

50/600

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 249/95

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SECTION OFFICER (Judl.)

Quality
7.2.18

OFFICE NOTE

DATE

ORDER

4.3.96

W/S Submitted
in Rptt. 1 to 3.

12.3.96

Learned Sr.C.G.S.C Mr.S.Ali for t
respondents.

~~List for hearing on 12.~~

Written statement submitted on
4.3.96. Let copy of the written stateme
be served on the counsel of the applica

List for hearing on 13.5.96.

pg

Member

13.5.96

None is present. List for hearing
20.6.96.

pg

Member

20.6.96

Mr M.Singh for the applicant. Mr S
Ali, Sr.C.G.S.C for the respondents.

Written statement has been submitte
by respondents No.1, 2 and 3 and copy
the same served today on Mr Singh. Cas
ready for hearing.

List for hearing on 19.7.96.

Member

pg

19.7.96

None for the applicant. Leave not
of Mr S.Ali, Sr.C.G.S.C.

List for hearing on 19.8.96.

Member

pg

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH : GUWAHATI

ORIGINAL APPLN. NO. 249 OF 1995
 TRANSFER APPLN. NO. OF 1995
 CONTEMPT APPLN. NO. OF 1995 (IN NO.)
 REVIEW APPLN. NO. OF 1995 (IN NO.)
 MISC. PETITION NO. OF 1995 (IN NO.)

..... Lammal Paul..... APPLICANT(S)

-VS-

..... Union of India..... RESPONDENT(S)

For the Applicant(s)

... Mr. M. Singh
 Mrs. G. Singh Sinha
 Mr.
 Mr.

For the Respondent(s)

Mr. S. Ali, Sr. case.

OFFICE NOTE

DATE

ORDER

14.11.95

Mr M. Singh for the applicant.

Prima facie case arises for consideration. Application admitted. Issue notice to the respondents. 8 weeks for written statement.

Adjourned to 22.1.1996. Liberty to apply for early hearing after service on respondents.

This application is in form and within time C. F. of Rs. 50/- deposited vide IPO/BD No. 328860 Dated 31.10.95

Dr. Registrar (13/10)
 P.S.

Member

Vice-Chairman.

pg

19/11

22.1.96

for hearing on 12.3.96

By order

equivalent to
 4932-34 & 12.11.95

ice Reports are submitted.

stated in the notice
 is to be

19.8.96

Mr. M. Singh for the applicant.

Mr. S.Ali, Sr. C.G.S.C. for the respondents.

List for hearing on 16.9.96.

ba
Member

trd

m
19/8

16.9.96

None present.

List for hearing on 10.10.1996.

ba
Member

trd

m
16/9

10.10.96

Learned Sr. C.G.S.C. Mr S. Ali for the respondents. None for the applicants.

List for hearing on 28.11.96.

ba
Member

nkm

8-4-97

Learned Sr. C.G.S.C. Mr. S. Ali for the respondents is present.

List for hearing on 8-5-97.

ba
Member

JB
Vice-Chairman

pg

ba
9/9

8.5.97

Left over. List on 12.6.97 for hearing

ba
Member

JB
Vice-Chairman

pg

ba

since Reports are
awaited.

7/8/96 - the same
W.

ie. Reports are still
waiting.
1/9, the same W. or
1-3.

*hs. m. b.w.
Nos 1-3.*

26.6.97

Learned counsel for both the parties submit that the case is ready for hearing.

List on 14.8.97 for hearing.

bs
Member

SB
Vice-Chairman

trd

14-8-97

Let this case be listed at Shillong.

*vice reports are
still awaited.*

BY ORDER

16.9.97

Case is ready for hearing.
List on 18.12.97 for hearing.

*W/S has been filed.
on R. Nos. 1-3.*

bs
Member

SB
Vice-Chairman

*SD
17/12*

pg

*bs
18/12*

18.12.97

*Leftover. List on 27.2.98.
By order.*

hs. m. b.w.

27.2.98

Heard in part. List for further hearing on 23.3.98.

W/S have been filed.

bs
Member

SB
Vice-Chairman

nkm

*SD
21/3*

23.3.98

*Adjudged to 29.4.98.
By order.*

hs. m. b.w.

29.4.98

*Adjudged to 1.5.98.
By order.*

hs. m. b.w.

1.5.98

*Adjudged to 5.5.98.
By order.*

(5)

O.A.No.249/95

Notes of the Registry	Date	Order of the Tribunal
<i>W/S has been filed</i> <i>12/5</i>	6.5.98 nkm <i>12/5</i>	<p>We have heard the learned counsel for the parties at some length. Mr S. Ali, learned Sr. C.G.S.C., prays for some more time for production of the disciplinary proceedings. Prayer allowed. List it on 13.5.98.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>
<i>W/S has been filed</i> <i>15/5</i>	13.5.98 nkm <i>14/5</i>	<p>Mr S. Ali, learned Sr. C.G.S.C., once again prays for time for production of the records. List it on 18.5.98.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p><u>7.9.98</u></p> <p>Copies of the Judgment have been sent to the D/Sec. for ready reference to the parties through Regd. with A/D.</p> <p>Copies of the Judgment have been receipt & issued vide Dst. No. 2582 to 2590 of 10.9.98</p> <p><i>21.9.98</i></p>	18.5.98 nkm	<p>An application has been filed under Rule 22 of the Central Administrative Tribunal (Procedure) Rules, 1987, praying inter alia for taking up additional grounds. Copy of this application has also been served on Mr S. Ali, learned Sr. C.G.S.C. Mr Ali has no objection if the applicant is allowed to urge these additional grounds. As the application has been filed for taking up the additional grounds we allow Mr Ali to go through the grounds and then make his submissions. Accordingly the hearing is adjourned till tomorrow, 19.5.98.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI-5.

O.A.No. 249 of 1995.

DATE OF DECISION....19-5-1998.....

!! Sri Pannalal Paul (PETITIONER(S))

Mr M.Singh and Mrs G.Sinha ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors. RESPONDENT(S)

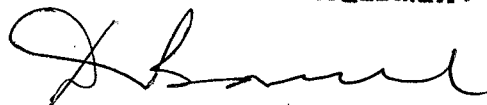
Mr S.Ali, Sr.C.G.S.C. ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE JUSTICE SHRI D.N.BARUAH, VICE CHAIRMAN

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman.



CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 249 of 1995.

Date of Order : This the 19th Day of May, 1998.

Justice Shri D.N.Baruah, Vice-Chairman.

Shri G.L.Sanglyine, Administrative Member.

Sri Pannalal Paul
C/O Sri Prabhat Chandra Paul,
P.O. Maibung-78831,
Dist. N.C.Hills (Assam) . . . Applicant

By Advocate Mr M.Singh and Mrs G.Sinha.

- Versus -

1. Union of India
represented by Comptroller & Auditor
General of India,
New Delhi.
2. The Accountant General (A.E)
Assam, Meghalaya, Arunachal Pradesh,
Mizoram, Shillong-1.
3. Senior Deputy Accountant General(Admn)
Office of the Accountant General (A.E)
Assam, Meghalaya etc.
Shillong-1. . . . Respondents

By Advocate Shri S.Ali, Sr.C.G.S.C.

O R D E R

BARUAH J.(V.C)

This O.A has been filed by the applicant for setting aside the Annexure-14 order of dismissal dated 31.5.1993 issued by the disciplinary authority on the basis of the enquiry report submitted by the enquiry officer and also Annexure-15 appellate order dated 14.7.1995 rejecting the appeal and confirming the order passed by the disciplinary. The facts are :

At the material time the applicant was serving in the office of the Accountant General as Clerk cum Typist. In November 1990 articles of charges alongwith the statement of imputation^{were} served on the applicant asking the applicant

to show cause as to why disciplinary proceeding should not be initiated and the action should not be taken. Following were the charge :-

"Shri Pannalal Paul, C/T while functioning as Clerk/Typist in MC-3 Section was sanctioned E.L for 34 days w.e.f. 30.10.89 to 2.12.89. He has been absenting himself unauthorisedly w.e.f 3.12.89. He was directed to report for duties on or before 15.7.90 and thereafter latest by 10.8.90 positively failing which necessary disciplinary action would be initiated against him, vide this office telegram No.Estt(M)/PC/P-14/1485 dated 31.7.90. In spite of the above, Shri Paul has not yet reported back for duties till date not has be submitted any formal leave application and Medical Certificate, if any in support of his illness. He has also not given any definite indication so far as to when he is going to report for duty."

On receipt of the Articles of Charges alongwith the statement of imputation, the applicant submitted his reply to the show cause notice. The disciplinary authority however, was not satisfied with the reply given by the applicant, and decided to proceed with the enquiry. An enquiry officer was accordingly appointed. The enquiry officer accordingly conducted the enquiry and submitted a report. As per the enquiry report, the enquiry officer arrived at the conclusion that charges had been proved. He accordingly submitted his report with the following findings :

"On the basis of documentary evidence adduced in the case before me and in view of the reasons given above, I hold that, all the two charges against Shri Pannalal Paul, Clerk cum Typist are proved."

On receipt of enquiry report the disciplinary authority agreeing with the conclusion of the enquiry officer, passed order for his removal from service by Annexure-14 order. In the penultimate paragraph of the Annexure-14 order the disciplinary authority stated as follows :

"In view of all the above, the undersigned as Disciplinary Authority finds that there

B

are sufficient and valid grounds for imposing a major penalty as per Rule 11 (viii) of CCS(CCA) Rules, 1965 in as much as gross insubordination and indifference to the directions of his Superiors, violation of Rule 25(2) of CCS (Leave) Rules by unauthorised and wilful absence from duty as displayed by the Official cannot be countenanced else it would create an environment of the office as a whole and considering the gravity of the charges as has been established against him in such as to render his further retention in services undesirable. The undersigned is, therefore, of the expressed view that the ends of justice would be met by imposing the penalty of REMOVAL FROM SERVICE. Accordingly the above said penalty is hereby imposed on Shri Pannalal Paul, C/T with immediately effect. It is further ordered that the period of absence w.e.f. 10.05.91 till date be treated as non-duty since the official has not resumed his duties."

Being aggrieved the applicant preferred an appeal dated 15.6.1995 before the appellate authority namely, Accountant General. Copy of the memo of appeal has not been annexed with this application. Today records have been produced by Ms V.Lyngdoh, Assistant Accounts Officer, who is personally present before this Tribunal. We find from the records that the appellate authority considered the appeal and disposed of the same by an order dated 12.7.1995. While disposing of the appeal the appellate authority i.e. the Accountant General (A&E) observed as follows :-

"After going through the entire case history, the evidences that were produced and the Inquiry Report I am of the view that the Memo submitted by Shri Pannalal Paul and his appeal for reinstatement cannot be accepted due to the following reasons.

A Government servant after entering service and having served for sometime cannot take recourse to ignorance of the rules as he is expected to know the service rules by them. He did not heed to the directions of the authorities from time to time and did not follow the rules by remaining on unauthorised absence for years together. This was gross misbehaviour on his part and my condonation of such behaviour would affect the discipline of the office as a whole. I also find that the procedure for the disciplinary proceeding and inquiry as laid down in CCS(CCA) Rules

B

1965 have been fully followed by the Disciplinary Authority and the Inquiry Officer.

With all these in view I reject the appeal made by Shri Pannalal Paul removed Clerk/Typist."

In view of the above the appeal was rejected. Being dissatisfied with the order of dismissal passed by the Disciplinary authority and the appellate order dated 12.7.1995 affirming the decision of the disciplinary authority on the grounds mentioned above the applicant has approached this Tribunal.

2. We have heard Mr M.Singh, learned counsel for the applicant and Mr S.Ali, learned Sr.C.G.S.C for the respondents. Mr Singh submits before us that the enquiry was vitiated by error of the procedures prescribed under Rule 14 of CCS (CCA) Rules 1865 and also the said order was passed in utter violation of the principle of natural justice. Mr Singh further submits that the appellate authority did not address itself to the point raised and had not come to any independent finding. Mr S.Ali, learned Sr.C.G.S.C on the other hand has tried to support the impugned orders. Mr Ali submits that the decision taken by the disciplinary authority and also by the appellate authority is not justifiable. Only the decision making process should be looked into by this Tribunal.

According to him there is nothing wrong in the applicant in as much as the applicant remained absent for a long period without any valid reason and if this type of inaction, subordination or dereliction of duties are ignored it would be difficult for the administration to maintain the efficiency in the administration. Therefore the Tribunal may not interfere with the order passed by the disciplinary authority as affirmed by the appellate authority.

3. On the rival contentions of the counsel for the parties, whether it is now to be seen that the Annexure-14 impugned order can sustain in law. Before we look to the orders it will be



apposite to see some of the provisions of Rule 14 of CCS (CCA) Rules, 1965. Under the said rule no order imposing any of the penalties specified in clauses (v) to (ix) of Rule 11 shall be made except after an inquiry held, as far as may be, in the manner provided in this rule and Rule 15. Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a Government Servant, it may itself inquire into, or appoint under this rule an authority to inquire into the truth thereof. The article of charges and statements of imputations of misconduct or misbehaviour, list of documents and witnesses shall be served on the charged officer and thereafter requiring the charged officer to submit his written explanation for defence to the disciplinary authority. After receipt of such reply or in case if it is in the opinion of the disciplinary authority that the explanation is not satisfactory he may either enquire himself or may appoint an officer. If no reply is given then also either by the disciplinary authority himself or by the enquiry officer so appointed, will enquire about it as prescribed under the Rule. We are sorry to observe here that the procedure prescribed had not been followed. Mr Singh, learned counsel appearing on behalf of the applicant has strenuously argued that rule 14 has not been complied with even in spirit. Therefore, the entire enquiry is vitiated by the error of procedure. In this connection Mr Singh had drawn our attention to a decision of this Tribunal passed on 8.5.1998 *Shri Ratneswar Karmakar vs. Union of India & Ors.* This Tribunal held in para 11 :

"Before we proceed to examine the issues abovementioned, it would be apposite to mention here a few guidelines/principles, relevant to the present case, enunciated by the Hon'ble Supreme Court in a catena



of judgments. These are as follows: (a) An order passed imposing a punishment on an employee consequent upon a disciplinary/departmental enquiry in violation of rules/regulations/statutory provisions governing such enquiries should not be set aside automatically, (b) The Court/Tribunal may interfere where the authority held the proceedings against the delinquent officer in a manner inconsistent with the rules of natural justice or in violation of statutory rules prescribing the mode of enquiry or where the finding reached by the disciplinary authority is based on no evidence, (c) the standard proof required in a domestic enquiry is only preponderance of probability and not proof beyond reasonable doubt, (d) where there is some evidence on record, the Disciplinary Authority can't be faulted and the Court/Tribunal can't re-appreciate the evidence, (e) Rules of evidence don't apply to domestic enquiry, (f) the Court/Tribunal can't act as a fact finding forum and (g) Reasonable opportunity or fair treatment given to the delinquent official must be judged on the "touchstone of prejudice" caused, if any, on the facts and circumstances of each case."

In the said decision the Tribunal also found that there was a violation of procedure prescribed under Rule 14(14). This Tribunal in the said case also held that oral and documentary evidence referred to had to be produced in the manner required. As that was not done the additional document oral or documentary were rejected by this Tribunal. While coming to the conclusion this Tribunal followed the earlier decision of the Ernakulam Bench of this Tribunal in the case of P.S.G Pillai vs. Union of India & two Ors. reported in AISLJ 1993 (Vol I) 171. We quote the relevant portion of the said decision :

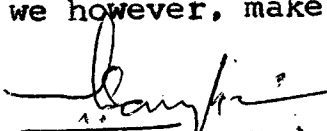
"A documentary evidence means all documents produced before the court or an authority for inspection which contains statement which can be taken judicial cognizance. But a document being an inanimate thing necessarily comes to the cognizance of judicial or quasi judicial authorities through the medium of human testimony; for which reason it has been denominated as 'dead proof' (probata mortua) in contradistinction to witnesses who are said to be "living proof" (probata viva). There are documents under the evidence Act which are admissible and inadmissible in evidence; public and private

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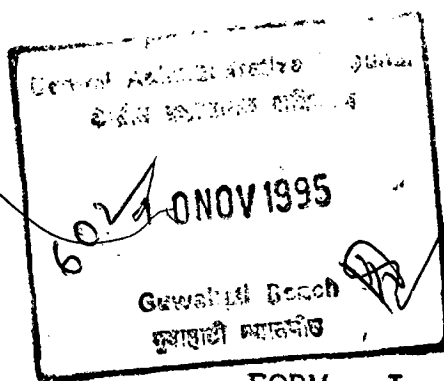
documents having different method of promotion and proof thereof. However mere production of a document without the testimony of the custodian of the same cannot convert it into documentary evidence forming part of the proceeding particularly when there is no consent or admission by the other side. It cannot be relied on or accepted in evidence and marked as part of the case for being relied on, in the enquiry. If such a procedure is allowed to be followed in the departmental enquiries there would not be any safety for the delinquent employees. Rule 14(14), does not contemplate such a situation. Reading the provisions of Rule 14(14), with the principles prescribed by the procedural provisions contained in Evidence Act it is to be held that documents produced in enquiry without giving any copy of the same to the opposite side and marking it as part of the records through human testimony cannot be treated as evidence against the delinquent employee when he objected to the very acceptance of such documents in evidence without following this procedure."

Exactly this has happened here. We find no reason to defer with the decision of the Ernakulam Bench of the Central Administrative Tribunal. As per the said decision no evidence of oral or documentary adduced before the Enquiry Officer and therefore the report submitted by the E.O was not in accordance with the provisions of rule 14(14). Therefore, it cannot be the basis for imposing penalty to the delinquent officer. The disciplinary authority also did not consider the matter in this respect. Considering the entire matter we find that the enquiry was vitiated by error of procedure violating the principle of natural justice and therefore the action of the disciplinary authority and appellate authority as per impugned orders Annexure-14 and 15 cannot sustain in law. Therefore we set aside and quash the Annexure-14 and 15 impugned orders. We make it clear that our order shall not stand in the way of the respondents to initiate fresh proceedings if so advised.

Considering the entire facts and circumstances of the case we however, make no order as to costs.


(G.L.SANGLAYINE)
ADMINISTRATIVE MEMBER


(D.N.BARUAH)
VICE CHAIRMAN



FORM - I

Filed by the Applicant
Through M/s Gauri
Senha 8/11/95

(See Rule 4)

C.A. 249/95

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNALS ACT, 1985.

For use in Tribunal's Office

Date of filing:	10/11/95
or	
Date of Receipt:	
By post	:
Registration No.:	249/95
Signature of the Registrar.	

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH.

Between

Shri Pannalal Paul

.... Applicant

Versus

Union of India & Ors.

.... Respondents.

Details of Application

1. Particulars of the applicant:

- (i) Name of the applicant: Sri Pannalal Paul.
- (ii) Name of Father : Sri Prabhat Chandfa Paul.
- (iii) Designation and office in which employed : Clerk/Typist office of the Accountant General (A/E) Assam, Meghalay, Assamachal, Mizoram Shillong.
- (iv) Office Address : Nil.
- (v) Address for services of all notices : C/o Sri Prabhat Chandra Paul
P.O. - Maibung-788831
Dist. N.C.Hills(Assam).

Contd....2/-

2. Particulars of the Respondent:

- (i) Name and/or designation of the respondent. : 1. Union of India, represented by *Comptroller and Auditor General of India*
2. The Accountant General
- (ii) Office address of the Respondents. : (A.E.) Assam, Meghalaya, Arunachal Pradesh,
- (iii) Address for service for all notices. : Mizoram, Shillong-793001
3. Sr. Dy. Accountant General (Admn) Office of the Accountant General (A.E.) Assam, Meghalaya etc. Shillong-793001.

3. Particulars of the order :
against which application
is made.

The application is against the following order:

- (i) Order No: Appellate order passed by the
- (ii) Date : Accountant General (A.E.) Appellate
- (iii) Passed by: Authority, Assam, Meghalaya etc.,
Shillong contained in Memo No. Sr.
DAG (A)/7/CON-C/90-91/146 dated 14.7.95
affirming the Order of removal passed
by the Sr. Dy. Accountant General
(Admn) the Disciplinary Authority.
- (iv) Subject in brief : Removal from service on ground of
unauthorised absence as well as
insubordination.

Contd....3/-

4. Jurisdiction of the Tribunal:

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

5. Limitation:

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

6. Facts of the Case:

(1) The appellant (35) is a physically handicapped person. He passed B.A. (Distinction), P.U. (Science) I Division, H.S.L.C. I Division. He passed Clerks Grade Examination 1983 conducted by Staff Selection Commission and was recommended for appointment to the post of Clerk/Typist in the office of the Accountant General (A.E.), Assam, Meghalaya etc. as a physically handicapped person from 3% reserved category of Group "C" and "D" as sponsored by the Ministry of Welfare, Govt. of India vide G.I. Letter No.12/7/84 Co-ord II Dated 4.1.85 forwarded to the Director (NER) Staff Selection Commission, Guwahati vide Letter No. SSGG/NGM/1/84-85/13909 dt. 13.1.85. In consideration of the aforesaid Govt Notification and fulfilment of other eligibility conditions, the appellant was appointed as Clerk/Typist and posted in the Office of the Accountant General (Accounts

Contd....4/-

and Establishment), Assam, Meghalaya, Mizoram, Arunachal Pradesh, Shillong-793001, and he joined the post on 20.05.85. At the time of appointment the appellant had been suffering from permanent physical disability (CH. RHEUMATOID ARTHRITIS) duly certified by the Civil Surgeon which was entered into the Service Records of the appellant.

(2) That the appointment being under the reserved category of handicapped persons. there was no question of medical fitness certificate. On the contrary the physical disability was required to be certified for the appointment. The appointment was made in pursuance of the Govt's Social Welfare policy. The job was provided to the appellant for his livelihood and social status. The Govt offer is not in the expectation of any such service expected of a normal person. The Govt. exercise is thus in the direction of giving a special status to a handicapped person. The appointment itself is an exception to the General rule that a person should be medically fit etc.

(3) That the appellant had the incurable chronic Rheumatoids Arthritis marked by relapse and remission. Consequent upon relapse and complete immobilisation/disability, the appellant was forced to stop work and proceed on leave for medical treatment w.e.f. 30.10.89 to 2.12.89. As he could not recover from the relapse of his illness, he remained absent unauthorisedly for

which the appellant was chargesheeted under Rule 14 of C.C.S. (C.C. & A) Rules 1965 vide Memo No. DAG(A)/7/Con-C/90-91 dated 7.11.90. A regular inquiry was held and the appellant took the defence that he was a permanently handicapped person suffering from incurable disease. During the enquiry it was established that he was not capable of resuming his duties. On account of "Chronic Rheumatoid Arthritis". Therefore he was acquitted of the charges of indiscipline and unbecoming behaviour of a Govt Servant etc. It was found that no such imputation could be ascribed to his illness as in the case of a normal. Accordingly the Enquiry Officer gave a finding that the charges were not established beyond doubt vide Inquiry report dated 6.8.91 copy of which was forwarded vide Memo No. Sr.DAG(A)/7/Con-C/90-91/348 dated 28.8.91. This report was accepted by the Disciplinary Authority vide order contained in Memo No. Sr.DAG(A)/7/Con-C/90-91/211 dated 18.9.92. The letters are marked as Document No.1 and 2 respectively in the appended list.

(4) That the disciplinary proceeding terminated and the Disciplinary Authority exonerated the appellant but with a rider that he should report to the Chief Medical and Health Officer, North Cachar Hills, Haflong as directed in the office Memo Sr.DAG(A)/8/Con-C/90-91/107 dated 30.7.92 to get himself examined physically and ^{clinically} ~~clinically~~ to determine whether there is any likelihood of his returning to duty in the near future. This was

Contd...6/-

followed by a further direction to intimate the office whether the appellant appeared before the C.M. & H.O., Haflong as directed in the letter dated 30.7.92 and the direction was issued vide Memo No. Sr.DAG(A)/7/Con-C/90-91/233 dated 21.10.92. Similar direction was however issued vide Memo No. Sr.DAG(A)/7/Con-C/90-91/597 dated 5.2.92. As per the direction this appellant appeared before the C.M. & H.O. Haflong on 23.11.92 by tendering the required fee for examination etc and got himself examined. The two letters dated 5.2.92 and 21.10.92 along with money receipts are marked as Documents 3, 4, 5, 6 in the list appended.

(5) That ~~as~~ will be evident from the Documents 3/4/5/6 that the appellant was medically examined and the report was awaited. As the report was not made available the Disciplinary Authority wrote to the doctor concerned for sending the medical examination reports of the appellant/petitioner vide letter No.Sr. DAG(A)/7/Con-C/90-91/345 dated 14.2.94 marked as Document No.7. In that ~~xxx~~ letter dated 14.2.94 the Disciplinary Authority once again requested the C.M. & H.O. Haflong for conducting physical and clinical examination of the appellant ~~once~~ again to determine whether there was likelihood of his being fit to resume duty in the near future.

Contd....7/-

(6) That the petitioner/appellant availed further leave for the period 3.12.89 to 9.5.91 without pay and any kind ^{of} benefit. He was then bed ridden and forced to remain absent. In that situation the Establishment Officer (M) issued letter No. Esstt(M)/P.C./P-14/48 dated 15.6.93 advising the appellant to submit a leave application ^{with} duly supported medical certificate. Accordingly the appellant submitted leave application dated 20.9.93 praying for the grant of leave ~~20x2x93~~ for 10.5.91 to 25.10.93 duly supported by medical certificate. However the leave applications have not been submitted in prescribed forms and nature of leave has not been mentioned. Thereafter the appellant submitted medical certificates regularly in the prescribed form.

(7) That as the medical report was not made available, the Disciplinary Authority issued memos No. DAG(A)/7/Con-C/90-91/846, 859, 903 and 909 dated 14.2.94, 4.3.94, 7.4.94 and 13.4.94 respectively containing directions to appear before the Chief Medical and Health Officer, Haflong for the appellant's physical and clinical examination. The appellant's father visited the office of the said medical officer at Haflong but the said Medical Officer was out of station. However as instructed by that office, the appellant received an office Memo No.G/42/2608 dated 19.4.94 directing ~~the~~ to appear before the District Medical Board on 25.4.94 at 10 a.m. The appellant received the aforesaid letter on 23.4.94 at 2-15 p.m. !Due to serious predicaments

and the paucity of time and the difficulties involved in movements the appellant could not appear before the C.M. & H.O. on 25.4.94. Considering the difficulties of the petitioner/appellant, the C.M. & H.O. reconstituted the Medical Board fixing 20.5.94 as the date for physical and clinical examination of the appellant. Accordingly the appellant appeared before the reconstituted Medical Board on 20.5.94. Three Medical Officers of the Board conducted the necessary examination after the payment of Rs.90/- as the Medical examination fee.* This has been communicated to the Departmental authorities vide letter dated 21.5.94 marked Document No.9/10. As the medical report was not communicated the Disciplinary Authority issued a show cause notice to the appellant/petitioner vide Memo No.Sr.DAG(A)/7/Con-C/90-91/39 dated 17.5.94 calling upon the appellant to explain why he did not appear before the C.M. & H.O. and to submit the explanation within 5 days from the date of receipt of the letter failing which disciplinary action would be taken against him. The show cause dated 17.5.94 is marked as Document No.8. The appellant then submitted show cause explanation within the stipulated time stating the reasons of his failure to appear before the C.M. & H.O. vide letter dated 25.5.94. Copy of the letter dated 25.5.94 marked as Document No.11. By other Memos dated 7.4.94 and 13.4.94 the appellant was directed to obtain medical fitness certificate which was refused by the C.M. & H.O., Haflong.

Contd....9/-

(8) That notwithstanding the appearance before the Medical Board and explanations to the show causes, the Disciplinary Authority initiated disciplinary proceeding vide Memo No. Sr.DAG(A)/7/Con-C/90-91/84 dated 6.7.94 after 46 days of the appellant's appearance before the Medical Board. Articles of charges were delivered and Inquiry was held under Rule 14 of the Central Services (Clarification, Control and Appeal) Rules, 1965 to inquire into the charges. The appellant has been charged that (a) he had unauthorisedly remained absent from 10.5.91 ~~wkxk~~ till date (b) he failed to carry out the orders of the superior officer and appear before the Medical Board for physical and clinical examination (c) that he failed to resume duty with medical fitness certificate. The charges stated that the appellant committed gross misconduct, indulging in indiscipline, dereliction of duty, gross insubordination and violations of Rule 3(i) (ii) (iii) of the C.C.(conduct) Rules, 1964 and wilfully ^{violated} leave rules of Rule 25(2) of CCS (Leave) Rules 1972.

(9) That the appellant submitted written statements dated 25.7.94 and denied all the charges but admitted non-submission of formal leave application. Due to permanent ^{disability} the appellant could not be present during the enquiry and as such the enquiry was held in absentia of the appellant. The appellant had stated in his written statements that he had not committed any misconduct or indiscipline as alleged against him. It was only his physical disability which

him from resuming duty, which is a matter beyond the control of the appellant. As stated in the W/S, he urged the Disciplinary Authority not to ^mimpute any conduct to his absence from duty in consideration of his permanent disability on account of illness.

(10) That as stated above the appellant could not participate the enquiry proceeding. Sri D.K. Nag, Inquiry Authority submitted an inquiry report 16.9.94 holding that charges against the appellant have been proved. While forwarding a copy of the inquiry report vide Memo No. Sr. DAG(A)/7/Con-C/90-91/169 dated 20.9.94, the appellant was given an opportunity for making representation if he so liked. The Memo dated 20.9.94 is marked as DOCUMENT No.12. Accordingly the appellant submitted a representation dated 28.9.94 stating that the documents relating to ^{his} *appointment as a handicapped person and* the written brief of the presenting officer were not furnished to him. On receiving this representation the aforesaid enquiry report was rejected by the Disciplinary Authority which passed order dt. 18.10.94 to recommence the enquiry from the stage of ~~start~~ sending the copy of the written brief of the presenting officer. The second enquiry report was submitted on 16.2.95 and a copy of the same was forwarded to the appellant vide Memo No. Sr.DAG(A)/7/Con-C/90-91/326 dated 24.2.95 marked as DOCUMENT NO.13.

Contd.

(11) That on receiving the enquiry report dated 16.2.95 the Disciplinary Authority passed final order accepting the enquiry report and awarding the punishment of "Removal From Service" which was communicated vide Memo No. Sr.DAG(A)/7/Con-C/90-91/83 dated 31.5.95 DOCUMENT NO.14. In that order it has been held by the Disciplinary Authority that there is no scope of ^{Leniency} ~~tenancy~~ on the ground of physical handicap. It has been held that the appellant has behaved in a manner most unbecoming of a Govt servant violating provisions of Rule 3, (i) (ii) (iii) of CCS conduct Rules 1964 and Rule 25 (2) of the CCS (Leave) Rules, 1972.

(12) That being aggrieved the appellant presented an appeal against the order of removal passed by the Disciplinary Authority vide Memo dated 15.6.95. The Accountant General (A/E), the appellate authority rejected the appeal and communicated the order vide Memo No. Sr DAG(A)/8/Con-C/90-91/146 dated 14.7.95 which is appended and marked as DOCUMENT NO.15. It has been held that condonation of appellant's behaviour would effect the discipline of the office as a whole.

(13) That the appellant states -

- (A) That the disciplinary/appellate authority treated the appellant to be a normal and healthy person and overlooked the fact that he was appointed from the 3% Quota reserved for the handicapped person under extraordinary welfare policy of the Govt. His service record itself contains the entry into service as "CH RHEUMATOID ARTHRITIS" a disease known to ^{relapse} ~~re-appear~~ and remit.
- (B) That the medical officers/Board who examined the appellant did not forward the medical report after physical and clinical examination of the appellant.
- (C) that the appellant being ill from the day, 1(one) as being handicapped could not be asked to submit medical fitness certificate under any circumstances as directed by the Departmental authorities.
- (D) Absence being due to illness owing to permanent disability as recorded, no misconduct, indiscipline or insubordination could be imputed to the appellant as has been done in this case.

