 are annexed herewith and marked as **ANNEXURE:12**  
**Colly**

**20.** That thereafter the Tribunal for Disciplinary Proceeding by its letter dated 28.07.09 directed that the copy of the order dated 18.12.08 appointing the Inquiry Officer be furnished to the applicant and re-fixed the matter for preliminary hearing of the charges on 10.08.09.

A copy of the order dated 28.07.09 of the Tribunal for Disciplinary Proceeding (Inquiry Authority) is annexed herewith and marked as **ANNEXURE: 13.**

**21.** That by letter dated 05.08.09 the applicant requested the Disciplinary Authority to allow him the assistance of a legal practitioner as his Defense Assistant in the departmental proceeding.

A copy of the applicant's letter dated 05.08.09 is annexed herewith and marked as **ANNEXURE: 14**

**22.** That thereafter the applicant by letter dated 07.08.09 requested the Inquiry Officer and the Disciplinary Authority to supply him copies of certain documents which according to applicant were highly relevant in the departmental proceeding for proving the innocence of the applicant. In his aforesaid letter the applicant gave details of those documents with reasons for which those documents were necessary in the departmental proceeding.

A copy of the applicant's letter dated 07.08.09 to the Inquiry Officer and Disciplinary Authority is annexed herewith and marked as **ANNEXURE: 15.**

**23.** That on 10.08.09 the applicant appeared before the Tribunal for Disciplinary Proceeding for participation in



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preliminary hearing in terms of order dated 28.07.09. On 10.08.09 the applicant made three prayers, viz,

(i) he be allowed to inspect 9 files of the forest department, details of which he had given in his letter dated 07.08.09, in order to prepare his defense in the departmental proceeding;

(ii) he be furnished with the copy of the order of the Government's appointment of the Inquiry Officer; and

(iii) he be allowed to engage a lawyer for the inquiry.

**24.** That the Tribunal for Disciplinary Proceeding (Inquiry Authority) by its order dated 10.08.09 allowed all the three prayers of the applicant and fixed the departmental proceeding after 60 days of the order dated 10.08.09.

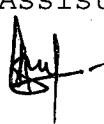
A copy of the order dated 10.08.09 of the Tribunal for Disciplinary Proceeding (Inquiry Authority) is annexed herewith and marked as

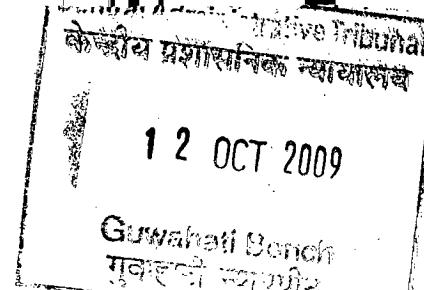
**ANNEXURE: 16**

**25.** That subsequently the applicant wrote a letter dated 18.08.09 wherein he requested the Disciplinary Authority to allow him to examine, inspect and obtain photocopies of the relevant documents required for his defense in terms of the order dated 10.08.09 of the Tribunal for Disciplinary Proceeding. The documents asked for by the applicant were precisely those very documents, details of which he had given in his letter dated 07.08.09.

A copy of the applicant's letter dated 18.08.09 is annexed herewith and marked as **ANNEXURE: 17**.

**26.** That till the date of filing of the present rejoinder the applicant has not been furnished the copies of the documents requested by him for his defense in the departmental proceeding. The Disciplinary Authority also has not taken any initiative so as to make it possible for the applicant to engage a legal practitioner as his Defense Assistant. Since August 2009 no new development has taken





place in the pending departmental proceeding of the applicant.

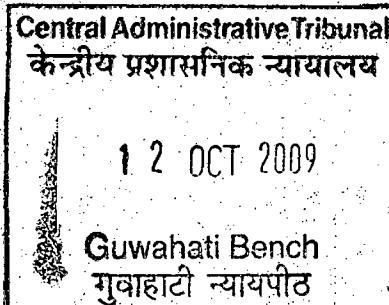
27. That from the sequence of events and the developments which have taken place after issuance of impugned order of suspension dated 17.11.08, it is evident that the applicant is not responsible in any manner for delay in completion of disciplinary proceeding. Since the order of suspension nearly 11 months have expired. The continuation of suspension since last 11 months is in violation of the provisions of All India Services (Discipline and Appeal) Rules, 1969. The provisions of the Rules prohibit continuation of suspension for such a long period. After issuing the order of suspension, the competent authority has remained inactive and has not discharged its duties and obligations under the provisions of the All India Services (Discipline and Appeal) Rules, 1969. The continuation of applicant's suspension being thus in contravention of the Rules, the impugned order of suspension is not tenable and liable to be quashed forthwith.

### VERIFICATION

I, Dr. C. L. Goel, S/o R. C. Goel, aged about 55 years, Resident of Forest Colony, Kohima, Nagaland, do hereby solemnly affirm and state that the statements made in this rejoinder from para 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 13, 14, 18, 19(partly), 21, 22, 23, 25, 26 & 27 are true to my knowledge and those made in para 4, 16, 17, 19(partly), 20 & 24 being matters of records are true to my information derived therefrom and I have not suppressed any material facts.

I sign this verification on this 9th day of October 2009.

  
(DR. C. L. GOEL)  
APPLICANT



To,

Date:- 12.03.09

The Chief Secretary  
to the Government of Nagaland,  
Kohima.

Ref:- Memorandum Bearing No. C&S (FOR) MISC-1/2006 Dated  
17.11.2008.

Sub:- Written Statement of defence.

Sir,

With due deference and profound submission, I beg to lay before your honour the following few lines for your kind consideration and necessary action;

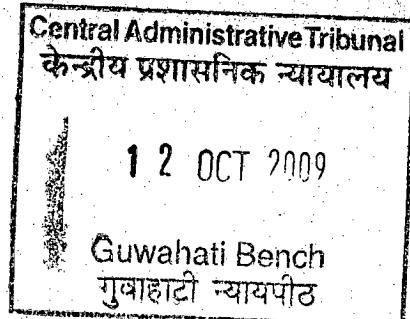
The memorandum under reference came to me as a great shock and surprise inasmuch as the allegations contained therein has the effect of undermining the meritorious services being rendered by me in the Department over the years. The charge as framed against me is vague to the core of it and perverse and no reasonable man could have reached a conclusion for drawing departmental proceedings against me, basing on such allegations. The allegations as leveled against me *prima-facie* is the result of an improper examination of the matter.

That the charge framed against me being based on the documents as listed under Annexure-III to the Memorandum under reference, I had sought for the copies thereof. Accordingly, copies of the same were furnished to me on 03.03.2009, vide communication bearing No. C&S (FOR) MISC-1/2006 dated 06.01.09. The copies although barely legible have been perused by me and I am hereby submitting my written statement of defence in the matter.

*[Signature]*

certified to be a true  
copy  
Rupam Jyoti Deo  
Advocate

That with regard to the issuance of the memorandum under reference, I basing on the facts as existing, would like to place the following objections touching upon the maintainability of the charges framed against me, vide the memorandum under reference;



PRELIMINARY SUBMISSIONS

- (1) That it is settled law that prior to issuance of a memorandum of charge an independent and unbiased application of mind is called for on the part of the disciplinary authority to the materials and circumstances involved, for the purpose of arriving at any conclusion for initiation of a departmental proceeding against an employee. The material as available on record does not even remotely connect me with the charges framed. No reasonable man could have basing on the said materials arrived at a conclusion for drawl of departmental proceedings against me. The charges came to framed against me mechanically without there being any proper appreciation of the facts involved.
- (2) That the charge framed against me is grounded are the allegations reflected in the purported complaints made in the matter by Mr. Rongsenwati Ao, IFS, against me and the statements of his subordinates brought on record by him. The allegations on the face of it are unsustainable and the same gives rise to an apprehension of a calculated measure adopted on the part of said Rongsenwati Ao, IFS to malign my name and thereby clear the way for him to be posted as PCCF, Nagaland. It is feared that the allegations as now levelled against me are nothing but the creation of Mr. Rongsenwati Ao, IFS after he had failed to see my ouster from the post of PCCF, Nagaland due to judicial intervention in the matter.
- (3) That the basic premises of the charge levelled against me are the complaints lodged by Mr. Rongsenwati Ao, IFS along with the statements of three ministerial employees brought on record by him through his communication dated 19.01.06 and the purported disclosures made by the then PCCF, Nagaland, Mr. Lolenmeren Ao, IFS. The materials as available on

record discloses an unholy nexus between Mr. Rongsenwati Ao, IFS and Mr. Lolenmeren Ao, IFS with a view to malign my name and thereby secure the post of PCCF, Nagaland for Mr. Rongsenwati Ao, IFS. It is also feared that the complaints as stated to have been preferred by Mr. Rongsenwati Ao, IFS are all back dated communications made with the help and assistance of Mr. Lolenmeren Ao, IFS and some elements in the establishment favoring Mr. Rongsenwati Ao, IFS.

(4) That had there been even an iota of truth behind the allegations levelled against me, given the purported communications made in the matter between the authorities as far back as 2004, I would never have even been considered for my promotion to the post of PCCF, Nagaland by the same very authorities who had purportedly raised doubts about the genuineness of my ACR's. It is stated that the ACR's considered for my promotion as PCCF, Nagaland were found to be genuine and basing on my merit disclosed therein I came to be recommended for promotion as PCCF.

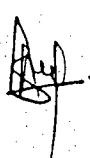
(5) That the fact that the charge now levelled against me is clearly perverse is clear on a consideration of the materials available on record. The purported complaints and clarifications from the then PCCF, Nagaland now relied on in the matter against me, was stated to be available on record as of 2004 and was stated to be in the know how of all. An examination of the veracity of the said contention is relevant for understanding the truth behind the said allegations levelled against me. The Civil Services Board/ Screening Committee considered my case for promotion to the cadre of PCCF Nagaland, in its meeting held on 23.02.06. The said committee was constituted with the following persons;

(A) Sri P. Talitemjen Ao, IAS, Chief

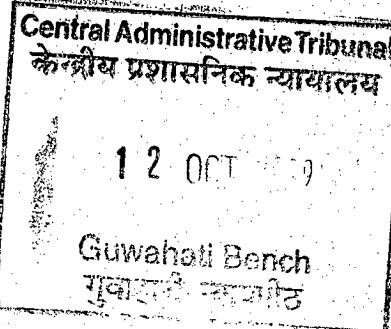
Secretary Nagaland

: Chairman

(B) Sri Lalthara, IAS, Addl. Chief Secretary : Member



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(C) Sri R. Binchilo Thong, IAS, Commissioner  
And Secretary, Govt. of Nagaland, Dept.  
of Forest, Ecology, Environment & Wildlife : Member Secretary

(D) Sri Lolenmeren Ao, PCCF, Nagaland : Member

The said selection committee in its meeting held in the month of February, 2006, on consideration of the ACRs of the officers in the zone of consideration was pleased to recommend my case for promotion as Principal Chief Conservator of Forest, Nagaland. On the basis of the said recommendation, I was vide order dated 10.03.06, promoted and appointed as Principal Chief Conservator of Forest, Nagaland. It may be mentioned here that the said selection committee had considered, amongst others, my ACRs for the period from 2001-2004.

Had there been any truth with regard to the allegation levelled now against me and/ or as regards the complaints of Mr. Rongsenwati Ao, IFS and/ or the clarification purportedly given on 03.11.04 by Mr. Lolenmeren Ao, IFS, the minutes of the said selection committee meeting would have reflected the discrepancies if any existing in my ACRs for the period 2001 to 2004. Mr. Lolenmeren Ao, IFS, who was a part and parcel of the said selection committee had not raised any doubt with regard to any inconsistency that might have existed in my ACRs. I on being found to be eligible on merit was recommended by the said committee for appointment as PCCF, Nagaland. The said position clearly belies the allegations now sought to be levelled against me. The said position also brings to the forefront the unholy nexus entered into by Mr. Rongsenwati Ao, IFS, with Mr. Lolenmeren Ao, IFS, which has led to the present conspiracy against me. The whole objective behind the said conspiracy is to keep me away from the post of PCCF, Nagaland and thereby ensure that Mr. Rongsenwati Ao, IFS, continues as the PCCF Nagaland without any hindrance.

(6) That given the facts involved and the nature of the allegations levelled and the persons involved, it is feared that the ACR's now produced in

*[Signature]*

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connection with the present proceedings are not my original ACR's for the period in question and they are not the same ACRs as produced before the said selection committee and the Reporting Officers Column in the ACRs now produced in connection with the present proceedings it seems to have been either tampered with or replaced by some vested interest acting in the matter in conivance with Mr. Rongsenwati Ao, with a view to malign my name and put me under a cloud. As such the documents sought to be relied upon in the present proceedings are themselves not reliable. The Documents as produced in connection with the present proceedings are all false and fabricated documents.

(7) That the materials relied upon for issuing the memorandum under reference are not at all tenable and the same being clouded should not have been used to facilitate the conspiracy initiated against me by Mr. Rongsenwati Ao, IFS. The ACRs in question having been scrutinized by a high power committee while considering my case for promotion as PCCF, my ACRs for the period 2001 – 2004 must be held to be genuine inasmuch as no objection thereof was raised by the persons involved in the process, and the ACR's now produced, in connection with the present proceedings, it is doubted are not the same ACR's which were there before the said selection committee.

(8) That, the unreliability of the allegations contained in the complaints lodged by Mr. Rongsenwati Ao, IFS, and the purported clarification of Mr. Lolenmeren Ao, IFS examined in the background of the steps taken while considering my case for promotion as PCCF would have laid to rest any doubt with regard to the allegations now levelled against me. The matter not having been examined from this angle resulted in the issuance of the memorandum under reference.

(9) That the above noted preliminary objections may be closely perused by your honour and I may be granted justice by dropping the proceedings initiated against me. A close examination of my aforementioned objections would reveal the hollowness of the allegations levelled against me.

*[Signature]*

Without prejudice to my objection with regard to the maintainability of the memorandum dated 17.11.08 (under reference), I proceed to prefer my reply to the charge as framed against me as under:

I categorically deny the Article of charge as framed against me vide Annexure – I to the memorandum under reference.

That I have already herein above demonstrated the perversity of the allegations forming the basis of the charge levelled against me. I categorically deny that I had ever manipulated and/ or in any manner tampered with any of my ACRs including the ACRs for the period from 2001 to 2004. I also deny that I had typed out the reporting officers remarks in any of my ACRs. I categorically state that beyond submitting the self appraisal reports, I had no occasion to deal with my ACRs. I do not know how my ACRs were processed inasmuch as I was never involved in the said process and my role was limited to furnishing as per requirements of the Rules, my self appraisal report. After furnishing my self appraisal report, the ACR in question was submitted to the Reporting Officer and thereafter the matter was dealt with by the authorities and I had no access to the ACRs. I till receipt of the documents furnished to me vide communication dated 06.01.09, in connection with the present proceedings, was not in the know how of the grading and/ or remarks recorded in my ACRs by the various authorities involved in the process of writing the same.