- (E) that the inquiry authority failed to appreciate the facts of the case, did not apply his mind nor did he consider all the documents of the case and submitted an erroneous report that the charges were proved against the appellant.
- (F) that show cause notice served upon the appellant is illegal in as much as the Rule 14 of C.C.S. Rules 1965 (classification, control and appeal) Rules, 1965, C.C.S. (Conduct) Rules, 1964 and Rule 25(2) of the Leave Rule could not be applicable to the case of the appellant. Particularly the appellant having held a permanent post would not be removable for overstaying leave.
- (G) that the punishment of removal from service is too harsh.
- (H) that ^{no} opportunity has been given to the appellant to defend himself nor any defence assistance was made available to the appellant to which he is lawfully entitled.
- (I) that the whole proceeding is violative of the Govt welfare/rehabilitation policy and the article 14 of the Constitution of India for having treated him as equal with the unequals.

- (J) that the disciplinary authority has merely dittoed the enquiry report without giving any independent finding and the appellate authority has equally failed to appreciate the ~~xxx~~ law and facts of the case.
- (K) that a great injustice has been caused to the appellant and he has been deprived of the job benefit granted for his livelihood.
- (L) that the findings arrived at by the disciplinary/appellate authority are all biased, wrong and illegal and without any finding as to the disability the removal order could not have been passed.
- (M) that the disciplinary/appellate authority misappreciated the facts and the law and misconducted themselves in passing the impugned order of removal from service.
- (N) that in the similar situation in a previous proceeding the enquiry had to be terminated in view of the fact that the appellant was a handicapped person and the charge of misconduct and insubordination were not proved. In the instant case it was the duty of the enquiry officer to give a finding as to whether the appellant wilfully absented or avoided appearing before a medical Board or had shown insubordination. But no finding has been given on this count.

- (O) that the finding of the learned appellate authority that the behaviour of the appellant cannot be condoned as it would affect the discipline of the service is highly shocking, incongruent and irrelevant.
- (P) that the appellant has been given the opportunity to explain why a major penalty should not be imposed.
- (Q) that the appellant has not been admitted to any ^{monetary} ~~mutual~~ benefit nor has been given salaries during the period and that he has been struggling for recovery from illness at least to the point of attending duty in the office has received no consideration in the case. It has also been overlooked that the appellant kept informing the office about his disability by sending medical certificates from time to time. And that non-submission of leave application in prescribed form is merely an irregularity which cannot be interpreted to be misconduct.
- (R) that the enquiry was not conducted properly and fairly and the relevant facts were suppressed and for such suppression, the authority were misled to arrive at a wrong decision.
- (S) that the decision of removal from service is highly unjustified in the facts and circumstances of the case and the same is liable to be set aside.

7. RELIEF(S) SOUGHT

In view of the facts mentioned in para 6 above the appellant prays for the following relief(s):-

- (1) The impugned order of removal from service against the appellant passed by the Disciplinary /appellate authority be set aside and;
- (2) the appellant be reinstated in his service and admitted to all the consequential benefits and;
- (3) any other relief/reliefs to which the appellant may be admitted.

8. Interim Order if prayed for:-

Pending final decision on the application, the applicant seeks issue of the following order:-

(Given here the nature of the interim order with the reasons).

9. DETAILS OF THE REMEDIES EXHAUSTED:-

The applicant declares that he has availed of all the remedies available to him under the relevant service rules, etc.

Statutory appeal filed on 15.6.95 has been rejected by the appellate authority vide order contained in Memo No. Sr. DAG(A)/7/Con-C/90-91/146 dated 14.7.95.

Contd....17/-

10. MATTER NOT PENDING WITH ANY OTHER COURT, ETC:

The applicant further declares that the matter regarding which this application has been made is not pending before any court of law or any other authority or any other Bench of the Tribunal.

11. PARTICULARS OF BANK DRAFT/POSTAL ORDER IN RESPECT OF THE APPLICATION FEE:-

1. Name of the Bank on which drawn :

2. Demand Draft No. :

OR

1. Number of Indian Postal Order(s) : 8 09 328860

2. Name of the issuing Post Office : Guwahati Head Post office

3. Date of issue of Postal Order : 31.10.95

4. Post Office at which payable : Guwahati Hd Post office

12. DETAILS OF INDEX:-

An index in duplicate containing the details of the documents to be relief upon is enclosed.

13. LIST OF ENCLOSURES:

Enclosed Documents No. 1 to 15.

Contd....18/-

VERIFICATION

I, Shri Pannalal Paul S/O Prabhat Chandra
paul aged about 30 years ^{Removed} working as Clerk/Typist
resident of P.O. - Maibang, Hospital Road do hereby
verify that the contents from 1 to 13 are true to
my personal knowledge and belief and that I have not
suppressed any material facts.

Place: Guwahati

Date: 31-10-95

Pannalal Paul

Signature of applicant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH.

Shri Pannalal Paul ... Applicant

Versus

Union of India & Ors. Respondents.

I N D E X

<u>Document No.</u>	<u>Memo No.</u>	<u>Page No.</u>
1.	Memo No.Sr.DAG(A)7/Con-C/90/91/ 348 dated 28.8.91- Inquiry Report	- 19
	Contained in Letter No.Sr.DAG(A) 7/Con-C/90-91/627 dt. 15.3.91	- 20 to 22
	Inquiry Report dt. 6.8.91 .	- 23 to 33
2.	Memo No.Sr.DAG(A)/7/Con-C/ 90-91/211 dt. 18.9.95	- 34 to 36
3.	Memo No.Sr.DAG(A)/7/Con-C/ 90-91/597 dt. 5.2.92	- 37
4.	Receipt dt. 13.3.92	- 38
5.	Memo No.Sr.DAG(A)/7/Con-C/ 90-91/233 dt. 21.10.92	- 39
6.	Receipt dt. 23.11.92	- 40
7.	Memo No.Sr.DAG(A)/7/Con-C/ 90-91/845 dated 14.2.94	- 41
8.	Memo No.Sr.DAG(A)/7/Con-C/ 90-91/39 dt. 17.5.94	- 42
9.	Application of Pannalal Paul dated 21.5.94	- 43
10.	Receipt dated 20.5.94	- 44

Contd...2

<u>Document No.</u>	<u>Memo No.</u>	<u>Page No.</u>
11	Application of Pannalal Paul dated 25.5.94	- 45 to 46
12	Memo No.Sr.DAG(A)7/Con-C/ 90-91/169 dt. 20.9.94	- 47 to 53
13	Memo No.Sr.DAG(A)/7/Con-C/ 90-91/326 dt. 24.2.95	- 54 to 67
14	Memo No.Sr.DAG(A)/7/Con-C/ 90-91/83 dt. 31.5.95	- 68 to 74
15	Memo No. Sr.DAG(A)7/Con-C/ 90-91/146 dt. 14.7.95	- 75 to 82

Total 15 Documents.

Prepared by me

Date:-

Advocate.

REGISTERED.A/D.

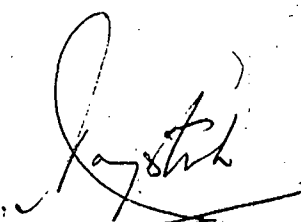
OFFICE OF THE ACCOUNTANT GENERAL (AGE) TEHIALAYA ETC., SHILLONG-792001.

Memo No. Sr.DAG(A)/7/Con-C/90-91/348

dt. 28.8.91.

A copy of the report of the Inquiry Officer is enclosed. The disciplinary Authority will take a suitable decision after considering the report. If you wish to make any representation of submission, you may do so in writing to the Disciplinary Authority within 15 (fifteen) days of receipt of this letter.

Enclo : As mentioned above.


Sr.Dy.Accountant General(A).

Shri Kammalal Paul, C/T,
C/o Shri Prabhat Chandra Paul,
i.c. Haibang-788 831,
Dist. N.C.Hills (Assam).

Attested -
Ma Indra Singh
(N Singh)
Advocate

INQUIRY REPORT

Of the Departmental Enquiry hold against Shri Pannalal Paul,
Clerk/Typist,

Office of the Accountant General (A&E),
Meghalaya, SHILLONG.

Submitted By:-

S. Deb Biswas, Inquiry Officer, Vide letter No Sr.D.A.G (A)/7/Con-c/
90-91/627. Dated 15.3.91
List of exhibited Documents.

1. S-1 Telegram No. Estt (M)/PC-14/89/2982, dated 12.2.90, issued to Shri Pannalal Paul, Clerk/Typist.
2. S-2 Memo No Estt (M)/P-14/22X/22, dated 26.4.90, issued to Shri Pannalal Paul, Clerk/Typist.
3. S-3 Telegram No Estt (M)/PC-14/555, dated 23.5.90, issued to Shri Pannalal Paul, Clerk/Typist.
4. S-4 Memo No Estt (M)/PC/P-14/568, dated 25.5.90, issued to Shri Pannalal Paul, Clerk/Typist.
5. S-5 Telegram No Estt (M)/PC/P-14/983, dated 2.7.90, issued to Shri Pannalal Paul, Clerk/Typist.
6. S-6 Memo No Estt (M)/PC/P-14/1485, dated 31.7.90, issued to Shri Pannalal Paul, Clerk/Typist.
7. S-7 (1) Letter dated 5.5.90 written by Shri Pannalal Paul to Estt. Officer in reply to S-1 & S-2.
8. S-7 (2) Letter dated 16.6.90 written by Shri P. Paul, C/T to the Estt. Officer with reference to S-3 & S-4.
9. S-7 (3) Letter dated 6.8.90, written by Shri P. Paul, C/T, to the Sr.D.A.G (Admn) with reference to S-5 & S-6.
10. S-8 Letter dated 20.11.90 written by Shri P. Paul, C/T, to Shri E.R. Solomon, Sr.D.A.G (Admn) with reference to charge Sheet dated 7.11.90
11. S-9 (1) Letter dated 24.11.90 written by Shri P. Paul, C/T, to the Sr.D.A.G (Admn).
12. S-9 (2) Application dated 24.11.90 for leave in prescribed leave-application form of Shri P. Paul.
13. S-10 Telegram for extension of leave of Shri P. Paul.
14. S-11 Memo No Sr.D.A.G (A)/7/Con-c/90-91/380, dated 14.1.91, issued to Shri P. Paul.
15. S-12 (1) Letter dated 24.1.91, to the Sr.D.A.G (Admn) of Shri Paul with reference to S-11.
16. S-12 (2) Application dated 24.1.91 for leave in prescribed leave application form of Shri Paul.

Attested
MS

17. S-13 Telegram No Sr.D.A.G(A)^g590, dated 13.2.91, to Shri Paul.
18. S-14 (1) Letter dated 25.2.91 to the Sr.D.A.G (Admn) of Shri Paul with reference to S-13.
19. S-14 (2) Letter dated 5.3.91, to the Sr.D.A.G (Admn) of Shri Paul
20. S-14 (3) Letter dated 16.3.91, to the Sr.D.A.G (Admn) of Shri Paul.
21. S-14 (4) Application dated 16.3.91, for leave in prescribed form.
22. S-15 Report of the presenting Officer regarding appointment of Shri Paul Under Physically handicapped Quota.
23. D-1 Letter dated 20.3.91, of Shri P. Paul C/T, to the Inquiry Officer.
24. D-2 (1) Letter dated 25.3.91, of Shri P. Paul C/T, to the Inquiry Officer.
25. D-2 (2) Leave application Dated 25.3.91, in the prescribed form (from 1.5.91 to 9.5.91) of Shri P. Paul.
26. D-2 (3) Money receipt No 652 dated 29.10.89, for Rs. 30/- is in favour of Shri P. Paul issued by Shivananda¹¹ Nath and Yogashram^G Singha Kamakhya Guwahati-10.
27. D-2 (4) Money receipt No 3714 dated 29.10.89 for Rs. 250/- in favour of Shri P. Paul issued By Shivananda & Yogashram, Guwahati-10.
28. D-2 (5) Money receipt No 4309 dated 15.2.90 for Rs. 600/- in favour of Shri P. Paul^{an} issued by Shivananda & Yogashram, Gu-10
29. D-2 (6) Prescription Dated 28.10.89, in favour of Shri P. Paul issued by Shivananda^{an} Yogic Hospital, Kamakhya, Guwahati-10
30. D-2 (7) Medical certificate dated 15.5.90, issued by Ayurvedec Physician Maibang Rural Hospital in favour of Shri P. Paul from 15.2.90, to 14.5.90.
31. D-2 (8) Medical certificate dated 15.5.90 issued by Medical and Health Officer, -1, 30 beded Rural Hospital Maibang to Shri P. Paul from 15.5.90 to 11.8.90.
32. D-2 (9) Medical certificate dated 12.8.90, issued by Medical & Health Officer Maibang Rural Hospital in favour of Sh P. Paul for 90 days from 12.8.90.
33. D-2 (10) Medical certificate dated 11.11.90 issued by Dr. K.S. Dowerah, Medical & Health Officer to Shri P. PAUL for 90 days for 9-2.91 to 9.5.91. from 10.11.90
- ~~34. D-2 (11) Medical Certificate dated 9.2.91, issued by~~

Alth...
11/8

34. D-2 (11) Medical certificate dated 9.2.91, issued by Medical Health Officer, Maibomg Rural Hospital to Shri P. Paul for 90 days for 9.2.91 to 9.5.91.
35. D-3 Letter dated 2.4.91 of Shri P. Paul to the inquiry Officer.
36. D-3 Letter dated 6.4.91 of Shri P. Paul to the inquiry Officer.
37. D-5 G.I. letter No. 12/7/84 co-ord II, dated 4.1.85 granting exemption from Type test examination, by P. Paul under Physically Handicapped quota addressed to the Regional Director (NER), Staff Selection Commission, Guwahati.
38. D-6 (1) Note of the SO/MC-3 section to the presenting Officer about the Three X-Ray Plates.
39. D-6 (2) X-Ray Plate.
40. D-6 (3) X-Ray Plate.
41. D-6 (4) X-Ray Plate.
42. D-6 (5) ~~X-RAY~~ "The Telegraph" paper date 18.9.89, bearing the name of 'Pannalal Paul' on the top right corner of the paper in which the X-ray plates were found & covered in MC-3 section.
43. D-7 Letter dated 14.5.91, of Shri Pannalal Paul to the Inquiry Officer, expressing his inability to ~~xxx~~ attend the proceeding.

*Attended
R. S.*

List of Witnesses

N I L

Inquiry Report.*Case*

in the/against Shri Pannalal Paul Clerk/Typist office of the Accountant General (A&E) Meghalaya etc. Shillong.

1.1. Under Sub-Rule (2) of Rule 14 of the CCS (CCA) Rules, 1965, I was appointed by the Senior Deputy Accountant General (Admn) Office of the A.G. (A&E) Assam, Meghalaya etc. Shillong as the Inquiring Authority to inquire into the charges framed against Shri Pannalal Paul C/T Vide No Sr. D.A.G. (A)/7/con.c/90-91/627, dated 15.3.91. I have since completed the inquiry and on the basis of the documentary evidences adduced before me prepared my Inquiry Report as under :-

2.0. PARTICIPATION BY CHARGED OFFICER IN THE INQUIRY AND DEFENCE ASSISTANCE AVAILABLE TO HIM.

2.0 The Charged Officer did not participate in the inquiry from the beginning to end. No assistance was also sought for by the charged Officer. The inquiry was held in his absence ex-parte. The Charged Officer was kept informed about the progress of the inquiry by sending Daily Order Sheet of the proceedings to his address.

3.0. Article of charged and substance of imputation of misconduct or misbehaviour.

3.1. The following articles of charged have been framed against Shri Pannalal Paul Clerk/Typist.

Article no.1.

Shri Pannalal Paul Clerk/Typist, while working as C/T in Mc-3 section has been absenting himself unauthorisedly with effect from 3.12.89, after expiry of the sanctioned period of Earned Leave for 34 days from 30-10.89 to 2.12.89. He was first directed to report for duties on or before 15.7.89 Vide Telegram No. Estt (M)/PC/P-14/983, dated 2.7.90 and again latest by 10.8.90 Vide Memo No Estt (M)/PC/P-14/1485 dated 31.7.90 failing which necessary disciplinary action would be initiated against him. In spite of these reminders Shri Pannalal Paul did not report for duty till 7.11.90 (date of

*Attended
H.S.*

(4)

issue of the charge sheet) nor he submitted any formal leave application and Medical Certificate, if any, in support of his illness. He has not also given any definite indication so far as to when he was going to report for duty.

By his above acts Shri Pannalal Paul C/T, had failed to maintain devotion to duty and also had behaved in a manner unbecoming of a Government Servant violating provisions of Rule 3(1)(ii)(iii) of the Central Civil Services (Conduct) Rules, 1964.

4. CASE OF THE DISCIPLINARY AUTHORITY.

Shri Pannalal Paul Clerk/Typist was sanctioned Earned Leave for 14 days in two spells, that is, for 10 days from 30.10.89 to 17.11.89 and extension of leave for 15 days from 18.11.89 to 2.12.89. He was absenting himself unauthorisedly W.e.f. 3.12.89. He was intimated that ~~his leave expiry on 2.12.89 and he should join duty immediately vide Telegram No. Estt(M)/PC/14/89/2982 dated 12.2.90 (vide exhibit S-1).~~ There after Shri Paul was directed to report to duty within 7 days & receipt of the letter vide Memo, No, Estt(M) PC/P-14/221-224 exhibit S-2) dated 26.4.90 failing which disciplinary action would be taken against him. Shri Paul was reminded telegraphically to report for duty on or before 28.5.90, vide No Estt(M)/PC-14/555 dated 23.5.90 (Exhibit S-3) and Memo No. Estt(M)/PC/P-14/568 dated 25.5.90 (Ex. S-4). Shri Paul was further given opportunity to resume duty on or before 15.7.90 vide telegram No Estt(M) PC/P-14/983 dated 2.7.90 (Ex. S-5). In spite of the above mentioned Memos and Telegrams, Shri Paul failed to resume duty and he was given a last opportunity to join his duty lastst by 10.8.90, vide Memo No Estt(M)/PC/P-14/1485 dated 31.7.90, (Ex. S-6), failing which necessary disciplinary proceedings would be initiated against him. Through his letters dated 5.5.90 (Ex. S-7(1)) 16.6.90 (Ex. S-7(2)), 6.8.90 (Ex. S-7(3)) and 29.8.90, Shri Paul gave the impression that he was wilfully playing for time and thus disobeying orders of the superior authority.

Following documents also showed that the delinquent official was wilfully absenting himself disobeying the orders of the superior authority inspite of several opportunities given to him to resume duty.

- (a) Letter dated 20.11.90, of Shri Pannalal Paul Clerk/Typist (Ex. S-8) without any specific reason and without any medical certificate to support his absence even after issue of Memorandum under Rule 14.
- (b) Letter dated 24.11.90 of Shri Paul (Ex. S-9(1)) forwarding formal leave application Ex. S-9(2) but without medical certificate though the leave applied for was an medical ground.
- (c) Telegram of Shri Paul (Ex. S-10) for extension of leave.

(d)

- (d) Memo, No. Sr.D.A.G(A)/7/con-c/90-91/380, dated 14.1.91 (Ex.S-11) asking Shri Paul to forward medical certificate covering the period of absence and to intimate the date of reporting to duty.
- (e) Letter dated 24.1.91, of Shri Paul ~~(Ex.S-11) forwarding the leave application (Ex.S-12(1) forwarding the leave application (Ex.S-12(2) but without medical certificate.~~
- (f) Telegram No. Sr.D.A.G(A)/590 dated 13.2.91 (Ex.S-18) asking Shri Paul to submit medical certificate in support of his illness within fifteen days of receipt of the Telegram.
- (g) Letters dated 25.2.91 (Ex.S-14(1)), 5.3.91 (Ex.S-14(2)) and 16.3.91 (Ex.S-14(3)), from Shri Pannalal Paul forwarding leave application without medical certificate (Ex.S-14(4)).

The delinquent official was also informed of the consequences that the entire period of absence would be treated as unauthorised entailing loss of pay resulting in break in service. But in spite of repeated opportunity and warning, the delinquent official absented himself abruptly and remained absent as would be evident from the documents produced.

The three X-ray Plates (Exhibits.D-6(2), D-6(3) and D-6(4), referred to by Shri Pannalal Paul were found in the steel Almirah of MC.3, Section wrapped by News paper (Exhibit.D-6(5), but these X-ray Plates do not bear neither the name of Shri Pannalal Paul nor do contain the report as regards finding on X-rays.

Further, as regards the claim of Shri Paul, that he was recruited under Physically handicapped Quota, it was found that he was sponsored by the ~~former index~~ by the Staff Selection Commission for appointment under P/H quota and forwarded under No.SSCG/NGM/1/84-85/13909, dated 13.1.85 Shri Paul after his appointment was not paid any allowance by Estt(M) section.

In pursuance of Memo No. Sr.D.A.G(A)/7/con.c/90-91/380, dated 14.1.91 (Ex.S-11) Shri Paul has expressed the circumstances for not been able to produce medical certificate from the Civil Surgeon vide his letter dated 25.3.91 (Ex.D-2(1)), and furnished medical certificates from his attending physicians covering periods of treatment from his 15.2.90 to 9.5.91, after a lapse of about a year together with a formal leave application for the periods ~~xxxxxx~~ ~~xxxxxx~~ of leave from 1.5.91 to 9.5.91 (Exhibits D-2(2) to D-2(11)). The medical certificate granted by Ayurvedic physician Maibong Rural Hospital in favour of Shri Paul was granted on 14.5.90 certifying the period of illness from 15.2.90 to 14.5.90. As per Medical Attendance Rules the medical certificate should be granted from the date of commencement of treatment which the attending physician certifying the absence.

Shri Paul in his letter dated 2.4.91 (Ex.D-3) has stated that his permanent physical disability has aggravated and preventing

(6)

him from resuming duty.

Thus Shri Paul, inspite of several direction to report for duty, has disobey-ed the superior authority without any valid and convincinnng reasons which act amounts to lacking in devotion to duty and violation of Rule 3(1)(ii) of the CCS(Conduct), Rules, 1964.

Shri Pannalal Paul has absenting himself from duty unauthori-
-edly with effect from 3.12.89, without permission and also without
furnishing any medical certificate in support of absence and
there by a total period of ^{about} ~~absent~~ 17 months has been elapsed on
absence till date which amounts to unbecoming conduct of a Govt.
Servent Violating Rule 3(1) ~~2x~~ (iii) of the CCS(Conduct) Rules,
1964.

The article of charge framed against Shri Paul C/T have^{thus} been
esttablished beyond resonable doubt^b in view of th/e facts and
evidences mentioned above.

5. CASE OF THE DEFENDANT.

After having been struck down with physical disability
resulting in total immobilisation Shri Pannalal Paul got in touch
with an Orthopaedic Specialist at Shillong and was asked to take
X-ray of the pelvis and hips. Later the doctor advised him to ~~taka~~
go in for Yogic Therapy. Accordingly, Shri Paul got himself admitt^e
in the Umachal Yogic Hospital at Kamakhya Hill, Guwahati. He was
there till 14.2.1990, but with no result or improvement.

In support of this he referred to the three X-ray plates
lying in the Big Steel Almirah of MC-3 section covered by
'Telegraph' newspaper with his name written on the top. (These
three X-ray plates (Exhibits D-6(2) to D-6(4), were retrieved
from MC-3 section and kept in the custody to obtain a medical
report from a competent doctor on these three X-ray plates to
convince itself about the extent of physical disability that has
made him handicapped and immobilised. In support of his treatment
in the Umachal Yogic Hospital Shri Pannalal Paul submitted presc
-ription and money receipt (Exhibits D-2(3) to D-2(6), of the
Shivananda Yogic Hospital, Kamakhya, Guwahati, where he under-
-went some treatment. At that point of time his physical and mental
condition were such ~~taka~~ that he was unable to decide what cours
of action he should take and for how many days leave he should
apply for. He also ^h appealed to the authority to make spot and
physical enquiry about the state of his health, if necessary,
to satisfy itself. Further he has stated that he could not procu
formal leave application form to apply for leave as he was resi-
ding at a very backward place without any central Govt. Offices
there. According to rule he might be on un-authorized absence
but, Shri Pannalal Paul belived, he was not responsible for this,
responsibility should be ascribed to his physical disability
which was beyond his control.

g Inquiry Officer).
in Paul requested
authority

Aptu K
NB

In respect of telegram No. Estt(M)/PC/P-14/983, dated 2.7.90 (Ex.S-5), and Memo No. Estt(M)/PC/P-14/1485 dated 31.7.90, (Ex.S-6), Shri Paul submitted that he had acknowledged their receipts and prayed for relaxation in respect of his resumption of duty (Ex.S-7(3)).

As regards Memo No. Estt(M)/PC/P-14/1485 dated 31.7.90 (Ex.S-6) and memo No. Estt(M)/PC/P-14/568 dated 25.5.90 (Ex.S-4), Shri Paul has stated that he was fully aware of the ramifications but he was forced to be away from duty.

With reference to telegram No. Estt(M)/PC/P-14/555 dated 23.5.90 (Ex.S-3) and Memo No. Estt(M)/PC/P-14/568, dated 25.5.90 (Ex.S-4) Shri Paul stated that he had responded intimating and pleading his inability to resume duty owing to his problematic health (Ex.S-7(2)).

As regards para 195 of the Establishment Manual, Shri Paul submitted that since his case was unexpected, unprecedented and extraordinary in character, the specialists and experts who formulated and authorised it could answer it. He was unable to offer any comment on it. The same was the case so far as Rule 7 of the CCS (Leave) Rules, 1972 was concerned.

Shri Paul was not able to understand how his letters dated 16.6.90, 6.8.90 and 29.8.90 (Ex.S-7(2), S-7(3)), written in response to Exhibits S-3, S-4, S-5 & S-6, were not clear and convincing. Shri Paul admitted that his ~~misleading~~ letters were aimed at wilfully playing for time for his health was uncertain and he was virtually bedridden. More over the attending physician could not hold out any guarantee or undertaking when he could be able to resume to duty. As such it was not possible on his part to indicate any specific date of his ~~resumption in respect of his resumption of duty~~. Shri Paul further stated that all the letters written by him were representation in character and thus according to Shri Paul, the words "disobeying the orders of the superior authority" were retractable.

As regards charges against Shri Paul on devotion to duty, he in his defence cited few instances about his devotion to duty while working in different sections.

In October 1986, while he was working as Ref. Clerk in MTC-1, section, he was asked to distribute the vouchers of three treasuries of MTC-1X, section as the reference Clerk table of MTC-1X section was vacant. He readily did the work at the request of the Branch Officer without claiming any remuneration and honorarium.

Again, after his posting in MC-3 section in a vacant table with huge arrears, he managed to pull up the arrears without claiming any honorarium.

In December '88-January 89', one Sr. Accountant of MC-3 section went on leave, and all the final accounts of his table was done by Shri Pannalal Paul voluntarily without any claim of honorarium.

(8)

Similarly he did the Job of Reference Clerk also of MC-3 section when huge ^{number} of important letters Piled up to be diarised.

The above instances would go a long way, according to Shri Pannalal Paul, towards bringing home to his sense of responsibility and devotion to duty. So the charges framed against Shri Pannalal Paul under Rule 3(1) (ii) (iii) of the CCS (Conduct) Rules, 1964, should deserve to be recounted.

Shri Paul, last of all, pleaded to the authority to be kind enough to have a catholic approach and deal with his case from humanitarian stand point rather than strictly adhering to the rough and ready Manual, Rules keeping in view of the fact that his case was most extra -Ordinary, unexpected and un-precedented. He could not hold out any indication or guarantee as to when he would be able to resume duty and as much he humbly solicited further relaxation in respect of his resumption of duty. Shri Paul also prayed that the authority might conduct a spot or physical inquiry concerning his condition and as-certain and convince itself about the gravity of his predicament. Shri Paul was hopeful of resuming his duty and promised to intimate the authority at least 15 days in advance of the date of his joining.

Shri Paul in his letter dated 20.3.91 (Ex-D-1) addressed to the Inquiry Officer tried to establish by citing a case of one A.P. Chandra Sekhar, Central Govt. Servent under Geological Survey of India, Calcutta, that a govt. Servent when issued with charge / Sheet under Rule 14 of the CCS (CCA) rules, 1965 to hold an enquiry against him, the enquiry was virtually held after 8 to 9 years after the issuance of the charge sheet Memorandum, and thus was afforded ample opportunity to the delinquent Officials. But this opportunity was not given to him.

Again, Shri Paul, by citing the aforesaid case of A.P. Chandrasekhar, tried to bring out some anomalies about the application of Rule 3 of the CCS (Conduct) Rules, 1964 in his case, though according to him the gravity of misconduct in his case was much less (Exhibit D-4) than that of A.P. Chandrasekhar.

In his letter dated 2.4.91 (Ex.D-3) Shri Paul Tried to impress that welfare measures like 3 % Job reservation for physically handicapped persons in Govt. Servent, was introduced by the Ministry of Welfare, Govt. of India, much after 1965, that is, the introduction of the CCS (CCA) Rules, 1965 and therefore these rules would not be applicable to the physical handicapped Government Servents. Shri Paul then reiterated that he was recruited as 'physically handicapped'. He was suffering from permanent physical disability which had got aggravated presently and preventing him from resuming duty.

As regards taking the help of Defence Assistant, Shri

candidate under the special reserved category of physically handicapped.

Paul wrote, as "my pleading for retributive justice from able bodied people turned out to be of no avail", he indirectly declined to take any Defence Assistance for his help.

Shri Paul further wrote "some clauses of a specific rule framed against me in the charge sheet are glaringly arbitrary, uncalled for, sweeping and done so tongue is check. This can be substantially substantiated by a very authoritative and authentic exemplary precedent cum document having universal acceptance, which is in my possession." But he did not further clarify his statement.

Once again he pleaded himself innocent by saying, "I herewith profess, maintain and solemnly declare that to my best knowledge and belief I am innocent and innocuous."

Shri Paul in his letter dated 25.3.91 (Ex.D-2 (1)), addressed to the Inquiry Officer, stated that he as per advice of the authority approached the Civil Surgeon for medical certificate but he refused to issue M.C. on the plea that Shri Paul was a Clerk/Typist and advised Shri Paul to obtain M.C. from the physicians under whom he was under treatment. Along with the letter Shri Paul forwarded the following documents for onward submission:-

(1) Papers connected with treatment in Umachal Yogic Hospital Kamakhaya Guwahati (Exhibits.D-2 (3), D-2 (4), D-2 (5), D-2 (6)).

(2) Medical certificates:-

(a) dated 14.5.90 covering period from 15.2.90 to 14.5.90.

(Ex.D-2 (7)).

(b) dated 15.5.90 covering periods from 15.5.90 to 11.8.90

(Ex.D-2 (8)).

(c) dated 12.8.90 covering periods from 12.8.90 (Ex.D-2 (9)).

(d) dated 11.11.90 covering periods from 10.11.90 (Ex.D-2 (10)).

(e) dated 9.2.91 covering period from 9.2.91 to 9.5.91.

(Ex.D-2 (11)).

(3) One formal leave application dated 25.3.91 praying E.O. from 1.5.91 to 9.5.91 (Ex.D-2 (2)).

Shri Paul submitted his application for leave as under :
(without M.C. in support)

(1) Application dated 24.11.90. EL/HPL/EOL from 3.12.89 to 14.12.90 on ground of aggravated physical disability (medical certificate issued by Civil Surgeon Stated to be already furnished (Ex.S-9 (2)) but not enclosed.

(2) Telegram dated 21.12.90 praying extenssion of leave upto 15.1.90 (Ex.S-10).

(3) Application dated 24.1.91.EOL from 25.12.90 to 15.3.91 on ground of "Physical " (Ex.S-12 (2)).

(4) Application dated 16.3.91.EOL from 16.3.91 to 30.4.91 on ground of physical disability (Ex.S-14 (4)).

After conclusion of the Departmental proceeding (Ex.parte) against Shri Paul, he was asked by the Inquiry Officer to submit his written statement of defence. In reply Shri Paul sought clarification on the communications dated 6.4.91 (Ex.D-4) and 4.5.91 to the Inquiry Officer with a view to paving the way for submission of his written statement of defence vide his letter date 16.6.91.

6. Analysis and assesment of evidence.

The charge framed by the disciplinary authority against Shri P. PAUL, C/T, was that he unauthorisedly absented himself from duty, after expiry of the leave granted to him from 3.12.89 onwards. He was repeatedly asked ~~promoted to the rank of~~ to resume his duty with -in certain fixed dates or to submit formal leave application and produce necessary medical certificates in suport of his illness. The reply furnished by Shri Paul to the Memos and Telegrams issued by the Officer were not clear, rambling and not convincing and gave impression that the writer was wilfully playing for time and thus disobeying orders of the superior authority. Shri P. Paul had been sufficiently cautioned about the consequences of his remaining away from duty without valid and convincing reasons citing relevant rules, orders and

Govt. of India's decisions, But Shri P. Paul did not report to Duty. as regards the claim of Shri P. Paul that he was appointed as a physically Handicapped candidate the claim was admitted by it, but also pointed out that Shri Paul was not paid any allowance for that reason by the Administration. About the three X-ray plates traced out from MC-3 section, it was stated that these do not bear any name of the person whose X-rays were taking nor contain the report as regards findings on X- Rays .

Shri Paul submitted the documents connected with his treatment in the Umachal Yogic Hospital, Kamakhya and medical certificates of different dates and formal leave applications of different dates with letter dated 25.3.91. The medical certificates covered the peric

from 15.2.90 to 9.5.91.

Shri Pannalal Paul in his letters to the authority was repeatedly stressing about the deteriorating condition of his health which forced him to remain away from duty. His physical disability aggravated to such an extent which made him bedridden. He took leave initially for treatment first from an Orthopedic Surgeon in Shillong. X-rays were taken on his advice. He went to the Umachal Yogic Hospital Kamakhya Hill there after, and underwent some treatment there but without any result. Thereafter he went to his home and continued treatment there from the Physicians available there. But the doctors were not in a position to give him any definite date of his cure. This made Shri Paul uncertain to inform the authority about the specific date of his resuming duty. As advised Shri Paul met the Civil Surgeon also for a medical certificate but he was not examined by the Civil Surgeon being an Official of lower rank. Shri P. Paul has admitted that through his letters, which were more or less representations in character, tried to gain time as his physical condition was responsible for his absence from duty.

Shri P. Paul also requested the authority to make spot and physical verification of his condition of health to satisfy itself about the genuineness of his physical disability. He also requested the authority to get the Three X-ray plates examined by any competent medical doctor and obtain a report on it for its own satisfaction.

From the medical certificates submitted by Shri P. Paul, it appeared that he was suffering from Chronic 'Rheumatoid Arthritis'. The doctors in different spells recommended him leave from 15.2.90 to 9.5.91.

In reply to the charge of remaining absent un-authorisedly, Shri Paul stated that he could not procure formal leave application form earlier. It was only when his father came to see Sr. D.A.G (A) with a letter from Shri Paul (dated 20.11.90), his father could bring formal leave application form for him and he submitted his formal application for leave (from 3.12.89 to 24.12.90) on 24.11.90.

In reply to the Memos. and telegrams issued from the Office asking him to resume duties, Shri Paul every time replied to these Memo. and Telegrams describing the pathetic condition of his health, but he did not pray for leave or extension of leave at any stage in clear terms. He could have applied for leave in plain paper and the medical certificates obtained by him from time to time could have also been submitted to the office as and when.

to the office as and when these were issued by the doctors without making ~~any~~ the ^{case} complicated. He could have avoided charge sheet had he responded to the Memos, and Telegrams by sending leave application in plain paper and medical certificates as and ^{when} received by him.

On the other hand instead of asking Shri Paul to obtain medical certificate from the Civil Surgeon, Shri Paul could have been referred for a medical opinion to the Civil Surgeon by the Office, in which case the Civil Surgeon might not have refused to examine him and a report about the state of his health could have been gathered and the genuineness of his physical disability could be established by the Office. Similarly the three X-ray plates referred to by Shri Paul could have also been obtained from MC-section and consider the disability of obtaining an expert view on them. The circumstances and the condition in which these three X-ray plates were retrieved from MC-3 section seemed to belong to Shri Paul though these did not bear his name on it.

From the medical certificates produced by Shri Paul, there is reasonable ground to believe that he was suffering from illness from 3.12.89 to 9.5.91, and his absence from duty was due to his illness.

As regards the points raised by Shri Paul in his letter dated 20.3.91, 6.4.91 and 4.6.91 citing reference to the case of A.P. Chandra-sakhar it is clarified as under:-

(a) As per para 2 & 3 of the Govt. of India's Instruction No. 5 below Rule 11 of the CCS (CCA) rules 1965, a Govt. Servant who remains absent un-authorisedly without proper permission should be proceeded against immediately and this should not be put off till the absence exceeds the limit prescribed in Rule 32(2)(a) of the CCS (leave) Rules, 1972. In the case of a temporary Govt. Servant remaining absent in excess of the limits laid down in Rule 32(2)(a) of the CCS (Leave) Rule 1972, disciplinary proceedings under Rule 14 of the CCS (CCA) Rules should be initiated and the case processed in the usual manner.

It has been further decided that it should be normally possible for the disciplinary authority to take a final decision ^{on} for the inquiry report within a period of three months at the most vide Govt. of India's Instruction No. 11 below Rules ~~of CCS (CCA)~~ ^{of CCS (CCA)} rule 1964 ~~of CCS (CCA) rules 1965~~ 16 of the CCS (CCA) rules 1965.

So, the contention of Shri Paul, that inquiry could be held after 8 to 9 years of the issuance of the charge sheet Memorandum, is not correct.

(b) The Rule 3 (1) of the CCS (Conduct) Rule 1964, states as Under:-

Rule 3 (1) Every Govt. Servant shall at all times,

(i) maintain absolute integrity;

(ii) maintain devotion to duty, and

(iii) do nothing which is unbecoming of a Govt. Servant.

In the case of Shri Paul, he was charged ~~in violation of duty, had shown~~ under Rule 3 (1) (ii) (iii) ibid for he failed to maintain devotion to duty, ^{and} had shown gross insubordination and had behaved in a manner unbecoming of a Govt. servant.

Whereas, in the case of Shri Chandrasekhar, he was charged under Rule 3 (1) of the CCS (Conduct) Rules, 1964, that is, for violation of all the three clauses under Rule 3 (1) ibid in Article 1, of the charges. In Articles 11 & 111, he was charged under Rule 3 (1) (iii) ibid, that is, for his act which was construed as behaviour unbecoming of a Govt. Servant.

7. FINDINGS:-

On the basis of documentary evidence adduced in the case before me and in view of the reasons given above, I hold that the charges brought against Shri P. Paul, Clerk/Typist, are not established beyond doubt. There is reasonable ground to believe that Shri P. Paul, who was appointed as a physically handicapped candidate, was suffering from 'Chronic Rheumatoid Arthritis', as certified by his attending Physicians, making him incapable to resume his duty.

Dated, 6th August, 1991.
SHILLONG.

(S. Deb Biswas)
Inquiry Officer,

DOCUMENT-2

OFFICE OF THE ACCOUNTANT GENERAL (A&F) MEGHALAYA ETC.,
SHILLONG.

NO. Sr.DAG(A)/7/Con-C/90-91/211

Dated, Shillong the 18th Sept, 1992.

ORDER

WHEREAS disciplinary proceedings under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rule, 1965 were instituted against Shri Pannalal Paul, Cler/Typist vide this office Memo No. Sr.DAG(A)/7/Con-C/90-91/248 dated 7.11.90 on the following article of charge:-

1. "That the said Shri Pannalal Paul, C/T while functioning as Clerk/Typist in MC-3 Section was sanctioned E.L. for 34 days w.e.f. 30.10.89 to 2.12.89. He has been absenting himself unauthorisedly w.e.f. 3.12.89. He was directed to report for duties on or before 15.7.90 and thereafter latest by 10.8.90 positively failing which necessary disciplinary action would be initiated against him, vide this office telegram No. Estt(M)/PC/P-14/983 dated 2.7.90 and Memo No. Estt(M)/PC/P-14/1485 dated 31.7.90. In spite of the above, Shri Paul has not yet reported back for duties till date nor has he submitted any formal leave application and Medical Certificate, if any in support of his illness. He has also not given any definite indication so far as to when he is going to report for duty.

By his above acts, Shri Pannalal Paul, C/T has failed to maintain devotion to duty and also has behaved in a manner unbecoming of a Govt. servant violating provisions of Rule 3(i) (ii) (iii) of the C.C.S.(Conduct) Rules, 1964".

A statement of imputation of misconduct in support of the Article of charge together with a list of documents by which and a list of witnesses by whom the charge was proposed to be sustained were also

- 2 -

forwarded to him alongwith the above said Memorandum dated 7.11.90.

2. As his written statement of defence dt. 15.11.90 was not convincing to the Disciplinary Authority, Shri S. Deb Biswas, Welfare Officer and Shri Bikash Das Gupta, A.A.O. were appointed Inquiry Officer and Presenting Officer respectively, vide Order No. Sr. DAG(A)/7/Con-C/90-91/627 & 628 dated 15.3.91.
3. The charged officer did not participate in the Inquiry from the beginning to end. No assistance was also sought for by the charged officer. The Inquiry was held in his absence ex-parte. The charged officer was kept informed about the progress of the inquiry by sending 'Daily Order Sheet' of the proceedings to his address by the Inquiry Officer.
4. AND WHEREAS the Inquiry Officer vide his report of inquiry dated 6.8.91 held " that the charges brought against Shri Paul Clerk/Typist are not established beyond doubt. There is reasonable ground to believe that Shri Pannalal Paul, who was appointed as a physically handicapped candidate was suffering from " Chronic Rheumatoid Arthritis", as certified by his attending physician, making him incapable to resume his duty".
5. NOW, THEREFORE, after having carefully examined the inquiry report furnished by the Inquiry Officer in his letter dated 6th August, 1991, and also after going through the facts and circumstances of his absence as stated in the representations submitted from time to time by the

Contd...3/-

- 3 -

charged official against the proceedings and with reference to the medical examination report so obtained subsequently from the Chief Medical & Health Officer, North Cachar Hills, Haflong. I am of the opinion that the charges framed against Shri Pannalal Paul, C/T have not been established beyond all reasonable doubt and hence under the power vested upon me as Disciplinary Authority I hereby exonerate said Shri Pannalal Paul, C/T from the charges framed against him.

5. The leave of absence beyond 2nd December '89 may be regulated as per the Rules in force and on receipt of leave application from the official.

6. Shri Pannalal Paul, C/T is also directed to report to the Chief Medical & Health Officer, North Cachar Hills, Haflong immediately as directed in this office Memo No. Sr.DAG(A)/7/Con-C/90-91/107 dated 30th July '92.

Sd/- L.Tochhawang

Dy. Accountant General (!A).

Disciplinary Authority.

Shri Pannalal Paul, C/T
C/O Shri Prabhat Chandra Paul
P.O. Maibang-788 831
Dt. N.C.Hills, Assam.

*Auth
Hb*

DOCUMENT NO.3

OFFICE OF THE ACCOUNTANT GENERAL(A&E) ASSAM,SHILLONG-1.

Memo No. Sr.DAG(A)/7/Con-C/90-91/597 Dt. 5.2.92.

With reference to his letter dated 10.1.92, Shri Pannalal, C/T is hereby again directed to make necessary arrangements for his appearance before the C.M. & H.O., Haflong ~~by~~ for medical examination and not by any other Medical Officer. He should appear before the C.M. & H.C., Haflong by 15.3.92 positively failing which the undersigned will decide the case ex-parte.

2. The C.M. & H.O., Haflong is being intimated separately.
3. The receipt of this Memo may be acknowledged.

Shri Pannalal Paul, C/T
C/o Shri Prabhat Ch. Paul,
P.O. Maibong-788 831,
Dt. N.C.Hills, Assam.

Sd/- Illegible,
Sr.Dy.Accountant General(A).

*After the
pld*

Received Rs. 30'00 Rupees thirty only from
Sri Pannalal Paul laing Medical treatment fees.

Sd/- Illegible,

13.3.92

Chief Medical & Health Officer
N.C.Hills, Haflong.

*File this
MS*

REGISTERED A/D

DOCUMENT NO.5

OFFICE OF THE ACCOUNTANT GENERAL(A&E)MEGHALAYA ETC.,
SHILLONG-1.

Memo No.Sr.DAG(A)/7/Con-C/90-91/233 Dt. 21.10.92.

With reference to this Office Memo No.Sr. DAG(A)/7/Con-C/90-91/107 dated 30.7.92, Shri Pannalal Paul is hereby directed to intimate this office whether he appeared before the C.M. & H.O.,Haflong as directed in this office Memo quoted above to get himself examined physically and clinically to determine whether there is any likelihood or not of his returning to duty in the near future.

2. He is once again directed to appear the said medical officer for medical examination and may produce a copy of this Memo to the medical officer as and when required. The medical officer is being intimated in this regard.
3. The receipt of this memo may be acknowledged by him urgently.

Sd/- Illegible,

Shri Pannalal Paul, C/T Dy. Accountant General(Admn)
C/o Shri Prabhat Ch. Paul,
P.O. Maibong-788 831
Dt. N.C.Hills(Assam).

40

DOCUMENT NO.6

Received a sum of Rupees 90'00 (Ninety) only
from Sri Pannalal Paul being Medical Examination
fees.

Sd/- Illegible,

23.11.92

Chairman,
District Medical Board,
Haflong.

&

Chief Medical & Health Officer,
N.C. Hills, Haflong.

Stew
MB

ConfidentialDOCUMENT NO.7

L.Tochhawang
Dy.Accountant General(A)

Sr.DAG(A)/7/Con-C/90-91/845

Dated 14th Feb'1994.

Dear Dr. Teron,

Kindly refer to your letter No.G-42/92-7401 dt. 1.9.92 regarding the findings on medical examination of Shri Pannalal Paul, a Clerk/Typist of this office.

2. You were requested to conduct a physical and clinical examination of said Shri Paul, vide my Confidential d.o.letter No.Sr.DAG((A)/7/-Con-C/90-91/232 dt. 21.10.92. From the record of this office (photo copy of the money receipt dt. 23.11.92 is enclosed) it appears that the official appeared before you (as directed by this office) for the above medical examination, but the medical report of the said examination is still awaited from you. This may kindly be expedited.

3. Shri Paul is on leave since 30.10.89. As per Leave Rules no official shall be granted leave of any kind for a continuous period exceeding five years.

4. In view of the position, I shall be thankful if you could kindly conduct a physical & clinical examination of said Shri Paul once again and furnish your specific comment as to whether the official is now fit to resume his duties, if not whether there is likelihood of his being fit to resume duty in near future. This may please be treated as most urgent.

5. Shri Paul is being directed to appear before you for the above examination.

6. The medical report may kindly be sent to me at the earliest possible date please.

Enclo : as stated above.

Yours sincerely,

To, Dr.D.Teron
Chief Medical & Health Officer,
N.C.Hills, Haflong.

Attended
[Signature]

Registered A/DDOCUMENT NO.8

% the Accountant General(A&E)Meghalaya etc.,Shillong-793001.

Memo No. Sr.DAG(A)/7-Con-C/90-91/39 Dt. 17.5.94

Shri Pannalal Paul, C/T directed to appear before the Chief Medical & Health Officer, Haflong to get himself examined physically and clinically to determine whether there is any likelihood or not of his resuming duty in the near future under this office Memo No.Sr. DAG(A)/7/90-91/846 dated 14.2.94 and Memo Nos Sr.DAG(A)/87/90-91/859 and 903 dt. 8.3.94 and 7.4.94 respectively. But it is seen that Shri Paul had not appeared before the C.M. & H.O., N.C.Hills, Haflong as directed. Thus he has violated the directions of the competent Authority.

Again, Shri Paul was directed by the Jt. Director of Health Services, N.C.Hills, Haflong under Memo No.G/42/2608 dt. 19.4.94 to appear in the Medical Board on 25.4.94 for thorough Medical Check-up alongwith all documents available. The Jt. Director of Health Services, N.C.Hills, Haflong intimated vide letter No.G/42/2811 dt. 28.4.94 That Shri Paul did not appear in the District Medical Board on 25.4.94.

He is hereby asked to explain the reasons as to why he did not appear before the said authority. His explanation should reach the undersigned within 5(five) days of the receipt of this Memo failing which disciplinary action will be initiated against him as per rule.

*Attended
MS*

Enclo: 1(one empty envelope
with stamp.

Sd/- Illegible,
Dy.Accountant General(Admn).

To,

Shri Pannalal Paul,C/T
C/O Shri Prabhat Paul,
P.O. Maibang-788831
Dist. N.C.Hills(Assam).

DOCUMENT NO.9

Despatcher:-

May 21, 1994

Pannalal Paul,
C/O Sri Prabhat Chandra Paul
P.O. Maibang
Dist. N.C.Hills(Assam)
Pin : 788 831.

To,

The Senior Deputy Accountant General(Administration)
Office of the Accountant General,(Accounts & Entitlement)
Meghalaya, Mizoram, Arunachal Pradesh etc.,
Shillong-793001.

Sub: My Medical Examination.

Sir,

Kindly note that I appeared before the re-constituted Medical Board with the Joint Director of Health Services, N.C.Hills, Haflong being the Chairman of the board consisting of three medical officers on 20.05.94 at 10-15 A.M. and underwent thorough medical examination viz., physical and clinical as directed. The money receipt obtained against payment of my medical examination fees for Rs.90/- (Rupees ninety) only (Rupees 30/- to each of the three medical officers) bearing the signature of the Chairman of the Medical Board i.e. The Joint Director of Health Services dated 20.5.94 is enclosed herewith.

This is for your kind information and necessary action.

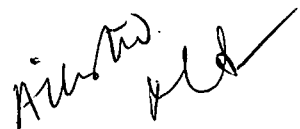
Yours faithfully,

Pannalal Paul,

21.0.5.94

Enclosure:-

Money Receipt
dated 20.5.94
as above.



DOCUMENT NO.10

Received a sum of Rupees 90'00 (Ninety)
only from Sri Pannalal Paul being Medical Examination
fees.

Sd/- Illegible,
20.5.94
Chairman,
District Medical Board
Haflong

&
Joint Director of Health
Services, N.C.Hills, Haflong.

(Seal)

*Attested
MB*

Dy.DAG(A&E)/Megh/375 dt. 3.6.94

May 25, 1994

Despatcher:-

REGISTERED WITH A/D

Pannalal Paul,
C/o Sri Prabhat Chandra Paul
P.O. Maibang-788 831,
Dist. N.C.Hills(Assam).

To,

The Senior Deputy Accountant General,(Administration)
Office of the Accountant General,(Accounts & Entitlement)
Meghalaya etc., SHILLONG-793 001.

Ref: Memo No. Sr. DAG(A)/7/Con-C/90-91/39 dt. 17.05.1994.

Respected Sir,

I hereby acknowledge the receipt of the foregoing communication together with an empty envelope with postage stamp worth Rs.8/- affixed thereon.

I hereunder furnish explanation of my failure of my appearance before the District Medical Board in conformity with the Memo No.G/42/2608 dated 19.04.94 emanated from the Joint Director of Health Services,N.C.Hills,Hafalong for favour of your perusal.

(1) I was delivered the aforesaid communication of the Joint Director of Health Services,N.C.Hills,Hafalong very belatedly on 23.04.1994 at 2-15 P.M. and thus I was caught on the wrong foot.

(2) In as much as I am not a self-contained person and yet to get out and about and thus no one was at my back and call highly sought after in such a state of affairs.

(3) Unlike Shillong,Gauhati,Silchar Hafalong and the like, here at Maibang, no conveyance arrangement can be made imprompto and no conveyance can be procured for the asking.

Contd...2/-

*Missed
Lub*

- 2 -

(4) At such a short notice which I received extempore and fortuitously, I could not mobilise the requisite ways and means to be entailed on this score.

With regards, I remain.

Yours faithfully,

Sd/- Pannalal Paul,

25.05.94.

Attested
plb

OFFICE OF THE ACCOUNTANT GENERAL (A&E) MEGHALAYA ETC. SHILLONG!*

NO.Sr.DAG(A)/7/Con-C/90-91/169 Dated:- 20-9-94

To,

Shri Pannalal Paul, C/T
C/O Shri Prabhat Chandra Paul,
P.O. Maibang-788831
Dist.N.C.Nills(Assam).

Subject:- Departmental Inquiry under Rule 14 of the CCS & (CCA) Rules, 1965 against Sri Pannalal Paul, C/T.

A copy of the report of the Inquiry Officer is enclosed. The Disciplinary Authority will take a suitable decision after considering the report. If you wish to make any representation or submission, you may do so in writing to the Disciplinary Authority within 15 days of receipt of this letter.

The date of receipt of this letter may be acknowledged urgently.

Enclo:- As stated above.

Sd/- Illegible,

Sr. Deputy Accountant General
(Admn)

Disciplinary Authority.

*Attested
M.D.*

INQUIRY REPORT

In the case against Sri Pannalal Paul; Clerk-Typist.

1. Under Sub-Rule (2) of Rule 14 of the Central Civil Services (Classification, Central and Appeal) Rules, 1965 I was appointed by the Senior Deputy Accountant General (Administration) to inquire into the charges framed against Shri Pannalal Paul, Clerk-Typist under his order No. Sr.DAG(A)/7/Con-C/90-91/118 dt. 11.8.94. I have since completed the inquiry and on the basis of the documentary evidence adduced before me prepared my inquiry report as under:-

Preliminary inquiry held on 5.9.94 at 11 a.m. The presenting Officer has presented the case and handed over all the listed documents.

Charged officer did not appear before the inquiry. Inquiry held only with Sri A.S.Bhattacharjee, Sr.A.D. and Presenting Officer.

The charged Officer was intimated in my letter dated 12.8.94 that the inquiry would be held ex-parte if he does not appear before the Inquiring Authority on the Appointed day. The charged Officer in his letter dt. 18.8.94 has intimated his inability to appear before the Inquiring Authority. It was therefore, not considered necessary to intimate the Charged Officer about the change of date of hearing from 31.8.94 - 5.9.94.

Presenting Officer has submitted a brief of the case copy of which is placed below.

There was no witness in defence and the inquiry was concluded in support of documentary evidence.

The following two articles of charge have been framed against Sri Pannalal Paul, Clerk-Typist in the office of the A.G.(A&E) Meghalaya, Shillong.

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*Alister
M*

- 2 -

Article-I

Article-II

Charges that were framed

According to the statement of impartation of misconduct or misbehavior in support of articles of charge, the said Sri Pannalal Paul, Clerk-Typist was sanctioned leave (EL/HPL/EOL on MC) by the leave sanctioning authority for the period from 3.12.89 to 9.5.91. He was due to resume his duties on 10.5.91 after expiry of leave, but did not do so and continued to remain absent unauthorisedly and afterwards, vide his leave application dated 20.9.93 applied for EOL for the period from 10.5.93 to 25.10.93 after a lapse of about two years and five months and thereafter continued to remain absent unauthorisedly till date without any leave application.

The said Sri Pannalal Paul Clerk-Typist was directed several times by his superior officer i.e. Deputy Accountant General (Admn) to appear before the Chief Medical and Health Officer, N.C.Hills, Haflong, (Nearest to his place of residence, i.e. Maibong) to get himself examined physically and clinically to determine whether there is any likelihood or not of his resuming duty in the near future in view of his continued absence from duty, but the said Shri Pannalal Paul failed to carry out the order of his superior Officer, He was directed by the Joint Director of Health Services N.C.Hills, Haflong vide his Office Memo No.G/42/2608 dated 19.4.94 with a copy endorsed to the Deputy Accountant General (Admn) to appear before the District Medical Board On 25.4.94 for medical check up. Again Shri Paul failed to appear before the said Medical Board on 25.4.94 as directed.

ACG/THV
NCB

Contd...3/-

- 3 -

Shri Pannalal Paul was also directed to resume duty immediately in the letter dated 7.4.94 and 13.4.94 along with Medical fitness certificate from the Competent Authority (i.e. CM & HO Haflong), but he did not do so.

Shri Pannalal Paul was therefore charged with gross misconduct indulging in indiscipline, dereliction of duty, gross insubordination, violating the Provisions of Rule 3(i), (ii), (iii) of the C.C.S.(Conduct) Rules 1964 by failing to comply with the orders of his superior authority. For his wilful absence from duty he has also violated Rule 25(2) of C.C.S.(Leave) Rules, 1972.

Brief statement of the case of disciplinary authority in respect of the charges enquired into:-

The Disciplinary Authority proposed to hold an enquiry against Pannalal Paul, Clerk-Typist under the Rule 14(2) of C.C.S. (Classification, Control and Appeal) Rules, 1965 on the ground of his unauthorised absence from 10.5.91 onwards and drew up the substance of the imputations of misconduct or misbehavior into definite articles of charge. A statement of the imputations of misconduct or misbehaviour in support of each article of charge contain the following in brief:-

Recd. to file

Shri Pannalal Paul, Clerk-Typist was sanctioned leave as due and admissible on medical ground for the period commencing from 3.12.89 to 9.5.91. He was due to resume duty on 10.5.91 but did not do so and continued to remain absent unauthorisedly; i.e. without any intimation and afterwards, vide his application dated 20.9.93, ~~and~~ had applied for E.O.L. for the period from 10.5.91 to 25.10.93 on medical certificate after a lapse of about two years and five months and thereafter, continued to remain absent unauthorisedly till date without submitting any

- 4 -

leave application.

Shri Pannalal Paul was directed several times by his superior officer to appear before the medical board but he failed to appear before the Board. He was also directed to resume duty immediately in the letter issued to him on 7.4.94 & 13.4.94 along with the medical fitness certificate from the competent authority (i.e. CM & H.L. Haflong), NC Hills (Assam) but till date he has not resumed duty and remained absent unauthorisedly.

Shri Pannalal Paul, is therefore charged with gross misconduct indulging in dereliction of duty, indiscipline, gross insubordination, thus violating the Provisions of Rule 3(i) (ii) (iii) of the CCS(Conduct) Rules, 1964 by failing to comply with the direction of his superior officer.

Case of Government Servant

The charged officer in his written statement dated 25.7.94 has denied the charges framed against him. His contention was that the lapse on his part due to unauthorised absence from 10.5.91 to 25.10.93 was dealt with virtual in exorability. As regards his failure to appear before the Medical Board 25.4.94, he has stated that since the Medical Officer, i.e. Joint Director of Health Services remained outstation on unpteen assignments, he, after sustained endeavours managed to get in to touch with the medical Officer after 25.4.94 and a new date of for his appearance before the Medical Board for his Medical check-up ~~af~~ was fixed on 20.5.94. He has produced copy of the money receipt against payment of medical examination fees.

*Alister
MS*

Contd...5/-

- 5 -

As regards directing to resume his duties with medical fitness certificate from the competent authority, Sri Pannalal Paul, Clerk-Typist has expressed his failure to resume duties on the grounds mentioned in the written statements. Regarding charges on unauthorised absence from 25.10.93 onwards without any leave application, he expressed ignorance about leave rules and as a matter of fact did not know what kind of leave to be applied for leading to the unauthorised absence.

As regards charges of having violated the provisions of Rule 3(i), (ii), (iii) of the Central Civil Services (Conduct) Rules, 1964 and the Rule 25(2) of the C.C.S. (Leave) Rules, 1972, his remarks are that, he is not a walking encyclopaedia of rules and the same being beyond his ken, it will hold water and may sound ~~in~~ ludicrous and outlandish to make any comment on it. He therefore, ~~idid~~ did not also admit the charge.

Finding on Charge.

On the basis of documentary evidence adduced before me in the case I hold my views on the charges framed against Shri Paul, Clerk-Typist as follows:-

Agreed
The details of the event and the relevant circumstances attending on them have been ascertained. In relation to Article I of charge, Sri Paul Clerk-Typist was expected to submit application of leave of absence from 10.5.91 on the said date supported by medical certificate from the competent authority. But he failed to do so. Instead, he submitted the application on 20.9.93 after lapse of about

Contd...6/-

- 6 -

two years and five months covering the period of his unauthorised absence from 10.5.91 to 25.10.93. Thereafter, he continued to remain absent unauthorisedly till date, thus violating the provisions of Rule 25(2) of CCS(Leave) Rules. He can not be allowed to plead that, he violated the procedures because of his ignorance as to what kind of leave he should apply for. Rules and procedures are laid down in the interest of the Govt. Servant and whose responsibilities to follow them. The Article-I of charge is therefore proved.

In relation to Article II of charge, Shri Pannalal Paul, though directed by his Superior Authority and also by the Joint Director of Health Services, NC Hills, Haflong, did not appear before the Medical Board on the stipulated date on 25.4.94 for physical and clinical examination. His explanation for his failure to do so in his written statement is not found convincing. He thus, violated the provisions of Rules 3(i), (ii), (iii) of CCS(Conduct) Rules.

Sri Pannalal Paul, Clerk-Typist was directed to resume duty immediately in the letters issued to him on 7.4.94 & 13.4.94. Neither he has submitted any application for his long absence nor he has submitted duty till date, which tantamounts to wilful absence from duty under Rule 25(2) of CCS(Leave) Rules. The Article II of charge is therefore, proved.

*Allegations
not proved*

Dated Shillong the
10th Sept.'94.

Sd/- D.K. Nag
Inquiring Officer.

54
Registered A/D

ANNEXURE-13

OFFICE OF THE ACCOUNTANT GENERAL(A&E) ASSAM,
MEGHALAYA, ARUNACHAL PRADESH & MIZORAM
SHILLONG-793001.

Memo No.Sr.DAG(A)/7/Con-C/90-91/326

24th Feb&1995.

To,

Shri Pannalal Paul, C/T
C/O Shri Prabhat Chandra Paul,
P.O. Maibang,
N.C.Hills (Assam).

The report of the Inquiry Officer dated 16.2.95 is enclosed. The Disciplinary Authority will take a suitable decision after considering the report. If you wish to make any representation or submission, you may do so in writing to the Disciplinary Authority within 15(fifteen) days of receipt of this letter.

Sd/- Illegible,
Sr.Dy.Accountant General(Admn)

Enclo:- As stated above.

*Recd
ALH*

No.I.O./Deptt.Inq./PLP/94-95/7 Date : 16.2.95.

To,

The Sr. Deputy Accountant General(Admn),
Assam, Meghalaya etc. Shillong.

Sub : DEPARTMENTAL INQUIRY UNDER RULE 14 OF
C.C.S. (CCA) RULE 1965 AGAINST SHRI
PANNALAL PAUL, CLERK-TYPIST.

Sir,

Under the orders communicated in your
Memo No. Sr.DAG(A)/7/Con-C/90-91/182 dt. 18.10.94,
the Departmental Inquiry against Shri Pannalal Paul
, Clerk-Typist have since been completed. On the
basis of the documentary evidence adduced before me
I have prepared by my Inquiry Report, two copies
of which are forwarded to you for further necessary
action by the competent authority.

The records connected with the inquiry
are also sent herewith.

Shillong,
16.2.95.

Yours faithfully,
Sd/- D.K. Nag
Inquiring Authority.

Attestd
MS

INQUIRY REPORT

In the case against Shri Pannalal Paul,
Clerk-Typist, Office of the Accountant General(A&E)
Meghalaya, Shillong.