The complaints as submitted by Mr. Rongsenwati Ao, IFS, more specifically the compliant dated 12.12.05, reveals that he had full access to my ACRs inasmuch as he has quoted in the said compliant the grading received by me. The disclosures made by Mr. Rongsenwati Ao, IFS in his complaints, more particularly the contention in his complaint dated 18.10.04 to the effect that “Making type-written entries by himself in the columns requires to be filled in only by the Reporting Authority; Manipulating the Grading; Also it does not bear the official seal of the designated Reporting Authority”, reveals that in violation of Govt. norms he was given access to my ACRs which is shocking. The ACRs of an officer are confidential documents and no

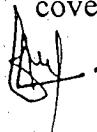
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person can have access to the same. Mr. Rongsenwati Ao, IFS was never involved in the process of writing of my ACRs and he was never the custodian of the same. As such, it is not known as to how he could make positive statements about the contents of my ACR. The nature of the statement made by Mr. Rongsenwati Ao, IFS in his complaints establishes the fact that the allegations now levelled against me are the result of conspiracy hatched by him and there is no truth behind the same. It is feared that Mr. Rongsenwati Ao, IFS may, have tampered with my ACRs after the selection committee meeting dated 23.02.06 inasmuch as it is clear that he had free access to my documents. In this view of the matter, given the seriousness thereof, it is a fit case wherein your honour would be pleased to draw up departmental proceedings against Mr. Rongsenwati Ao, IFS and Mr. Lolenmeren Ao, IFS.

That the ACRs for the period from 01.04.01 to 31.03.02 and 01.04.02 to 31.03.03 was initiated by the reporting officer in the manner prescribed and the same was thereafter reviewed and accepted by the competent authorities. The signature of the Reporting Officer is now stated to be doubtful with further observation that the Reporting Officer had not typed out the remarks contained therein. The said allegations goes to the core of the said ACR, but the same cannot be accepted inasmuch as in the selection committee meetings held for the purpose of consideration of my case for promotion as PCCF my ACR for the year 01.04.01 to 31.03.02 and 01.04.02 to 31.03.03 were considered and cleared by none other than my then Reporting Officer, Mr. Lolenmeren Ao, IFS, who was a member of the selection committee constituted for the purpose. The ACR for the period 01.04.01 to 31.02.02 and 01.04.02 to 31.03.03, now forwarded to me vide the communication dated 06.01.09, has been alleged to be a manipulated one and the signature therein of the Reporting Officer has been contended to be a forged one. The said allegation not coming to the forefront in the said selection committee meeting held on 23.02.06 wherein the said ACRs were examined by Mr. Lolenmeren Ao, IFS. I fear that my original ACR has been replaced by some vested interest. My said suspicion gathers force from the contentions made by Mr. Rongsenwati Ao, IFS, in his complaints as indicated above and I fear that such replacement might have been made by or at the behest of Mr. Rongsenwati Ao, IFS and with a view to cover up the illegality committed Mr. Rongsenwati Ao, IFS, has established an



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unholy nexus with Mr. Lolenmeren Ao, IFS, who has since retired from service.

In this view of the matter, the allegations levelled against me with regard to the ACR for the period from 01.04.01 to 31.03.02 and 01.04.02 to 31.03.03 is not sustainable and I should not be made to suffer on this count.

That with regard to my ACRs for the period from 01.04.03 to 31.03.04 the expert opinion with regard to the signature of the Reporting Officer conforms that the signature is of Mr. Lolenmeren Ao, IFS. This being the position and I having no access to the said ACR and I being not in the know how as to when and how the same was written and/ or the manner in which it was written, any inconsistency therein cannot be attributed to me. The selection committee also considered the said ACR for the period 01.04.03 to 31.03.04 in its meeting held on 23.02.06 and no member including Mr. Lolenmeren Ao, IFS, reported about any inconsistency. It is stated that given the conspiracy hatched against me by Mr. Rongsenwati Ao, IFS and the facts as existing, in the event any manipulation is made therein no allegation can be levelled against me. Had there been any inconsistency with regard to the report of the reporting Officer in my ACR's the same would have been brought to the light in the said selection committee meeting and no such inconsistency having been pointed out, my ACR for the period 01.04.03 to 31.03.04 must necessarily be deemed to be proper and the present ACR projected is then clearly not my original ACR considered by the said selection committee. In this connection by drawing your honours attention to the statements of Mr. Lolenmeren Ao, IFS in his purported communication dated 3.11.2004, with regard to my ACR for the period 2003 -2004 wherein he has stated that he had graded me as "Very Good" after carefully assessing my over all performance and the statement of Mr. Lolenmeren Ao, IFS, that he never typed out his remarks in any of the ACRs in question and the fact that his signature has been found to be authentic, I would like to state that even assuming that he had given "Very Good" remark and his signatures being authentic, the type writing of his remarks could not be denied by him. In the event the fact that Mr. Lolenmeren Ao, IFS never type writes his report is to be accepted, then the ACR now forwarded vide the communication dated 06.01.09 cannot be the my

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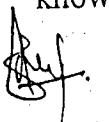
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original ACR. It is to be ascertained as to what has occasioned to my original ACR. Such statements go to reveal the hollowness behind the allegations levelled against me.

In view of the above the allegations levelled against me of the purported manipulation and tempering by me of my ACRs for the period from 2001 to 2004 cannot be sustained and in the event the ACRs that are now available on record demonstrate any inconsistency the same cannot be attributed to me and the same must necessarily have been done in furtherance of the conspiracy indicated herein above. Had I in any manner tampered with my ACRs in the manner as alleged the same would have been reflected in the minutes of the selection committee meeting dated 23.02.06 wherein my then Reporting Officer Mr. Lolenmeren Ao, IFS was a member and who had examined my ACR for the purpose of accessing my merit for promotion as PCCF, Nagaland. No such inconsistency being pointed out, it is clear that my ACR's as produced before the selection committee did not contain any inconsistency, and the ACR's now produced in connection with the present proceedings are not the original ACR's as produced before the said selection committee.

The purported statement of Mr. Lolenmeren Ao, IFS, that he never gives Outstanding remarks to any officer and that typed written portions in my ACRs for the year 2001 – 2002 were not written by him and his contentions with regard to my ACR for the year 2003 -2004 must now be viewed in the light of the fear expressed by me herein above of the conspiracy entered into by Mr. Lolenmeren Ao, IFS with Mr. Rongsenwati Ao, IFS. The said contentions of Mr. Lolenmeren Ao, IFS, if true would have been pointed out by him during the course of the said selection committee meeting dated 23.02.06 when my ACRs were before him. As such, no credence can be given to the statements made by Mr. Lolenmeren Ao, IFS. The statements of Mr. Lolenmeren Ao, IFS also indicates that he is hand in glove with Mr. Rongsenwati Ao, IFS and is acting in the matter to further the interest of Mr. Rongsenwati Ao, IFS and any manipulation and/ or tampering done with my ACRs must have been done after the said selection committee meeting with his knowledge and active support.



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That my ACRs for the period from 2001 to 2004 after the Reporting Officers remarks came to be recorded, were processed for the remarks of the reviewing and the accepting officers and thereafter the ACRs attained its finality and the said ACRs upon being considered by the selection committee in its meeting held on 23.02.06 and no inconsistency having been reported on such examination, all allegations now levelled should be deemed to be perverse and without any basis. The allegations as have been now levelled against me are all false and fabricated once and cannot be given any credence.

The statements of Shri K.C.Patton, Smti Kehouseno, Smti Ellis and Smti Temsunaro have come on record through Mr. Rongsenwati Ao, IFS, who had purportedly examined them on his own and submitted the statements to the authorities vide his communication dated 19.01.06. The manner and method in which the statements have surfaced and the contents therein clearly point towards a calculated game played by Mr. Rongsenwati Ao, IFS in furtherance of his conspiracy. The statement of Mr. C. Patton makes interesting reading to the extend that he has stated that he was processing the ACRs of all IFS officers except mine, if that be so, it is not known as to why this aspect of the matter was not brought to the notice of the competent authorities in the department. This clearly reflects that Mr. C. Patton made such statements as per directions of Mr. Rongsenwati Ao, IFS.

That the contentions raised by the said persons, more particularly by Mr. C. Patton that he had never processed my ACR's are all on the face of it is perverse inasmuch as in the event my ACR was not processed in the manner prescribed, the same would never have been entertained by my Reviewing and Accepting Officers. My ACR's having never been returned by the Reviewing and Accepting Officers and they on entertaining my ACR's in question having put their remarks therein clearly establishes the fact that my ACR's in question were processed as per the Official procedure prescribed. It is feared that in furtherance of the conspiracy indicated above, the necessary documents have been tampered with or destroyed and Mr. C Patton is an active participant in the conspiracy initiated against me.

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In view of the contentions as raised by me herein above, the report of the handwriting expert cannot be given any credence and the same is required to be ignored.

The responsibility of proper maintenance of ACR's lies with the custodian thereof and the authorities empowered to write remarks thereon. In the event any inconsistency exists in the ACRs that have attained finality, no allegation on this count could have been levelled against me. That with regard to the allegation that I had used cello tape in the note sheet of file No. FE-3/ 5/ 88 where I had written "should be March" was necessitated for the purpose of preventing tempering of note sheets. The extract of the note sheet was furnished to me would reveal that I had on 07.02.07 directed for constitution of panel of CCF's and CF's for consideration of the matter involved. The committee so formed in terms of my note dated 07.02.07 submitted its recommendations purportedly on 05.02.07, i.e. even before I had directed for such action. It is in this context that when the file was put up to me on 06.03.07, I had written that the date should be understood as 5<sup>th</sup> of March 2007 and not 5<sup>th</sup> of February, 2007. To maintain the propriety in processing in official matters and to prevent any tempering with the dates by any person I had instructed my staff to use transparent cello tape to cover the portion in question. It is in this connection that I had vide my note dated 06.03.07 directed for a fresh sitting of the panel constituted for consideration of the matter involved afresh. Accordingly, the action on my part as narrated above does not reveal any ulterior motive rather the same reflects my concern for proper processing of official files.

The memorandum of charge issued against me has the effect of undermining the meritorious services being rendered by me over the years, in the Department. The charges on the face of it being perverse and having been leveled against me without any application of mind, the same cannot be sustained.

In view of the above, it is most respectfully prayed that Your Honour would be pleased to dispassionately consider the contentions as raised by me herein above and also examine the connected records and be pleased to drop

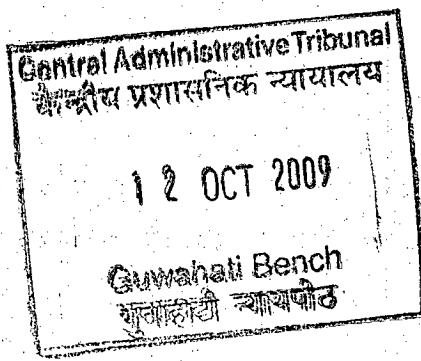
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the charges framed against me vide the show cause under reference, exonerating me from the same and reinstate me in my service by revoking my order of suspension and by regularising the period of my suspension as on duty for all purposes including drawl of salaries etc.

Should Your Honour be pleased to accede to my prayer and thereby protect me from malicious proceedings, I shall remain bound to Your Honour in deep gratitude.

Thanking you

Yours faithfully

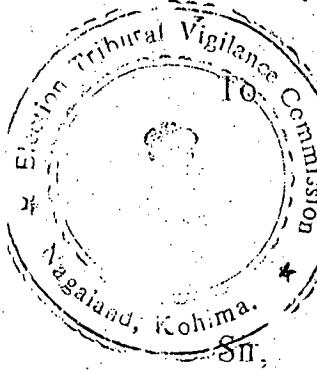


12.03.2009  
Dr.C.L Goel, IFS  
PCCF, Nagaland (U/S).

certified to be true copy

Rupam Tyoli Das  
Advocate

## NOTICE OF PRELIMINARY HEARING:



Shri. Mr. C.L. GOEL IFS (415)

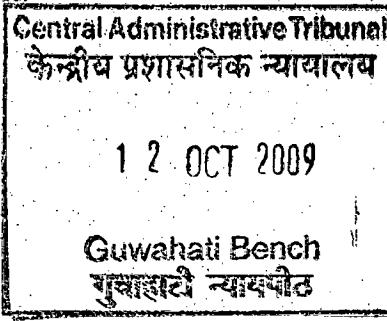
Principal Chief Conservator of Forest, Nagaland, Kohima.

Please refer to Order No. C 745 (FOR)/Misc/1/06 Dated 15<sup>th</sup> Dec. 2005 issued by ... Chief Secretary to the Govt. of Nagaland appointing me as inquiring authority for holding an oral inquiry into the charges framed against you, a copy of which has been endorsed to you.

1. I shall hold the preliminary hearing of the case on 27<sup>th</sup> July '09 at the Chamber of Tribunal Vigilance Commission which are hereby required to attend.
2. The Presenting Officer is also being asked to attend the hearing along with all the relevant records.
3. Please note that if you fail to appear at the appointed time and place, I shall proceed ex parte.
4. You are also requested to intimate the name, designation and address of the government servant who will be assisting you. If you have been allowed the assistance of a legal practitioner, a copy of the permission accorded by the Disciplinary Authority may please be sent.
5. Please acknowledge receipt.

Process Regd. No. 154/1879  
Dated, Kma the 01/07/09  
AS1. T. Zelamie

Yours faithfully,



(S.HUKATO SWU)  
T.D.P.  
Vigilance Commission.

Copy to,

1. Shri. VIKHOZO VITSU Presenting Officer for information and necessary action. He is requested to attend the enquiry at the time, date and venue mentioned above with all the relevant records.

Forwarded to the S.C.(S) P.S. Kohima  
for causing service and return on before the above said date fixed.

TRIBUNAL FOR DISCIPLINARY PROCEEDINGS  
VIGILANCE COMMISSION  
NAGALAND : KOHIMA

T.D.P.  
Vigilance Commission.

certified to be a true copy  
Rupen Zeta Das  
Advocate



-25-

93

PRINCIPAL CHIEF CONSERVATOR OF FORESTS

Nagaland: Kohima (U/S.)

Phone No. 0370-2224362

Ref. No.....

No. Misc

Date.....

Dated: Kohima the 24<sup>th</sup> July, 2009

To

The Tribunal for Disciplinary Proceedings (T.D.P.)  
Vigilance Commission  
Nagaland: Kohima

Central Administrative Tribunal

केन्द्रीय प्रशासनिक न्यायालय

12 OCT 2009

Guwahati Bench  
গুৱাহাটী ন্যায়পৌঠ

SUB: YOUR 'NOTICE OF PRELIMINARY HEARING'

Ref: Bearing (Stamped on letter) Process Regd. No. 154/2009 dated 01/07/09

Dear Sir,

I received your above referred 'Notice for Preliminary Hearing' today, the 24<sup>th</sup> July, 2009, and would like to inform you that in respect of the same matter, the matter is sub judice before the Central Administrative Tribunal, Guwahati. As such the copy of referred Government Order No Czys (FOR)/MISC-01/06 dated 18<sup>th</sup> December, 2008 has not been served to me till date. As such a copy of the referred Government Order No Czys (FOR)/Misc-01/06 dated 18<sup>th</sup> December, 2008 may kindly be served to me and further inquiry may be kept in abeyance till the matter is decided by the Central Administrative Tribunal, Guwahati.