1. Under Sub-rule(2) of Rule 14 of C.C.S.(CCA) Rules, I was appointed by the Senior Deputy Accountant General(Admn) Meghalaya, Shillong as the Inquiry Authority to enquire into the charges levelled against Shri Pannalal Paul, Clerk-Typist, Vide his Memo No.Sr.DAG(Admn)7/Con-C/90-91/118 dt. 11.8.94. I had completed the Inquiry and on the basis of the documentary evidence adduced before me prepared my Inquiry Report and submitted the same to the disciplinary Authority vide my letter No.I.O./Deptt.enq./PLP/94-95/2 dt. 16.9.94.

After careful consideration of the representation of the charged officer, Shri Pannalal Paul, C/T dated 28.9.94 and on the facts and records as available, the Disciplinary Authority Vide his orders dated 18.10.94 has directed that, the inquiry would have to recommence from the stage of sending the copy of the written brief of the presenting officer, Shri A.S. Bhattacharjee, Sr. A.O.

In pursuance of the orders of the Sr. DAG(Admn) dated 18.10.94, Shri Pannalal Paul, Clerk-Typist was served with a copy of the Daily order sheet dated 31.8.94 and 5.9.94 and a copy of the written brief dated 5.9.94 submitted by the Presenting Officer along with the list of exhibits submitted by the Presenting Officer vide my letter No.I.O./Deptt.enq/PLP/94-95/3 dt. 19.10.94.

Re-commencement of inquiry was fixed by me on 28.10.94, and Shri Pannalal Paul was further directed to appear before the Inquiry Authority with his written brief, if any, on 28.10.94 at 11 A.M.

Contd...2/-

*Attended
H.S.*

- 2 -

Shri Pannalal Paul, Clerk-Typist, neither appeared before the inquiry nor sent any written brief, under the circumstances, the inquiry could not be re-commenced on 28.10.94 as scheduled.

Shri Pannalal Paul, Clerk-Typist was again given another and last opportunity to appear on 7.11.94 at 11 A.M. before Inquiring Authority failing which inquiry would be held ex-parte. This was conveyed to him in my telegram dated 31.10.94 sent to his address followed by Memo No.I.O./Deptt.enq/PLP/94-95/4(A) dt. 2.11.94.

Inquiry recommenced at 11 A.M. on 7.11.94. The presenting Officer has presented the case and handed over the listed documents.

2. Participation by the charged officer in the inquiry and Defence Assistance available to him.

Charged Officer, Shri Pannalal Paul, charged Officer in his telegram dated 4.11.94 which was received on 11.11.94 had prayed for exemption from his appearing before Inquiring Authority on 7.11.94 due to his protracted and enduring physical constraint.

There was no witness in defence and the inquiry was concluded in support of documentary evidence.

3. Article of charge and substance of imputation of misconduct or misbehaviour.

The following two article of charge have been framed against Shri Pannalal Paul, Clerk-Typist.

Contd...3/-

- 3 -

Article - I

Article - II

According to the statement of imputation of misconduct or misbehaviour in support of article of charge, the said Shri Pannalal Paul, Clerk-Typist was sanctioned leave (EL/HPL/EOL on MC) by the leave sanctioning authority for the period from 3.12.89 to 9.5.91. He was due to resume his duties on 10.5.91 after expiry of leave but did not do so and continued to remain absent unauthorisedly and afterwards, vide his application dt. 20.9.93, applied for Extra Ordinary leave for the period from 10.5.91 to 25.10.93, after a lapse of about two years and five months and thereafter, continued to remain absent unauthorisedly till date without any leave application.

*Noted
all*

The said Shri Pannalal Paul, Clerk-Typist was directed several times by his superior officer, i.e. Deputy Accountant General (Admn) to appear before the Chief Medical and Health Officer, N.C. Hills, Haflong, (Nearest to his place of residence, Maibong) to get himself examined physically and clinically to determine whether there is any likelihood or not of his resuming duty in the near future in view of his continued absence from duty, but the said Shri Pannalal Paul failed to do so. He was directed by the Joint Director of Health Services, N.C. Hills Haflong vide his Memo No.G/42/2608 dt. 19.4.94 with a copy endorsed to the Deputy Accountant General (Admn) to appear before the District Medical Board on 25.4.94 for medical check-up. Again Shri Paul failed to appear before the said Medical Board on 25.4.94 as directed.

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- 4 -

Shri Pannalal Paul was also directed to resume duty immediately in the letter dated 7.4.94 and 13.4.94 along with medical fitness, certificate from the competent authority (i.e. the Chief Medical and Health Officer, Haflong), but he did not do so.

Shri Pannalal Paul was therefore, charged with gross misconduct indulging in indiscipline, dereliction of duty, gross insubordination, violating the provisions of rule 3(1)(ii)(iii) of the C.C.S.(Conduct) Rules, 1964 by failing to comply with the orders of his superior authority. For his wilful absence from duty, he has also violated rule 25(2) of C.C.S.(Leave) Rules, 1972.

BRIEF STATEMENT OF THE CASE OF DISCIPLINARY AUTHORITY:-

The Disciplinary Authority proposed to hold an inquiry against Shri Pannalal Paul, Clerk-Typist under Rule 14(2) of C.C.S. (Classification, control and appeal) Rules 1965 on the ground of his unauthorised absence from 10.5.91 onwards and drew up the substance of the imputations of misconduct or misbehaviour into definite article of charge. A statement of the imputations of misconduct or misbehaviour in support of each article of charge contain the following in brief:-

Attested
M.S.

Shri Pannalal Paul, Clerk-Typist was sanctioned leave as due and admissible on medical ground for the period commencing from 3.12.89 to 9.5.91. He was due to resume duty on 10.5.91, but did not do so and continued

Contd...5/-

to remain absent unauthorisedly : i.e. without any intimation and after wards, vide his application dated 20.9.93 had applied for EOL for the period from 10.5.91 to 25.10.93 on medical certificate after a lapse of about 2 years and 5 months and thereafter, continued to remain absent unauthorisedly till date without submitting any leave application.

Shri Pannalal Paul was directed several times by his Superior Officer to appear before the Medical Board but he failed to do so. He was, also directed to resume duty immediately in the letter issued to him on 7.4.94 and 13.4.94 along with the medical fitness certificate from the competent authority, (i.e. C.M. & H.O. Haflong NC Hills, Assam) but till date he has not resumed duty and remained absent unauthorisedly.

Shri Pannalal Paul, is therefore, charged with gross misconduct indulging in dereliction of duty, indiscipline, gross insubordination, thus violating the provision of Rule 3(i)(ii)(iii) of the CCS (Conduct) Rules, 1964 by failing to comply with the direction of his superior officer.

*Attested
NB*

CASE OF THE DEFENDANT :-

In reply to the charges levelled against him, Shri Pannalal Paul had submitted his written statement of defence dated 25.7.94.

Contd...6/-

- 7 -

Joint Director of Health Services, N.C. Hills, Haflong vide No. G/42/2608 dt. 19.4.94 for his appearance before the Medical Board on 25.4.94 was sent to him by ordinary post ; (2) it is irrecusable beyond any contradiction whatsoever that a to and fro journey between Maibong and Haflong by making conveyance arrangement is a highly expensive affair as he has been without pay: (3) as the Medical Officer, i.e. the Joint Director of Health Services, N.C. Hills, Haflong remains outstation on umpteen assignments, he, after sustained endeavours managed to get into touch with the Medical Officer after 25.4.94 and a new date for his appearance before the medical board for his medical check up was slated for 25.4.94 and (4) for paucity of Transportation facilities between Maibong and Haflong.

As regards charges levelled against him for not resuming duty with proper medical fitness, certificate as per direction of the authorities his arguments are; "he is yet to get cut out for the resumption of his duties and yet to get out and about."

Regarding charges on unauthorised absence with effect from 26.10.93 onwards without submitting any leave application his arguments are that, he is ignorant of rules and as a matter of fact, did not know what sort of leave to be applied for leading to the resultant unauthorised absence.

Contd...8/-

- 8 -

Finally, for charges levelled against him for violation of Rule 3(i) (ii) (iii) of CCS (Conduct) Rule 1964 and Rule 25(2) of the Central Civil Services (Leave) Rules, 1972; his argument is that, he is not a walking encyclopedia of rules and the same being be on his ken, it will not hold water and may sound ludicrous and outlandish to make any comment on it.

Shri Pannalal Paul, Clerk-Typist, has therefore, refuted the charges levelled against him on the basis of arguments sent forth above.

ANALYSIS AND ASSESSMENT OF EVIDENCE: ARTICLE OF CHARGE - I.

Shri Pannalal Paul, Clerk-Typist was sanctioned leave as due and admissible for the period from 3.12.89 to 9.5.91. As a matter of fact, he did not resume duty on expiry of sanctioned leave and continued to remain absent. From the statement of imputation of misconduct or misbehaviour in support of article of charge it appears that, he was directed by the Office to submit leave application duly supported by medical certificate under letter No.Estt.(M)/PC/P-14/489 dt. 17.6.93. It seems, the letter containing direction of submission of leave application was issued to him after a lapse of about 2 years 1 month. Therefore, submission of leave application for absence could perhaps be made earlier by the charged officer had the directions been issued to him in time. The

Contd...9/-

- 9 -

arguments get forth by the charged officer in reply to the charges of non-submission of application of leave of absence from 10.5.91 onwards are, however, not valid as he was duty bound to submit application for extension of leave of absence with medical certificate on 10.5.91 after expiry of sanctioned leave.

The accused officer, Shri Pannalal Paul, Clerk-Typist continued to remain absent unauthorisedly from 26.10.93 till date. Neither he submitted any leave application supported by medical certificate nor he resumed duty. He can not be allowed to plead that, he violated the procedure because of his ignorance as to what kind of leave he should apply for. Rules and procedures are laid down in the interest of the Govt. servant whose responsibility is to follow them.

ARTICLE OF CHARGE - II

*Attested
M. S. Subh*

Inspite of issue of direction by the Deputy Accountant General (Admn) and by the Joint Director of Health Services, as well, the charged officer, Shri Pannalal Paul, Clerk-Typist failed to appear before the district Medical Board, Haflong on 25.4.94 for medical check-up. Reasons adduced by him in support of his failure, viz, paucity of transport facilities, and arrangement of expenses within a brief period i.e. between the receipt of the notice from the Joint Director of Health Service, Haflong, N.C. Hills and the date stipulated for appearance before the Medical Board do not seem to be convincing. The third reason put

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forward by him was that "the Joint Director of Health Services is on the hop with official works and remains outstation on umpteen assignments" cannot be accepted as valid since the Joint Director of Health Services, Haflong in his Office letter No.G/42/2811 dt. 28.4.94 addressed to the Deputy Accountant General(Admn) Meghalaya with a copy of Shri Pannalal Paul had reported that, Shri Pannalal Paul did not appear before the Medical on 25.4.94. It is therefore, clear that, the Joint Director of Health Services Haflong was present on 25.4.94 in his office at Haflong.

In his statement of defence dated 25.7.94, Shri Pannalal Paul had stated that, he actually appeared before the Medical Board on the appointed day on 20.5.94 with the Joint Director of Health Services, Haflong, N.C. Hills as the Charman of the Medical Board. Through he turned up before the Medical Board on 20.5.94 he was issued charge sheet. He had also furnished a photocopy of the money receipt obtained against payment of Rs. 90/- towards his medical examination.

From the letter issued under Memo No.G/42/5737 dt. 22.7.94 from the Joint Director of Health Service, Haflong, N.C. Hills, addressed to the Deputy Accountant General (Admn) it appears Shri Pannalal Paul appeared before the Joint Director of Health Services on 20.5.94. It transpires from that letter that Sri Paul did not appear before the Medical Board as claimed

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by him. He actually appeared before the Joint Director of Health Services and that was on his own violation since the office neither issued any request letter to the medical authorities nor any direction to Shri Pannalal Paul in this regard.

It further appears, the charge sheet was issued to Shri Paul on 6.7.94, i.e., before receipt of the letter dated 22.7.94 from the Joint Director of Health Services intimating appearance of Shri Paul before him for medical examination.

The Joint Director of Health Service, Haflong had directed Shri Pannalal Paul vide his letter dt. 22.7.94 quoted above to consult with the Orthopaedic Surgeon for better investigation and treatment. Shri Pannalal Paul was asked by the office to intimate whether he appeared before the Orthopaedic Surgeon. In reply, Shri Paul vide his letter dated 25.10.94 addressed to the Sr. Deputy Accountant General (Admn) had intimated that, he did not appear before any Orthopaedic Surgeon.

Admn
yes

Shri Pannalal Paul was directed to resume duty immediately, in the letters issued to him on 7.4.94 and 13.4.94, Neither he resumed duty nor he submitted any application for his long leave of absence from 26.10.93 till date. In his written brief dated 30.11.94, Shri Paul has explained his difficulties to resume duty owing to his physical

Contd....12/-

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disability and assured that he would resume duty within 48 hours as soon he is rendered fit. This explanation, however does not confer him any right to remain absent unauthorisedly.

As regards charges levelled against him for violation of Rule (i) (ii) (iii) of the C.C.S. (Conduct) Rules, 1964 and Rule 25(2) of the C.C.S. (Leave) Rules, 1972 the arguments put forward by him in his written representation dated 25.7.94 though intended to refute the charges, have alternatively showed his intention to violate the rules.

In his written brief dated 30.11.94 Shri Pannalal Paul has, however, made arguments to the effect that the rules invariably hold good so far as the Central Government Employees are concerned and handicapped Central Government Employees should not be bracketed with and treated on the same footing as the rest of the employees under the Central Government. The arguments put forward by him do not hold good since the C.C.S.(Conduct) Rules and C.C.S. (leave) Rules do not contain special provisions for physically handicapped employees.

7. FINDINGS :

On the basis of documentary evidence adduced in the case before me and in view of the reasons given above, I hold that, all the two charges against Shri Pannalal Paul, Clerk-Typist are proved.

Shillong,

Sd/- D.K. NAG
INQUIRY AUTHORITY

16.2.95

OFFICE OF THE ACCOUNTANT GENERAL(A&E) ASSAM,
MEGHALAYA, ARUNACHAL PRADESH & MIZORAM,
SHILLONG-793001.

NO. Sr. DAG(A)/7/Con-C/90-91/83 Dated 31 May, 1995.

ORDER

Whereas the disciplinary proceeding under Rule 14 of the CCS(CCA) Rules was initiated against Shri Pannalal Paul, C/T of Office of the Accountant General (A&E), Meghalaya etc. Shillong (currently under unauthorised absence) vide this office Memo No. Sr. DAG(A)/7/Con-C/90-91/84 dated 6.7.94 on the following articles of charges -

ARTICLE I

"That the said Shri Pannalal Paul, C/T was sanctioned leave as due and admissible to him on Medical grounds (i.e. EL/HPL/EOL on MC) for the period from 3.12.89 to 9.5.91 by the leave sanctioning authority. He was due to resume his duties on 10.5.91 after ~~expiry~~ expiry of leave. He, however, did not do so but continued to remain absent unauthorisedly and afterwards, vide his leave application dated 20.9.1993 (received in this Office on 28.9.93) applying for EOL for the period from 10.5.91 to 25.10.93, after a lapse of about ~~5~~ two years and five months and thereafter continued to remain absent unauthorisedly till date without any leave application".

ARTICLE II

"That the said Shri Pannalal Paul, C/T was directed several times by his superior officer i.e. Dy. Accountant General (Admn) to appear before the Chief Medical and Health Officer, NC Hills, Haflong

Contd...2/-

*Attested
MS*

- 2 -

(nearest to his place of residence, i.e. Maibang) to get himself examined physically and clinically to determine whether there is any likelihood or not of his resuming duty in the near future in view of his continued absence from duty, but the said Shri Paul failed to carry out the orders of his superior Officer. He was also directed by the Joint Director of Health Services, NC Hills, Haflong vide his Office Memo No. G/42/2608 dated 19.4.94 with a copy endorsed to the Dy. Accountant General (Admn) to appear before the District Medical Board on 25.4.94 for medical check-up. Again, Shri Paul failed to appear before the said Medical Board on 25.4.94 as directed.

Shri Paul was also directed to resume duty immediately i.e. on 7.4.94 and 13.4.94 alongwith medical fitness certificate from the competent authority (i.e. CM&HO, Haflong) but till date he has not done so.

Shri Pannalal Paul, C/T is therefore, charged with gross misconduct indulging in indiscipline, dereliction of duty, gross insubordination, violating the provisions of Rule 3(i) (ii) (iii) of the CCS(Conduct) Rules, 1964, by failing to comply and pay heed to the direction of his superiors. For his wilful absence from duty he has also violated Rules 25(2) of CCS(Leave) Rules, 1972".

A statement of imputation of misconduct or misbehaviour in respect of the Articles of charge framed against Shri Pannalal Paul as well as a list of documents by

Contd...3/-

- 3 -

which, and a list of witness by whom, the charges were proposed to be sustained were also forwarded to him along with the aforesaid Memo No. Sr.DAG(A)/7/Con-C/90-91/84 dated 6.7.94.

In his written statement of defence dated 25.7.94, the charged official did neither accept the charges nor did he clearly deny the charges. Accordingly, the Disciplinary Authority ordered for an inquiry and in doing so appointed Shri D.K. Nag, Sr. Accounts Officer as Inquiry Officer vide letter No. Sr.DAG(A)/7/Con-C/90-91/118 dated 11.08.94. The charged official did not participate in the inquiry from the beginning to end inspite of directions from the Inquiry Officer and the Disciplinary Authority (as was done by the Charged Official on the earlier occasion). The inquiry was, therefore, held in his absence ex-parte. The official was, however, kept informed about the progress of the inquiry by sending Daily Order Sheet of the proceedings to his home address by the Inquiry Officer.

After the initial inquiry report was submitted vide letter No. I.O./Deptt-Enq/PLP/94-95/2 dated 16.09.1994, the same was sent to the charged official. On careful consideration of the subsequent representation of the Charged Officer, it was considered by the Disciplinary Authority that the objection of the Officer as to the non-forwarding of the Presenting Officer's brief was a valid ground on which the inquiry process will have to recommence. The order to this effect was passed by the Disciplinary Authority vide his Order No. Sr.DAG(A)/7/Con-C/90-91/182 Dated 18.10.94. A copy of which was endorsed to Shri D.K. Nag, I.O., Shri A.S. Bhattacharjee, P.O. and Shri Pannalal Paul, the Charged Official.

Attested
Hd

- 4 -

And whereas the inquiry Officer vide his report No.I.O./Deptt.Inq/PLP/94-95/7 dated 16.02.95 concluded his findings as under :-

"On the basis of documentary evidence adduced in the case before me and in view of the reasons given above, I hold that, all the two charges against Shri Pannalal Paul, C/T are proved".

And whereas a copy of the report of the inquiry was sent to Shri Pannalal Paul vide letter No. Sr.DAG(A)/7/Con-C/90-91/328 dated 24.02.95 providing him an opportunity to represent against the report of the Inquiry Officer,. His representation on the Inquiry Officer's report was received on 24.03.95~~xx~~ of the On careful perusal of the representation dated 18.03.1995 of the Charged Official, the Disciplinary Authority out-right rejects his plea that he would submit his final representation on the inquiry report on receipt of comment, admission, refutation, rebuttal etc. of his representation dated 30.11.94 to the Inquiry Officer. It was also held by the Disciplinary Authority that the charged official's request of making an interim representation to be followed by a final representation, while not only being unacceptable was also NOT the prerogative of the charged official. Further , the plea that leniency ought to be meted out to him being a physically handicapped employee, does not hold ground and is not acceptable to the Disciplinary Authority. It must also be recorded here that the present Disciplinary Authority had exercised outmost leniency on an earlier occasion to the Charged Official. It may be noted that this is not the first occasion when the disciplinary proceedings have been initiated against the charged Official. As mentioned above,

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the first disciplinary proceedings against Sri Pannalal Paul were initiated on 7.11.90 on the ground of unauthorised absence for the period from 03.12.89 to 07.11.90 (date of issue of Charge sheet). Considering the fact that the official was a physically handicapped category and also with the hope and intention to give him opportunity to correct his behaviour, the Disciplinary Authority chose to express leniency and allowed him the advantage of being given the benefit of doubt that perhaps his physical ailments then incapacitated him to resume official duties. This leniency was exercised with the sole motive and expectation that the official might pull himself together and resume his official duties. However, that was not done.

And Whereas in respect of the current Inquiry Report and the submission of the representation by the Charged Official, the Disciplinary Authority has made an in-depth study of the contents of the representation as well as the observations made by the Inquiry Officer on the representation of the Charged Official. The undersigned finds that the objection of the Charged Official that the substance of the case that prompted the initiation of disciplinary proceedings against the Charged Official then and now was essentially the same is not relevant nor is it comparable. On this account, the Disciplinary Authority agrees in toto with the Inquiry Officer's observation,

Attested
R.R.

- 5 -

undersigned holds that Sri Pannalal Paul has behaved in a manner most unbecoming of a Government servant violating the provisions of Rules 3(i) (ii) (iii) of CCS(Conduct) Rules 1964 and also Rule 25(2) of CCS (Leave) Rules, 1972.

Further, the fact that he has not even applied for leave for his absence for the period from 26.10.93 till date is grossly in contravention and violation of CCS (Leave) Rules, 1972. Moreover, the undersigned had made several attempts to set the matter right by requesting and directing him to join duties in a number of occasions. Considering the fact that the Official had during this period had moved as far as Delhi and Silchar (Assam) the reasons for his non compliance to the directives of his superior to resume duty indicates nothing but sheer indifference.

The above facts amply indicate the positive and fair intent of the Administration to persuade him to join normal duties. It also clearly belies the contentions of the Charged Official that the fate of the inquiry was already pre-ordained as suggested by the Charged Official.

Accepted
MS
In view of all the above, the undersigned as Disciplinary Authority finds that there are sufficient and valid grounds for imposing a major penalty as per Rule 11 (viii) of CCS(CCA) Rules, 1965 in as much as gross insubordination and indifference to the directions of his Superiors, violation of Rule 25(2) of CCS (Leave) Rules by unauthorised and wilful absence from duty as displayed by the Official cannot be countenanced else it would create an environment of the office as a whole, and considering the gravity of the charges as has been established against him

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is such as to render his further retention in services undesirable. The undersigned is, therefore, of the expressed view that the ends of justice would be met by imposing the penalty of REMOVAL FROM SERVICE. Accordingly the abovesaid penalty is hereby imposed on Shri Pannalal Paul, C/T with immediate effect. It is further ordered that the period of absence w.e.f. 10.05.91 till date be treated as non-duty since the official has not resumed his duties.

A copy of this order may be added to the Confidential Rolls of Shri Pannalal Paul, C/T.

Sd/- Illegible,
(L. Tochhawng)
Sr.Dy.Accountant General(Admn)
Disciplinary Authority.

To,

Shri Pannalal Paul, Clerk/Typist,
C/O. Shri Prabhat Chandra Paul,
P.O. - Maibang,
N.C. Hills (Assam).

Shri Paul
MS

DOCUMENT NO.15

OFFICE OF THE ACCOUNT GENERAL (A&E) MEGHALAYA ETC. SHILLONG! -
793001.

No. Sr.DAG(A)/74Con-C/90-91/146

Date:- 14.7.95

To,

Shri Pannalal Paul
C/o. Shri Prabhat Chandra Paul
P.O. Maibang
Dist. N.C. Hills (Assam).

I send herewith a copy of the order dated
12.7.95 of the Appellate Authority. This is with reference
to his Memorandum dated 15.6.95 addressed to him.

*Submitted
MCH*

Sd/- Illegible,
Dy. Accountant General(Admn.)

Enclo:- As Stated above.

Order

This pertains to the Memorandum dated 15.6.95 submitted by Shri Pannalal Paul, Clerk/Typist since removed from service.

The facts of the case as seen from the available records are as follows:-

Shri Pannalal Paul was sanctioned leave EL/HPL/EOL on MC) by the leave sanctioning authority for the period from 3.12.89 to 9.5.91. No application for further leave beyond this period was received in this office from him by 14.6.93 and was directed by the E.O.(M) vide his Memo No.Estt(M)/PC/P-14/489 dated 15.6.93 (issue dated 17.6.93) to submit application duly absence from 10.5.91 as per prescribed forms which were also sent to him alongwith the memo dated 15.6.93 (issue date 17.6.93) at his leave address (i.e. C/o Shri Prabhat Ch. Paul xixx P.O. Maibang, N.C.Hills, Assam), in response to which Shri Paul vide his letter dated 900 days w.e.f. 10.5.91 to 25.10.93 alongwith M.C. issued by different Doctors for different periods after a lapse of about two years and five months which were received in this office on 28.9.93. This absence was yet to be regularised by the competent authority. Shri Pannalal Paul neither resume duty on 26.10.93 after the period of absence which expired on 25.10.93 alongwith M.C. issued by different Doctors for different periods after a lapse of about two years and five months which were not applied for extension of leave beyond 26.10.93. Shri Paul was directed several times by the D.A.G.(Admn.) to appear before the C.M. & H.O., N.C.Hills, Haflong to get himself examined physically and clinically to determine whether there was any likelihood or not of his resuming duty in the near future vide this office Memo Sr.DAG(A)/7/Con-C/90-91/846, 859, 903 and 909 dated 14.2.94, 4.3.94, 7.4.94 and 13.4.94 respectively. Simultaneously, the C.M.

Handwritten signature/initials

- 2 -

& H.O., N.C. Hills, Haflong, Dr. k.C. Sharma and thereafter Dr.D.R.Teron were also requested to conduct a physical and clinical examination of Shri Paul and to give specific comments as to whether the official would be fit to resume duty ~~as he was~~ in the near future or not but Shri Paul did not appear before the Medical Officer as directed from time to time.

The Joint Director of Health Services N.C.Hills, Haflong was addressed in the matter who vide his D.M.No. G./42/2609 dated 19.4.94 informed the D.A.G(A), Meghalaya, etc., Shillong that Shri Paul was directed by him to appear before the District Medical Board on 25.4.94 for medical check up. Shri Paul did not appear before the Medical Board as directed as intimated by the Jt. Director of Health Services, N.C.Hills, Haflong vide his letter No.G/42/2811 dated 28.4.94 addressed to the D.A.G.(A), Meghalaya with a copy to Shri Paul.

Shri Pannalal was charge sheeted by the Disciplinary Authority vide his Memo No. Sr.DAG(A)/7/Con-C/90-91/84 dated 6.7.94 and following charges were levelled against him :-

Article I

That the said Shri Pannalal Paul C/T was sanctioned leave as due and admissible to him on Medical grounds (i.e. EL/HPL/EOL on MC) for the period from 3.12.89 to 9.5.91 by the leave sanctioning authority. He was due to resume his duties on 10.5.91 after expiry of leave. He, however, did not do so but continued to remain absent unauthorisedly and afterwards, vide his leave application dated 20.9.93

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- 3 -

(received in this Office on 28.9.93) applying for EOL for the period from 10.5.91 to 25.10.93, after a lapse of about two years and five months and thereafter continued to remain absent unauthorisedly till date without any leave application.

Article II

That the said Shri Pannalal Paul, C/T was directed several times by his superior officer i.e. Dy.Accountant General (Admn.)x to appear before the Chief Medical and Health Officer, N.C.Hills, Haflong (nearest to his place of residence, i.e.Maibang) to get himself examined physically and clinically to determine whether there is any likelihood or not of his resuming duty in the near future in view of this continued absence from duty, but the said Shri Paul failed to carry out the orders of his superior officer. He was also directed by the Joint Director of Health Services, N.C.Hills, Haflong vide his office Memo Np.G/42/2608 dated 19.4.94 with a copy endorsed to the Deputy Accountant General (Admn) to appear before the District Medical Board on 25.4.94 for medical check-up. Again, Shri Paul failed to appear before the said Medical Board on 25.4.94 as directed.

Shri Paul was also directed to resume duty immediately vide Memo dated 7.4.94 and 13.4.94 alongwith medical fitness certificate from the competent authority (i.e. CM & HO, Haflong) but till date he has not done so.

Shri Paul, C/T is therefore, charged with gross misconduct indulging in indiscipline, dereliction of duty, gross insubordination, violating the provisions of Rule 3(i)(ii)(iii) of the CCS(Conduct) Rules, 1964, by failing to comply and pay heed to the direction of his superiors. For his wilful absence from duty he has also violated Rules

25(2) of CCS(Leave) Rules, 1972

In his written statement of defence dated 25.7.94 Shri Pannalal Paul neither accepted the charges nor clearly denied them.

As required under the rules an Inquiry Officer was appointed to enquire into the charges.

The Inquiry Officer fixed the hearing on 31.8.94 at 11.00 a.m. and charged officer was informed accordingly, The hearing could not be taken up as the Presenting Officer was absent on the date. The charged officer had also intimated his inability to attend the hearing vide his letter dated 18.8.94. The hearing was postponed and fixed on 5.9.94 at 11.00 a.m. in Room No.38 of the M.S.Building.

On 5.9.95 the preliminary inquiry was held by the Inquiry Officer at 11.00 a.m. with the Presenting Officer in attendance only. The charged officer did not appear before the Inquiry Officer. The charged officer was intimated vide Inquiry Officer's letter dated 12.8.94 that the inquiry would be held ex parte if the charged officer did not appear before the Inquiry Officer. In absence of the charged officer the inquiry was held ex parte.

*Submitted
PLD*
The Inquiry Officer accordingly submitted his report to the Disciplinary Authority concluding that the charges framed against the charged officer were established.

After the inquiry report was submitted vide letter No.I.O./Depttl.Inqy./PLP/94-95/2 dated 16.9.1994, the same was sent to the charged official. On careful consideration of the subsequent representation of the Charged Officer, it was considered by the Disciplinary Authority that the objection of the Charged Officer as to the non-forwarding of the Presenting Officer's brief was valid. Considering

this the Disciplinary Authority vide his No.Sr.DAG(A)/7/Con-C/90-91/182 dated 18.10.94 passed an order that the inquiry will have to recommence from the stage of sending the copy of the written brief of the Presenting Officer. In pursuance to this order the Inquiry Officer sent the following documents to the Charged Officer vide his letter dated 19.10.94.

1. A copy of Daily Order sheet dated 31.10.94 and 5.9.94.
2. A copy of the written brief dated 5.9.94 submitted by the Presenting Officer.
3. A copy of the list of exhibits submitted by the Presenting Officer.

He also directed the Charged Officer vide his letter dated 19.10.94 to appear before the Inquiry Authority with his written brief on 28.10.94 at 11.00 A.M. in Room No.38 (M.S.Building) where the inquiry will recommence. A telegrams dated 21.10.94 was also sent to this effect. The Charged Officer did not appear before the Inquiry Officer. The Charged Officer was given a last chance vide telegram dated 31.10.94 by the Inquiry Officer mentioning that due to absence of Charged Officer the inquiry could not be held on 28.10.94 and that a last opportunity to appear before the Inquiry Authority was given for which the date fixed was 7.11.94 at 11.00 A.M., the Charged Officer was also informed that failing which inquiry will be held ex-parte. The inquiry report was submitted by the Inquiry Officer on 16.2.95 wherein again the charges levelled against Shri Pannalal Paul were held to be proved.

Noted
ref

- 6 -

The Disciplinary Authority after going through the Inquiry Report, the statements and the evidence proceedings before the Inquiry Officer, concluded that the Inquiry Officer's findings were acceptable to him and keeping in view the gravity of the charges and also the conduct of the charged officer passed the order of penalty of Removal from Service.

Now Shri Pannalal Paul removed Clerk/Typist has submitted the memorandum on the following grounds:-

1) That he was appointed as a physically handicapped candidate.

2) That he was struck down with physical disability and was forced to proceed on leave w.e.f. 28.10.89 to 5.12.89 and thereafter remained on unauthorised absence leading to initiation of disciplinary proceedings. The charges were not established and he was sanctioned leave on medical grounds upto 20.5.91 and thereafter he was on unauthorised absence and disciplinary proceedings were initiated against him leading to his removal from service vide office order No.Sr.DAG(A)/7/Con-C/90-91/83 dated 31.5.95.

3) That he was ignorant of the fact that in the event of exceeding of 5 years continuous leave, service of any employee could not be continued for which the blame lay at his door.

After going through the entire case history, the evidences that were produced and the Inquiry Report I am of the view that the Memo submitted by Shri Pannalal Paul and his appeal for reinstatement cannot be accepted due to the following reasons.

Contd....7/-

- 7 -

A Government servant after entering service and having served for sometime cannot take recourse to ignorance of the rules as he is expected to know the service rules by them. He did not heed to the directions of the authorities from time to time and did not follow the rules by remaining on unauthorised absence for years together. This was gross misbehaviour on his part and my condonation of such behaviour would affect the discipline of the office as a whole. I also find that the procedure for the disciplinary proceedings and inquiry ~~was~~ laid down in CCS(CCA) Rules, 1965 have been fully followed by the Disciplinary Authority and the Inquiry Officer.

With all these in view I reject the appeal made by Shri Pannalal Paul removed Clerk/Typist.

-Sd/- Rochila Saiawi
Accountant General(A&E)
Appellate Authority
Assam, Meghalaya, etc.,
Shillong.

Auth
LLS
Dated, Shillong
the 12th July, 95.

4 MAR 1996

Guwahati Bench

গুৱাহাটী বেঞ্চ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI
BENCH AT GUWAHATI

IN THE MATTER OF :-

O.A. NO. 249 of 1995
Shri Pannalal Paul.

- Versus -

1. Union of India - Rept by Comptroller & Auditor General of India. New Delhi.
2. Accountant General (A&E) Assam, Meghalaya, Arunachal Pradesh & Mizoram, Shillong - 793001.
3. Sr.Dy.Accountant General(Admn.), Office of the Accountant General (A&E) Assam, Meghalaya etc. Shillong-793001.

- AND -

IN THE MATTER OF :-

Written statement submitted
by the Respondents No. 1 to 3.

WRITTEN STATEMENTS

The humble respondents submit
their Written Statements
as follows :-

1. That with regard to the statements made in paragraphs 1,2,3,4, and 5 of the application, the Respondents submit that they have no comments on them, except statement made in para 1(iii) which should be clerk/Typist, O/O the Accountant General (A&E) Meghalaya, etc. Shillong.

2. That with regard to the statement made in paragraph 6(1) of the application, the Respondents submit that Shri Pannalal Paul was selected for appointment from the physically handicapped quota sponsored by the Staff Selection Commission and he joined the O/O the Accountant General (A&E) Meghalaya etc. Shillong on 20.5.85 on production of a formal fitness certificate issued by the Civil Surgeon, East Khasi Hills, Shillong on 20.5.85 (Annexure - I) as required under rules.

Filed by:

83
1
Hannakal
(MD. SHAIKAT ALI) 29/2/96
Central Comm. Sec. Assam Council
Central Comm. Sec. Assam Council
Guwahati Bench Guwahati

The Respondents further submit that the Chief Medical and Health Officer, N.C.Hills, Haflong (before Shri Paul joined the office) in his medical report dated 14.1.84 (Annexure -2) had stated that Shri Pannalal Paul was suffering from Ch.Rheumatoid Arthritis of wrist, elbow, shoulder joints of both upper limbs. The medical officer further stated that this disability was likely to interfere with typing and advised him medicine regularly for winter season for his pain in joints of both upper limbs.

3. That with regard to the statement made in paragraph 6(2) of the application, the Respondents submit that Shri Pannalal Paul joined the O/O the A.G.(A&E) Meghalaya etc. Shillong on 20.5.85 on production of a formal fitness certificate issued by the Civil Surgeon, East Khasi Hills, Shillong on 20.5.85. Considering his disability he was not engaged in typing work so long he was in the Office of the A.G(A&E) Meghalaya etc, Shillong.

4. That with regard to the Statement made in para 6(3) of the application, the Respondents submit as follows :-

Shri Pannalal Paul while functioning in MC-3 Section (O/O The A.G.(A&E) Meghalaya etc Shillong) was sanctioned Earned Leave for 34 days w.e.f 30.10.89 to 2.12.89. On expiry of leave he did not join office on 3.12.89 and continued to remain absent unauthorisely (i.e without permission or leave application) w.e.f 3.12.89 onwards. Inspite of several directions from the competent authority to resume duty as well as to submit leave application supported by medical certificate for the period from 3.12.89 onwards, official did not respond to it and continued to remain absent unauthorisely. A Charge-Sheet under Rule 14 of the Central Civil Seviles (Classification, control and Appeal) Rules,1965 was issued to him under this office Memo. No.Sr.DAG(A)/7/Con-c/90-91/248 dated 7.11.90 (Annexure -3). The inquiry was held but Shri Pannalal Paul did not participate in the inquiry from the beginning to end inspite of directions from the competent authorities. No assistance was also sought for by the official as advised by the Inquiry Officer, Shri S.Deb Biswas. The inquiry was held in his absence ex-parte. On conclusion of the disciplinary proceedings, the Disciplinary Authority after having gone through the report of inquiry and also after going through the facts and circumstances of his absence as stated in his representation submitted from time to time against the proceedings and also the medical examination report dated 23.3.92 (Annexure -4) so obtained subsequently from the Chief Medical and Health Officer, N.C.Hills, Haflong,exonerated him from the charges levelled against him

and the order to this effect was issued under No.Sr.DAG(A)/7/Con-C/90-91/211 dt.18.9.92 (Annexure -5) and the period of his unauthorised absence w.e.f 3.12.89 to 9.5.91 was regularised by the competent authority ex-post-facto.

5. The Respondents further submit that it was expected that the official viz. Shri Pannalal Paul would return back from Maibang (N.C.Hills) and resume his duties at Shilong on 10.5.91 following the order of exoneration and regularisation of leave of his absence w.e.f 3.12.89 to 9.5.91. However, the official viz. Shri Pannalal Paul continued to be absent since 10.5.91 onwards without any intimation/permission from the competent authority.

6. That with regard to the statement made in para 6(4) of the application, the Respondents submit as follows :-

The official viz. Shri Pannalal Paul was directed by the competent authority to appear before the Chief Medical and Health Officer, N.C.Hills, Haflong to get himself examined physically and clinically to determine whether there was any likelihood or not of his resuming duty in the near future in view of his prolonged absence from duty at Shillong which was issued under Memo.No.Sr.DAG(A)/7/Con-C/90-91/107 dated 30.7.92 (Annexure-6). The medical report dt.23.3.92 (Annexure-4) for which the official appeared before the Chief Medical and Health Officer, N.C.Hills, Haflong on 13.3.92 was received by the competent authority on 30.3.92 and the same was considered by the Disciplinary Authority while finalising the disciplinary proceedings initiated against the official viz. Shri Pannalal Paul in Memo.No.Sr.DAG(A)/7/Con-C/90-91/248 dated 7.11.90 (Annexure -3).

The official viz. Shri Pannalal Paul in his letter dated 24.3.94 (Annexure -7) in response to the Memo. No.Sr.DAG(A)/7/Con-C/90-91/859 dated 4.3.94 (Annexure -8) informed the competent authority of the office that he did not appear before the Chief Medical and Health Officer, N.C.Hills, Haflong. However, he stated therein that he had appeared before the Chief Medical and Health officer, Haflong on 13.3.92 and before the District Medical Board, N.C.Hills, Haflong on 23.11.92. The medical report dated 23.3.92 (Annexure -4) for which he appeared before the Chief Medical and Health Officer on 13.3.92 was received by the office on 30.3.92 and was duly considered by the Disciplinary Authority at the time of finalisation of the disciplinary case initiated against him under Memo.No. Sr.DAG(A)/7/Con-C/90-91/248 dated 7.11.90 (Annexure -3).

7. That with regard to the statement made in paragraph 6(5) of the application the Respondents submit as follows :-

That no medical report was received in the office from the Chief Medical and Health Officer, N.C.Hills Haflong for which the official viz. Shri Pannalal Paul stated to have been appeared before him on 23.11.92 as mentioned by the official in his letter dated 24.3.94 (Annexure-7). Therefore, the matter was taken up with the Chief Medical & Health Officer, Haflong (i.e. Dr.D.R.Teron) demi-offially under office D.O.letter No. Sr.DAG(A)/7/Con-C/90-91/845 dated 14.2.94 (Annexure -9) requesting him to conduct a physical and clinical examination of the official, viz. Shri Pannalal Paul and giving his specific comment to determine whether there was likelihood of his being fit to resume duty in near future.

Since no communication was received from the official viz. Shri Pannalal Paul regarding his appearance before the Medical Officer, he was again directed under Memo.No.Sr.DAG(A)/7/Con-C/90-91/846 dt.14.2.94 to appear before the CM & H.O.Haflong for medical examination (Annexure -10).

Similarly, as no reply was received from Dr.D.R.Teron, C.M.& H.O. Haflong, the Medical Officer was again requested under this office D.O.letter No. Sr.DAG(A)/7/Con-C/90-91/902 dt.7.4.94 (Annexure -11) to intimate the office whether the official viz. Shri Pannalal Paul appeared before him for medical examination as directed and, if so, the findings thereof be sent at the earliest possible date for further necessary action.

8. That with regard to the statement made in paragraph-6(6) of the application, the Respondents submit as follows :-

That the official viz. Shri Pannalal Paul was sanctioned leave as due and admissible to him on medical ground for the period from 3.12.89 to 9.5.91 by the leave sanctioning authority ex-post-facto in him absence on conclusion of the disciplinary case initiated against him by the Disciplinary Authority issued under Office Memo.No.Sr.DAG(A)/7/Con-C/90-91/248 dated 7.11.90 (Annexure3) It was expected that the official viz. Shri Pannalal Paul would come to Shillong from Maibang (N.C.Hills) and there after resume his duties in the office on 10.5.91 following the order of exoneration passed by the Disciplinary

Authority (Annexure -5) and regularisation of the period of unauthorised absence w.e.f 3.12.89 to 9.5.91. The official, however, did not resume duties on 10.5.91 and continued to remain absent without any permission from the competent authority since then. No Application for further leave since 10.5.91 onwards with or without medical certificate was received from the official viz. Shri Pannalal Paul and as a result he was directed by the Establishment Officer, O/O the A.G.(A&E) Meghalaya etc. Shillong in his Memo.No.Estt(M)/PC/P-14/489 dt.15.6.93 (Annexure -12) (issue date 17.6.93) to submit leave application duly supported by Medical certificate for the period from 10.5.91 as per prescribed forms which were also sent to him alongwith the above Memo. at his home address (i.e. C/O.Prabhat Chandra Paul, P.O.Maibang -788 831, Dist. N.C.Hils, Assam). Thereafter, the official. Viz. Shri Pannalal Paul in his letter dated 20.9.93 (Annexure - 13) sent leave application applying for Extra-ordinary leave for 900 days w.e.f 10.5.91 to 25.10.93 supported by medical certificates issued by different doctors at Silchar (Assam) for the different periods, after a lapse of about two years and five months on the and the same were received in the office on 28.9.93.

The leave applied for by the official, viz. Shri Pannalal Paul was, however, not sanctioned by the competent authority as he failed to resume duty on 26.10.93. No further leave application was received from the official since 26.10.93 till the date of his removal from service after following normal disciplinary procedure as prescribed under the CCS(CCA)Rules. The official should submit application for extension of leave of absence with medical certificate on 10.5.91 after expiry of sanctioned leave w.e.f 3.12.89 to 9.5.91.

9. That with regard to the statement made in paragraph 6(7) of the application, the Respondents submit as follows:-

That the official viz. Shri Pananalal Paul was directed several times by his superior officer to appear before the Chief Medical and Health Officer, N.C. Hills, Haflong (nearest to his place of residence i.c. Maibang) to get himself examined physically and clinically to determine whether there was any likelihood or not of his resuming duty in the near future in view of his continued absence from duty, but the official viz Shri Pannalal Paul failed to do so.

The official viz. Shri Pannalal Paul was also directed by the Joint Director of Health Services, N.C.

Hills, Haflong in his office Memo. No G/42/2608 dated 19/4/94 (Annexure- 14) with copy endorsed to the Deputy Accountant General (Admn) to appear before the District Medical Board on 25.4.94 for thorough medical check-up. Thereafter, the Jt. Director of Health Services, Haflong was requested under office letter No Sr. DAG(A)/7/con-c/90-91/26 dated 5.5.94 (Annexure 15) to let the office know whether the official viz Shri Pannalal Paul examined by him on 25.4.94 as directed by him. The Medical officer was also requested to send the medical report of such examination. However, in reply the Jt. Director of Health Services, Haflong in his Letter No. G/42/2811 dated 28.4.94 (Annexure 16) informed the Dy. Accountant General (Admn), Meghalaya, Shillong that the official viz. Shri Pannalal Paul did not appear in the District Medical Board on 25.4.94 as was asked in his office letter No G/42/2608 dt. 19.4.94 (Annexure 14) which was addressed to the official viz. Shri Pannalal Paul.

On receipt of this communication from the Jt. Director of Health Services, Haflong, the official viz. Pannalal Paul was directed under the office Memo No. Sr. DAG(A)/7/Con-C/90-91/39 dated 17.5.94 (Annexure 17) to let the office know why he did not appear before the District Medical Board on 25.4.94 as directed by the Jt. Director Health Services, Haflong. In reply, the official viz Shri Pannalal Paul in his letter dated 25.5.94 (Annexure -18) (received the letter in the office on 3.6.94) furnished some grounds for not appearing before the District Medical Board on 25.4.94 which were based on grounds that were difficult to evidence and be accepted by the competent authority.

Further, from the Memo No G/42/5737 dated 22.7.94 (Annexure 19) received from the Jt. Director of Health Services, Haflong addressed to the Sr. Deputy Accountant General (Admn.), Meghalaya, Shillong it came to the notice of the competent authority that the official viz Sri Pannalal Paul appeared before him only on 20.5.94. It transpires from the said letter that the official viz Shri Pannalal Paul did not appear before the District Medical Board on 25.4.94 as earlier directed by the Jt. Director Health Services, Haflong in his office Memo No. G/42/2608 dated 14.4.94 (Annexure 14) addressed to the official. The official viz Shri Pannalal Paul actually appeared before the Joint Director of Health Services, Haflong on 20.5.94 and that was on his own volition since the office neither issued any fresh request letter to the medical authorities nor any fresh direction was given to the official, viz Shri Pannalal Paul in this regard. No letter from the official addressed to the Sr. Deputy Accountant General (Admn) Shillong regarding his appearance before the reconstituted Medical

Board on 20.5.94 was received in the office. Similarly no letter from the Jt. Direction of Health Services, Haflong regarding reconstitution of Medical Board directing the official viz. Shri Pannalal Paul to appear before the same on 20.5.94 was received in the office except the office Memo No. G/42/5737 dt. 22.7.94 (Annexure 19).

However, the Jt. Director of Health Services, Haflong in his office Memo. No. G/42/5737 dt. 22.7.94 (Annexure 19) referred to above had directed the official viz. Shri Pannalal Paul inter-alia to consult with the Orthopaedic Surgeon for better investigation and treatment. Shri Pannalal Paul was asked by the office to intimate whether he appeared before the Orthopaedic Surgeon. In reply, the official viz. Shri Pannalal Paul in his letter dated 25.10.94 (Annexure 20) addressed to the Sr. Deputy Accountant General (Admn) intimated that he did not appear before any Orthopaedic Surgeon.

10. The Respondents submit that the official viz. Shri Pannalal Paul neither resumed duty nor he submitted any application for his prolonged absence from duty w.e.f. 26.10.93 onwards, hence the competent authority directed the official to resume duty immediately alongwith medical and fitness certificate from the CM& HO Haflong and the same were issued under office Memo No. Sr. DAG(A)/7/con-C/90-91/903 and 908 dated 7.4.94 and 13.4.94 respectively (Annexure 21&22). In reply the official viz. Shri Pannalal Paul in his written statement of defence dated 25.7.94 (Annexure 23) inter-alia stated that "Peremptory commandments can be issued with hands down, but pangs are felt to the backbone while giving effect to such commandments. It may sound preposterous and incredible but to put it mildly, I am yet to get cut out for the resumption of my duties and yet to get out and about".

The Respondents further submit that regarding the unauthorised absence w.e.f. 26.10.93 till the issue of charge-sheet on 6.7.94 (Annexure 24) the official in his written statement of defence dated 25.7.94 (Annexure-23) inter-alia stated that "there is no gainsaying on this score. But seeing that I am a holder of a post of sorts and I have not had yet any occasion to master service rules and leave rules and as such I am an ignoramus to my fingertips concerning such rules and as a matter of fact I did not know what sort of leave to be applied for leading to the unauthorised absence".

The respondents submit that the arguments put forward above by the official viz. Shri Pannalal Paul that

he violated the procedure because of his ignorance as to what kind of leave he should apply for were not accepted by the competent authority. Rules and procedures are laid down in the interest of the Government servant whose responsibility is to follow them. The respondents further submit that every government servant, irrespective of his status, should be aware of rule position as to the entitlement of leave or other benefit and mere expressing his ignorance about the rule position is not tenable.

11. That with regard to the statement made in paragraph 6(8) of the application the respondents submit that the official viz. Shri Pannalal Paul was on unauthorised absence from duty w.e.f. 10.5.91 onwards. As directed by the Establishment Officer, O/O the A.G.(A&E) Meghalaya etc. Shillong (Annexure 12), the official viz. Shri Pannalal Paul sent leave application alongwith his letter dated 20.9.93 (Annexure 13) (received in the office on 28.9.93) applying for extra ordinary leave for 900 days w.e.f. 10.5.91 to 25.10.93 supported by medical certificates obtained from different doctors at Silchar, Assam for different periods after a lapse of about 2 years and five months. The leave applied for was, however, not sanctioned by the competent authority as he failed to resume duty on 26.10.93 on expiry of the above period of absence. No further leave application was received from the official beyond that date.

12. The arguments put forward by the official viz. Shri Pannalal Paul in his written statement of defence dated 25.7.94 (Annexure 23) are that (i) "the lapse on his part owing to unauthorised absence stretching from 10.5.91 to 25.10.93 was dealt with virtual inexorability", (ii) that he was sent a communication which was precious minatory in character vide Memo No. Sr.DAG(A)/7/Con-C/90-91/597 dated 5.2.92, therefore" he should not be further carped at for this specific offence" and he has "nothing to do with the lapse of this period i.e. from 10.5.91 to 25.10.93"

13. The Respondents submit here that in Memo. No Sr.DAG(A)/7/Con-c/90-91/597 dated 5.2.92 (Annexure 25) the official viz. Shri Pannalal Paul was inter-alia directed by the competent authority to make necessary arrangements for his appearance before the Chief medical and Health Officer, N.C. Hills, Haflong for medical examination and not by any other Medical Officer by 15.3.92 positively. The Respondents submit here that the official viz. Pannalal Paul appeared before the Medical Officer on 13.3.92 and medical report dated 23.3.92 (Annexure-4) so received was taken into consideration while finalising the earlier disciplinary providings initiated against the official on 7.11.90.

14. The Respondents submit that the arguments put forward by the official viz. Shri Pannalal Paul as mentioned in paragraph (12) above were not accepted by the competent authority since the official was duty bound to submit application for extension of leave of absence with medical certificate on 10.5.91 after expiry of sanctioned leave, which expired on 9.5.91.

In this connection the Respondents submit as follows:

(i) Sub-rule(2) of rule 25 of the Central Civil Services (Leave) Rules, 1972 provides that wilful absence from duty after expiry of leave renders a Government servant liable to disciplinary action.

(ii) Govt., of India's decision No. (2) below Rule 25 of the CCS(Leave) Rules, 1972 provides that the disciplinary authority can take appropriate disciplinary action for any misconduct, unauthorised absence from duty or overstaying of leave even for one day and impose one of the penalties under the CCS(CCA) Rules, 1965.

(iii) Govt. Of India's Instruction No.(5) below Rule 11 of the CCS(CCA) Rules, 1965 provides that if a Government servant remains absent unauthorisely without proper permission, disciplinary proceedings may be initiated against him.

15. The Respondents submit that the official viz. Shri Pannalal Paul did not appear before the District Medical Board on 25.4.94 (Annexure 16) as directed by the Jt. Director of Health Services, Haflong but appeared before him on 20.5.94 (Annexure-19) on his own volition since the office did not direct him afresh to do so nor the Medical Officer was requested by the office in this regard. The fact came to the notice of the competent authority of the office only when the Jt. Director of Health Services, Haflong in his office Memo No. G/42/5737 dated 22.7.94 (Annexure 19) intimated the fact to this office which was received in the office on 16.8.94. The charge Sheet (for the second time) under Rule 14 of the CCS(CCA) Rules, 1965 was issued to the official on 6.7.94 (Annexure 24) before receipt of office Memo. No. G/42/5737 dt. 22.7.94 from the Jt. Director of Health Services, Haflong.

The Respondents submit that the reasons adduced by the official for his failure to appear before the District Medical Board on 25.4.94, viz. paucity of transport facilities and arrangement of expenses within a brief period

i.e. between the receipt of the notice from the Jt. Director Health Services, Haflong and the date stipulated for appearance before the Medical Board were not accepted by the competent authority.

Further, in his written statement of defence dated 25.7.94 (Annexure -23) the official viz. Shri Pannalal Paul stated that "There does exist Railway Communication Network but railway trains hardly run according to the time schedule. Further, railway communication is out and out treacherous in character. Conversely, presently I am not hunky-dory enough to hop on to railway train and go through Railway journey destitute of a suitable associate. Availability of transportation via road is very exiguous and the same is scantily available at very odd hours." This arguments put forward above by the official were also not accepted by the competent authority on the ground that at his own will he could go to Silchar to obtain the medical certificate from there which is far from Haflong.

The other reason put forward by the official was that "the joint Director of Health Services is on hop with official works and remains outstation on umpteen assignments" was not accepted by the competent authority as valid since the Jt. Director of Health Services, Haflong in his office letter No. G/42/2811 dated 28.4.94 (Annexure -16) addressed to the Deputy Accountant General (Admn) Meghalaya with a copy to the official had reported that Shri Pannalal Paul did not appear before the Medical Board on 25.4.94. It is, therefore, clear that the Jt. Director of Health Services, Haflong was present on 25.4.94 in his office at Haflong.

16. The Respondents submit that the official viz. Shri Pannalal Paul continued to remain absent unauthorisely from 26.10.93 till the date of issue of orders removing him from service i.e. 31.5.95 (Annexure -26). Neither he submitted any leave application supported by medical certificate nor he resumed duty. His argument that he violated the procedure because of ignorance as to what kind of leave he should apply for. Rules and procedures are laid down in the interest of the Govt. servant whose responsibility is to follow them.

17. The Respondents submit that the official joined office on 20.5.85 and hence he should know the rules and procedure for submission of leave application which he failed to do.

18. The Respondents submit that keeping in view the

lapses committed by the official and also keeping in view the Govt. of India's Instruction/decision in this regard, the Disciplinary Authority initiated disciplinary proceedings under Rule 14 of the CCS(CCA) Rules, 1965 against Shri Pannalal Paul which was delivered to him at his home address i.e Maibong (N. C. Hills, Assam) under Memo No. Sr.DAG(A)/7/Con-C/90-91/84, dt.6.7.94 (Annexure - 24).

19. That with regard to the statement made in paragraph 6(9) of the application, the official viz. Shri Pannalal Paul in his written statement of defence dated 25.7.94 did neither accept the charges nor did he clearly deny the charges. Accordingly, the Disciplinary Authority ordered for an inquiry and in doing so appointed Shri D.K.Nag, Sr.Accounts officer as the Inquiry Officer and Shri A.S.Bhattacharjee, Sr.Accounts officer as the Presenting Officer under order No.Sr.DAG(A)/7/Con-C/90-91/118 and 119 dated 11.8.94 (Annexure - 27 & 28). Shri Pannalal Paul did not participate in the inquiry proceedings from beginning to end-inspite of directions from the authorities (as was done by him in the earlier disciplinary proceedings initiated on 7.11.90)

20. The Respondents submit that the argument of the official that he urged the Disciplinary Authority in his written statement of defence dated 25.7.94 (Annexure -23) not to impute any conduct to his absence from duty in consideration of his permanent disability on account of illness was not convincing to the competent authority in view of his long absence from duty as detailed below :-

from 30.10.89 to 2.12.89 (leave sanctioned)

from 3.12.89 to 9.5.91 (leave sanctioned ex-post-factor in his absence on conclusion of the disciplinary proceedings initiated against him on 7.11.90 for the first time).

from 10.5.91 to 25.10.93 (Leave not sanctioned by the competent authority due to his failure to resume duty on 26.10.93/delayed submission of leave application supported by medical certificates which were received in the office on 28.9.93 after a lapse of about two years & five months)

from 26.10.93 till the date of his removal from service i.e.31.5.95 - No application received from the official with or without medical certificate.

21. The Respondents further submit that the claim of permanent disability on account of illness did not confer on the official the right to remain absent from duties unauthorisely for years together. This was gross misbehaviour on his part since no official can be expected to be on long spells of leave without due sanction of leave. Mere expression of ignorance about the rules does not confer any relaxation to any Govt. servant irrespective of his position.

22. That with regard to the statement made in paragraph 6(10) of the application, the Respondents submit that the official viz. Shri Pannalal Paul did not participate in the inquiry either alone or accompanied by his Defence Assistant inspite of direction from the authorities(Annexure 29,30) (as was done by the official on the earlier occasion).The inquiry was,therefore,held in his absence ex-parte. The Inquiry Officer Shri D.K.Nag submitted his report of inquiry dated 16.9.94 a copy of which was sent to the official for making any representation/submission to the Disciplinary Authority if he so desired. On careful consideration of the representation of the official dated 28.9.94, it was considered by the Disciplinary Authority that the objection of the official as to the non-forwarding of the Presenting officer's brief was a valid ground on which the inquiry process will have to recommence. The order to this effect was passed by the Disciplinary Authority in his order no.Sr.DAG(A)/7/Con-C/90-91/182 dt. 18.10.94 (Annexure -31) - a copy of which was forwarded to the Inquiry Officer, Shri D.K.Nag, Presenting officer Shri A.S.Bhattacharjee and the official viz. Shri Pannalal Paul.

23. The Respondents submit that in pursuance of this order of the Disciplinary Authority, the Inquiry officer forwarded the following documents to the official viz. Shri Pannalal Paul in his letter No. I.O./Deptt.Enq/PLP/94-95/3 dated 19.10.94 (Annexure - 32) to his home address at Maibang (N.C.Hills, Assam).

- (i) A copy of the Daily order Sheet dated 31.8.94 and 5.9.94.
- (ii) A copy of the written brief dated 5.9.94 submitted by the Presenting Officer, Shri A.S.Bhattacharjee.
- (iii) A copy of the list of exhibits submitted by the Presenting Officer.

24. The Respondents submit that the Inquiry officer, Shri D.K.Nag, directed the official Shri Pannalal Paul in his letter dated 19.10.94 (Annexure -32) to appear before the Inquiry officer at Shillong with his written brief if any, on 28.10.94 at 11.00 AM in Room No.38 (M.S.Building) where the inquiry will recommence. A telegram dated 21.10.94 (Annexure -33) was also issued to the official to this effect. In spite of this, the official did not appear before the Inquiry officer at Shillong. The official was given a last opportunity by issue of telegram on 31.10.94 (Annexure-34) followed by sending of a copy of the Daily order Sheet dated 28.10.94 alongwith the post copy of the said telegram, directing him to appear before the Inquiry Authority for which the date was fixed on 7.11.94. The official was also informed that if he fails to appear before the Inquiry Authority then the inquiry will be held ex-parte. In spite of this, the official did not anticipate in the inquiry proceedings held on 7.11.94 after coming to Shillong from Maibang, stating his inability to be present during the proceedings consequent upon his physical constraints without furnishing any medical certificate to the authorities in this regard (Annexure 34-A and Annexure-34B).

25. The Respondents submit that the Inquiry officer viz. Shri D.K.Nag. forwarded to the official the following documents at his home address at Maibang under his letter No. I.O/Deptt. Enq/PLP/94-95/5 dt. 17.11.94 (Annexure -35).

(i) A copy of the Daily order Sheet dated 7.11.94.

(ii) A copy of the written brief dated 7.11.94 submitted by the presenting officer.

26. The Respondents submit that since the official Shri Pannalal Paul did not appear before the Inquiring Authority on 7.11.94 in spite of telegram No.I.O/4 dated 28.10.94 (issue date 31-10-94) (Annexure -34) the inquiry was held with the Presenting officer, Shri A.S.Bhattacharjee and the hearing was closed.

Thereafter the Inquiry officer, Shri D.K.Nag submitted his report of inquiry dated 16.2.95 (Annexure -37) to the Disciplinary Authority.

27. That with regard to the statement made in paragraph 6(ii) of the application, the Respondents submit that after the Disciplinary Authority Officer going through the Inquiry Report dated 16.2.95 (Annexure-37) submitted by

the Inquiry Officer, the statements and the evidence proceedings before the Inquiry Officer, concluded that the Inquiry Officer's findings were acceptable to him and passed the order of Removal from service in his order No.Sr.DAG(A)/7/Con-C/90-91/83 dated 31.5.95 (Annexure-26).

28. The Respondents submit that the fact that the official did not even applied for leave for his unauthorised absence since 26.10.93 till the date of removal from service on 31.5.95 was grossly in contravention and violation of CCS(Leave) Rules,1972. The Disciplinary Authority had made several attempts to set the matter right by requesting and directing the official to resume duty. Considering the fact the official had during the long period of his absence from duty w.e.f. 10.5.91 moved as far as Silchar(Assam) Delhi(via- Guwahati) the reasons of his non-compliance to the directives of his superior to resume duty indicated noting but sheer indifference.

29. The Respondents submit that the official though directed by his superior authority i.e. the Jt.Director of Health Services, Haflong to appear before the District Medical Board on the stipulated date on 25.4.94 (Annexure-14) for thorough medical check-up did not turnup. The explanation for his failure to do so was not accepted by the competent authority, since the Jt.Director Health Services,Haflang in his office letter No.G/42/2811 dated 28.4.94 (Annexure-16) addressed to the Deputy Accountant General(Admn)Meghalay with a copy endorsed to the official informed the office that Shri Pannalal Paul did not appear before the Medical Board on 25.4.94.

30. The Respondents submit that in view of the position stated above the official viz. Shri Pannalal Paul behaved in a manner most unbecoming of a Government Servant violating the provisions of Rule 3(1)(ii)(iii) of the CCS(Conduct)Rules,1964 and also Rule 25(2) of CCS(Leave) Rules,1972.

31. That with regard to the statement made in paragraph 6(12) of the application the Respondents submit that on receipt of the Order of the Disciplinary Authority dated 31.5.95 (Annexure-26) removing the official from service, Shri Pannalal Paul could come to Shillong (after a gap of about 5 years & 7 months) and submitted his representation dated 15.6.95 (Annexure-36) addressed to the appellate authority i.e. the Accountant General(A&E) Assam, Meghalaya etc., Shillong for reinstatement in service stating the following grounds(Annexure-).

(1) "That he was appointed as Physically handicapped candidate.

(2) That he was struck down with physical disability and was forced to proceed on leave w.e.f. 28.10.89 to 5.12.89 and thereafter remained absent on unauthorised absence leading to initiation of disciplinary proceedings. The charges were not established and he was sanctioned leave on medical grounds upto 20.5.91 and thereafter he was on unauthorised absence and disciplinary proceedings were initiated against him leading to his removal from service vide office order No.Sr.DAG(A)/7/Con-C/90-91/83 dtd.31.5.95.

(3) That he was ignorant of the fact that in the event of exceeding of 5 years continuous leave, service of any employee could not be continued for which the blame lay at his door".