Thanking you,

Yours faithfully,

DR. C.L. GOEL

Recd. on 24/7/09  
P. A. *[Signature]  
to  
Rupam Tyoti Das  
Advocate*

certified to be a true copy

Rupam Tyoti Das  
Advocate

12 OCT 2009

Guwahati Bench  
गुवाहाटी न्यायपाठ

OFFICE OF THE TRIBUNAL FOR DISCIPLINARY PROCEEDINGS  
VIGILANCE COMMISSION

Ref:TRL/8/2009

Dated: Kohima the 28<sup>th</sup> July 2009

Proceedings against Dr. C.L. Goel  
IFS. Principal Chief Conservator of Forest (U/S)

Seen the representation made by the delinquent officer that:

- (1) The present matter would be sub judiced as the matter is pending before CAT Guahati.
- (2) That the Government order No (FOR)/MISC-01/06 dated 18<sup>th</sup> Dec. 2008 has not been served on the delinquent officer till date and that he should be furnished with a copy of the same
- (3) That the present inquiry maybe kept pending till the matter is decided by the CAT, Guahati.

The Inquiry Officer and the presenting Officer have considered the representation made by the delinquent officer and have come to the following conclusions.

The matter may be pending before CAT Guahati, however, the present inquiry set up by the state government under whom the delinquent government servant serves has not been stayed by a superior court nor the CAT. The matter being only an inquiry and not a judicial trial the question that it would be sub judiced may not arise.

The order No. (FOR) MISC-01/06 dated 18<sup>th</sup> Dec. 2008 maybe furnished to the delinquent officer as prayed for.

The prayer of the delinquent officer to stay the inquiry till the matter is disposed in the CAT Guahati cannot be considered under the circumstances unless the petitioner furnishes the inquiry officer with a specific order.

Refix the matter for 10<sup>th</sup> of August 2009 for preliminary hearing.

Furnish a copy of the order of the charged officer.

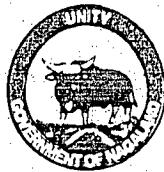
certified to be true  
copy

Dipam Tytthi was  
Advocate

S/1  
(S.HUKATO SWU)

Tribunal For Disciplinary Proceedings

RESEKARY  
TRIBUNAL FOR DISCIPLINARY PROCEEDINGS  
VIGILANCE COMMISSION  
NAGALAND, KOHIMA



PRINCIPAL CHIEF CONSERVATOR OF FORESTS

Nagaland : Kohima (under Suspension)

Phone No. 0370-2224362

Ref. No. ....

To,

The Chief Secretary,  
Government of Nagaland,  
Kohima,  
Nagaland (Disciplinary Authority).

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

Date 5th August 2009

12 OCT 2009

Guwahati Bench  
गुवाहाटी न्यायपीठ

Re: 1. Departmental Proceeding in connection with the Memorandum of Charges No. C&S (FOR) MISC-1/2006 dated 17.11.08.  
2. Notice for preliminary hearing dated nil issued by the State Vigilance Commission [bearing (stamped on letter) Process Regd. No. 154/2009 dated 01/07/09].

Sub: Prayer for engaging legal practitioner as Defense Assistant in the pending departmental proceeding.

Sir,

I was issued with the Memorandum of Charges No. C&S (FOR) MISC-1/2006 dated 17.11.08. The charge sheet contains serious allegations against me for tampering of records, forgery and/or manipulation of official documents. The allegations are of serious nature bearing elements of penal offences. Therefore in view of the nature of allegations made against me, I may be allowed the assistance of a legal practitioner who will act as my Defense Assistant in the pending departmental proceeding.

Thanking You,

Yours faithfully,

Dated: 05<sup>th</sup> August, 2009

(Dr. C.L. Goel)

*Recd  
Kally 6/8/09  
P/S to CS.*

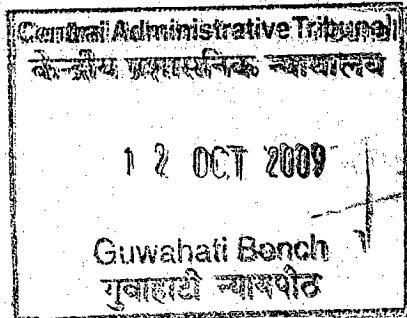
*certified to be a true copy*

*Rupam Tyoti Das  
Advocate*

From: Dr. C.L.Goel, IFS  
PCCF (under suspension),  
Nagaland, Kohima.

To,

1. Shri S. Hukato Swu  
Tribunal for Disciplinary Proceeding  
Vigilance Commission  
Nagaland, Kohima.
2. The Chief Secretary,  
Government of Nagaland,  
Kohima, Nagaland.



In re: -Notice for preliminary hearing dated nil [bearing (stamped on the letter) Process Regd. No. 154/2009 dated 01/07/09] served to me on 24<sup>th</sup> July, 2009.

Sir,

I am in receipt of your aforementioned notice for preliminary hearing in the pending disciplinary proceeding which was initiated by issuing Memorandum of Charges dated 17.11.08.

2. That after receiving the Memorandum of Charges dated 17.11.08; I submitted my written statement of defense dated 12.03.09 denying the charges. I also moved Original Application No. 03/09 before the Hon'ble Central Administrative Tribunal, Guwahati for quashing the order placing me under suspension. It is pertinent to mention that in the proceeding pending before the Hon'ble Tribunal in Original Application No. 03/09 the Hon'ble Tribunal by its order dated 28.01.09 asked for the records from the official respondents. These records are of great significance as their contents are likely to demonstrate my innocence in the matter. If these records are produced before the Hon'ble Tribunal the same would likely to disclose that the allegations made against me in Memorandum of Charges dated 17.11.08 are false and there is manipulation and tampering of records by some interested persons to falsely implicate me in the case.

3. That till date the competent authority of Government of Nagaland has not produced the aforementioned records before the Hon'ble Tribunal, Guwahati Bench. It is not understood as to why the authorities are shying away from producing the records called for by the Hon'ble Tribunal.

Certified to be a true copy  
Rupam Tyoti Das  
Advocate

12 OCT 2009  
CENTRAL ADMINISTRATIVE TRIBUNAL FOR DISCIPLINARY PROCEEDINGS  
VIGILANCE COMMISSION  
NAGALAND, KOHIMA

12 OCT 2009

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गुवाहाटी न्यायपाठ

4. That apart from the records mentioned above which have been called for by the Hon'ble Tribunal, I require access to the following files for preparation of my defense. These files are highly relevant for proving my innocence and also to demonstrate the manipulation and tampering of records for making out a false case against me. Unless I am allowed to inspect and take notes/ Photostat from the following files it will be wellnigh impossible for me to prepare my defense and safeguard my interest. The details of the files and the purpose for which they are relevant are given below:

COPY  
2009-08-08-8

**(i) Government File NO. C&S (FOR) MISC-1/2006**

- by accessing this file, I wish to know about the entire procedure of my order of suspension and initiation of departmental proceeding.

**(ii) Government File No FOR-17/82 and PCCF Office File No. 1/7/2004**

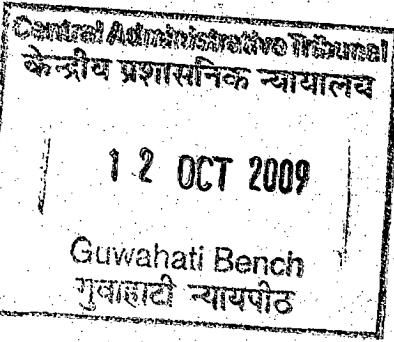
-having confidential letters No FOR-17/82 dated 06.10.2004 & FOR-17/82 dated 01.11.2004 purportedly causing issuance of confidential letter No FE-1/7/2004/8261 dated 03<sup>rd</sup> November 2004 wherein the Reporting Officer of the applicant has stated regarding the ACRs of 2001-2002 and 2002-2003. This file is required by the applicant as because the Reporting officer has commented "in the absence of the back up copy of the ACRs I cannot exactly say about the year 2001-2002 to 2002-2003" and the applicant feels that the authorities have drawn inference of this statement as denial by Reporting Officer signing the ACRs of 2001-2002 & 2002-2003.

**(iii) Government File No FOR-Estt-5/94-IFS**

- having Notification No FOR-Estt-5/94-IFS dated 03<sup>rd</sup> February 2005 promoting Dr. C.L.Goel, IFS (NG:77) to the post of Additional Principal Chief Conservator of Forests in the scale of Rs 22,400-525-24,500/-.

*Subha D'Souza*  
TRIBUNAL FOR DISCIPLINARY PROCEEDINGS  
VIGILANCE COMMISSION  
NAGALAND, KOKIMA

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(iv) Government File No FOR-Estt-25/2005

-having Notification No FOR-Estt-25/2005 dated 10<sup>th</sup> March 2006 promoting Dr. C.L.Goel, IFS (NG:77) to the post of Principal Chief Conservator of Forests in the scale of Rs 24,050-650-26,000/- P.M.

(v) PCCF Office File No FE-1/9/87(including part file/files)

-containing PCCF's confidential letter No FE-1/9/87(Pt)/6098 dated 07<sup>th</sup> September 2007.

(vi) PCCF Office File/Files

- having correspondence of taking over of charge by Shri N. Lolenmeren Ao, IFS (Retd.) as:

- (1) CCF-cum-DDO O/o the PCCF,
- (2) Addl PCCF-cum-DDO, O/o the PCCF, and
- (3) PCCF, Nagaland, Kohima

and containing aforementioned taking over charge certificates as well as specimen signature copies which were sent to the Treasury (South Kohima) and the Bank (SBI, Lerie Branch, Kohima) for financial transactions which I require for signature verification.

(vii) PCCF Office Issue Register, and Peon Book carrying DAK for Commissioner & Secretary/ Principal Secretary (Forests), both the Documents for the period w.e.f. 01<sup>st</sup> January 2002 to 31<sup>st</sup> December 2006:

-showing/having all letters originated from the office of the Principal Chief Conservator of Forests and delivered to and received by Commissioner & Secretary/ Principal Secretary (Forests), Government of Nagaland for the period especially with effect from 01<sup>st</sup> January 2002 to 31<sup>st</sup> December 2006.

12 OCT 2009  
ORIGINAL FOR DISCIPLINARY PROCEEDINGS  
VICKNAR COMMISSION  
2000-2001

12 OCT 2009

Guwahati Bench  
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(viii) PCCF Office Works Distribution file including Office Order's Register:

-having/showing distribution of office works orders/assignment of works orders made and issued from time to time in the office of the PCCF, Nagaland, Kohima right from 01<sup>st</sup> January 1997 till date.

(ix) Vigilance Commission Documents:

COPY  
Annexure-B

-all the relevant documents of the vigilance commission since the initiation of departmental proceeding against me.

5. That apart from the above it may be kindly noted that by letter dated 05<sup>th</sup> August 2009, I have made a request for granting me permission to engage a lawyer as my Defense Assistant. I am yet to receive a response to my request of engaging a lawyer as my Defense Assistant. It is noteworthy that I made this request in response to the letter of Enquiry Officer dated nil [bearing (stamped on the letter) Process Regd. No. 154/2009 dated 01/07/09] which was served to me on 24<sup>th</sup> July, 2009 by the concerned authority.

6. Therefore, in view of the above my participation in preliminary hearing will not serve any useful purpose. It may not be out of place to submit here that the purpose of preliminary hearing at this stage of departmental proceeding is like putting a cart before the horse. Preliminary hearing ought to have been held before framing of charge to come to a conclusion that formal inquiry in the present case is warranted.

7. That after issuing the Memorandum of Charges dated 17.11.08 which has resulted in the commencement of departmental proceeding it is strange to speak of holding "preliminary hearing".

Be that as it may, my prayer for engaging a lawyer as my Defense Assistant may kindly be considered expeditiously along with providing me an opportunity to inspect and take notes of the documents mentioned above. Unless the same is done my participation in the enquiry proceeding will not be possible.

Thanking You,

Yours faithfully,

Dated: Kohima, the 07<sup>th</sup> August 2009

Certified to be a true copy

Reuben Typhli Das  
Advocate

(Dr. C.L. Goel)

TRIBUNAL FOR DISCIPLINARY PROCEEDINGS  
VIGILANCE COMMISSION  
NAGALAND : KOHIMA

**EXTRACT COPY OF THE ORDER PASSED BY  
TRIBUNAL FOR DISCIPLINARY PROCEEDINGS  
VIGILANCE COMMISSION**

Ref: TRL/8/2009

Dated: Kohima the 10<sup>th</sup> August 2009

## Proceedings against Dr. C.L Goel IFS, Principal Chief Conservator of Forest (U/S)

Charged Officer Dr. C.L. Goel, IFS PCCF (U/S) Kohima appears before the inquiry and has submitted that:

- (1) He be allowed to inspect nine files of the forest department and take notes and also to acquire Photostat copy of relevant papers required for his preparation of the inquiry.
- (2) He be furnished with a copy of the order of the government's appointment of the Inquiry Officer.
- (3) He be allowed to engage a lawyer for the inquiry.

The charged officer's prayers are examined and after due consideration of the matter the T.D.P. is pleased to rule that:

The charged officer maybe privileged to inspect, take notes and also acquire photo copies of the documents which is relevant for the preparation of his defense (on payment).

On the second issue the charged officer has been furnished with the same which is duly acknowledged by him.

On the third issue, it remains the legal right of the petitioner to be assisted by a lawyer whether any Court or Inquiry Officer rules to that effect or not.

The petitioner/charged officer has also prayed that 60 days time maybe granted to him to collect all the materials required by him to defend his case, and engage a lawyer. The prayer is allowed. Fix the matter for the preliminary hearing 60 days from the day of the passing of this order.

Extract copy of this order be furnished to the concerned department that the charged officer maybe allowed to examine, inspect and obtain photo copies of the relevant documents required for his defense. (For the sake of brevity the file No.s and the purpose for which it is sought has not been recorded on the case sheet, endorsement of the Inquiry Officer has been made on the petition for necessary action).

12 OCT 2009  
Guwahati Bench  
युवाहाटी न्यायपीठ  
(S. HUKATO SWU)  
For Disciplinary Proceedings

certified to be a true copy

Reparam Aysoti Das  
Advocate

15/12/2000

**FESHKAR**

COMMISSION FOR DISCIPLINARY PURPOSES  
VIGILANCE COMMISSION  
NAGALAND : KOHIMA



PRINCIPAL CHIEF CONSERVATOR OF FORESTS

Nagaland : Kohima (U/S)

Phone No: 0370-2224362

Ref. No. ....

Date.....

No. ....

Dated: Kohima the 18<sup>th</sup> August, 2009

To

The Chief Secretary  
Government of Nagaland,  
Kohima

Central Administrative Tribunal

केन्द्रीय प्रशासनिक न्यायालय

12 OCT 2009

Guwahati Bench

গুৱাহাটী ন্যায়পীঠ

Sir,

In reference to the above, I urge your honour to take appropriate action in terms of order Ref: TRL/8/2009 dated 10<sup>th</sup> August 2009 [received by me on 12<sup>th</sup> August 2009] passed by the Tribunal For Disciplinary Proceedings, Vigilance Commission, Kohima wherein I have been "allowed to examine, inspect and obtain photocopies of the relevant documents required for his defense."

It is therefore requested that direction may be issued to the concerned officials to fix date, time & place so as to enable me to take Photostat copies and / or notes from the concerned files in order to prepare my defense.

In anticipation of expeditious action,

Thanking you,

Yours faithfully,

(DR. C.L. GOEL)

Copy to:

Shri S. Hukato Swu, Tribunal For Disciplinary Proceedings, Vigilance Commission, Nagaland, Kohima for information.

(DR. C.L. GOEL)

Recd on  
20/8/09 (Cneikewi)  
P.A. to v/c

certified to be a true copy

Rupam Tyagi Das  
Advocate

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NOTICE

Date: 12<sup>th</sup> of October, 2009.

From,

R.J.Das,

Advocate.

To,

1. Government Advocate, 2 OCT 2009

Government of Nagaland.

Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

2. Counsel for A. Rosengsenwati Ao(Respondent 5)

O.A.03/2009

Dr.C.L.Goel

-Vs-

UOI & ORS.

Sir,

Please receive herewith a copy of the rejoinder against the written statement of respondent 2, 3 & 4 in the above-mentioned Original Application filed before this Hon'ble Tribunal. Kindly acknowledge the receipt thereof.

Thanking you.

Received by-

1.

Yours faithfully,

*Rupam Tyagi Das*  
(R.J.Das)

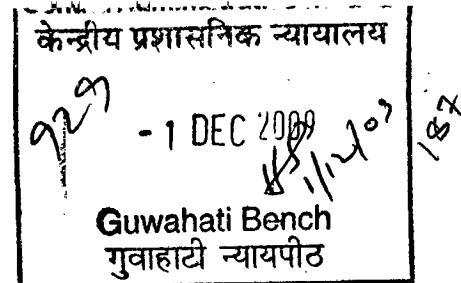
Advocate.

2. *Nasrime Rahman*  
on behalf of P. Akelerawon  
13/10/09.

I undertake to serve a copy of the rejoinder in connection to the above mentioned OA to

1. Government Advocate, Govt. of Nagaland  
2. Counsel for respondent No'5

*Rupam Tyagi Das*  
Advocate  
12/10/09



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

**Guwahati Bench**

**O.A. No. 03 /2009**

**Between**

**Dr.C.L.Goel,**

.....APPLICANT

**-AND-**

**Union of India & Ors**

.....RESPONDENTS

**I N D E X**

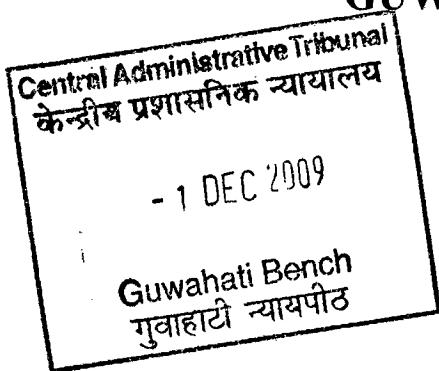
<b><u>SI.NO.</u></b>	<b><u>PARTICULARS</u></b>	<b><u>PAGE NOS.</u></b>
1.	<b>Additional Statements of facts</b>	----- 1-6
2.	<b>Verification</b>	----- 6
3.	<b>Annexure 18</b> (Copy of the letter of the Ministry of Environment & Forests, Government of India dated 17.06.09)	----- 7-8
4.	<b>Annexure 19</b> (Copy of the letter issued by the Government of Nagaland, Department of Forests, Ecology & Wildlife dated 17.11.09)	----- 9
5.	<b>Annexure 20</b> (Copy of the application dated 31.10.09)	----- 10
6.	<b>Annexure 21 Colly</b> (Copies of the two undated summons/letters issued by the Inquiry Authority)	----- 11-12

**Filed by:**

C. J. De  
Advocate

*Received  
Minal Kumar 300  
Addl. Cuse  
1/12/09*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :: GUWAHATI



In O.A. No. 3 / 2009

Dr. C. L. Goel

APPLICANT

-Versus-

Union of India & Ors

RESPONDENTS

Auth.  
(Dr. C. L. Goel)

ADDITIONAL STATEMENTS OF FACTS BY THE APPLICANT

I, Dr. C. L. Goel, S/o R. C. Goel, aged about 55 years, Resident of Forest Colony, Kohima, Nagaland, do hereby solemnly affirm and state as follows:

1. That during the pendency of the Original Application certain developments having a bearing on the case have come to the knowledge of the applicant. In order to bring these facts on record the applicant is filing the instant additional statements of facts for securing the ends of justice.
2. That the applicant had preferred an appeal dated 12.12.08 under Rule 16 of the All India Services (Discipline & Appeal) Rules, 1969 to the Central Government against the order of his suspension dated 17.11.08. It was learnt by the applicant that the Central Government on receipt of the appeal wrote to the

the applicant  
Filed by  
through  
J. Das  
Advocate  
01/12/08

- 1 DEC 2009

Guwahati Bench  
गुवाहाटी न्यायपीठ

- 104 -

State Government vide letter of the Ministry of Environment & Forests dated 10.06.09 to furnish its comments on each para of the appeal along with a brief background note and relevant authenticated case records in order to enable the Central Government to examine the matter and take a decision on the applicant's appeal. However, the State Government did not give any response to the Central Government.

DR. C. C. GOEL

3. That thereafter the Government of India, Ministry of Environment & Forests wrote one more letter dated 17.06.09 to the Chief Secretary, Government of Nagaland, seeking relevant information pertaining to the case of the applicant along with necessary departmental records. In its letter dated 17.06.09 the Ministry of Environment and Forests referred to its earlier letter dated 10.06.09 wherein State Government was asked to furnish its comments on each para of the appeal of the applicant along with a brief background note and relevant authenticated case records. Despite the receipt of the aforementioned two letters of the Central Government, the State Government continued to sit over the matter and did not furnish any information or records of the applicant's case to the Central Government.

A copy of the letter of the Ministry of Environment & Forests, Government of India dated 17.06.09 is annexed herewith and marked as **ANNEXURE: 18**

4. That the state Government is not rendering any cooperation to the Central Government in the case of the

Guwahati Bench  
गुवाहाटी न्यायालय

applicant. Due to non-cooperative attitude of the State Government, the Central Government is not in a position to decide the statutory appeal of the applicant against the order of his suspension.

5. That under the law the Central Government is legally obliged to consider the applicant's statutory appeal against the order of his suspension after consultation with the Union Public Service Commission. Unless the State Government furnishes the relevant information and the departmental records relating to the case of the applicant, the Central Government will not be able to hold any effective consultation with Union Public Service Commission leading to non-disposal of the statutory appeal of the applicant.

6. That the State Government has violated the mandate of Rule 3 (6)(a) of the All India Services (Discipline & Appeal) Rules, 1969 by not furnishing to the Central Government the detailed report of the applicant's case within the stipulated period.

7. That the order of applicant's suspension dated 17.11.08 has also not been extended by passing any fresh order. The applicant has also not received any order extending the period of his suspension beyond ninety days. Moreover the order of applicant's suspension has neither been examined by a Review Committee nor has it been reviewed by a competent authority on the recommendation of a concerned Review Committee. Hence, in the case of the applicant there has been a violation of Rule 3

DR. C. L. GOEL  
A.Y.

- 1 DEC 2009

Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

(8) (a), (b), (c) & (d) of the All India Services (Discipline & Appeal) Rules, 1969.

8. That the applicant filed his rejoinder in the pending Original Application on 12.10.09. In his rejoinder it was specifically stated by the applicant that despite the demands made by the applicant and inspite of the order of the Inquiry Authority dated 10.08.09 the applicant was not supplied with the copies of the documents sought for by him for his defence in the departmental proceeding nor an opportunity was provided to him to examine, inspect and obtain photocopies of the relevant documents required for his defence.

9. That on receiving the copy of the applicant's rejoinder the official respondents became wiser and in order to save its face, the Government of Nagaland, Department of Forests, Ecology & Wildlife issued letter dated 17.11.09 stating that the applicant has so far nor approached the Department of Forests, Ecology & Wildlife nor the office of the Principal Chief Conservator of Forests to inspect the files and records inspite of the Vigilance Commission's order dated 10.08.09 which enabled him to inspect the files and records. It was further written in the letter that " You are therefore reminded that the files and records of this Office and the P.C.C.f Office are available for your inspection during regular office hours under the terms & condition stipulated by the Vigilance Commission"

A copy of the letter issued by the Government of Nagaland, Department of Forests, Ecology & Wildlife dated 17.11.09

DR. C. L. 40EL

- 1 DEC 2009

Guwahati Bench  
गुवाहाटी न्यायपीठ

is annexed herewith and marked as

**ANNEXURE: 19**

10. That the aforementioned letter is an exercise by the Government of Nagaland, Department of Forests, Ecology & Wildlife to cover-up its acts of omission and commission. There is no question of reminding the applicant about the availability of the files and records in the office of the Department of Forests, Ecology & Wildlife and the office of the Principal Chief Conservator of Forests for inspection of the applicant during regular office hours as no such letter was ever written to him earlier nor any information of such nature was ever communicated to him in any form.

11. That on 31.10.09 the applicant submitted an application to the Chief Secretary, Government of Nagaland (which was received by the Chief Secretary personally) for permission to leave headquarter due to critical illness of his wife who is living in Dehradun. In the application the applicant prayed for leave with effect from 01.11.09 to 11.11.09. The aforementioned application was received by the Chief Secretary in his individual capacity on the evening of 31.10.09. The applicant left for Dehradun on 01.11.09 from where he sent a telegram seeking extension of his leave. The applicant would be reporting to his headquarter at Kohima on 28.11.09. The aforementioned letter dated 17.11.09 was sent to the applicant at his residential address at Kohima from where it was sent to him at Dehradun. Be that as it may on reaching his head office at Kohima on 28.11.09 the applicant will now go to the concerned offices for inspection of the relevant files and

DR/C.G.OEL  
(Anjali)

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Guwahati Bench  
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records for preparing his defence in the pending departmental proceeding.

A copy of the application dated 31.10.09 is annexed herewith and marked as

**ANNEXURE: 20**

12. That during the period of applicant's absence from his headquarter the Inquiry Authority issued two undated summons/letters asking the applicant to be present either in person or through pleader for the departmental proceeding on 11.11.09 and 20.11.09 respectively. The aforementioned undated letters demonstrate the knee jerk reaction of the official respondents to the contents of the rejoinder filed by the applicant wherein delay in conducting departmental proceeding has been attributed to the official respondents.

Copies of the two undated summons/letters issued by the Inquiry Authority is annexed herewith and marked as **ANNEXURE: 21 Colly**

13. That this additional statement of facts is filed bonafide for securing the ends of justice.

**VERIFICATION**

That the statements made in this additional statement of facts from para 1, 4, 5, 6, 7, 10 & 11 are true to my knowledge and those made in para 2, 3, 8, 9 & 12 being matters of records are true to my information derived therefrom and I have not suppressed any material facts.

I sign this verification on this 27<sup>th</sup> day of November 2009.

  
(DR. C. L. GOEL)  
DEPONENT

Central Administrative Tribunal  
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ANNEXURE- 18

**CONFIDENTIAL**  
**BY SPEED POST**

No. 14011/03/2009-AVU  
Government of India  
Ministry of Environment and Forests

Paryavaran Bhawan, CGO complex,  
Lodhi Road, New Delhi - 110003.

Dated, the 7 June, 2009

To

The Chief Secretary,  
Govt. of Nagaland,  
Department of Forests, Ecology, Environment & Wildlife,  
Kohima.

Subject: O.A.No.3/2009 filed by Dr. C. L. Goel, IFS, (NL:77) against his Suspension order dated 17.11.2008 issued by Government of Nagaland.

Sir,

I am directed to say that Dr. C. L. Goel, IFS, (NL:77) has filed an O.A No.3/2009 before the Central Administrative Tribunal, Nagaland Bench, Nagaland, praying inter-alia for a direction to set aside and quash his suspension order dated 17.11.2008 issued by Govt. of Nagaland. The Hon'ble Tribunal vide its interim order dated 28.01.2009 in the aforesaid O.A, directed that during the pendency of the case the Respondents shall remain free to pass order on the representation of Dr.C.L.Goel dated 12.12.2008 and Respondents should produce the records. We have not received copy of this order neither from your side nor from the Appellant.

2. In this connection it is stated that the Appeal dated 12.12.2008 of Dr. C. L. Goel, has been received in this Ministry. State Government has been asked to furnish their comments on each para of the Appeal along with a brief background note and relevant authenticated case records vide this Ministry's letter No. 13011/9/2009- AVU dated 10<sup>th</sup> June, 2009 (copy enclosed for ready reference) for examining the matter and taking a decision on the appeal of Dr. C.L.Goel. The case will be processed only after receipt of the requisite documents/information and consultation with Union Public Service Commission will also be required. UPSC takes about 3-4 months to tender their advice.

3. The subject matter of O.A primarily concerns the State Government and the Central Government has been impleaded as the Performa respondent. It is therefore requested to defend the case appropriately by filing a suitable reply before the Hon'ble Tribunal in the matter and this Ministry may please be apprised about the status of the case from time to time. A copy of the Para-wise reply to the O.A along with Statement of facts/background of the case may also be furnished to this Ministry for our reference and records. The next date of hearing in the CAT may also be intimated to this Ministry.

Encl: as above

Yours faithfully,

*R. J. Das*  
( Vijay Kumar)  
Director(vigilance)  
Tel# 2436 6841

*Certified to be true copy*  
*R. J. Das*  
*Advocate*

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✓ Copy to Sh. Mrinal Kumar Boro, Advocate, Addl.CGSC, CAT, Guwahati House No.81,M.C.Road, Uzan Bazar Guwahati-I,Kamrup(Assam) with reference to his letter no. nil dated 24.4.2009.

Vijay Kumar  
(Vijay Kumar)  
Director(vigilance)  
Tel# 2436 6841

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Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

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Guwahati Bench  
गुवाहाटी बैचनिक

GOVERNMENT OF NAGALAND  
DEPARTMENT FORESTS, ECOLOGY, ENVIRONMENT & WILDLIFE  
NAGALAND : : KOHIMA

NO.FOR/COURT-1/2009/245 : : Dated Kohima, the 17 th Nov.2009.

To

✓ Dr. C.L.Goel  
Principal Chief Conservator of Forest (U/S).

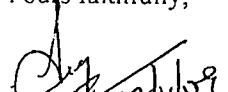
Sub :- Inspection of Office files and records.

Sir,

I am directed to refer to extract copy of the order passed by Tribunal for Disciplinary Proceeding, Vigilance Commission dated the 10<sup>th</sup> Aug. 2009 (copy enclosed) wherein you were allowed to inspect the office files and records for preparation of your defense in the disciplinary proceeding against you. You have so far not approached the Department of Forest Ecology & Wildlife nor the office of the Principal Chief Conservator of Forest to inspect the files and records in spite of the Vigilance Commission's speaking order which enables you to inspect the files and records.

You are therefore reminded that the files and records of this Office and the P.C.C.F. Office are available for your inspection during regular office hours under the terms & condition stipulated by the Vigilance Commission.

Yours faithfully,

  
( T. IMTIWAPANG AIER )  
Under Secretary to the Government of Nagaland

NO.FOR/COURT-1/2009 : : Dated Kohima, the 17 th Nov.'2009.  
Copy to :-

1. The Principal Chief Conservator of Forest, Nagaland, Kohima.
2. The Tribunal for Disciplinary Proceedings (Inquiry Officer), Vigilance Commission, Nagaland, Kohima.
3. The Central Administrative Tribunal, Guwahati, Rajgarh Road, Bhangagarh, Guwahati-5 (O.A.No. 03 of 2009).
4. Addl. Sr. Court Advocate, Nagaland, Guwahati High Court, Guwahati with reference to O.A. No. 3/09 CAT.
5. The Director, Vigilance, Ministry of Environment & Forests, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi for information.