After going through the entire case history, the evidences that were produced and the Inquiry Report dated 16.2.95 (Annexure-37) submitted by the Inquiry Officer, the Appellate Authority i.e. the Accountant General(A&E) Assam, Meghalaya etc., Shillong rejected the appeal for reinstatement in service stating the following grounds:-

"A Government servant after entering service and having served for sometime cannot take recourse to ignorance of the rules as he is expected to know the service rules by then. He did not heed to the directions of the authority from time to time and did not follow the rules. He did not heed to the directions by remaining on unauthorised absence for years together. This was gross misbehaviour on his part and my condonation of such behaviour would affect the discipline of the office as a whole. I also find that the procedure for the disciplinary proceedings and inquiry as laid down in CCS(CCA) Rules, 1965 have been fully followed by the Disciplinary Authority and the Inquiry Officer" (Annexure-38).

32. That with regard to the statement made in paragraph 13(A) of the application, the Respondents submit that the official Shri Pannalal Paul was appointed on physically handicapped quota sponsored by the Staff Selection Commission and the official joined the O/O the A.G.(A&E) Meghalaya etc., Shillong on 20.5.85(FN) on production of a formal fitness certificate issued by the Civil Surgeon, East Khasi Hills, Shillong as required under rules. When a person is appointed under the Central

Government. he/she is guided by the Service Rules and Regulations such as CCS(CCA) Rules, 1965, CCS(Conduct) Rules, 1964 and CCS(Leave) Rules, 1972. The argument put forward by the official here does not hold good since the CCS(CCA) Rules, CCS(Conduct) Rules and CCS(Leave) Rules do not provide special provisions for physically handicapped employees.

The Respondents further submit that the Govt. of India's Instruction No.(5) below Rules 11 of the CCS(CCA) Rules, 1965 and sub-rule(2) of Rule 25 of CCS(Leave) Rules, 1972 contemplate suitable disciplinary action for unauthorised and wilful absence from duty.

33. That with regard to the statement made in paragraph 13(B) of the application, the Respondents submit that the official viz. Shri Pannalal Paul was served with a Memo No.Sr.DAG(A)/7/Con-C/90-91/859 dated 4.3.94 (Annexure-8).

In response, the official viz. Shri Pannalal Paul informed the office in his letter dated 24.3.94 (Annexure-7) that he did not appear before the CM&HO, Haflong. The official, however, informed that he had appeared on 13.3.92 and 23.11.92. The medical report dated 23.3.92 for which the official appeared before the CM&HO, Haflong on 13.3.92 was received in the office and considered by the Disciplinary Authority while finalising the earlier disciplinary case initiated against the official on 7.11.90 (Annexure-3) for his unauthorised absence from duty from 3.12.89 onwards.

As no medical report was received by the officer from the Chief Medical and Health Officer, Haflong for which the official appeared before him on 23.11.92, the matter was taken up with taken up with the Medical Officer demi-officially. Ultimately, the Medical Officer in his office Memo No.G/42/2609 dated 19.4.94 (Annexure-14) informed the office that he had directed the official to appear before the District Medical Board on 25.4.94 for thorough medical check-up. Later, the Joint Director of Health Services, Haflong in his letter No.G/42/2811 dated 28.4.94 (Annexure-16) informed the office that the official viz. Shri Pannalal Paul did not appear before the District Medical Board on 25.4.94 as was asked by him.

34. That with regard to the statement made in paragraph 13(C) of the application, the Respondents submit that every Central Govt. employee is required to submit medical fitness certificate as per rules at the time of resuming duty after availing leave on medical ground irrespective of his physical status since the CCS(Leave)

Rules, 1972 do not provide special provisions for physically handicapped employees. During his long absence from duty since 10.5.91 till he was removed from service on 31.5.95, the official was found to move as far as Silchar\Delhi (via Guwahati), he could have easily come to Shillong (his duty place), participated in the inquiry proceedings and join office as per direction of the competent authority. But he did not approach the competent authority in this regard.

35 (i) That with regard to the statement made in paragraph 13(D) of the application, the Respondents submit that the official Shri Pannalal Paul was directed by the competent Authority to resume duty immediately in the letters issued to him on 7.4.94 (Annexure-21) and 13.4.94 (Annexure-22). Neither he resumed duty nor submitted any application for his long absence from duty since 26.10.93 till the date of his removal from service i.e. 31.5.95.

(ii) The Respondents submit that Govt. of India's Instruction No.(5) below Rule 11 of the CCS(CCA) Rules, 1965 and sub-rule(2) of Rule 25 of the CCS(Leave) Rules, 1972 both contemplate suitable disciplinary action for unauthorised and wilful absence from duty.

(iii) The Respondents submit that the official in his written brief dated 30.11.94 (Annexure-39) addressed to the Inquiry Officer, Shri D.K. Nag, the official explained his difficulties to resume duty owing to his physical disability and assured that he would resume duty within 48 hours as soon as he is rendered fit. This explanation, however, did not confer him any right to remain absent unauthorisedly.

(iv) The Respondents further submit that in his written brief dated 30.11.94 (Annexure-39) the official viz. Shri Pannalal Paul submitted 8(eight) Cash Memos, in support of purchase of medicines on different dates from M/s. NIRMAL ENTERPRISES, Guwahati, AYURVEDIC PHARMACY, Guwahati and ASSAM AYURVEDIC BHANDAR, Guwahati. Not a single Cash Memo bears the proof that the medicines were sold in the name of the official viz. Shri Pannalal Paul. Instead, some Cash Memos bear the name of purchaser, one Dr.K.C. Rabha, Tamulpur and some do not bear the name of the purchaser. Obviously, it does not provide any evidence that the medicines were sold to Shri Pannalal Paul for his treatment.

36. That with regard to the statement made in paragraph 13(E) the Respondents submit that the officials did not participate in the inquiry proceedings from the

beginning to the end. The official was directed to participate in the inquiry proceedings several times by the authorities even telegraphically. The official was also informed that the inquiry will be held ex-parte if he fails to appear before the Inquiry Authority. In spite of that he did not turn up nor he submitted any medical certificate in this regard. The inquiry, was therefore, held ex-parte in his absence with the Presenting Officer, Shri A.S. Bhattacharjee. However, the official was kept informed of the proceeding by sending the 'Daily Order Sheet' by the Inquiry Officer. The inquiry, therefore, held in accordance with the procedure as laid down in the CCS(CCA) Rules, 1965. The Inquiry authority did not fail to appreciate the facts of the case and submitted his report of inquiry dated 16.2.95 (Annexure-37) to the Disciplinary Authority being an independent authority.

37. That with regard to the statement made in paragraph 13(F) of the application, the Respondents submit that Government of India's Instruction No.(6) below Rule 14 of the CCS(CCA) Rules, 1965, provides that whenever an official continues to remain absent from duty or overstays leave without permission, the disciplinary authority may initiate action under Rule 14 of the CCS(CCA) Rules, 1965. If the official does not appear in person before the Inquiry officer, or otherwise, fails or refuses to comply with the provisions of CCS(CCA) Rules, the Inquiry Authority may hold an ex-parte inquiry. The competent authority may, thereafter, proceed to pass the final orders dismissing or removing the official from service after following the prescribed procedure. The above instruction further provides that the procedure can be observed in the case of a Government Servant whether permanent or temporary remaining absent without authority.

38. That with regard to the statement made in paragraph 13(G) of the application, the Respondents submit that the punishment of removal from service was awarded by the Disciplinary Authority on 31.5.95 (Annexure-26) after considering all aspects of the case and this was also accepted by the Appellate Authority. The official did not serve the Department from 30.10.89 to 31.5.95 due to his long absence from duty (with or without permission). On receipt of the order of the Disciplinary Authority removing him from service, the official viz. Shri Pannalal Paul came to Shillong (after a gap of about 5 years and 7 months) and submitted his representation dated 15.6.95 (Annexure-36) to the Appellate Authority for reinstatement in service which was turned down by the Authority. Had the official appeared in person before the inquiry officer as directed time and again and met the Administration stating his personal difficulties, the nature of punishment would have been different.

39. That with regard to the statement made in paragraph 13(H) of the application, the Respondents submit that the official Shri Pannalal Paul was given ample opportunity to defend himself by the Disciplinary Authority and the Inquiry Officer. In his letter No. IO/Deptt. Enq/PLP/94-95/1 dated 12.8.94 (Annexure-29) the Inquiry Officer, Shri D.K. Nag directed the official to attend the preliminary hearing either alone or accompanied by his Defence Assistant on the appointed day fixed on 31.8.94 informing the official further that in case of his failure to attend the inquiry the same will be held ex-parte.

The official viz. Shri Pannalal Paul in his letter dated 18.8.94 (Annexure-40) in response to the letter of the Inquiry Officer quoted above inter-alia stated that "In as much as I am having to suffer from disability of highly permanent nature and which is at the bottom of my prolonged absence from my duties and as such I shall not be able to get conspicuous by my presence during the preliminary hearing slated for August 31, 1994. As regards my would be defence assistant, I would like to say that methinks I have been reduced to nothing short of an anathema and pariah for I am a handicapped person and thus I am in a fair way to be cold shouldered. It is next to unlikely to find a defence assistant who will come to my succour and thus it is no less than crying for the moon in the light of this context. Albeit there is no goinsaying that I cannot call the shots but I am having to plough the lonely furrow willy nilly".

Further, the official viz. Shri Pannalal Paul was directed to appear before the Inquiry Officer several times even by issue of telegrams (Annexure 32, 33 & 34). He did not heed to the directions of the authorities and participated in the inquiry by coming to Shillong from Maibang. The official viz. Shri Pannalal Paul came to Shillong on receipt of the order of the Disciplinary Authority dated 31.5.95 removing him from service alongwith his father stayed few days at Shillong in connection with submission of his representation before the authorities. The official could have done the same thing when the authorities directed him to attend the inquiry several times. The daily order sheets of the inquiry proceedings were sent to the official by the Inquiry Officer from time to time at his home address at Maibang (N.C. Hills) and also the briefs of the Presenting Officer when the inquiry recommenced (Annexure 32, 34 & 35) as per order dated 18.10.94 (Annexure-31) of the Disciplinary Authority. The procedure for the inquiry as laid down in the CCS(CCA) Rules, 1965 was, therefore, followed by the Inquiry Officer and the argument put forward in paragraph 13(H) of the application is therefore not tenable.

40. That with regard to the statement made in paragraph 13(I) of the application, the Respondents submit that the argument put forward therein that the rules invariably hold good so far the Central Government employees are concerned and handicapped Central Government employees should not be equated with and treated on the same footing as the rest of the employees under the Central Government does not hold good since the CCS(Conduct) Rules, CCS(Leave) Rules and CCS(CCA) Rules do not provide special provisions for physically handicapped employees. The argument put forward in paragraph 13(I) of the application is not tenable so far rule position is concerned. The argument is considered before selecting him for appointment to the post of C/T. However, thereafter he is to be guided by the normal rules and orders applicable to other Central Govt. employees.

41. That with regard to the statement made in paragraph 13(J) of the application, the Respondents submit that the Inquiry Officer being an independent authority gave his independent and rational judgement and the same is equally true in the case of the Appellate Authority. The argument put forward in paragraph 13(J) of the application is not tenable.

42. That with regard to the statement made in paragraph 13(K) of the application the Respondents submit that the case arose due to various lapses on the part of the official, viz. Shri Pannalal Paul and the office took action against him as per rules of the Central Government. The official did not serve the Department since 30.10.89 to 31.5.95 by remaining absent from duty (with or without permission). On receipt of the order of the Disciplinary Authority dated 31.5.95 (Annexure-26) the official came to Shillong alongwith his father and stayed here for few days in connection with submission about his case to the higher authorities. Similarly the official could have come to Shillong during the time of inquiry held alongwith his father or any other person and could join office to make the matter easy, which the official avoided. The argument made in the paragraph in 13(K) of the application is not tenable.

43. That with regard to the statement made in paragraph 13(L) of the application, the Respondents submit that the findings of the disciplinary/appellate authority are not biased, wrong and illegal as claimed. In the name of disability the official cannot remain absent from duty indefinitely violating the provisions of Service Rules, viz. CCS(CCA) Rules, CCS(Conduct) Rules and CCS(Leave) Rules. As a Government servant the official had also some responsibility towards his office by giving service for

his behaviour, the Disciplinary Authority choose to show leniency and allowed him the advantage of being given the benefit of doubt, that perhaps his physical ailments then incapacitated the official to resume official duties. This leniency was exercised by the Disciplinary Authority with the sole motive and expectation that the official might pull himself together and resume his official duties. The official, however, did not mend his ways and continued to remain absent from duties till 31.5.95 when the order was passed by the Disciplinary Authority removing him from service. In view of this, the argument put forward in the paragraph 13(N) of the application is not accepted.

46. That with regard to the statement made in paragraph 13(O) of the application, the Respondents submit that a Government Servant after entering service (the official joined on 20.5.85) and having served for sometime cannot take recourse to ignorance of the rules as he is expected to know the service rules by then. The official did not heed to the directions of the authorities from time to time and did not follow the rules by remaining on unauthorised absence for years together. This was gross misbehaviour on the part of the official and the condonation of such behaviour by the authorities would affect the discipline of the office as a whole.

In view of this, the argument put forward in paragraph 13(O) of the application is not accepted.

47. That with regard to the statement made in paragraph 13(P) of the application, the Respondents submit that the official was issued charge-sheet under Rule 14 of the CCS(CCA) Rules, 1965 as decided by the Disciplinary Authority on the merit of the case.

48. That with regard to the statement made in paragraph 13(Q) of the application, the Respondents submit that for the period of unauthorised absence from 10.5.91 to 25.10.93 (nearly 900 days) the official viz. Shri Pannalal Paul submitted his application (Annexure-13) applying for Extra-Ordinary Leave supported by medical certificates issued by different doctors from Silchar after a lapse of about 2 years and 5 months and that too after issue of reminder by the Establishment Officer of the office (Annexure-12). The leave applied for was, however, not sanctioned by the competent authority as he failed to resume duty on 26.10.93 and also for overstaying of leave.

The Respondents submit that Government of India's Instruction No.(5) below Rule 11 of the CCS(CCA) Rules, 1965 and Sub-rule (2) of Rule 25 of the CCS(Leave) Rules, 1972 contemplate suitable disciplinary action for unauthorised and wilful absence from duty.

In view of the rule position, the argument put forward in paragraph 13(Q) of the application is not accepted.

49. That with regard to the statement made in paragraph 13(R) of the application, the Respondents submit that the inquiry was held as per Rules of the CCS(CCA) Rules, 1965. The official was directed several times to appear before the Inquiry Officer and also to resume duty by the authorities. Neither the official appeared before the inquiry authority (as was done by the official on the earlier occasion when the inquiry was held ex-parte in his absence) nor he resumed duty. The official was directed to appear before the Inquiry Officer telegraphically (Annexure-33 & 34) which he failed to do. The official also failed to send any medical certificate to the Inquiry Officer. The inquiry was therefore held ex-parte in his absence with the Presenting Officer, Shri A.S. Bhattacharjee. Only on receipt of the order of the Disciplinary Authority dt. 31.5.95 (Annexure-26) the official came to Shillong from Maibang (N.C. Hills, Assam) alongwith his father and submitted his representation dated 15.6.95 addressed to the Accountant General(A&E) Assam, Meghalaya etc., Shillong for re-instatement in service which was, however not considered.

In view of this, the argument put forward in paragraph 13(R) of the application cannot be accepted.

50. That with regard to the statement made in paragraph 13(S) of the application, the Respondents submit that the decision of the Disciplinary/Appellate authorities removing the official viz. Shri Pannalal Paul from service was quite justified on the facts and circumstances of the case and the same is not liable to be set aside as prayed for by the official.

Relief(s) sought

51. That with regard to the statement made in paragraph 7(1) of the application, the Respondents submit that the impugned order of removal from service against the appellant passed by the Disciplinary /appellate authority (Annexure-26 & 38) is not to be set aside as prayed for by the applicant, Shri Pannalal Paul.

52. That with regard to the statement made in paragraph 7(2) of the application, the Respondents submit that the applicant is not to be reinstated in service. The official did not heed to the directions of the authorities from time to time and did not follow the rules by remaining absent for years together in the name of physical constraints. This was gross misbehaviour on the part of the official violating the Govt. of India's Instruction No.(5) below Rule 11 of the CCS(CCA) Rules, 1965 and Sub-rule(2) of Rule 25 of the CCS(Leave) Rules, 1972 which contemplate disciplinary action and the condonation of such lapse would affect the discipline of the office as a whole. In fact the application has no merit and as such the same is liable to be dismissed.

In view of the above, the Respondents submit that admission of all the consequential benefits does not arise. It is further submitted if such application is accepted it is afraid that this may lead to further rise of similar cases in future.

53. That with regard to the statement made in para 7(3) of the application, the Respondents submit that the disciplinary case arose due to the lapses on the part of the official and the Disciplinary Authority took action as per Rules.

54. That with regard to the statements made in paragraphs 8,9,10,11,12 & 13, the Respondents submit that they have no comments to offer.

VERIFICATION

I, Shri R. Kharlukhi, Deputy Accountant General(Admn), Meghalaya, Mizoram and Arunachal Pradesh, Shillong, do hereby solemnly declare that the statements are true to my knowledge, belief and information and I sign the verification on the...27.2.96.....at Shillong.



(R. KHARLUKHI)
Deputy Accountant General(Admn)
DEPONENT.

By Assistant General (Admn)
Officer A.G. (A & R) Arunachal Pradesh,
Shillong

MEDICAL CERTIFICATE OF HEALTH OF CANDIDATE FOR
EMPLOYMENT UNDER GOVERNMENT.

I certify that I have examined SHAL PANNALAL PAUL
 candidate for employment in the Accountant General (A & B) Assam
 department, and cannot discover any disease
 (communicable or otherwise) constitutional weakness, or body
 defect except NIL. I do not consider this is a
 disqualification for employment in the office of The Accountant General
(A & B) Assam Shillong.
 His age, is, according to his/her own statement 24 years, 5 months
 and by appearance about 24 years (Twenty four years)
and 5 (five) months.

Signature :- SHILLONG
 Date :- 20.5.85

Signature :-

Designation :-

(To be taken in the case of non-gazetted officer).



Pannalal Paul 20.5.85.
 (Signature of candidate)

(or if the candidate is illiterate his left hand thumb and
 finger impression).

SHILLONG
20.5.85
SHILLONG

affixed.

29/2/86

Central Govt. Standing Council
 Central Administrative Tribunal
 Gauhati Bench, Gauhati.

Annexure 'C'

GOVERNMENT OF INDIA
STAFF SELECTION COMMISSION

FORM OF MEDICAL CERTIFICATE TO BE PRODUCED BY THE
PHYSICALLY HANDICAPPED CANDIDATES WHO SEEK EXEMPTION
FROM APPEARING AND QUALIFYING AT THE TYPEWRITING TEST
IN THE CLERKS' GRADE EXAMINATION CONDUCTED BY THE
COMMISSION.

This is to certify that

Shri Pannalal Paul son/
daughter/wife of Shri Prabhat Chandra
is suffering from Ch. Rheumatoid
Arthritis of wrist, elbow, shoulder joints
(Clinical diagnosis), as a result
of which he/she has the following
disabilities. (Brief description of
his/her disabilities)

of both upper limbs. 2 years
His main trouble is with pain
of upper limb particularly in
winter season.

This is a permanent disability and
the extent of his/her disability
works to (% of disability)

This disability is likely
to interfere with Typing/Writing/other (specify) He requires
medicine regularly during the winter season for his pain in joints of
both upper limbs

Pannalal Paul

Signature of candidate



Photograph of candi-
date clearly showing
face with affected
portion of the body

Medical Supdt.

Signature of Civil Surgeon

Name: Dr. S.N. Ghosh.

Office ~~Stamp~~ Chief Medical & Health Officer,
N.C. Hills, Haridwar

attested
fair 23/2/84

STANDARD FORM OF CHARGESHEET

(Rule 14 of the C.C.S.(C.C.A.) Rules, 1965)

No. Sr.DAG(A)/7/Con-C/90-91/248

Date :

7 NOV 1990

OFFICE OF THE ACCOUNTANT GENERAL (A&E)
MEGHALAYA ETC., SHILLONG - 793 001.

MEMORANDUM

The undersigned proposes to hold an inquiry against Shri Pannalal Paul, Clerk/Typist under Rule 14 of the Central Civil Services (C.C.A.) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of article of charge (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which, and a list of witnesses by whom, the article of charge are proposed to be sustained are also enclosed (Annexure III & IV).

2. Shri Pannalal Paul, Clerk/Typist is directed to submit within 10(ten) days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

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

4. Shri Pannalal Paul, Clerk/Typist is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 or the orders/directions issued in pursuance of the said Rule, the inquiring authority may hold the inquiry against him ex-parte.

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

6. Copies of the documents listed in Annexure-III are enclosed.

7. The receipt of this Memorandum may be acknowledged.

Ok
File 23/2/86
To Central Govt Standing Council
Central Administrative Tribunal
Gauhati Bench, Gauhati

Shri Pannalal Paul, C/T
C/o Shri Prabhat Chandra Paul,
P.O. Maibang
Dist : N.C.Hills, (Assam)
Pin - 788831.

Name & designation of competent authority.

वरिष्ठ सप-महालेखाकार (प्रशासन)
Sr. Deputy Accountant General (Admin)
मेवालय ईश्वरि शिवांग
Meghalaya etc., Shillong

ANNEXURE-I

Statement of article of charge framed against Shri Pannalal Paul, Clerk/Typist, O/o the Accountant General (A&E) Meghalaya etc., Shillong.

Article-I

That the said Shri Pannalal Paul, C/T while functioning as Clerk/Typist in MC-3 Section was sanctioned E.L. for 34 days w.e.f. 30.10.89 to 2.12.89. He has been absenting himself unauthorisedly w.e.f. 3.12.89. He was directed to report for duties on or before 15.7.90 and thereafter latest by 10.8.90 positively failing which necessary disciplinary action would be initiated against him, vide this office telegram No. Estt(M)/PC/P-14/983 dt. 2.7.90 and Memo No. Estt(M)/PC/P-14/1485 dt. 31.7.90. In spite of the above, Shri Paul has not yet reported back for duties till date nor has he submitted any formal leave application and Medical Certificate if any, in support of his illness. He has also not given any definite indication so far as to when he is going to report for duty.

By his above acts, Shri Pannalal Paul, C/T has failed to maintain devotion to duty and also has behaved in a manner unbecoming of a Government servant violating provisions of Rule 3(I)(ii)(iii) of the Central Civil Services (Conduct) Rules, 1964.

(M.R. Solomon)

Sr. Dy. Accountant General (A)

वरिष्ठ सप-महालेखाकार (प्रशासन)

Sr. Deputy Accountant General (Admin)

मेवालय ईलाक़ा ज़िला

Meghalaya etc., Shillong

Officer

28/2/86

Central Govt Standing Committee
Central Administrative Tribunal
Shillong

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112 (5)

ANNEXURE-II

Statement of imputation of misconduct on misbehaviour
in support of the article of charge framed against
Shri Pannalal Paul, Clerk/Typist.

That the said Shri Pannalal Paul, C/T was sanctioned E.L. for 34 days in two spells i.e. for 19 days w.e.f. 30.10.89 to 17.11.89 and extension of 15 days leave w.e.f. 18.11.89 to 2.12.89. His leave expired on 2.12.89. He has been absenting himself unauthorisedly w.e.f. 3.12.89 till date. He was intimated vide this office telegram No. Estt(M)/PC-14/89/2962 dt. 12.2.90 that his leave expired on 2.12.89 and he should join duty immediately. However, Shri Paul in response to the above telegram has submitted one representation dt. 5.5.90 stating interalia that he was not in a position to resume duty due to his prolonged physical constraints and that relative documents e.g. Medical Certificate will be put in all in good time. But till to-day no medical certificate alongwith formal leave application for the period of his unauthorised absence has been received in this office. His telegram No. 1322 dt. 20.2.90 which was stated to have been sent to this office has not been received.

Shri Pannalal Paul, C/T was directed to report for duties on or before 15.7.90 vide this office telegram No. Estt(M)/PC/P-14/983 dt. 2.7.90. He was again directed to resume duty latest by 10.9.90 positively vide this office Memo. No. Estt(M)/PC/P-14/1485 dt. 31.7.90 failing which necessary disciplinary action would be initiated against him.

In spite of the above mentioned telegram/Memo. Shri Paul has failed to report for duties till to-day. In Memo No. Estt(M)/PC/P-14/1485 dt. 31.7.90 and Memo No. Estt(M)/PC/P-14/568 dt. 25.5.90 Shri Pannalal Paul, C/T was informed that in terms of G.I. decision no. 3(iii) of Rule 25 of CCS(Leave) Rules 1972, if a Govt. servant abruptly and still happens to absent himself from duty, he should face the consequences viz., that the entire period of absence would be treated as unauthorised entailing loss of pay for the period in question under proviso to F.R.17 thereby resulting in break in service.

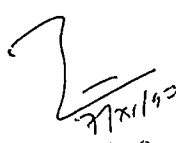
Earlier, Shri Paul was also directed to positively resume duty by 28th May, 1990 vide this office telegram No. Estt(M)/PC-14/555 dt. 23.5.90 and Memo No. Estt(M)/PC/P-14/568 dt. 25.5.90.

Para 195 of the Establishment Manual interalia lays down that any members of the office who absents himself from duty without definite approval of his superior officer does so at his own risk. He cannot assume that leave will be sanctioned to cover his absence as a matter of course.

Further, Rule 7 of CCS (Leave) Rules, 1972 provides that leave cannot be claimed as a matter of right.

Letters dt. 16.6.90, 6.8.90, 29.8.90 of Shri Pannalal Paul, C/T in response to this office telegram No. Estt(M)/PC-14/555 dt. 23.5.90, Memo no. Estt(M)/PC/P-14/568 dt. 25.5.90 (date of issue), Telegram no. Estt(M)/PC/P-14/983-84 dt. 2.7.90 and Memo No. Estt(M)/PC/P-14/1485 dt. 31.7.90 are not clear, rambling and not convincing and give the impression that the writer is wilfully playing for time and thus disobeying orders of the superior authority.

By his above acts, Shri Pannalal Paul, C/T has failed to maintain devotion to duty, has shown gross insubordination and has also behaved in a manner unbecoming of a government servant violating the provisions of Rule 3 (I) (ii) (iii) of the Central Civil Services (Conduct) Rules, 1964.


Mr. Dy. Accountant General (A).

वरिष्ठ सप-गहालेखाकार (प्रम.सम)
Sr. Deputy Accountant General (Admin)
मेघालय शांति निधि
Meghalaya Peace, Shillong

attached

C. J. S.

27/2/96

Central Govt Standing Committee
Central Administrative Tribunal
C. J. S. G. S. G.

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ANNEXURE-III

List of documents by which the article of charge framed against Shri Pannalal Paul, C/T are proposed to be sustained

1. Telegram No. Estt(M)/PC-14/89/2982 dt. 12.2.90.
2. Memo No. Estt(M)/PC-14/221-22 dt. 26.4.90.
3. Telegram No. Estt(M)/PC-14/555 dt. 23.5.90.
4. Memo No. Estt(M)/PC/P-14/568 dt. 25.5.90.
5. Telegram No. Estt(M)/PC/P-14/983 dt. 2.7.90.
6. Memo No. Estt(M)/PC/P-14/1485 dt. 31.7.90.
7. Letters dt. 5.5.90, 16.6.90, 6.8.90 & 29.8.90 of Shri Pannalal Paul, C/T

[Signature]
Sr. Dy. Accountant General (A).

वरिष्ठ सप-महालेखाकार (प्रशासन)
Sr. Deputy Accountant General (Admin)
मेवालय ईलाहाबाद शिवांग
Meghalaya etc., Shillong

checked
C. Jale
29/2/86
Sr. Commr Govt Standing Commr
Tribunal

ANNEXURE IV

List of witnesses by whom the article of charge framed against Shri Pannalal Paul, Clerk/Typist are proposed to be sustained.

- NIL -

Sr. Dy. Accountant General (A)

वरिष्ठ सप-महालेखाकार (प्रशासन)
Sr. Dy. Accountant General (Admin)
मिनेवालय दिवदि, शिलांग
Meghalaya etc., Shillong

nt

By Sr. DAG (A)/18, dt. 31.3.92. (151)

Annexure-4-33-

CONFIDENTIAL

8
116

OFFICE OF THE CHIEF MEDICAL & HEALTH OFFICER ::: N.C.HILLS :::
HAFLONG
EEEEEE

No. G.42/89/92/ 2184 /Dtd. Haflong, the 23 th March/92

To,

✓ Sr. Deputy Accountant General (A&B),
Meghalaya etc. Shillong - 793 001.

Sub. :- Medical examination of Shri Pannalal Paul,
C/T.

Ref. :- Your letter No. Sr.DAG/(A)/7/Con-C/
90-91/596 dt. 5.2.92.

Sir,

With reference to the above, I have the honour to
state that Shri Pannalal Paul, C/T appeared before me on 13.3.92.

On physical and clinical examination of Shri Pannalal
Paul I am of the opinion that he is suffering from Ankylosed
lumbo-sacral region, Hypertension (160/110 mm of Hg), Albuminuria
(albumin in urine ++) and unsoundedness of mind.

I do not consider him fit to resume his duties in
any capacity in an office at the present moment.

Yours faithfully,

Chief Medical & Health Officer,
N.C.Hills, Haflong.

Off and
C. S. 29/2/96
Central Govt. Standing Committee
Central Administrative Tribunal
Bench Guwahati

21 (172) Annexure-5

(117)

OFFICE OF THE ACCOUNTANT GENERAL (A&E) MEGHALAYA ETC.,
SHILLONG.

No. Sr.DAG(A)/7/Con-C/90-91/211

Dated, Shillong the 18 SEP 1992

ORDER

WHEREAS disciplinary proceedings Under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rule, 1965 were instituted against Shri Pannalal Paul, Clerk/Typist vide this office Memo No. Sr.DAG(A)/7/Con-C/90-91/248 dated 7.11.90 on the following article of charge :-

1: "That the said Shri Pannalal Paul, C/T while functioning as Clerk/Typist in MC-3 Section was sanctioned E.L. for 34 days w.e.f. 30.10.89 to 2.12.89. He has been absenting himself unauthorisedly w.e.f. 3.12.89. He was directed to report for duties on or before 15.7.90 and thereafter latest by 10.8.90 positively failing which necessary disciplinary action would be initiated against him, vide this office telegram No. Estt(M)/PC/P-14/983 dated 2.7.90 and Memo No. Estt(M)/PC/P-14/1485 dated 31.7.90. In spite of the above, Shri Paul has not yet reported back for duties till date nor has he submitted any formal leave application and Medical Certificate, if any in support of his illness. He has also not given any definite indication so far as to when he is going to report for duty.

By his above acts, Shri Pannalal Paul, C/T has failed to maintain devotion to duty and also has behaved in a manner unbecoming of a Govt. servant violating provisions of Rule 3(I) (ii) (iii) of the C.C.S. (Conduct) Rules 1964."

A statement of imputation of misconduct in support of the Article of charge together with a list of documents by which and a list of witnesses by whom the charge was proposed to be sustained were also forwarded to him along with the above said Memorandum dated 7.11.90.

2. As his written statement of defence dated 15.11.90

is not convincing to the Disciplinary Authority, S/Shri

S. Deb Biswas, Welfare Officer and Shri Bikash Das Gupta,

A.A.O were appointed Inquiry Officer and Presenting Officer

respectively, vide Order No. Sr. Dag(A)/7/Con-C/90-91/627 &

628 dated 15.3.91.

3. The charged officer did not participate in the inquiry

from the beginning to end. No assistance was also sought for

by the charged officer. The inquiry was held in his

absence ex-parte. The charged officer was kept informed

about the progress of the inquiry by sending 'Daily Order

Sheet' of the proceedings to his address by the inquiry

officer.

4. AND WHEREAS the Inquiry Officer vide his report of

inquiry dated 6.8.91 held " that the charges brought against

Shri Paul Clerk/Typist are not established beyond doubt.

There is reasonable ground to believe that Shri Pannalal

Paul, who was appointed as a physically handicapped

candidate was suffering from "Chronic Rheumatoid Arthritis".

as certified by his attending Physician, making him incapable

to resume his duty."

5. NOW, THEREFORE, after having carefully examined the

inquiry report furnished by the Inquiry Officer in his

letter dated 6th August 1991, and also after going through

the facts and circumstances of his absence as stated in

the representations submitted from time to time by the

charged official against the proceedings and with reference

to the medical examination report so obtained subsequently

from the Chief Medical & Health Officer, North Cachar Hills, Assam.

I am of the opinion that the charges framed against Shri

Pannalal Paul, C/T have not been established beyond all

reasonable doubt and hence under the power vested upon me

as Disciplinary Authority I hereby exonerate said Shri Pannalal Paul, C/T from the charges framed against him.

5. The leave of absence beyond 2nd December '89 may be regulated as per the Rules in force and on receipt of leave application from the official.

6. Shri Pannalal Paul, U/T is also directed to report to the Chief Medical & Health Officer, North Cachar Hills, Haflong immediately as directed in this office Memo No. Sr.DAG(A)/7/Con-C/90-91/107 dated 30th July '92.

(L.TOCHHAWNG)

Dy. Accountant General(A).

Shri Pannalal Paul, C/T
C/o Shri Prabhat Chandra Paul
P.O. Maibang-788 831
Dt. N.C.Hills, Assam.

Disciplinary Authority.

Copy to :-

- i) Estt. Officer % the A.G.(A&E) Meghalaya etc., Shillong for information and further necessary action. Copies of the Medical Certificates as available with this Cell are enclosed.
- ii) CR file of Shri Pannal Paul, C/T.

Alfred
C. Jale

29/2/96

Central Govt Standing Committee
Central Administrative Tribunal
Bench, Gauhati.

OFFICE OF THE ACCOUNTANT GENERAL (A&E) MEGHALAYA ETC.,
SHILLONG-793 001.

Registered A/D

Memo No. Sr.DAG(A)/7/Con-C/90-91/107

Dated : 30.7.92.

With reference to this office Memo No.Sr.DAG(A)/7/Con-C/90-91/84 dated 9.7.92. (sent under Regd A/D Cover) Shri Pannalal Paul C/T is ~~making~~ hereby directed once again to appear before the Chief Medical & Health Officer, N.C.Hills, Haflong, Dr. D.R.Teran, to get himself examined physically and clinically to determine whether there is any likelihood or not of his returning to duty in the near future.

2. The C.M. & H.O., Haflong is being intimated in this regard. He may produce a copy of this Memo to the Medical Officer for this purpose as and when required.
3. The receipt of this Memo may be acknowledged by him urgently.

Dy.Accountant General(A).

f 393

Shri Pannalal Paul,
C/o Shri Prabhat Chandra Paul,
P.O. Maibong-788 831
Dt. N.C.Hills (Assam).

attested -
C. Sa...

29/2/96
Central Govt Standing Order
Central Admin...

RL-716

Despatcher: ~~Gegele~~

Parimal Paul,

c/o Sri Prabhakar Chandra Paul

P.O. MAIBANG-788 831

Dist. N.C. Hills. (Assam)

Annexure-7

(12)

March 24, 1994

Estt (H)

(21)

REGISTERED

To

The Senior Deputy Accountant General (Admn.),
Office of the Accountant General (A & E),
Meghalaya Etc, SHILLONG-793 001.

Ref:- Memo No. Sr. DAG (A)/7/Con-C/90-91/859
Dtd. 4th March, 1994.

Respected Sir,

This is to acknowledge hereby the
foregoing communication.

This is to inform that I have not
yet appeared before the Chief Medical & Health
Officer, Haflong. Nevertheless, I appeared before the
Chief Medical & Health Officer, N.C. Hills, Haflong on
13-03-1992 and before the District Medical Board
N.C. Hills, Haflong with the Chief Medical & Health
Officer, N.C. Hills, Haflong being the Chairman of the
District Medical Board on 23-11-1992. The two money
receipts amounting Rs. 30/- (Rupees thirty) only and
Rs. 90/- (Rupees ninety) only obtained against payment
of medical examination fees have already been submitted
to the Establishment Officer (Meghalaya) in conjunction with
the Leave application duly supported by Medical certificates.
With regards, I remain.

Yours faithfully,
Parimal Paul

attested

See

29/2/96

Central Govt Standing Committee
Central Administrative Tribunal
Gauhati Bench, Gauhati

8/176
(District)

8/185
(District)

Received
on 12/11/94
17/11/94

REGISTERED

OFFICE OF THE ACCOUNTANT GENERAL (A&E) MEGHALAYA ETC., SHILLONG.


Memo No. Sr. DAG(A)/7/Con-C/90-91/ 859

Dt. 4 MAR 1991

Shri Pannalal Paul, C/T is hereby directed to intimate the undersigned whether he has appeared before the Chief Medical & Health Officer, Haflong to get himself examined physically and clinically to determine whether there is any likelihood or not of his resuming duty in the near future as directed in this office Memo No. Sr. DAG(A)/7/Con-C/90-91/846 dt. 14.2.94.

2. If not, he is once again directed to appear before the said medical officer for medical examination and may produce a copy of this Memo to him as and when required.

3. The receipt of this Memo may be acknowledged by him urgently.


Dy. Accountant General (Admn).

To,

Shri Pannalal Paul, C/T
C/o Shri Prabhat Ch. Paul
P.O. Maibang-788 831
Dt. N.C.Hills (Assam).

allskd.
Jae
29/2/96

S-2

10

Sr.DAG(A)/7/Con-C/90-91/ 345

14 FEB 1994

Dear Dr. Teron,

Kindly refer to your letter No.G-42/92/7401 dt. 1.9.92 regarding the findings on medical examination of Shri Pannalal Paul, a Clerk/Typist of this office.

2. You were requested to conduct a physical and clinical examination of said Shri Paul, vide my Confidential d.o.letter No. Sr.DAG(A)/7/Con-C/90-91/232 dt. 21.10.92. From the record of this office (photo copy of the money receipt dt. 23.11.92 is enclosed) it appears that the official appeared before you (as directed by this office) for the above medical examination, but the medical report of the said examination is still awaited from you. This may kindly be expedited.
3. Shri Paul is on leave since 30.10.99. As per Leave Rules no official shall be granted leave of any kind for a continuous period exceeding five years.
4. In view of the position, I shall be thankful if you could kindly conduct a physical & clinical examination of said Shri Paul once again and furnish ^{your} specific comment as to whether the official is now fit to resume his duties, if not whether there is likelihood of his being fit to resume duty in near future. This may please be treated as most urgent.
5. Shri Paul is being directed to appear before you for the above examination.
6. The medical report may kindly be sent to me at the earliest possible date please.

Enclo : As stated above.

To Dr.D.R.Teron
Chief Medical & Health Officer
N.C.Hills, Haflong (Assam).

Yours sincerely,

[Signature]
14/2

REGISTERED

5-1

126

OFFICE OF THE ACCOUNTANT GENERAL (A&E) MECHALAYA ETC.,
SHILLONG-793 001.

Memo No. Sr.DAG(A)/7/Con-C/90-91/ 846

14 FEB 1994

Shri Pannalal Paul, is hereby directed to appear before the Chief Medical and Health Officer N.C.Hills, Haflong to get himself examined physically and clinically to determine whether there is any likelihood or not of his resuming duty in the near future.

2. The C.M. & H.O. Haflong is being informed accordingly.

He may produce a copy of this Memo to the said Medical Officer as and when required.

3. He is informed that he has been on continuous leave since 30.10.89. As per Leave Rules, no official shall be granted leave of any kind for a continuous period exceeding five years.

4. The receipt of this Memo may be acknowledged by him.

Obtained

C. Lal

29/2/96

Central Govt Standing Committee
Central Administrative Tribunal
Tribunal Bench Gauhati.

Dy. Accountant General (A)

14/2

To,

Shri Pannalal Paul, C/T
C/o Shri Prabhat Ch. Paul
P.O. Maibang-788 831
Dist : N.C.Hills, (Assam).

Sr.DAG(A)/7/Con-C/90-91/ 302

7.4.94.

Dear Dr. Teron,

Kindly refer to my D.O. letter No. Sr.DAG(A)/7/Con-C/90-91/845 dt. 14.2.94 regarding the findings on medical examination of Shri Pannalal Paul, a Clerk/Typist of this office.

2. I shall be thankful if you would kindly intimate whether the said Shri Paul did appear before you for medical examination as directed and if so kindly send your findings at the earliest possible date for further necessary action in this office.

3. Shri Paul is on leave since 30.10.89 and has not yet resumed his duties in this office. As per leave Rules, no official shall be granted leave of any kind for a continuous period exceeding five years.

4. This may kindly be treated as Most Urgent.

*Attached -
C-106
29/2/96*
To, **Central Govt Standing Committee**
Dr. D. R. Teron, *Administrative Tribunal*
Chief Medical & Health Officer,
N.C.Hills, Haflong (Assam)

Yours sincerely,

[Signature]
Dy. Accountant General (Admn).

REGISTERED

Memo No. Sr.DAG(A)/7/Con-C/90-91/ 903

dt. 7.4.94.

Copy forwarded to Shri Pannalal Paul, C/T. He is directed to refer to this office Memo No. Sr.DAG(A)/7/Con-C/90-91/846 and 859 dt. 14.2.94 & 4.3.94 respectively and to intimate whether he appeared before the C.M. & H.O., Haflong, for medical examination as directed. He is also directed to report for duties immediately, alongwith medical and fitness certificate from the said competent authority.

[Signature]
Dy. Accountant General (Admn)

Annexure-12 -42-

Hand No.

Estt(m)/Pc/P-14/489.

Regd. Dated 17.11.1993

with reference to this office letter

No. Estt(m)/Pc/P-14/92/1685 dated 21.10.92. Shri
Pannalal Paul, C.T. is hereby directed to submit
leave application, duly supported by Medical
Certificate, for the period from 10.5.91 without
~~further duty as per prescribed form~~
~~enclosed.~~

15.6.93
Estt. Officer(m)
10/6/93.

Shri Pannalal Paul, C.T.
C/o. Shri Prabhat Ch Paul.
P.O. Maibong - 788821
Dist. N.E. Hills. (Assam).

Attested

C. Jale
29/2/86

Despatcher:-

Pannalal Paul,

C/o Shri Prabhat Chandra Paul,

P.O. Maibang,

Dist. N.C.Hills. (Assam)

PIN:- 788 831

Annexure- 13

RL 2883-43

1046
Estt (M)

September 20, 1993

REGISTERED WITH A/D

127

To

The Establishment Officer,
Meghalaya,
Office of the Accountant General,
(Accounts & Entitlement),
Meghalaya Etc.,
SHILLONG-793 001.

References:- Memo No. Estt (M)/PC/P-14/489 Dated 15-06-1993
AND

- My communications: (1) Dated 26-06-1993, Postal Registr-
-ation No. 3950 Dated 26-06-1993
(2) Dated 19-07-1993, Postal Registr-
-ation No. 4144 Dated 19-07-1993
(3) My Telegram No. 3313 Dated 02-09-
1993.

Respected Sir,

In compliance with the directive incorporated in the foregoing Memo, I herewith submit the Leave Application form on having been duly filled-in in conjunction with the material medical certificates detailed hereunder. Kindly note that I have applied for EXTRAORDINARY LEAVE i.e. LEAVE WITHOUT PAY. As such I should be given pay only on my resumption of my duties and against service put in by me to the Department which may kindly be noted.

With esteemed regards. I remain.

Yours faithfully,

Pannalal Paul
29.09.93

(Continued)

Central Govt Standing Counsel
Central Administration Tribunal
Gauhati Bench, Gauhati.

Enclosures:- (1) Medical Certificate issued by Dr. T. Das, A.H.S.,
Medical & Health Officer-I, Silchar Civil Hospital
with effect from 10-05-1991 Dated 10-05-1991.

(2) Medical Certificate issued by Dr. B. Mandal, Deputy
Superintendent, Silchar Medical College Hospital, Si-
lchar with effect from 08-08-1991 Dated 03-09-1991.

(3) Medical Certificate issued by Dr. B. Mandal, Deputy
Superintendent, Silchar Medical College Hospital,
Silchar with effect from 06-11-1991 Dated 14-11-1991

(4) Medical Certificate issued by Dr. B. Mandal, Deputy
Superintendent, Silchar Medical College Hospital, Sil-
char with effect from 04-02-1992 Dated 08-02-1992.

(5) Medical Certificate issued by Dr. A. Suklabaidya, M.S.
Registrar of Surgery, Silchar Medical College & Hosp-
ital, Silchar with effect from 04-05-1992 Dated 7th
June, 1992.

(6) Medical Certificate issued by Dr. A. Suklabaidya, M.S.
Registrar of Surgery, Silchar Medical College & Hosp-
ital, Silchar with effect from 02-08-1992 Dated 7th
August, 1992.

(7) Medical Certificate issued by Dr. S. Pal Choudhury,
Sr. Medical & Health Officer, Silchar Civil Hospital
with effect from 31-10-1992 Dated 31-10-1992.

(8) Medical Certificate issued by Dr. S. Pal Choudhury,
Sr. Medical & Health Officer, Silchar Civil Hospital,
with effect from 29-01-1993 Dated 29-01-1993.

(9) Medical Certificate issued by Dr. S. Pal Choudhury,
Sr. Medical & Hospital Health Officer, Silchar Civil
Hospital with effect from 29-04-1993 Dated 29-04-1993.

Enclosures:- (10) Medical Certificate issued by Dr. A. Suklabaidya, Registrar of Surgery, Silchar Medical & College & Hospital, Silchar with effect from 28-07-1993 Dated 16-08-1993.

(11) Money Receipt for Rs. 30/- Dated 13-03-1992 obtained against payment of Medical Examination Fees to the Chief Medical & Health Officer, N.C.Hills Haflong.

(12) Money Receipt for Rs. 90/- Dated 23-11-1992 obtained against payment of Medical Examination Fees to the District Medical Board, Haflong.

- 46 -

D-6 (XIII) (21)
130

FORM OF APPLICATION FOR LEAVE
(See Supplementary rule, 216)

1. Name of the Applicant : PANNALAL PAUL
2. Post held : CLERK / TYPIST
3. Present Office & Section : O/o the Accountant General (A & E) Meghalaya,
SHILLONG.
4. Basic Rent & Compensatory Allowance drawn in the previous post : Rs. 250/- & Rs. 70/- respectively.
: Rs. 1050/-
5. Nature and period of leave applied for, and the date from which required. : EXTRAORDINARY LEAVE i.e. LEAVE WITHOUT PAY with effect from 10-05-1991 to 25-10-1993
7. Sundays and Holidays, if any, proposed to be prefixed/suffix. : _____
8. Ground on which leave is applied for. : Medical. (Relevant Medical certificates attached herewith).
9. Date of return from last leave and the nature and period of that leave. : _____
10. I proposed/ do not proposed to avail myself of L.T.C. for the Block Year _____

11. Address during Leave:

Pannalal Paul, 40 Sri Prabhat Chandra
Paul, P.O. Maibang - 788 831, D.N.C. Hills.
(ASSAM)

Pannalal Paul 20.09.1993
Signature of the applicant.

12. Remarks/Recommendation of the Controlling Officer.

Signature with date :
Designation :

13. Certified that E.L./ H.P.L/Comm.Leave for _____ days from _____ to _____ is admissible under Rule _____ of C.C.S. (Leave)

Signature: _____
Designation: _____

Signature: _____
Designation: _____

If the applicant is drawing any compensatory allowance, it should also be indicated in the orders whether on the expiry of leave, the Government servant is likely to return to the same post or to another post carrying full pay.

(29) D-6(x11)
Ry

(111)

Received Rs. 30.00
Rupees Thirty only
from Sri Panna Lal
Paul being Medical
Exm. fees.

Witnessed.

Lab.
29/2/86

Central Govt. Standing Committee
Central Administrative Tribunal
Gauhati Bench Gauhati

20/3/92
Medical & Health Officer
N.C. Hills, Haslong.

(28)

-48-

D-6(XI)
2

110

23

Received a sum of Rupees 90'00(Ninety) only
from Sri Pannalal Paul being Medical Examination fees.

Given
23.11.92

Chairman,
District Medical Board,
Haflong.

Chief Medical &
Health Officer
N.C. Hills, Haflong.

Attended.

Sae
29/2/96

Central Govt Standing Counsel
Central Administrative Tribunal
Gauhati Bench, Gauhati.

-1/-

Signature of Incumbent

(Medical certificate recommended for leave or extension of leave or commutation of leave).

(Govt. of India Finance Deptt. No.173-S.R dt.16th March 1931)

I Dr. T.Das, M&H.O.I. A.H.S. after careful examination of the case hereby certify that, Sri/Smti... Pannalal Puri whose signature is given above is/was suffering from... Rheumatoid Arthritis and I consider that a period of absence from duty of... 90 days with effect from... 10/5/91 is/was absolutely necessary for the restoration of his/her health.

~~Now he/she has recovered from his/her illness and is fit to resume his/her duties.~~

78 M.G/*

Government Medical Attendant.
Medical & Health Officer-1
Silchar Civil Hospital

checked

Tale

29/2/96

Central Govt Standing Committee
Central Administrative Tribunal
Gauhati Bench, Gauhati

7-661X
25
133

Signature of the Applicant Pannalal Paul

I Dr. B. Mandel Dy. Supt. Silecha after careful personal Examination of the case hereby Certify that Pannalal Paul whose signature is given above, is suffering from Ch: Rheumatoid Arthritis and I consider that a period of absense from duty of 90 (ninety) days with effect from 8.8.91 is absolutely necessary for the restoration of his/her health.

Dated the 3.9.91 1991

Dr. B. Mandel
Dy. Supt. Silecha
Silecha Medical College Hospital
Silecha, Silecha.
Government Medical Attendant
Other Registered Practitioner

Offced.

Sale
29/2/86

Central Govt Standing Commn
Central Administration Tribunal
Bachchan, Ranch, Ranch

Pannalok Pant

29/2/96
Central Govt Standing Commn
Central Administrative Tribunal
Bhopal Bench, Bhopal

(24)

- 32 -

PRESCRIBED FORM UNDER S.R. 220

D-6(VII)
B

(27)
100
135

Signature of the Applicant Pannalal Paul

I Dr. B. Mandaf after careful personal examination

of the case hereby certify that Sri Pannalal Paul whose

signature is given above, is suffering from Ch. Rheumatic

Arthritis and I consider that a period of absence from duty

of 90 days with effect from 4.2.1992

is absolutely necessary for the restoration of his/her health.

Dated: 8.2.92 199

Bendur
8.2.92
Government Medical Superintendent, He
Other Registered Medical College
Diet Section, Prisoner
Hospital, Prisoner

affeked.

C. Sec.

29/2/96
Central Govt Standing Comm
Central Administrative Tribunal
Gauhati Bench Gauhati

Signature of the Applicant

Pannalal Paul

I Dr. A. Seelabaidya MS after careful personal examination

of the case hereby certify that Sri Pannalal Paul whose

signature is given above, is suffering from Ch. Rheumatoid Arthritis

Gripping Deformities and I consider that a period of absence from duty

of Ninty days with effect from 04-5-92

is absolutely necessary for the restoration of his/her health.

Dated: 7th June 1992

Government Medical Attendant
Other Registered Practitioner

Registrar of Surgeons
Silchar Medical College & Hospital,
Silchar.

Offced.

29/2/96

Central Govt Standing Commr
Central Administrative Tribunal
Gauhati Bench, Gauhati.

Signature of the Applicant

Pannalal Patel

I Dr A. Suklabaidya after careful personal examination

of the case hereby certify that Sri Pannalal Patel whose

signature is given above, is suffering from Ch. Rheumatoid Arthritis

2 Crippling Deformities and I consider that a period of absence from duty

of Ninety days with effect from 02-08-92

is absolutely necessary for the restoration of his/her health.

Dated: 7th Aug. 1992

Government Medical Attendance
Other Registered Practitioner

Registrar
Sikhar Medical College
Sikhar.

Attested.
Secy
29/2/96

Signature of the Applicant

Pannalal Paul

I Dr. S. S. Srinivasan after careful personal examin-

-tion of the case hereby certify that Mr. Pannalal Paul

whose signature is given, is suffering from Chr. Rheumatism

Arthritis

and I consider that a period of absence from

duty of 90 days days with effect from 31-10-92

is absolutely necessary for the restoration of his/her health.

Dated: 31.10 1992

Government Medical Attendant
Other Registered Practitioner

affected.

Sab

29/2/96

Central Govt Standing Comm.
Central Administrative Tribunal
Gandhi Bhawan, Gandhinagar

Signature of the Applicant

Pannalal PatelI Dr. S. Lalchandani after careful personal examinationof the case hereby certify that Mr. Pannalal Patel whosesignature is given above, is suffering from Ch. RheumatismArthritis and I consider that a period of absence from dutyof 90 days days with effect from 29-01-93

is absolutely necessary for the restoration of his/her health.

Dated: 29/01 199329/1/93
Government Medical Attendant
Other Registered PractitionerDr. Medical & Health Officer
Glebe Civil Hospital

attested.

C. Jale

29/2/96

Central Govt. Standing Commr.
Central Administrative Tribunal
Mumbai Bench, Mumbai.

Signature of the Applicant

Pannalal Patel

D-6 (11)
29/4/93

32
140

I Dr. S. S. Patil after careful personal examination

of the case hereby certify that Mr. Pannalal Patel whose

signature is given, is suffering from Chronic Rheumatism

Arthritis

and I consider that a period of absence from

duty of 90 days with effect from 29-04-93

is absolutely necessary for the restoration of his/her health.

Dated: 29/04/1993

Government Medical Attendant
Other Registered Practitioner

G. P. Patil & Sons
General Civil Hospital

affixed

29/2/96

Central Govt. Standing Comm.
Central Administrative Tribunal
Bhopal Bench, Bhopal

PREScribed FORM UNDER S.R. 220

Signature of the Applicant

Pannalal Paul

I Dr. A. Subashini after careful personal examination

of the case hereby certify that Sri Pannalal Paul whose
signature is given above, is suffering from Ch. Rheumatoid Arthritis -

Crippling deformities and I consider that a period of absence from

duty of Nine days with effect from 28/7/73

is absolutely necessary for the restoration of his/her health. ✓

Dated: 6/8/73 1993

[Signature]
Government Medical Attndnt.
Other Registered Practitioner

checked.

Fale

29/2/86

Central Govt. Standing Commn
Central Administrative Tribunal
Gauhati Bench, Gauhati

(7)

59- (192)

Annexure-14

S-6

34

142

OFFICE OF THE JOINT DIRECTOR OF HEALTH SERVICES...:N.C.HILLS...:
HAFLONG.

Memo No. G/42/2608

Dtd. Haflong the 19 th April/94.

To,

Sri Pannalal Paul.
C/O Sri Prabhat chandra Paul.
P.O. Maibang-788831.
Dist. N.C. Hills,
(Assam).

District Medical Board is going to sit on 25.4.94 at 10 A.M. in the Office Chamber of Jt. Director Of Health Services, Haflong.

You are directed to appear in the Medical Board on 25 4.94 for through Medical check-up alongwith all documents available

Effectual

Salv
29/2/96

Central Govt Standing Order
Administrative Tribunal
Bench. Gauhati.
Copy to,

G/42/2609

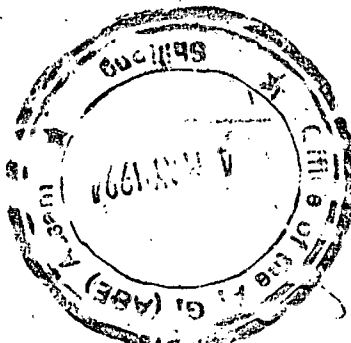
Dtd. Haflong the 19 th April/94.

Jt. Director of Health Services,
N.C. Hills, Haflong.

✓ The Deputy Accountant General (Admn) Meghalaya Shiling for information & necessary action this has a reference to his letter no. Sr. DAG(A) 7/Con-C 90-91/902.

1185

Hk
M
4/5/94



19.6.94
Jt. Director Of Health Services,
N.C. Hills, Haflong.

Annexure - 15

- 60 -

By Speed Post

S-8
153

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143

OFFICE OF THE ACCOUNTANT GENERAL (A&E) MEGHALAYA ETC., Shillong-1.

closed cover.

No. Sr.DAG(A)/7/Con-C/90-91/26

dt. 5.5.96.

To

The Jt. Director of Health Services,
N.C.Hills, Haflong.

Subject : Medical Examination of Shri Pannalal Paul.

Sir,

I am to invite a reference to your office Memo No. D/42/2609 dated the 19th April'94 and to request you to kindly intimate whether Shri Pannalal Paul has appeared before the District Medical Board on 25.4.94 as directed by you. If so, the medical report of such examination may kindly be sent to me urgently to take further necessary action.

Shri Paul has been absenting himself from duty continuously since 30.10.89 and will complete 5 years on 29.10.94. As per leave Rules, no official shall be granted leave of any kind for a continuous period exceeding five years.

This may kindly be treated as Most Urgent.

Officed
C Feb 29/2/96

Control Govt Standing Order
Central Administrative Tribunal
Ganhati Bench, Gauhati

[Signature]

Dy.Accountant General (Admn).

Annexure - 16

-61-

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144

26

OFFICE OF THE JOINT DIRECTOR OF HEALTH SERVICES...:N.C.HILLS...:

HAFLONG.

G/42/ 28 //

Dtd. Haflong the 28 th April/94.

To,

✓ The Deputy Accountant General (Adm)
Meghalaya, Shilong I.

Sub; Medical Board.

Ref; Your letter No. Sr. DAG (A)/7/24 (Ragd) con-c/90-
91/909 dt. 13.4.94. (Ragd).

Sir,

With reference to the above, I have the honour to inform you that Sri Pannalal Paul did not appear in the District medical Board on 25.4.94 as was asked vide this Office letter No. G/42/2608 dt. 19.4.94.

27.4.94

Jt. Director Of Health Services,
N.C.Hills, Haflong.

Memo No. G/42/

Dtd. Haflong the 28 th April/94.

Copy to;

1. Sri Pannalal Paul C/O Sri Prabhat Chandra paul,
P.O.Maibang-788831 Dist, N.C.Hills, (Assam) for
information.

Jt. Director of Health Services,
N.C.Hills, Haflong.

attested
29/4/94
Secy. to Govt Standing Orders
Central Administration & Tribunal
Govt. of Assam, Dispur

Annexure-17 - (6204)

Registered A/D

% the Accountant General (A&E) Meghalaya etc., Shillong-793001.

S-4
37
148

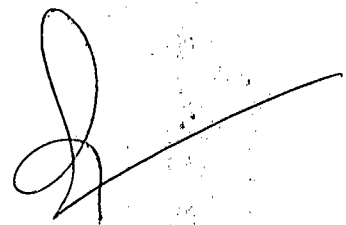
Memo No. Sr.DAG(A)/7/Con-C/90-91/34

dt. 17.5.94.

Shri Pannalal Paul, C/T was directed to appear before the Chief Medical & Health Officer, Haflong to get himself examined Physically and Clinically to determine whether there is any likelihood or not of his resuming duty in the near future under this office Memo No. Sr.DAG(A)/7/90-91/846 dt. 14.2.94 and Memo Nos Sr.DAG(A)/7/90-91/859 and 903 dt. 4.3.94 and 7.4.94 respectively. But it is seen that Shri Paul had not appeared before the C.M. & H.O., N.C.Hills, Haflong as directed. Thus he has violated the directions of the Competent Authority.

Again, Shri Paul was directed by the Jt. Director of Health Services, N.C.Hills, Haflong under Memo No. G/42/2608 dt. 19.4.94 to appear in the Medical Board on 25.4.94 for thorough Medical check-up alongwith all documents available. The Jt. Director of Health Services, N.C.Hills, Haflong intimated vide letter No. G/42/2811 dt. 28.4.94 that Shri Paul did not appear in the District Medical Board on 25.4.94.

He is hereby asked to explain the reasons as to why he did not appear before the said authority. His explanation should reach the undersigned within 5 (five) days of the receipt of this Memo failing which disciplinary action will be initiated against him as per rule.



Dy. Accountant General (Admn.).

Offs. Secy.
29/2/96

To, **Central Govt Standing Committee**
Central Administrative Tribunal
Gauhati Bench, Gauhati

Shri Pannalal Paul, C/T
C/o Shri Prabhat Ch. Paul
P.O. Maibang-788631
Dist : N.C.Hills (Assam)

Despatcher:-

Pannalal Paul,
C/o Sri Prabhat Chandra Paul,
P.O. Maibang-788 831,
Dist. N.C.Hills. (Assam)

May 25, 1994

REGISTERED WITH A/D

Annexure - 18

To

The Senior Deputy Accountant General, (Administration),
Office of The Accountant General, (Accounts & Entitlements),
Meghalaya Etc., SHILLONG-793 001.

Reference:- Memo No. Sr. DAG(A)/7/Con-C/90-91/39 Dated 17-05-1994

Respected Sir,

I hereby acknowledge the receipt of the foregoing communication together with an empty envelope with postage stamp worth Rs.8/- affixed thereon.

I hereunder furnish explanation^{of} my failure of my appearance before the District Medical Board in conformity with the Memo No.G/42/2608 Dated 19-04-1994 emanated from the Joint Director of Health Services, N.C.Hills, Haflong for favour of your kind perusal.

(1) I was delivered the aforesaid communication of the Joint Director of Health Services, N.C.Hills, Haflong very belatedly on 23-04-1994 at 2-15 P.M. and thus I was caught on the wrong foot.

(2) Inasmuch as I am not a self-contained person and yet to get out and about and thus no one was at my ^{back} and call highly sought after in such a state of affairs.

(3) Unlike Shillong, Gauhati, Silchar, Haflong and the like, here at Maibang, no conveyance arrangement can be made impromptu and no conveyance can be procured for the asking.

(4) At such a short notice which I received extempore and fortuitously, I could not mobilise the requisite ways and means to be entailed on this score.

With regards, I remain.

Yours faithfully,

Pannalal Paul
25.05.94

attested

29/5/96

Central Govt Standing Committee
Central Administrative Tribunal
Gauhati, Assam, Gauhati

Annexure-19 (239)

- 64

(39)

Handwritten signature/initials

OFFICE OF THE JOINT DIRECTOR OF HEALTH SERVICES ::: N.C.HILLS :::
::: HAFLONG :::

Memo No. G/42/ 5737

/Dtd. Hfg, the 22nd July/94.

To,

The Sr.Deputy Accountant General(A&B),
Meghalaya etc. Shillong - 793001

Sub:-

Medical Examination Sri Pannalal Paul

Sir,

With reference to the subject matter, I have the honour to state that Sri Pannalal Paul, C/T appeared before me on 20.5.94.

On physical and clinical examination of Sri Pannalal Paul, I am of the opinion that he is suffering from Ankylosed lumbosacral region. He is ^{normal and} now mentally sound & examination of urine is found to be BP 120/80.

At present he is not fit to resume his duties. Further he has been directed to consult with the orthopaedic surgeon for his better investigation and treatment.

Yours faithfully,

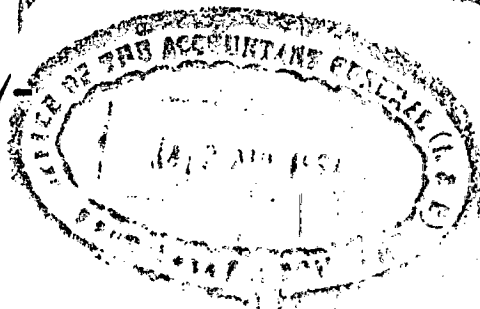
Handwritten signature
22.7.94

Jt. Director of Health Services,
N.C.Hills, Haflong.