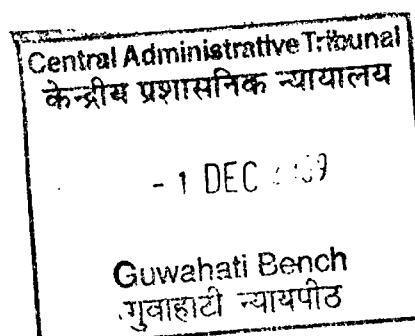
  
( T. IMTIWAPANG AIER )  
Under Secretary to the Government of Nagaland.

Files & Records.

*Certified to be true copy*  
R. J. Das  
Advocate

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PRINCIPAL CHIEF CONSERVATOR OF FORESTS

Nagaland : Kohima (U/S)

Phone No. 0370-2224382 424444 (R)

Ref. No.....

Date.....

No. Misc-PCCF/ 2008-09/leave

Dated: Kohima the 31<sup>st</sup> October, 2009

To

The Chief Secretary  
Government of Nagaland,  
Kohima

**SUB: INTIMATION REGARDING LEAVING OF HEADQUARTERS ON 01<sup>st</sup> November 2009 TILL 11<sup>th</sup> November 2009**

Sir,

Inviting your kind attention to the above stated matter, I am to inform you that my presence is urgently required at my home at Dehra Dun for the purpose of providing required medical attention to my wife who has developed certain medical problem. The above issue of my wife's ailment came to my knowledge today this afternoon around 14.15 A.M. As such this application intimating about my absence from Headquarters with effect from 01<sup>st</sup> November 2009 to till 11<sup>th</sup> November 2009 is submitted. This is for your kind information and necessary record.

My address during the period of my absence from Headquarters is given below:

DR. C.L. GOEL, IFS  
House No. 144, Lane-12, MOHIT NAGAR  
P.O. New Forest, DEHRA DUN - 248006

Thanking you,

Reed

Yours faithfully,

  
(DR. C.L. GOEL)

31/10/09  
at 6.30 PM  
CS

Certified to be true copy  
(R. J. Das  
Advocate

ANNEXURE-21

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

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IN THE COURT OF TRIBUNAL FOR DISCIPLINARY  
PROCEEDINGS  
VIGILANCE COMMISSION  
NAGALAND : KOHIMA

TRL-7/2008

SUMMON TO DELINQUENT PERSON

NAME OF DELINQUENT AND ADDRESS ... Dr. C. L. Goel PCCF (U/S)  
Principal Chief Conservator  
of Forest, Kohima

Whereas your attendance is necessary to answer to charge of Disciplinary Proceedings. You are hereby directed to appear in person or by Pleader as the case may be, before this Tribunal Vigilance Commission of the 20<sup>th</sup> Day of November 2009.... 11:00 A.M.



Forwarded to the  
O.C (S) P.S. Kohima  
for causing service and return on  
before the above said date fixed.

Subhadeep  
Tribunal for Disciplinary Proceedings  
Vigilance Commission  
Nagaland, Kohima.

TRIBUNAL FOR DISCIPLINARY PROCEEDINGS  
VIGILANCE COMMISSION  
NAGALAND : KOHIMA

Certified to be true copy  
(R. J. Das.  
Advocate

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Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

- 1 DEC 2009

Guwahati Bench  
गुवाहाटी न्यायालय

IN THE COURT OF TRIBUNAL FOR DISCIPLINARY  
PROCEEDINGS  
VIGILANCE COMMISSION  
NAGALAND : KOHIMA

SUMMON TO DELINQUENT PERSON

NAME OF DELINQUENT AND ADDRESS ..... *Mr. C L Goh*

Residential Address (in short) .....

Office Address (if any) .....

.....

Whereas your attendance is necessary to answer to charge of Disciplinary Proceedings. You are hereby directed to appear in person or by Pleader as the case may be, before this Tribunal Vigilance Commission of the ..... Day of ..... 200..... 11:00 A.M.



Forwarded to the ..... *k. k. s.*

for causing service and return on  
before the above said date fixed.

*Mr. K. K. S.*

Tribunal for Disciplinary Proceedings  
Vigilance Commission  
Nagaland, Kohima.

TRIBUNAL FOR DISCIPLINARY PROCEEDINGS  
VIGILANCE COMMISSION  
NAGALAND, KOHIMA

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NOTICE

Date: 30<sup>th</sup> of November, 2009

From,

Rupam Jyoti Das,  
Advocate.

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

- 1 DEC 2009

To,

1. C.G.S.C,  
CAT, Guwahati,
2. G.A. Nagaland,  
CAT, Guwahati

Guwahati Bench  
गुवाहाटी न्यायपीठ

Ref: Additional statements of facts by the applicant

In O.A. No. 3 / 2009

Dr. C. L. Goel

-Versus-

The Union of India & Ors.

Sir/Madam,

Please receive herewith copies of the additional statements of facts by the applicant in above-mentioned original application filed before the Hon'ble Tribunal.  
Kindly acknowledge the receipt.

Thanking you.

Received by-

Yours faithfully,

*Rupam Jyoti Das*

(Rupam Jyoti Das)

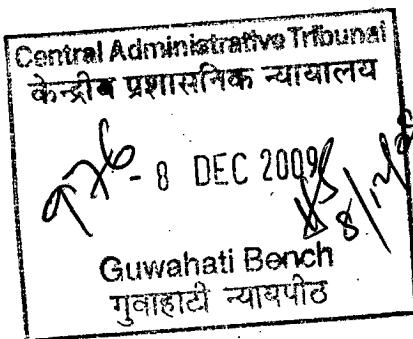
Advocate.

1. *Minal Kr. Baru*  
*1/12/09 Aded Case.*
2. *G.A. NAGALAND 30/11/09.*

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# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## Guwahati Bench



O.A. No. 03 /2009

Between

Dr. C. L. Goel,

.....APPLICANT

-AND-

Union of India & Ors

.....RESPONDENTS

### I N D E X

<u>SL.NO.</u>	<u>PARTICULARS</u>	<u>PAGE NOS.</u>
1.	Rejoinder	1-7
2.	Verification	8
3.	Annexure 22 (Copy of the minutes of the Screening Committee meeting dated 01.04.04 recommending the Applicant to the post of Additional PCCF)	9
4.	Annexure 23 (Copy of the minutes of the Screening Committee meeting dated 23.02.06 recommending the Applicant to the post of PCCF)	10
5.	Annexure 24 (Copy of the applicant's letter dated 03.12.09)	11-12

Filed by:

Ryan Lydi Das

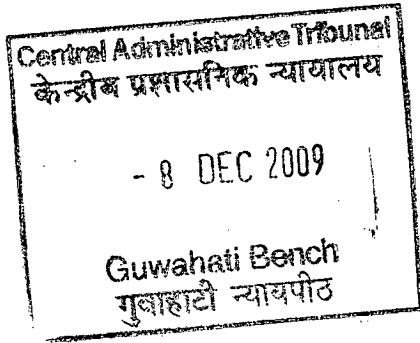
Advocate

Rept  
for Respondent

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :: GUWAHATI

Filed by the applicant  
through Lawyer by STC.com  
Advocate  
8/12/09  
202

In O.A. No. 3 / 2009



Dr. C. L. Goel

APPLICANT

-Versus-

Union of India & Ors

RESPONDENTS

REJOINDER OF THE APPLICANT AGAINST THE WRITTEN STATEMENT  
OF THE RESPONDENT NO. 5.

I, Dr. C. L. Goel, S/o R. C. Goel, aged about 55 years, Resident of Forest Colony, Kohima, Nagaland, do hereby solemnly affirm and state as follows:

1. That I have received a copy of written statement (hereinafter referred to as the counter) filed by respondent No. 5 in O.A. No. 3/09. I have perused the same and understood the contents thereof. Save and except the statements specifically admitted herein below, all other statements made in the counter are hereby denied.
2. That the applicant denies the statements made in paragraph 6 of the counter and states that the 5<sup>th</sup> respondent is the beneficiary of applicant's suspension because during the suspension of the applicant the 5<sup>th</sup> respondent is functioning as the Principal Chief Conservator of Forests (PCCF). Therefore it is obvious that the 5<sup>th</sup> respondent would like applicant to remain under suspension till his superannuation. Since the applicant will attain the age of superannuation in May 2013, he could have continued in the post of PCCF for a long time. The lobby in the Government of Nagaland favouring the 5<sup>th</sup> respondent thus wanted the ouster of the applicant to clear the way for 5<sup>th</sup> respondent to act as PCCF. The blame

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worthiness of the applicant and the legality of the order of suspension can only be decided before an appropriate forum and the 5<sup>th</sup> respondent has no competence to comment on the same.

3. That the statements made in para 7 of the counter being matters of record the applicant has no comment to make on the same. The pleading of the 5<sup>th</sup> respondent about his devotion to duty and the clean service record is a perception of 5<sup>th</sup> respondent about himself which may not necessarily be shared by others including the present applicant.

4. That with regard to statements made in paragraph 8 of the counter, the applicant states that the initial order of suspension dated 09.08.07 like the impugned order of suspension dated 17.11.08 was a part of vindictive action of the official respondents. It is pertinent to mention that the earlier order of suspension dated 09.08.07 was withdrawn by the official respondents on interference of the Hon'ble High Court. It is stated that when the official respondents failed to oust the applicant from the post of PCCF pursuant to the order dated 09.08.07 they proceeded to issue the impugned order of suspension dated 17.11.08.

5. That with regard to the statements made in para 9 of the counter it is stated that the allegation against the applicant is of tampering his ACRs for the period 2001-02, 2002-03 and 2003-04. It is curious to note that the ACRs of the aforementioned period were also considered by the Screening Committee in its meeting dated 01.04.04 for considering the case of the applicant for promotion to the post of Additional Principal Chief Conservator of Forests. This Screening Committee which recommended the applicant for promotion to the post of Additional PCCF comprised of the following:

1. Shri R.S. Pandey,  
IAS, Chief Secretary

----- Chairman



2. Shri Tali Temjen Ao, ----- Member  
IAS, Additional Chief Secretary & Home Comm.

3. Dr. S.C.Deorani, -- Member-Secretary  
IFS, Principal Secretary, Forests & Environment

Later on yet another Screening Committee in its meeting dated 23.02.06 considered the very same ACRs while recommending the applicant for promotion to the post of PCCF. The Screening Committee dated 23.02.06 was comprised of the following:-

1. Shri Tali Temjen Ao, ----- Chairman  
IAS, Chief Secretary

2. Shri Lalthara, ----- Member  
Additional Chief Secretary (P &AR).

3. Shri N. Lolenmeren Ao, ----- Member  
PCCF

4. Shri R.Binchilo Thong, -- Member-Secretary

From the composition of the aforementioned two Screening Committees it clearly transpires that Shri Tali Temjen Ao was in both the Screening Committees. He was member of the Screening Committee dated 01.04.04 and was chairman of the Screening Committee dated 23.02.06 and looked into the same ACRs of the period 2001 to 2004. It is also pertinent to mention that in the Screening Committee dated 23.02.06 the reporting authority of the applicant in his ACRs for the period 2001 to 2004 Shri N. Lolenmeren Ao was one of the members who had the opportunity of looking into those very ACRs in which he acted as a reporting authority. It was only after the promotion of the applicant to the post of PCCF that the vested groups favouring the 5<sup>th</sup> respondent created a situation which ultimately gave rise to the cause of action for the present OA. The Vigilance Commission was fed with the manufactured records and fabricated documents to make out the case against the applicant. The finding and recommendations of Vigilance Commission are therefore vitiated being based on tampered and fabricated records and materials.

A copy of the minutes of the Screening Committee meeting dated 01.04.04 recommending the Applicant to the post of Additional PCCF is annexed herewith and marked as ANNEXURE: 22

A copy of the minutes of the Screening Committee meeting dated 23.02.06

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recommending the Applicant to the post of PCCF is annexed herewith and marked as  
ANNEXURE: 23

6. That the averments made in para 10 of the counter are devoid of any substance and relevance. The issues pertaining to the transfer of the applicant as Chairman, Pollution Control Board of Nagaland have been adjudicated by the Hon'ble High Court. When the Hon'ble High Court held the transfer of the applicant as Chairman, Pollution Control Board of Nagaland as illegal, it is not open for the 5<sup>th</sup> respondent to justify the same.

7. That with regard to the statements made in para 12 of the counter it is stated that the complaints against the applicant of tampering his ACRs by the 5<sup>th</sup> respondent in his letter dated 18.10.04 and 13.12.04 were examined by the then Additional Chief Secretary, State of Nagaland who carried out the investigation into the matter and submitted his report. The then Hon'ble Minister, Forests & Environment examined the report of the then Additional Chief Secretary and in his office note dated 02.02.05 in Government File No. FOR-Estt-5/94-IFS wrote that "As per the investigation report submitted by Addl Chief Secretary (P & AR) there is no relevant proof of tampering ACRs of (Dr C.L.Goel) by him, therefore this case may be closed in the best interest of the department". However it appears the note of the Hon'ble Minister was countersigned and agreed to by the then Principal Secretary, Forests & Environment and the Secretary, Forests, Nagaland. Immediately thereafter draft promotion notification for promotion of the applicant to the post of Additional PCCF was put up for approval leading to the promotion of the applicant to the post of Additional PCCF. It appears that the 5<sup>th</sup> respondent remain unrelented and continued flooding the Department with complaints against the applicant.

8. That with regard to the statements made in para 13 of the counter it is stated that it is evident from the



sequence of events as to whether or not the 5<sup>th</sup> respondent is the beneficiary of applicant's ouster from the post of PCCF.

9. That the applicant denies the statements made in Para 14 of the counter. The 5<sup>th</sup> respondent is not expected to have the information about the ACRs of the applicant, its contents and the gradations made therein. The 5<sup>th</sup> respondent is also not expected to know as to who was the custodian of the applicant's ACRs. It is not known as to on what basis 5<sup>th</sup> respondent has made averments in Para 14 of the counter. More than the records of enquiry by the Vigilance Commission, the Hon'ble Tribunal is required to examine the files mentioned by the applicant in OA which are likely to indicate that the case against the applicant has been fabricated for extraneous consideration. By stating that the applicant was all along favoured in the past the 5<sup>th</sup> respondent is making allegations against his senior officers of the Government of Nagaland. Considering the over enthusiasm of the 5<sup>th</sup> respondent an inference may be drawn that it is the 5<sup>th</sup> respondent who might have done tampering with the records (if at all there is any tampering) because 5<sup>th</sup> respondent had a motive in harming the applicant.

10. That with regard to the averments made in Para 15 of the counter the applicant states that truth will certainly come out in course of proceedings before the Hon'ble Tribunal including the likely mischief committed by Respondent 5 in harming the applicant.

11. That the statements made in Para 16 of the counter are denied. In any case respondent 5 is not competent to explain as to why the suspension of the applicant is necessary. The Respondent 5 has a vested interest in continued suspension of the applicant because so long as applicant remains under suspension respondent 5 would continue working as PCCF, Nagaland.



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12. That the statements made in Para 17 are denied. The respondent 5 is not the competent authority to either know or state if materials exist to prove the alleged offence committed by the applicant. In this connection applicant reiterates the averments made in the preceding paragraph.

13. That the applicant denies the statements made in Para 18 of the counter. Since the respondent 5 has immensely befitted by making allegations of tampering of ACRs against the applicant, he had a motive in creating a situation wherein such allegations could have been made against the applicant. Even though the respondent 5 was not a necessary party in this case, he got himself impleaded only to make sweeping and wild allegations against the applicant and for ensuring the applicant's continued suspension so that respondent 5 continue to hold the post of PCCF, Nagaland.

14. That it becomes imperative to mention that there is an inordinate delay on the part of the official respondents in conducting the disciplinary proceeding against the applicant. On 07.08.09 the applicant had written a letter (Annexure: 15 of the rejoinder to the written statement of respondent no. 2, 3 & 4) to the Disciplinary Authority for inspection of certain files and records for preparation of defence. On 17.11.09, the official respondents issued a letter to the applicant (Annexure: 19 of the Additional Statements of Facts) informing him about the availability of the files and records in their offices and that the applicant could inspect the files and records any time during office hours. The applicant vide letter dated 28.11.09 informed the official respondents that he along with his pleader (who would also be his defence assistant) would be visiting the office to inspect, examine and take photocopies of the relevant files on 03.12.09 at about 10.30 am. But on 03.12.09 when the applicant along with his pleader went to the office, they were informed that the relevant files are not in the office. Thus the applicant could not inspect, examine and/or take photocopies of the same. Looking at the sequence of events, one may safely



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conclude that certain vested groups in the government want to see that the applicant remains under suspension till his superannuation.

A copy of the applicant's letter dated 03.12.09 is annexed herewith and marked as Annexure: 24.

**15.** That denying the statements made in Para 19 & 20 of the counter the applicant submits that he has made out a strong case warranting interference of this Hon'ble Tribunal and as such the OA may be allowed with cost.



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**VERIFICATION**

Guwahati Bench  
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I, Dr. C. L. Goel, S/o R. C. Goel, aged about 55 years, Resident of Forest Colony, Kohima, Nagaland, do hereby solemnly affirm and state that the statements made in this rejoinder from para 1, 2, 3 (Part), 6, 7, 8-13 & 15 are true to my knowledge and those made in para 3 (part), 4, 5 and 14 being matters of records are true to my information derived therefrom and I have not suppressed any material facts.

I sign this verification on this 5<sup>th</sup> day of December 2009.

  
(DR. C.L. GOEL)  
APPLICANT

MINUTES OF THE CIVIL SERVICES BOARD / SCREENING COMMITTEE  
HELD ON 1<sup>ST</sup> APRIL, 2004  
IN THE OFFICE CHAMBER OF  
THE CHIEF SECRETARY, NAGALAND, KOHIMA

\*\*\*\*\*

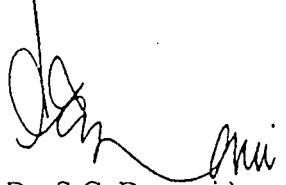
Present :-

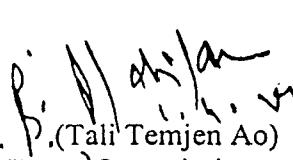
✓ 1.	Shri R.S. Pandey, IAS Chief Secretary	Chairman
2.	Shri Tali Temjen Ao, IAS Additional Chief Secretary & Home Comm.	Member
3.	Dr. S.C. Deorani, IFS, Principal Secretary Forests & Environment	Member-Secretary

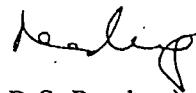
The Committee, as above, duly constituted for the purpose of considering promotion to one post of the Additional Principal Chief Conservator of Forests, examined seniority of all the three eligible officers who have completed 25 years of service as IFS officer, as per IFS Civil List along with their respective ACRs, Vigilance clearance report and Integrity certificate. The Committee also looked in to the issue of filling up the vacant post of the Principal Chief Conservator of Forests (PCCF).

After careful consideration and deliberation on the subject matter, as above, the committee recommended that

1. Shri Lolen Meren Ao, IFS may be appointed to the post of the PCCF but with pay scale of Rs.22,400-24,500/-p.m ic. Pay scale of the Addl PCCF. He may be ~~promoted and posted~~ as PCCF either with the clearance of the MOEF / GOI for which the department will request to the MOEF / GOI to review the matter in view of the release of pay scale to the Chief Secretary and the Director General, Police even before completion of 30 years of service. or after completion of 30 years of service as on 1<sup>st</sup> Jan. 2005.
2. the post of the Addl. PCCF may be filled up by the senior most of three eligible IFS officers and accordingly decides that Dr.C.L.Goel, IFS (NG:1977) may be promoted to the post of Additional PCCF in the scale of pay Rs.22,400-24,500/-.

  
( Dr. S.C. Deorani ) 01.04.04  
Principal Secretary, Forests & Environment

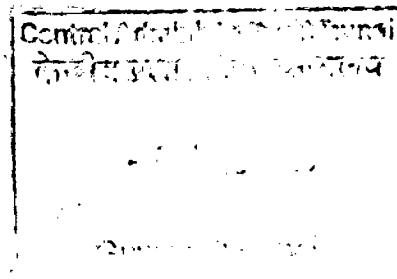
  
( Tali Temjen Ao )  
Additional Chief Secretary & Home Commissioner

  
( R.S. Pandey )

Chief Secretary, Nagaland.

*Certified to be true copy  
by an advocate*

Kohima, Dated 1<sup>st</sup> April 2004



**MINUTES OF THE CIVIL SERVICE BOARD / SCREENING COMMITTEE  
HELD ON 23.02.2006 AT 10.30HRS IN THE OFFICE CHAMBER OF  
THE CHIEF SECRETARY, NAGALAND, KOHIMA**

**Present:**

1. Shri P.Talitemjen Ao, IAS Chief Secretary	-	Chairman
2 Shri Lalthara, Additional Chief Secretary (P&AR)-	-	Member
3 Shri N.Lolenmeren Ao, PCCF	-	Member
4 Shri R. Binchilo Thong	-	Member Secretary

The Committee, as above, has been constituted for the purpose of screening the proposal and to recommend promotion and transfer/ postings to fill up the following posts:

1. one post of Principal Chief Conservator of Forests with effect from 28.02.2006 (AN) on superannuation of Shri N.Lolenmeren Ao, IFS (NG:75)
2. one post of Additional Principal Chief Conservator of Forests & Chief Wildlife Warden, Nagaland, Dimapur.

The committee examined seniority of Dr. C. L. Goel, IFS (NG: 77), Additional Principal Chief Conservator of Forests & Chief Wildlife Warden (presently in the scale of pay of Rs.22400-525-24500/-) and of the next 2 (two) senior most officers of the cadre, viz. Shri Ansar Ahmed, IFS (NG:78) and Shri Rongensenwati Ao, IFS (NG:78), both in the grade of Chief Conservator of Forests (scale of pay of Rs. 18000-500-22400/-) who have completed 25 years of service as required by the relevant guidelines issued by the GOI, along with their respective ACRs, Vigilance clearance reports and Integrity Certificates.

After careful consideration and deliberation, the committee recommended that

1. Dr. C. L. Goel, IFS (NG: 77), be promoted and posted as Principal Chief Conservator of Forests in the scale of pay of Rs.24,050-650-26,000/- with effect from 28.02.2006 (AN) on superannuation/ retirement of Shri N. Lolenmeren Ao, IFS (NG:75).
2. Shri Ansar Ahmed, IFS (NG:78), presently on deputation to MOEF, GOI, New Delhi, be given proforma promotion along with Shri Rongensenwati Ao, IFS (NG:78), presently Chief Conservator of Forests, being promoted and posted as Additional Principal Chief Conservator of Forests & Chief Wildlife Warden, Nagaland, Dimapur, in the scale of pay of Rs.22400-525-24500/- vice Dr. C. L. Goel, promoted and posted as per 1 above.

1. (P.TALITEMJEN AO)  
Chief Secretary, Nagaland

2. (LALTHARA)  
Additional Chief Secretary (P&AR)

3. (N.LOLENMEREN AO)  
Principal Chief Conservator of Forest

4. (R. BINCHILO THONG)  
Commissioner & Secretary,  
Forests & Environment

Kohima, Dated 23<sup>rd</sup> February 2006

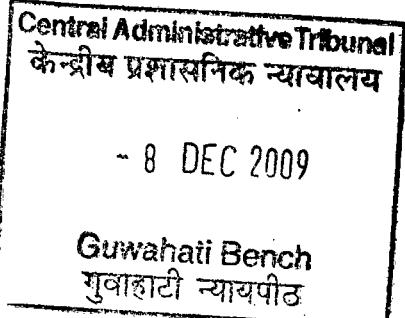
*Certified to be true copy  
Rynan Lytli Das  
Advocate*

ANNEXURE:24

TYPED COPY

To,  
The Secretary,  
Forest Department,  
Government of Nagaland,  
Kohima,  
Nagaland.

Dated:-03.12.09



In re: (1) Letter dated 07.08.2009 Dr. C.L.Goel  
(2) Letter No. FOR/COURT-1/2009/245 dated 17.11.09  
(3) Letter dated 28.11.2009 of Dr. C.L.Goel

Sir,

This is to inform you as per the letters under reference I had visited your office at the prescribed/decided time to inspect, examine and/or take photocopies of the Government files and records more specifically described in my letter dated 07.08.2009. My pleader who would also be my defense assistant was also present with me.

But I am being informed that the files are not available in your office today since those files and records were required by the Vigilance Commission for their purpose. Kindly fix another date for the same and also kindly notify me about the date beforehand so as to enable my pleader to be present at that relevant time.

Thanking You

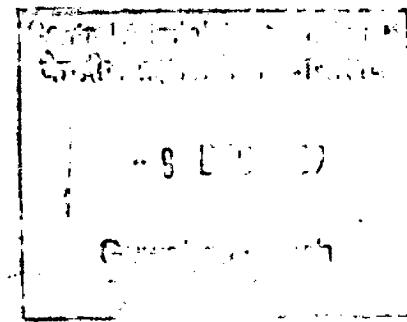
Yours Faithfully

SD/-

(Dr. C.L.Goel)

Received one copy  
Sd/- dated 03.12.09  
Secretary, Forest

*CERTIFIED OF THE  
TRUE COPY  
Rupan Singh Deo  
ADVOCATE*



21/2

To:

Dated: 03.12.09

The Secretary,  
Forest Department,  
Government of Nagaland  
Kohima,  
Nagaland

In re-(1) letter dated 07.08.2009 of Dr C.L. Goel  
(2) letter No. FOR/COMRI-1/2009/245 dated 17.11.09  
(3) letter dated 23.11.2009 of Dr. C.L. Goel.

Sir, This is to inform you as per the letters under reference I had visited your office at the prescribed/decided time to inspect, examine and/or take photocopies of the government files and records more specifically described in my letter dated 07.08.2009. My pleader who would also be my legal assistant was also present with me. But I am being informed that the files are not available in your office today since those files and records were required by the Vigilance Commission for their purpose. Kindly fix another date for the same and also kindly notify me about the date so fixed so as to enable my pleader to be present at that relevant time.

Thanking You

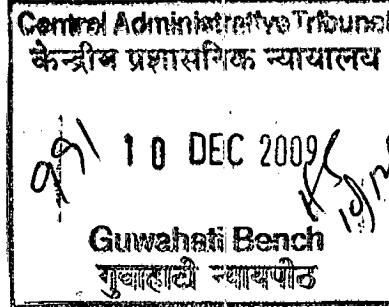
Certified to be true copy  
Rupan Singh Das  
Advocate

Yours faithfully

(Dr C.L. Goel)

Received on  
23/12/09

Secretary, Forest



filed by the Respondent  
no 3 & 4 through 24  
Tribhu Bhuv. Advocate  
10.12.09

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:  
GAUHATI BENCH AT GUWAHATI

IN CASE OA 3/09

IN THE MATTER OF :-

Dr. C.L. Goel

..... Applicant.

-Vs-

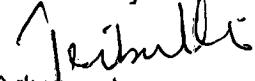
UOI & Others.

..... Respondents.

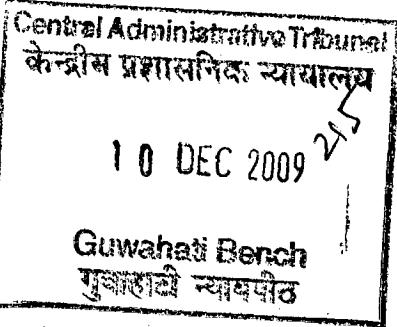
Sl No.	Particulars	Page No.
1.	Replies of Respondent No.3 & 4	1 to 7
2.	Verification	8
3.	Annexure:-A Copy letter dated 19.3.09	9
4.	Annexure:-B Copy letter dated 7.11.09	10, 11
5.	Annexure:-C collectively Copies of the letter dated 19.3.09, 28.3.2009 and 18.4.2009.	12, 13

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Filed by

  
Advocate

10.12.09



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:  
GAUHATI BENCH AT GUWAHATI

IN CASE OA 3/09

IN THE MATTER OF :-

Dr. C.L. Goel

..... Applicant.

-Versus-

UOI & Others.

..... Respondents.

REPLY OF RESPONDENT NO. 3 AND 4 TO THE REJOINDER  
FILED BY THE APPLICANT AGAINST THE WRITTEN STATEMENT OF  
RESPONDENT NO. 2, 3 AND 4.

I, Shri Imtiwapang Aier son of Z.Toshi Aier, aged about 34 years, resident of Kohima Town, Kohima, Nagaland do hereby solemnly affirm and declare as under:

1. That I am the Under Secretary to the Govt. of Nagaland, Department of Forest, Ecology, Environment & Wild life. That I am been served with a copy of Rejoinder against Written Station of Respondent No.2 and 3 and 4 that I have gone through the same and have understood the same. That save and except which are specifically admitted herein, those statement averments made in rejoinder are deemed to have been denied by the answering respondent.

10 DEC 2009 26

Guwahati Bench  
গুৱাহাটী ন্যায়বৰ্তী

-2-

2. That with regard to the averments made in paragraph 1 and 2 of the Rejoinder this deponent has no comments to offer as it refers to submission by the appellant,

3. That with regard to the averments made in paragraph 1, 2, 3 and 4 in the Rejoinder this Deponent does not admit anything not borne by records and say that the deponent stood by the statements made in the Written Statement and also offer that the Vigilance Commission is a Quasi-judicial Body constituted under the Constitution of India and inquiry proceedings with regard to the applicant suspension order dated 17.11.2008 is pending.

4. That with regard to the averments made in paragraph 5, 6 and 7 of the Rejoinder this Deponent does not admit anything not borne by records and further stood by the statements made in the Written Statement. While process has started as to whether complaint of tampering of ACRs of the applicant has been initiated by the Govt. confirmed action to be taken against the applicant was made only after the CID Report dated 26.02.2008 which has established tampering of applicant's ACRs beyond doubt which was annexed to the Written Statement filed by the deponent. Therefore the recommendation of the State Vigilance Commission

10 DEC 2009

Guwahati Bench  
गुवाहाटी न्यायपीठ

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vide its letter dated 15.09.2008 for disciplinary proceedings against the applicant were made on the basis of tampered and manufactured documents upon carefully inquiry and observations.

5. That with regard to the averments made in paragraph 8 and 9 of the Rejoinder of the applicant, this deponent does not admit anything not borne by records and says that the matter relating to tampering of the applicant's ACR which is the main issue in the instant application has come to surface in the year 2004 and not 2003, which was a clerical typing mistake. It may be stated herein that normally the ACRs of every officials have 2 sets one with the concerned Department and one set with the Ministry of Environment and Forest, New Delhi. The deponent denied manipulation of the applicant's ACRs or for that matter any other officials ACRs by any officials as the records reveals. The deponent reaffirm the statements made in the written statement.

6. That with regard to the averments made in paragraph 10 and 11 of the Rejoinder this Deponent does not admit anything not borne by records and say that all the averments made by the applicant are mere repetition which were already replied by this deponent based on records in the written statement. Be it further stated that the applicant have not replied to

10 DEC 2009 ४

Guwahati Bench  
गुवाहाटी न्यायालय

-4-

the office letter dated 19.03.09 nor returned his personal file from the year 2001-02 to this office till date. Be it submitted that the order dated 17.11.2008 was issued suspending the applicant and it is stated that the suspension is to facilitate impartial inquiry free from interference.

A copy of the letter dated 19.3.09 is annexed herewith and marked as Annexure:-A.

7. That with regard to the averments made in paragraph 12, 13, 14 and 15 of the Rejoinder this Deponent does not admit anything not borne by records and says that followed by complaint lodged against tampering of the appellants ACRs and on the finding of such tampering ACRs followed by the Vigilance Commission investigation and disciplinary proceedings vide letter dated 15.9.2008 the applicant was suspended. As such it is denied that the respondent had taken steps which amounts to vindictive, malafide motivated, arbitrary or illegal.

8. That with regard to the averments made in paragraph 16, 17, 18 and 19 of the Rejoinder this Deponent does not admit anything not borne by records and says that after the applicant had been served with the suspension order and articles of charges dated 17.11.2008 Inquiry Officer and Presiding Officer in

10 DEC 2009

Guwahati Bench  
गुवाहाटी न्यायपीठ

-5-

disciplinary proceedings against the applicant was appointed on 18.12.2008. Thereafter the disciplinary proceedings against the applicant was processed. That on 28.07.09 the inquiry looked into the representation of charged officer on

- (i) The present inquiry would be sub-judice as the matter is pending before CAT, Guwahati.
- (ii) The Govt order No. (FOR)/MISC-VI/06 dated 18th December, 2009 has not been furnished to him.
- (iii) The present inquiry may be kept pending till the matter is denied by the CAT Guwahati.

The applicants petition was disposed of with the order that it would not be sub-juiced as it was not a judicial proceeding. It was only an inquiry set up by the State Govt. under whom the delinquent serves and the prayer to stay the proceedings until the disposal of a similar inquiry at CAT Guwahati was disposed as not allowed.

The order No (FOR)/Misc.-01/06 dated 18th December 2008 prayed for by the charged officer was directed to be furnished to him as deserved. (This is an order relating to the appointment of the Inquiry Officer).

9. That with regard to the averments made in paragraph 20, 21, 22, 23, 24 and 25 of this Rejoinder being matter of records this deponent does not admit anything beyond the records. That next date was fixed

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Guwahati Bench  
गुवाहाटी न्यायपीठ

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on 13.10.09 and the applicant was not present. The Inquiry Officer vide letter 7.11.09 communicated the status report to the Department with regard to the disciplinary proceeding.

A copy of the letter dated 7.11.09 is annexed herewith and marked as Annexure:-B.

10. That with regard to the averments made in paragraph 26 of the Rejoinder this Deponent does not admit anything beyond the records says that this applicant to inspect the file dated 18.8.2009 was allowed and he was communicated to do as per the order passed by the Vigilance Commissioner vide letter dated 17.11.2009.

11. That this deponent humbly submits that the applicant was suspended so as to allow and to facilitate impartial enquiry free from interference. The order of suspension as well as the disciplinary proceeding were very much according to the provisions under All India Service (Discipline & Appeal) Rules, 1969. The applicant was not taking heed of the concerned departmental condition put under his suspension order. Although he was not supposed to leave the headquarter without prior permission, he was found absent without sanction leave. He was also found

10 DEC 2009

Guwahati Bench  
गुवाहाटी न्यायपीठ

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sending intimation for such leave through post.  
repatriation was issued to the applicant.

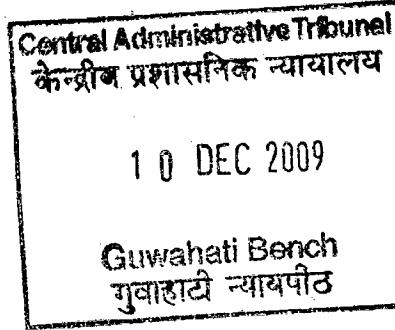
Copies of the application dated 28.3.09 and  
18.4.09 are annexed herewith and marked as Annexure:-C  
collectively.

12. That this deponent begs to submit that the suspension order dated 17.11.08 was passed so as to facilitate impartial free investigation. It may also be submitted that the proceeding is conducted by the Vigilance Commission and he can also appear before the said commission if he so desire. As such, the instant application is liable to be dismissed.

13. In view of the above facts and circumstances it is humbly pray that this Hon'ble Tribunal may allow the concern authority to proceed with the Disciplinary Proceedings till the completion of the case by the Vigilance Commission.

AND OR

Pass any other order/orders as your Lordship may deem fit and proper.



- 8 -

VERIFICATION

I Shri. T. Imtiwapang Aier, son of Shri. Z. Toshi Aier, aged about 34 years, resident of Lerie Colony Kohima, Nagaland do hereby solemnly affirm and verify that I am the Under Secretary, Department of Forest, Government of Nagaland authorised to file this affidavit on behalf of Respondents No. 3 and 4.

1. That the statement made in paragraph 1 to 5  
7 and 10 are true to my knowledge and those made in paragraph 6, 8, 9 and 11 are true to my knowledge derived from records and rest are my humble submission before this Hon'ble Tribunal.

And I sign this verification on this the      th day of December 2009 at Guwahati.

  
10/12/09  
DEPONENT.

9  
GOVERNMENT OF NAGALAND  
DEPARTMENT OF FORESTS, ECOLOGY, ENVIRONMENT & WILDLIFE  
NAGALAND: : KOHIMA.

NO.FOR-17/82( Vol-I)

Dated Kohima, the 19th March, 2009

To

Dr. C.L. Goel  
Principal Chief Conservator of Forest,  
( Under suspension )

Sub :- Personal File of Dr. C.L.Goel.

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

10 DEC 2009

Guwahati Bench  
गुवाहाटी न्यायपीठ

Sir.

It has been brought to the notice of the Government that your Personal File has not been in the custody of the Office of the Principal Chief Conservator of Forest from the year 2001-02. I am, therefore, directed to request you to return the file to the custody of the Office immediately.

Yours Faithfully,

  
( ALAN GONMEI )

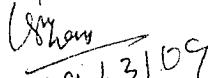
Joint Secretary to the Government of Nagaland.

NO.FOR-17/82(Vol-I)

Dated Kohima, the 19th March, 2009

Copy to :-

1. The PPs to Chief Secretary for information
2. The Principal Chief Conservator of Forest, for information. This refers to his letter No.FE-1/PF-20/79(Pt).

  
19/3/09

( ALAN GONMEI )

Joint Secretary to the Government of Nagaland.

Dr. C.L.Goel

19/3/09  
verified  
true copy  
Tee

10 - 137 -  
OFFICE OF THE DISCIPLINARY PROCEEDINGS  
NAGALAND: KOHIMA

ANNEXURE B

Court/TDP/1/2009

Dated: Kohima the 7<sup>th</sup> November 2009

To,

✓ The under secretary to the Government of Nagaland  
Department of Forest, Ecology, Environment & wild Life  
Nagaland: Kohima

Sub: Status Report on Disciplinary Proceedings Against Dr. C. L.  
Goel, P.C.C.F (U/S)

Sir,

Please find here with the Status Report on the Disciplinary Proceedings drawn against Dr. C. L. Goel, P.C.C.F. (U/S) as required by you communicated to me vide your office letter No. FOR/COURT – 1/2009.

(1) 18/12/2008 – the Chief Secretary vide order No. C & S (FOR) MISC – 1/2006 appoints Shri S. Hukato Swu T.D.P. as the inquiry officer.

(2) Thereafter there was confusion as to whether the T.D.P. who was appointed as the Inquiry Officer was competent to try the case of the charged officer vis-à-vis the AIS by which the charged officer is governed.

(3) 18/06/2009 – Clearance from the Law Department was received that the T.D.P. was competent and the inquiry was registered as TRL 7/2009. 27<sup>th</sup> July 2009 was fixed as the date for the Preliminary Hearing.

✓ 28/07/2009- the charged officer represents before the inquiry that:

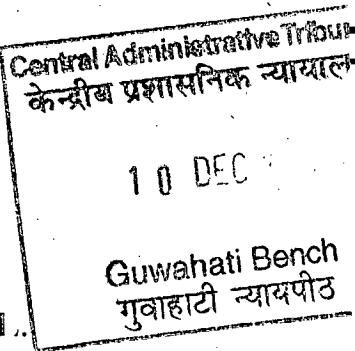
(1) The present inquiry would be sub- judiced as the matter is pending before CAT Guahati.

(2) That the government order No. (FOR)/MISC – 01/06 dated 18<sup>th</sup> December 2009 has not been furnished to him.

(3) That the present inquiry maybe kept pending till the matter is decided by the CAT Guahati.

The petition was disposed off with the order that it would not be sub- judiced as it was not a judicial proceeding. It was only an inquiry set up by the State Government under whom the delinquent serves and the prayer to stay the proceedings until the disposal of a similar inquiry at CAT Guahati was disposed was not allowed.

The order No. (FOR) MISC – 01/06 dated 18<sup>th</sup> December 2008 prayed for by the charged officer was directed to be furnished to him as deserved. (This is an order relating to the appointment of the inquiry officer)



-11-

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10/08/2009 – Charged officer appears before the Inquiry and prays that:

- (1) He be allowed to inspect nine files of the Forest Department for preparation of his inquiry.
- (2) He be furnished with a copy of the appointment order of the inquiry officer.
- (3) He be allowed to engage a lawyer.
- (4) The charged officer also prays that 60 days maybe granted to collect the materials to defend his case.

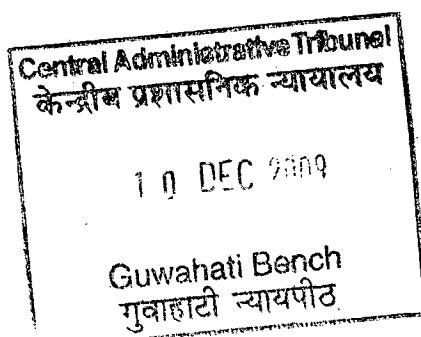
The petition was disposed off by granting all the above prayers.

18/08/2009 – The charged officer represents to the Chief Secretary that the Forest Department be directed to fix date, time and place. So as to enable him to obtain Photostat copies/notes from the files to prepare his defense with a copy endorsed to the inquiry officer.

After this fixture have been made (i.e.) 13/10/2009 but neither the charged officer nor the witness appeared.

Till date Preliminary Hearing has not been conducted under the circumstances.

This is for your kind information.



Yours faithfully

  
(S. HUKATO SWU)  
Inquiry Officer

Tribunal for Disciplinary Proceedings  
Vigilance Commission

*certified true*  
*copy 1/6*



12

139  
2  
ANNEXURE - C 119-

PRINCIPAL CHIEF CONSERVATOR OF FORESTS

Nagaland : Kohima (U/S)  
Phone No. 0370-2224362

Ref. No. ....

No. Misc-PCCF/ 2008-09/leave

Date.....

Dated: Kohima the 28<sup>th</sup> March, 2009

Central Administrative  
केन्द्रीय प्रशासनिक व्य

To

The Chief Secretary  
Government of Nagaland,  
Kohima

10 DEC 2009

Guwahati Bench  
गुवाहाटी न्यायपाल

**SUB: INTIMATION AS REGARDS ABSENCE FROM HEADQUARTERS  
WITH EFFECT FROM 28<sup>TH</sup> MARCH 2009(A/N) TILL 18<sup>TH</sup> APRIL 2009**

Sir,

Inviting your kind attention to the above stated matter, I am to inform you that my presence is urgently required at my home at Dehra Dun for the purpose of providing required medical attention to my wife who has developed certain medical problem. The above issue of my wife's ailment came to my knowledge yesterday evening/night around 9.00 P.M. As such this application intimating about my absence from Headquarters with effect from 28<sup>th</sup> March 2009 (A/N) to till 18<sup>th</sup> April 2009 is submitted. This is for your kind information and necessary record.

My address during the period of my absence from Headquarters is given below:

DR. C.L. GOEL, IFS  
House No. 144, Lane-12, MOHIT NAGAR  
P.O. New Forest, DEHRA DUN - 248006

Thanking you,

NaO-450  
31/3/09

11.00  
Certified  
true copy and  
11.00

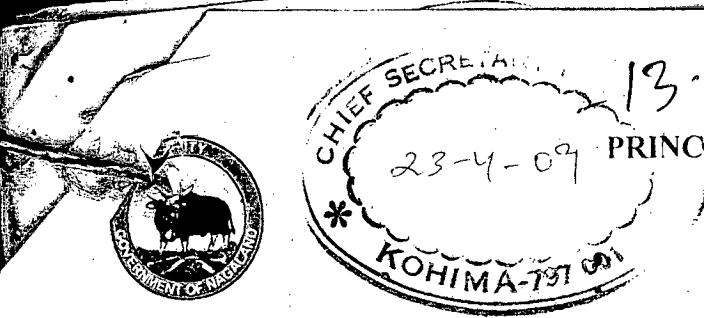
3/3/09 file

11/4/09

Yours faithfully,

(DR. C.L. GOEL)

11/4/09 file record as stated by rule  
11/4/09  
02/4/09



13

ANNEXURE C 148

PRINCIPAL CHIEF CONSERVATOR OF FORESTS (PCCF)

Nagaland : Kohima  
Phone No. 0370-2224362

Ref. No. ....

Date.....

No. MISC-PCCF/2008-09/leave

SPEED POST

Dated the 18<sup>th</sup> April, 2009

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

To  
✓ The Chief Secretary  
Government of Nagaland,  
Kohima

Sir,

In continuation of my communication dated 28<sup>th</sup> March 2009, I would like to inform you that I am forced to remain out of my Headquarters for continuance of reasons mentioned in my communication under reference.

I would remain out of my Headquarters till 03<sup>rd</sup> May 2009. In the event my presence is felt necessary at my Headquarters, during the said period, the same may be intimated to me at my forwarding following address given below:

Dr. C. L. Goel, IFS  
House No. 144, Lane - 12, MOHIT NAGAR  
P.O. New Forest, DEHRA DUN - 248006

Thanking you,

Yours faithfully,

DR. C. L. GOEL  
18/04/2009

NGO-532  
24/4  
He is to seek  
respite not  
respite for  
present  
time (CCF)  
for  
26/4  
Certify  
copy 1/6  
26/4  
26/4/09  
26/4/09  
26/4/09

10 DEC 2009

Guwahati Bench  
গুৱাহাটী ন্যায়পৌঠ

-13-

NOTICE

b

From : Addl. Sr. Govt. Advocate, Nagaland,  
Gauhati High Court,  
Guwahati.

To :

Sub: OA No.3/09  
Dr. C.L. Goel -Versus- UOI & Ors.

Please find herewith the replies to the  
Rejoinder by the applicant against Written Station of  
Respondent No.2 and 3 and 4 and Additional Statement of  
facts filed by the Applicant in the above said case.

Kindly acknowledge the receipt of the same.

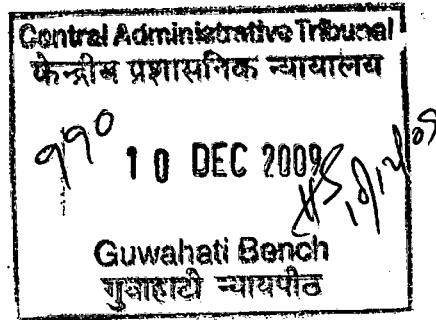
Thanking you.

Yours faithfully,

*TSIBU KHRO*  
( TSIBU KHRO )

Received copy

(for R.N. Bora )  
10/12/09  
12.03 pm.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:

GAUHATI BENCH AT GUWAHATI

IN CASE OA 3/09

IN THE MATTER OF :-

Dr. C.L. Goel

..... Applicant.

-Vs-

UOI & Others.

..... Respondents.

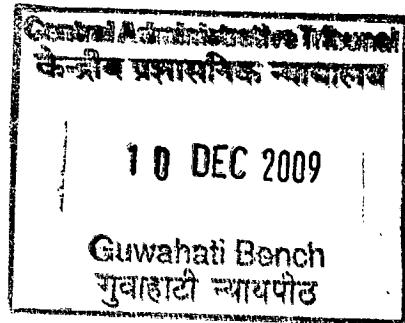
Sl No.	Particulars	Page No.
1.	Replies of Respondent No.3 & 4	1 to 4
2.	Verification	5
4.	Annexure:-A collectively Copies of the letter dated 15.7.2009, 6 to 9. 4.7.2009, 22.7.2009 and 20.11.2009)	

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Filed by

*Tribhuvan*  
Advocate 10.12.09

filed by the Respondent  
no 3 & 4 through 229  
Tribhu Khos Advocate  
10.12.09



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:  
GAUHATI BENCH AT GUWAHATI

IN CASE OA 3/09

IN THE MATTER OF :-

Dr. C.L. Goel

..... Applicant.

-Vs-

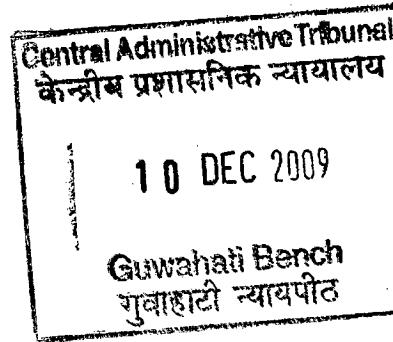
UOI & Others.

..... Respondents.

REPLY OF RESPONDENT NO. 3 AND 4 TO THE ADDITIONAL  
STATEMENTS OF FACTS FILED BY THE APPLICANT.

I, Shri Imtiwapang Aier son of Z.Toshi Aier,  
aged about 34 years, resident of Kohima Town, Kohima,  
Nagaland do hereby solemnly affirm and declare as  
under:

1. That I am the Under Secretary to the Govt of Nagaland, Department of Forest, Ecology, Environment & Wild life. That I am been served with a copy of Additional Statement of facts filed by the Applicant and I have gone through the same and have understood the same. That save and except which are specifically admitted herein, those statement/averments made in paragraph of the additional statement of facts are deemed to have been denied by the answering respondent.



-2-

2. That with regard to the paragraph 1 this deponent does not offer any comments as it pertaining to submission.

3. That with regards to the averments made in paragraph 2, 3 and 4 of the Additional Statement of facts by the applicant this deponent does not admit anything not borne by records and say that the State Govt. had replied to the Central Govt. on 15.7.2009 and 4.7.2009, 22.7.2009 and 20.11.2009. Therefore it is denied that the State Government is not responding to the Central Govt.

Copies of the letter dated 15.7.2009 and 4.7.2009, 22.7.2009 and 20.11.2009 are annexed herewith and marked as Annexure:-A collectively.

4. That with regard to the averments made in paragraph 4, 5, 6 and 7 of the Additional Statement by the applicant this deponent does not admit anything not borne by records and humbly submits that the applicant is not attracted to Rule 3 nor Rule 3(6)(a), Rule 3(8)(a)(b)(c) and (d) of All India Service (Discipline & Appeal) Rules, 1969 in as much as the disciplinary proceedings was constituted and initiated before the expiry of 90 days from the suspension issued to the applicant. As such it is submitted that the relevancy of Rule 3 of All India Service (Discipline & Appeal) Rules, 1969 is not attracted to the instant applicant.

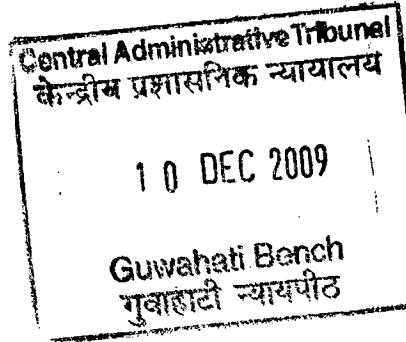
10 DEC 2009

Guwahati Bench  
गुवाहाटी न्यायालय

-3-

5. That with regard to the averments made in paragraph 8, 9 and 10 of the Additional Statement made by the appellant this deponent does not admit anything not borne by records.

6. That with regard to the averments made in paragraph 11, 12, and 13 of the Additional Statement made by the applicant this deponent does not admit anything not borne by record and say that here is another example of the applicant's way of being absent in the headquarter which was one of the condition he should adhere to as per the suspension order dated 17.11.2008. It is humbly submitted that an officer while applying for leave should leave the Headquarter only when the leave sought for was sanctioned by the concerned authority. The applicant in his capacity as an officer need not be recalled to those rules whereas the applicant has taken leave of the Headquarter without getting leave sanctioned by the authority. Be that as it may be it is stated that the Inquiry authority issuing summon to the applicant at the departmental proceedings on different dates is totally a different issue from his leave to the concerned authority. The applicant cannot take the shelter of being on leave and summon issued to him by the Inquiry authority demonstrate delay of conducting departmental proceedings attributed to the applicant.



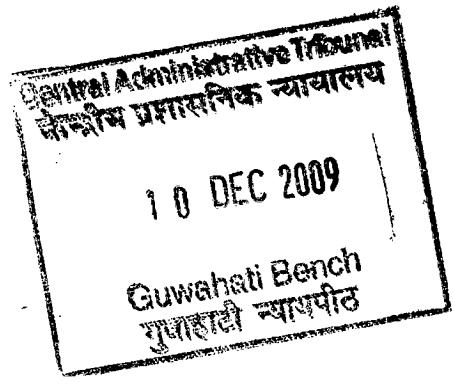
-4-

7. That this deponent begs to submit that the suspension order dated 17.11.08 was passed so as to facilitate impartial free investigation. It may also be submitted that the proceeding is conducted by the Vigilance Commission and he can also appear before the said commission if he so desire. As such, the instant application is liable to be dismissed.

8. In view of the above facts and circumstances it is humbly pray that this Hon'ble Tribunal may allow the concern authority to proceed with the Disciplinary Proceedings till the completion of the case by the Vigilance Commission.

AND OR

Pass any other order/orders as your Lordship may deem fit and proper.



29/12

VERIFICATION

I Shri. T. Imtiwapang Aier, son of Shri. Z. Toshi Aier, aged about 34 years, resident of Lerie Colony Kohima, Nagaland do hereby solemnly affirm and verify that I am the Under Secretary, Department of Forest, Government of Nagaland authorised to file this affidavit on behalf of Respondents No. 3 and 4.

1. That the statement made in paragraph 1, 2  
② 4 and 5 are true to my knowledge and those made in paragraph 3 are true to my knowledge derived from records and rest are my humble submission before this Hon'ble Tribunal.

And I sign this verification on this the 10th day of December 2009 at Guwahati.

10/12/09  
DEponent

GOVERNMENT OF NAGALAND  
DEPARTMENT OF FOREST, ENVIRONMENT, ECOLOGY & WILDLIFE  
NAGALAND: KOHIMA

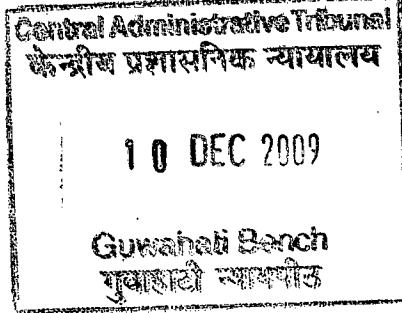
No. C & S (FOR)/MISC-1/2006

Dated Kohima the

4 July, 2009

To,

Shri.Joseph Luikham S (Under Secretary IFS-II)  
Government of India,  
Ministry of Environment & Forests,  
Paryavaran Bhawan, C.G.O Complex,  
New Delhi- 110003



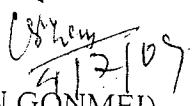
Sub: O.A. No.-3/2009, Shri C.L. Goel Vs Union & Ors. Filed before the  
Hon'ble Central Administrative Tribunal, Guwahati Bench, at  
Guwahati-regarding

Sir,

I am directed to refer to your letter No.F.22012/19/2009-IFS-II dated 03.06.2009 on the above mentioned subject and to forward herewith a copy of the O.A. as desired for further necessary action.

Enclo: As stated above

Yours faithfully,

  
(ALAN GONMEI)

Joint Secretary to the Government of Nagaland.

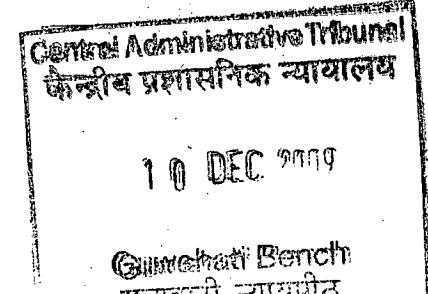
CAT Goel

4/7/09  
4/7/09  
4/7/09  
certified  
copy to

GOVERNMENT OF NAGALAND  
DEPARTMENT OF FORESTS, ECOLOGY, ENVIRONMENT & WILDLIFE  
NAGALAND : : KOHIMA

NO.C&S FOR/MISC-1/2006 (Vol-I) : : Dated Kohima, the 15th July, 2009.  
To

Shri. Vijay Kumar, Director (Vigilance)  
Government of India  
Ministry of Environment and Forests,  
Parivarjan Bhawan, CGO Complex,  
Lodhi Road, New Delhi-110003.



Sub:- O.A. No.3/2009 filed by Dr. C.L. Goel, IFS (NL.77) against his suspension order dated 17.11.2008 issued by Government of Nagaland.

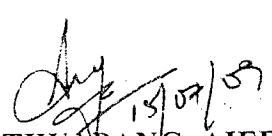
Sir,

I am directed to your letter No. 14011/03/2009-AVU dated 17<sup>th</sup> June 2009 on the above mentioned subject and to forward herewith the written statement which was filed by the State Government alongwith the relevant documents for further necessary action.

Further, it is to state that the next date of hearing in the CAT is on 20.07.09.

Enclo:- As stated

Yours faithfully,

  
( T. IMTIWAPANG AIER )  
Under Secretary to the Government of Nagaland

O.A.

certify true  
copy 1/6

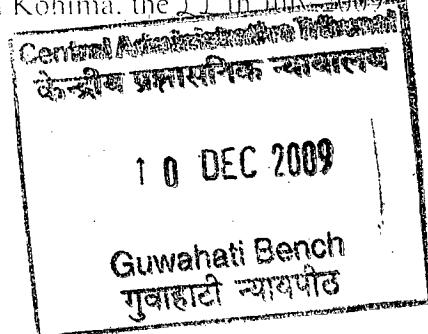
GOVERNMENT OF NAGALAND  
DEPARTMENT OF FORESTS, ECOLOGY, ENVIRONMENT & WILDLIFE  
NAGALAND : : KOHIMA

NO.C&SFOR/MISC-1/2006

Dated Kohima, the 21<sup>st</sup> July, 2009

To

Shri Joseph Luikham (Under Secretary IFS-II)  
Government of India.  
Ministry of Environment & Forests.  
Parivaran Bhawan.  
CGO Complex, Lodhi Road.  
New Delhi - 110003.



Sub :- O.A.No.-3/2009 filed by Shri. C.L. Goel, before the Hon'ble CAT Guwahati Bench at Guwahati regarding.

Sir,

I am directed to refer to your letter No.F-2201/19/2009-IFS-II dated 03.07.2009 on the above mentioned subject and to inform you that this Department has already furnished the copy of O.A. No.-3/2009 filed by Shri. C.L. Goel vide letter No. C & S. (FOR)/MISC-1/2006 dated 4<sup>th</sup> July 2009 (copy enclosed for reference). It is also to state that the next date of hearing at CAT Guwahati Bench is fixed on 20-07-2009 which has been conveyed by the state government Advocate, Guwahati High Court.

Further developments in this respect will be intimated as and when the CAT Guwahati Bench intimates this office.

This is for your kind information and further necessary action.

Encl :- As stated above.

Yours faithfully,

( T. IMTIWARANG AIER )

Under Secretary to the Government of Nagaland

NO.C&SFOR MISC-1/2006 Dated Kohima, the 21<sup>st</sup> July, 2009  
Copy to :-

The Sr. P.S. to Chief Secretary, Nagaland, Kohima.

( T. IMTIWARANG AIER )

Under Secretary to the Government of Nagaland

GOVERNMENT OF NAGALAND  
DEPARTMENT OF FORESTS, ECOLOGY, ENVIRONMENT & WILDLIFE  
NAGALAND : : KOHIMA

NO.FOR/MISC-1/2006(Vol-I) : : Dated Kohima, the 13th November 2009.  
To,

The Director (Vigilance)  
Ministry of Environment & Forests  
Paryavaran Bhawan, CGO Complex,  
Lodhi Road, New Delhi - 110003.

Central Administrative Trib  
केन्द्रीय प्रशासनिक न्याय

10 DEC 2009

Guwahati Bench  
गुवाहाटी न्यायपीठ

Sub :- Appeal preferred under Rule 16 of All India Services (D&A) Rules, 1969 by Dr.C.L.Goel, IFS against the State Government Order No. C&S (FOR) MISC-1/2006, dated 17.11.08.

Sir.

I am directed to refer to your letter No. 13011/9/2009-AVU dated the 13th October, 2009 and to furnish herewith a copy of the appeal of Dr. C.L.Goel alongwith the Para-wise comment & background note of his suspension case for further necessary action.

2. This is in continuation of our earlier letter No C&S FOR/MISC-1/2006 (Vol-I) dated the 15th July, 2009 wherein the case record was submitted to you ( copy enclosed).

3. The next date of hearing before the Central Administrative Tribunal, Guwahati Bench in the matter of O.A. No. 3/09 Dr. C.L.Goel, IFS-Vs- Union of India & Ors is fixed on 2<sup>nd</sup> December, 2009.

Encl :- As stated above.

Yours faithfully,

( T. IMTIWAPANG AIER )  
Under Secretary to the Government of Nagaland.

NO.FOR/MISC-1/2006(Vol-I) : : Dated Kohima, the 13th November 2009.  
Copy to :-

1. The Addl. Sr. Government Advocate, Nagaland, Guwahati High Court, Guwahati.
2. The Principal Chief Conservator of Forests, Nagaland, Kohima.
3. The Tribunal for disciplinary proceedings Vigilance Commission for information
4. The Central Administrative Tribunal Guwahati Bench Rajgarh Road Bhangagarh Guwahati - 05.

( T. IMTIWAPANG AIER )

Under Secretary to the Government of Nagaland.