Handwritten signature

29/2/96
Central Govt Standing Council
Central Administrative Tribunal
Gorubari Bench, Gauhati

-11-



For Campd. Cell
26/7/94
27/7/94
28/7/94

296 Annexure - 20
- 65 -
Despatcher:-
Pannalal Paul,

C/o Shri Prabhat Chandra Paul,
P.O. Maibang-788 831,
Dist. N.C.Hills. (Assam)

October 25, 1994

REGISTERED

To

The Senior Deputy Accountant General, (Administration),
Office of the Accountant General, (Accounts & Entitlements),
Meghalaya Etc., S H I L L O N G - 793 001.

Subject :- My appearance before the Inquiry Officer Shri D.K. Nag, Senior Accounts Officer on 28-10-1994 in the matter of recommencement of Departmental Inquiry under Rule 14 of the Central Civil Service (Classification, Control & Appeal) Rules, 1965.

Reference :- Express Telegram No. Sr. DAG(A)/7/188 and the relative Post copy No. Sr. DAG(A)/7/Con-C/90-91/189-92 Dated 21-10-1994.

Respected Sir,

Apropos of the foregoing particulars this is for your kind information that the telegram in question has not been received today i.e. on 25-10-1994 until 11-00 A.M. Nevertheless, the post copy of the telegram has been received yesterday i.e. on 24-10-1994.

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- 66-
(41) 149
With regard to my appearance before the Inquiry Officer Shri D.K.Nag on the stipulated date i.e. on 28-10-1994 at 11-00 A.M. in his office Room No. 38 (M.S. Building) I cannot help begging your forgiveness for my being unable to roll up in the wake of my protracted physical constraint and consequently I am having to beseech quite reluctantly my exemption in this behalf. I, in dead earnest, hope that my position will be kindly appreciated and borne with.

As regards my appearance before the Orthopaedic Surgeon this is to inform you that I did appear before the Orthopaedic Surgeon of my own volition at the All India Institute of Medical Sciences in New Delhi on 09-11-94. However, in deference with the advice of the Joint Director of Health Services, N.C. Hills, Haflong I have not appeared before any orthopaedic surgeon. This is for your kind information. I have intimated this in deference to the directive contained in the post copy of the above telegram.

With regards, I remain.

Yours faithfully,

Pannalal Paul
(PANNALAL PAUL) 25.10.94

Attested.

C. I. S. 29/10/94

Central Govt. Standing Orders
Central Administrative Tribunal
Ganesh Bench. Gangtok

L. Tochhawng
Dy. Accountant General (Admn)

(150)

REGISTERED

Annexure - 21

Sr.DAG(A)/7/Con-C/90-91/ 502

7.4.94.

Dear Dr. Teron,

Kindly refer to my D.O. letter No. Sr.DAG(A)/7/Con-C/90-91/845 dt. 14.2.94 regarding the findings on medical examination of Shri Pannalal Paul, a Clerk/Typist of this office.

2. I shall be thankful if you would kindly intimate whether the said Shri Paul did appear before you for medical examination as directed and if so kindly send your findings at the earliest possible date for further necessary action in this office.

3. Shri Paul is on leave since 30.10.89 and has not yet resumed his duties in this office. As per leave Rules, no official shall be granted leave of any kind for a continuous period exceeding five years.

4. This may kindly be treated as Most Urgent.

To,

Dr. D. R. Teron,
Chief Medical & Health Officer,
N.C. Hills, Haflong (Assam)

Yours sincerely,

Dy. Accountant General (Admn).

Annexure - 21

REGISTERED

Memo No. Sr.DAG(A)/7/Con-C/90-91/ 903

dt. 7.4.94.

Copy forwarded to Shri Pannalal Paul, C/T. He is directed to refer to this office Memo No. Sr.DAG(A)/7/Con-C/90-91/846 and 859 dt. 14.2.94 & 4.3.94 respectively and to intimate whether he appeared before the C.M. & H.O., Haflong, for medical examination as directed. He is also directed to report for duties immediately, alongwith medical and fitness certificate from the said competent authority.

affected.
See -

29/2/96
Central Govt. Standing Committee
Central Administrative Tribunal
Gauhati Bench, Gauhati

Dy. Accountant General (Admn)

OFFICE OF THE ACCOUNTANT GENERAL (A&E) MEGHALAYA ETC., SHILLONG-1.

MEMO No. Sr.DAG(A)/7/Con-C/90-91/908

dt.13.4.94.

Shri Pannalal Paul, C/T was directed to appear before the Chief Medical & Health Officer, Haflong to get himself examined physically and clinically to determine whether there is any likelihood or not of his resuming duty in the near future under this office Memo No. Sr.DAG(A)/7/Con-C/90-91/846 dt. 14.2.94, Memo No. Sr.DAG(A)/7/Con-C/90-91/859 dt. 4.3.94 and Memo No. Sr.DAG(A)/7/Con-C/90-91/903 dt. 7.4.94.

2. In the aforesaid Memo dated 7.4.94, Shri Paul was also directed to report for duties immediately alongwith medical and fitness Certificate from the said Competent authority. However from his letter dated 24.3.94, it is seen that Shri Paul has not yet appeared before the C.M. & H.O, N.C.Hills, Haflong as directed. Thus he has violated the directions of the competent authority.

3. Shri Paul is once again directed to appear before the C.M. & H.O, N.C.Hills, Haflong to get himself examined as mentioned above within 3 (three) days of receipt of this Memo. Failing which disciplinary action will be initiated against him as per rules.

4. The receipt of this Memo. may be acknowledged by him immediately on its receipt.

Dy. Accountant General (Admn)

Central Govt. Standing Order
Central Admin. Staff
Shri Pannalal Paul, C/T
C/o Shri Prabhat Ch. Paul
P.O. Maibong-788831
Dt. N.C.Hills (Assam).

Memo No. Sr.DAG(A)/7/Con-C/90-91/909 dt. 13.4.94.

Copy forwarded to Dr. R. Teron, Chief Medical & Health Officer, N.C.Hills, Haflong for information. In this connection, d.o. letters No. Sr.DAG(A)/7/Con-C/90-91/845 and 902 dt. 14.2.94 & 7.4.94 may kindly be referred to.

Dy. Accountant General (Admn).

Annexure - 2B

- 69 -

Despatcher:-
Pannalal Paul,
C/o Sri Prabhat Chandra Paul,
P.O. Maibang,
Dist. N.C.Hills. (Assam)
PIN:- 788 831

July 25, 1994

REGISTERED WITH A/D

To

The Senior Deputy Accountant General, (Administration),
Office of The Accountant General, (Accounts & Entitlements),
Meghalaya Etc., SHILLONG-793 001.

Subject:- Submission of written statement of defence.

Reference:- Charge sheet Memorandum No. Sr. DAG(A)/7/Con-C/90-91/84
Dated 06-07-1994.

Respected Sir;

In the first instance I would like call upon the prospective inquiry officer to the effect that prior to setting the proceedings in motion the report of the former inquiry officer Mr. S. Deb Biswas, Welfare Officer of this august office, vide No. Sr. DAG(A)/7/Con-C/90-91/211 Dated 18-09-1992 be kindly dipped in with a view to having the entire gamut of the knotty and delicate case.

This is for kind information that I shall not be able to be physically present in the course of the proceedings.

Inasmuch as I am having vice of the constitution having got embedded abidingly by way of disability which is as good as a thorn in my flesh and rankling me ceaselessly, I did not have any other choice but to proceed on leave with effect from 30-10-1989 to 02-12-1989 with my going downhill physically further. As I was having to grapple with this intractable and hydra-headed irritant which was holding out resistance unremittingly to my resumption of my duties and whereas my reporting back to duties not being in the pipeline, my period of leave had had to be prolonged until 09-05-1990 albeit during this period I was served with quite a few minatory and

(157) (45) 17/11/13

admonitory communications periodically. The lapse on my part owing to unauthorised absence stretching from 10-05-1991 to 25-10-1993 was dealt with virtual inexorability. Although I ate humble pie and apology emanated from me times without number, highly draconian measures were invoked against me. Disciplinary proceedings were initiated and I was constrained to tread on the corns of my amour propre in self-defence. So much so that I had had to settle for the punishment of my own accord by waiving the pay for ethically I cannot stake claim to pay sans putting in service to the Department. But I was sent a communication which was precious minatory in character vide Memo No. Sr. DAG(A) 7/Con-C/90-91/597 Dated 5-2-92. I toed the line of my superior officers although I had had to pay a very heavy price in translating the said directive ~~in effect~~ into effect, in the face of my protracted pecuniary crosses. Consequently my failing during the period from 10-05-1991 to 25-10-1993 stand dissolved and it is highly baffling and convoluted that this delinquency has sprung up in the Article I of the current charge sheet and it has been raked up. Thus it is poignant and to my mind, it is uncalled for. Therefore, I should not be further carped at for this specific offence and I have nothing to do with the lapse of this period i.e. from 10-05-1991 to 25-10-1993. As such it is wide of the mark to harp on this period.

Although it is neither here nor there, the plaguing disability that is holding out and eating into my very vitals, the charge sheet issued for the second time has made matters worse. As a prelude to the issuance of the formal charge sheet, I was issued a mini charge sheet vide Office Memo No. Sr. DAG(A)/7/Con-C/90-91/89 Dated 17-05-1994 and I carried out the directive contained in this memo hook, line and sinker but it is out of my depth that I have been issued charge sheet for all that.

This time I have been issued charge sheet for the offence of my failure to appear before the District Medical Board constituted by The Joint Director of Health Services, N.C. Hills, Maiflong on 25-04-1994 and afterwards.

The disability has come to stay and had I been immune from such stumbling block, I can avouch and make out that I would not have been issued the charge sheet once again for this disability proper, to all intents and purposes, is a chip on my shoulder. With the issuance of charge sheet de novo and with another inquiry and the relative disciplinary proceedings in the offing, I have been put on the defensive and been compelled to take up the cudgels on my own

(154)

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D-116
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behalf and stand up for myself and thus I am being forced to touch myself on the raw. ~~For~~ Furthermore, in doing so, I am having to exploit my Acheels Heel willy nilly, being highly touchy and hyper vulnerable to it notwithstanding. The disability has come to such a pass that I am having had to be had by the short hair of my superiors gratuitously and [^]they are absolutely impervious to my extremity. The discomfiture staring me in the face may be gloated over but in sooth, the very core of my psyche is getting trampled.

It deserves to be subscribed to the veracity without reservation and there should not be any iota of dubitation that I went through medical check-up on two occasions in retrospect in conformity with the directions of my superior officer. Firstly, on 13-03-1992 before the Chief Medical & Health Officer, N.C. Hills, Haflong and secondly, on 23-11-1992 before the District Medical Board, N.C. Hills, Haflong with the Chief Medical & Health Officer, N.C. Hills, Haflong as the Chairman of the Board vide the enclosures of my communication Dated 20-09-1993 addressed to the Establishment Officer, Meghalaya. But I was taken aback and my bewilderment knew no bound to have received the Office memos No. Sr. DAG(A)/7/Con-C/90-91/846, 859, 903 and 909 dated 12-02-1994, 04-03-1994, 07-04-1994 and 13-04-1994 respectively with having been incorporated the professional direction of my appearance before the Chief Medical & Health Officer (now the Joint Director of Health Services), N.C. Hills, Haflong which upon prolonged reflection appeared to me to have left something to be desired. Though I apprised of my earlier appearances but in the subsequent office memos my previous appearances were, on the face of it, discounted and I could not help taking umbrage at the ⁱⁿinsouciance having ^{been} maintained on this score. It behoves to mention here that on the eve of my first appearance before the Chief Medical & Health Officer, I was directed to make necessary conveyance arrangement vide Memo No. Sr. DAG(A)/7/Con-C/90-91/597 Dated 05-02-1992 for my appearance before the Chief Medical & Health Officer, N.C. Hills Haflong. I was further admonished to the effect that in the event of my failure to appear accordingly, the Disciplinary Authority would decide the case i.e. the report of the inquiry officer vis-a-vis charge sheet No. Sr. DAG(A)/7/Con-C/90-91/248 Dated 07-01-1990 ex-parte. I was rattled to such an extent that I had had to go out of my way and subject myself to highly precarious and desperate circumstances to conform to my superior officer. But ruefully enough, in the current charge sheet I have been charged with having flown in the face of the commandment of my superior authority which on repeated cogitation could not be fathomed out.

P Preceding the issuance of the current charge sheet and initiation of disciplinary action against me for the putative fault and failure on my part to appear before the Medical Board constituted by the Joint Director of Health Services, N.C. Hills, Haflong for my medical check-up on 25-04-1994, I was hauled up to account for my failure vide Office Memo No. Sr. DAG(A)/7/Con-C/90-91/39 Dated 17-05-1994. I was issued this memo on the pain of initiation of disciplinary action should I fail to send in the reply embodying the explanation thereof within 5 (five) days of receipt of the said memo. So much so that I was sent an empty envelope with postage stamp worth Rs. 8/- affixed thereon in the light of my protractedly being on my uppers, in order to facilitate sharp receipt of the explanation from me. I lost no time and sent the explanation pronto pinpointing four reasons on that score vide my communication Dated 25-05-1994.

While the explanation No. 3 viz. paucity of transportation facilities has been impugned and virtually been dubbed apocryphal but without any rationale, the concrete position of the same can be had from the District Transport Officer or by paying a visit to the spot. It is worth while to mention that there does exist Railway Communication Network but railway trains hardly run accordingly to the time schedule. Further, railway communication is out and out treacherous in character. Conversely, presently I am not hunkydory enough to hop on to railway train and go through railway journey destitute of a suitable associate. Availability of transportation via road is very exiguous and the same is scantily available at very odd hours. Last but not the least, whereas I am badly on my beam ends, it outstrips all the confines of my affordability to undertake a halt at Haflong.

The rest 3 explanations incorporated in my above communication have been accorded very nonchalant and cursory treatment and therefore attention is riveted to the observation detailed hereunder for getting mulled over.

While dwelling on the explanation No. 1, I would like to arrest attention that since the ~~sa~~ notice issued by the Joint Director of Health Services, N.C. Hills, Haflong vide No. G/42/2608 Dated 19-04-1994 for my appearance before the Medical Board on 25-04-1994 was sent to me by ordinary post, hence the explanation adduced by me deemed meet reasonably to go down with my superior authority under "the benefit of the doubt".

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(48)

D-3/11/11

As regards explanation No. 2, I am to say that my arm chair imperators from ivory tower may take the disability in their stride for they are not having to get down to such impediment and all along having a good time. But the person with having been placed this onus which is no less than a millstone round his neck, who is having to come to the grips relentlessly can savour it up to the hilt. And whereas this explanation has not been touched on and called in question, the explanation being epitome of verity and therefore holds good indubitably. To bear out this contention and to bear testimony to it comprehensively, report of the inquiry officer mentioned at the outset, may kindly be looked through.

Regarding explanation No. 4, this is to state that my superior officers are dependent in toto on their salaries for their decent living and other incidental quotidian needs. It is irrefusable beyond any contradiction whatsoever that a to-and-fro journey between Maibang and Haflong by making conveyance arrangement is a highly expensive affair. Whereas I am away from my duties and the lingering disability is precluding my resumption of duties, thus I am being deprived of my incomings by way of non-receipt of my salaries over the years and thus the explanation put forward by me stand axiomatic. The prolonged deprival of my earnings has since put paid to my scanty savings, emanated from my strenuous earnings and thereby taking its toll irretrevably. Thus in such a brief period i.e. between the receipt of the notice from the joint Director of Health Services, N.C. Hills, Haflong for appearing before the Medical Board and the date stipulated for my appearance, I could not weigh the requisite wherewithal for the purpose. But my superior officer has shortcircuited the explanation and gross apathy has been maintained on this score. Far be it, I am apprehensive of the fate of my superior officers had they too sailed with me in the same boat both pecuniarily and physically. This should not be misconstrued and I do have the aplomb that I shall not be on the wrong side of my superior officer. Upon sustained musing I have not made the grade to figure this out. Therefore, this explanation hardly needs substantiation from me.

In the Office Memo No. DAG(A)/7/Con-C/90-91/39 Dated 17-05-1994 I was directed to furnish my explanation of my failure to appear before the Medical Board on 25-04-1994 within 5 days of the receipt of the memo and I was further warned in that in the event of my failure i.e. submission of explanation disciplinary action would be initiated against me. I toed the line and sent in the

1157 (49) D-16/15

explanation forthwith on 25-05-1994 but for all that I have been issued the charge sheet and disciplinary action against me is round the corner. This action on the part of my superior officer is arcane and abstruse. This is glaringly incongruous and unwarranted.

I have further been charged with not having appeared before the Medical Officer i.e. the Joint Director of Health Services, N.C. Hills, Haflong afterwards i.e. after the expiry of the stipulated date for my appearance before the Medical Board on 25-04-1994. In this context I would like to inform that I have already explained the reasons of my failure to appear before the Medical Board on 25-04-1994. Since the medical officer i.e. Joint Director of Health Services is on the hop with official works and remains outstation on umpteen assignments, I after sustained endeavours, managed to get into touch with the medical officer after 25-04-1994 and a new date for my ~~xxxx~~ appearance before the Medical Board for my medical check-up was ~~xxxx~~ prefixed accordingly and it was slated for 20-05-1994. As I am already in the red and have started feeling the pinch badly, I had to run from ~~xxxx~~ pillar to post for mobilising the required fund to meet the outgoings to be incurred. Accordingly I made the requisite conveyance arrangement and showed up before the Medical Board at the appointed time on 20-05-1994 with the Joint Director of Health Services, N.C. Hills, Haflong as the Chairman of the Medical Board. Though I turned up before the Medical Board against such heavy odds and passed through untold privation and ~~str~~ strenuous circumstances, I have been issued the charge sheet and disciplinary action is ~~a~~ in the wind against me. A photostat (xerox) copy of the money receipt obtained against payment of Rs. 90/- (Rupees ninety) only and paid to the Medical Board towards my medical examination fee is enclosed herewith for perusal and for examining the authenticity of appearance before the Medical Board. The original money receipt will be furnished all in good time and my claim of having appeared before the medical board can be verified from the photo copy. Thus the issuance of the charge sheet and undertaking of disciplinary action against me do not conform to and not being of a piece with the very charges framed against me in the Article II of the charge sheet memorandum. This blatant discrepancy is beyond my intelligibility.

The ~~directive~~ Office Memos No. Sr. DAG(A)/7/Con-C/90-91/903 and 980 Dated 07-04-1994 and 13-04-1994 respectively incorporating the directive to resume my duties with having been equipped with the relevant Medical and fitness certificates ~~2~~ from the competent authority but I failed to resume duties perforce in

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conformity with the directive. Peremptory commandments can be issued with hands down, but pangs are felt to the backbone while giving effect to such commandments. It may sound preposterous and incredible but to put it mildly, I am yet to get cut out for the resumption of my duties and yet to get out and about. To corroborate the content-ion, I am sparing no pain and in order to get wedded to my duties ere long, I made a beeline for the All India Institute of Medical Sciences in New Delhi and saw as well as held consultation with the Medical Expert there on 07-11-1993. As I was badly strapped and at the receiving end of tremendous monetary constraint, with no better than putting up in Queer Street, my straitened circumstances did not let me follow the medical treatment through in New Delhi and consequently I had had to back out of the treatment leading to my departure from New Delhi without avail. The original Hospital Registration Card of the All India Institute of Medical Sciences and the original to-and-fro railway tickets between Gauhati and Delhi and vice versa are annexed herewith for kind perusal of the competent authority. The journey to New Delhi undertaken by me goes a long way towards speaking volumes of the fact that I do mean business so far as my resumption of duties is concerned.

I have been denounced of having been on unauthorised absence with effect from 26-10-1993 without any leave application been submitted till date and there is no gainsaying on this score. But seeing that I am a holder of a post of sorts and I have not had yet any occasion to master service rules and leave rules. As such I am an ignoramus to my fingertips concerning such rules and as a matter of fact I did not know what sort of leave to be applied for leading to the resultant unauthorised absence. It is worth mentioning here that I lost no time to carry out the directives of my superior officer at all times and acted rigorously at the behest of my superior officers.

At close, I have been charged with "gross misconduct indulging in indiscipline, dereliction of duty, gross insubordination" reputedly. But the actions taken by me coupled with and vindicated by documentary evidences testify conversely. Over and above, the very charges framed against me at flagrant variance with and out of keeping with the positive, punctilious actions and responses emanated from me in deference to the directions of my superior officers. Furthermore, had my superior officers been landed with the cumbersome and the thorny onus by way of disability of an abiding and pervicacious character, taking after the one pestering me, there would have

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been a change of heart and the approach to my case would have been poles apart from the current one. Thus my superior officer would have had second ^{prudent} thought before foisting on me such terrible derogatory and charges. Therefore these charges are unmistakably and spontaneously retractable beyond any dispute whatsoever. The statements furnished ut supra will bear ample testimony to the recantation of the said charges and accentuate as well as protest just the opposite.

I have also been charged with having violated the provisions of Rule 3 (i) (ii) (iii) of the Central Civil Service (Conduct) Rules, 1964 and the Rule 25 (2) of the Central Civil Service (Leave) Rules, 1972. In this connection I am to say that I am not a walking encyclopaedia of Rules and the same being beyond my ken, it will hold ~~not~~ water and may sound ludicrous and outlandish to make any comment on it. However, the authors and formulators of these Rules and the past masters of such Rules are the only persons who can make observation keeping in view of the preternatural circumstances resulting in the culmination of the case. It will not be apt to cut a sorry figure and inept handling of the case may project me no less than a bull in the china shop. This aside, whereas I have yet to attain the age of discretion, I had better leave it to the good offices and at the discretion of mellowed people for the precise and consummate comment and adjudication in the matter. Thus I am having to give wide berth to the matter.

With regards. I remain.

Yours faithfully,

Pannalal Paul

(PANNALAL PAUL) 25.7.94

Enclosures:- (1) The original Registration Card of the All India Institute of Medical Sciences, New Delhi.

(2) Two original Railway tickets as above.

(3) A photo copy of money receipt of medical examination fee as above.

Obtained

C. S. 29/12/96
Central Govt. Standing Committee
Central Administrative Tribunal
Bangalore Bench, Bangalore

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हस्पताल के अन्दर धूम्रपान मना है। NO SMOKING.

ब० रो० वि० अभिलेखा
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A.I.I.M.S. HOSPITAL

**एकक
Unit**

विभाग
Dept.

नाम NAME	पिता/पुत्र/पत्नी पति/पुत्री F/S/W/H/D of	लिंग Sex	आयु Age	पता Address
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Received a sum of Rupees 90'00 (Ninety) only
from Sri Pannalal Paul being Medical Examination
fees.

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Sae 29/2/96

Central Govt. Standing Committee
Central Administrative Tribunal
Gauhati Bench, Gauhati

Amu

20-5-94

Chairman,
District Medical Board
Haflong.

&

Joint Director of
Health Services,
N.C.Hills, Haflong

Joint Director of Health Services
N. C. Hills, Haflong

शुभ यात्रा



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STANDARD FORM OF CHARGE SHEET
(Rule 14 of the C.C.S. (C.O. & A) Rules, 1965)

No. Sr.DAG(A)/7/Con-C/90-91/84

Date 11 JUN 1994

OFFICE OF THE ACCOUNTANT GENERAL, ASSAM, MEGHALAYA,
XXXXXXXXXXXXXXXXXXXXXXXXXXXX : SHILLONG-793001.

MEMORANDUM

The undersigned proposes to hold an inquiry against Shri Pannalal Paul, Clerk/Typist under rule 14 of the Central Civil Services (Classification, Control and appeal) Rules, 1965. The substance of the imputations of misconduct or mis-behaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of the imputations of mis-conduct or mis-behaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which, and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure III & IV).


2. Shri Pannalal Paul, Clerk/Typist is directed to submit within 10(ten) days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

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

4. Shri Pannalal Paul, Clerk/Typist is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965 or the orders/directions issued in pursuance of the said Rule, the inquiring authority may hold the inquiry against him ex-parte.

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

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6. The receipt of this Memorandum may be acknowledged.


(L. Tochhawng)
Sr. Dy. A ccountant General (A)

Name & Designation of
Competent Authority.

To :-

Shri Pannalal Paul, Clerk/Typist

C/o Shri Prabhat Chandra Paul

P.O. Maibang, 788 831

Dist . N.C.Hills (A ssam)

Enclosures : Co/ies of documents listed in Annexure-III.

ANNEXURE I

Statement of article of charge framed against Shri Pannalal Das,
C/T, Office of the Accountant General(A&E), Meghalaya etc.
Shillong

ARTICLE I

That the said Shri Pannalal Paul, C/T was sanctioned leave as due and admissible to him on Medical grounds (i.e. EL/HPL/EOL on MC) for the period from 3.12.89 to 9.5.91 by the leave sanctioning authority. He was due to resume his duties on 10.5.91 after expiry of leave. He, however, did not do so but continued to remain absent unauthorisedly and afterwards, vide his leave application dated 20.9.93 (received in this Office on 28.9.93) applying for EOL for the period from 10.5.91 to 25.10.93, after a lapse of about two and five months and thereafter continued to remain absent unauthorisedly till date without any leave application.

ARTICLE II

That the said Shri Pannalal Paul, C/T was directed several times by his superior officer i.e. Dy.Accountant General(Admn) to appear before the Chief Medical and Health Officer, NC Hills, Haflong (nearest to his place of residence, i.e. Maibang) to get himself examined physically and clinically to determine whether there is any likelihood or not of his resuming duty in the near future in view of his continued absence from duty, but the said Shri Paul failed to carry out the orders of his superior Officer. He was also directed by the Joint Director of Health Services, NC Hills, Haflong vide his Office Memo No. G/42/2608 dated 19.4.94 with a copy endorsed to the Dy. Accountant General. (Admn) to appear before the District Medical Board on 25.4.94 for medical check-up. Again, Shri Paul failed to appear before the said Medical Board on 25.4.94 as directed.

Shri Paul was also directed to resume duty immediately i.e. on 7.4.94 and 13.4.94 alongwith medical fitness certificate from the competent authority (i.e. CM&HO, Haflong) but till date he has not done so.

Shri Pannalal Paul, C/T is therefor, charged with gross misconduct indulging in indiscipline, dereliction of duty, gross insubordination, violating the provisions of Rule 3(1)(ii)(iii) of the CCS(Conduct) Rules, 1964, by failing to comply and pay heed to the direction of his superiors. For his willful absence from duty he has also violated Rules 25(2) of CCS(Leave) Rules, 1972.



(L. Tochhawng)
Sr.Dy.Accountant General(Admn)
Disciplinary Authority

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ANNEXURE II

Statement of imputation of misconduct or misbehavior in support of article of charge framed against Shri Pannalal Paul, C/T, Office of the Accountant General(A&E), Meghalaya etc. Shillong

That the said Shri Pannalal Paul, C/T was sanctioned leave (EL/HPL/EDL on MC) by the leave sanctioning authority for the period from 3.12.89 to 9.5.91. No application for further leave beyond this period was received in this Office from him by 14.6.93 and as result he was directed by the Establishment Officer (M) vide his Memo No. Estt(M)/PC/P-14/489 dated 15.6.93 (issue date 17.6.93) to submit leave application duly supported by medical certificate for the period from 10.5.91 as per prescribed forms which were also sent to him alongwith that Memo. in his leave address (i.e. C/O. Shri Prabhat Ch. Paul, P.O.-Maibang, NC Hills (Assam). Shri Paul vide his letter dated 20.9.93, in response to the above memo of the Establishment Officer (M) sent leave application applying for EDL for 900 days w.e.f 10.5.91 to 25.10.93 alongwith medical certificate issued by different doctors for the different period after a lapse of about two years and five months which were received in this Office on 28.9.93.

The period of leave applied for by Shri Paul w.e.f. 10.5.91 to 25.10.93 after a lapse of about two years and five months which he has sent all at a time vide his letter dated 20.9.93 is yet to be regularised by the competent authority.

Shri Pannalal Paul, C/T did not resume duty as on 26.10.93 after the expiry of the period of absence which expired on 25.10.93, nor he has applied for extension of leave beyond 26.10.93 till date and thus he has been on unauthorised absence since 26.10.93 till date.


Shri Paul was directed several times by his superior officer (i.e. DAG(Admn) to appear before the Chief Medical and Health Officer, NC Hills, Haflong to get himself examined physically and clinically to determine whether there is any likelihood or not of his resuming duty in the near future vide this Office Memo No. Sr.DAG(A)/7/Con-C/90-91/846, 859, 903 and 908 dated 14.2.94, 4.3.94, 7.4.94 and 13.4.94. Simultaneously, the CM&HO, NC Hills, Haflong, Dr. K.C. Sarma and thereafter Dr. D.R.Teron were also requested to conduct a physical and clinical examination of Shri Paul and to give specific comments as to whether the official would be fit to resume duty in the near future or not. But Shri Paul did not appear before the medical officer as directed in this Office Memo No. Sr.DAG(A)/7/Con-C/90-91/846 dated 14.2.94 and afterwards.

However, with reference to this Office D.O. letter No. Sr.DAG(A)/7/Con-c/90-91/902 dated 7.4.94, the Joint Director of Health Services, NC Hills, Haflong vide his Office Memo No. G/42/2609 dated 19.4.94 addressed to the Dy.Accountant General(Admn), Meghalay etc. Shillong intimated that the said Shri Paul was directed by him to appear before the District Medical Board on 25.4.94 for medical check-up. Here again he failed to appear before the Medical Board as directed vide Joint Director, Health Services, NC Hills, Haflong letter No. G/42/2811.

ANNEXURE III

List of documents by which the article of charge framed against Shri Pannalal Paul, Clerk Typist are proposed to be sustained.

1. Memo No. Sr.DAG(A)/7/Con-C/90-91/26 dated 5.5.94 addressed to the Joint Director of Health Service, NC Hills, Haflong.
2. Memo No. Sr.DAG(A)/7/Con-C/90-91/39 dated 17.5.94 addressed to Shri Pannalal Paul, C/T
3. Letter No. G/42/2811 dated 28.4.94 from the Joint Director of Health Service, NC Hills, Haflong addressed to the Dy. Accountant General(Admn), Meghalay etc. Shillong.
4. Memo No. G/42/2609 dated 19.4.94 from the Joint Director of Health Services, NC Hills, Haflong addressed to the Dy. Accountant General(Admn), Meghalay etc. Shillong.
5. Letter dated 25.5.94 from Shri Pannalal Paul, C/T in response to Memo No. Sr.DAG(A)/7/Con-C/90-91/39 dated 17.5.94.
6. Memo No. Sr.DAG(A)/7/Con-C/90-91/908 dated 13.4.94 addressed to Shri Pannalal Paul, C/T and copy to CM&HO, Haflong.
7. Letter No. Sr.DAG(A)/7/Con-C/90-91/902 dated 7.4.94 addressed to Dr. D.R. Teron, CM&HO, Haflong with a copy to Shri Paul.
8. Memo No. Sr.DAG(A)/7/Con-C/90-91/859 dated 4.3.94 addressed to Shri Pannalal Paul, C/T.
9. Letter dated 29.4.94 from Shri Pannalal Paul, C/T in response to Memo No. Sr.DAG(A)/7/Con-C/90-91/903 and 908 dated 7.4.94 and 13.4.94.
10. Memo No. Estt(M)/PC/P-14/489 dated 15.6.93 (issue date 17.6.93) addressed to Shri Pannalal Paul, C/T.
11. Letter dated 20.9.93 from Shri Pannalal Paul, C/T in response to Memo No. Estt(M)/PC/P-14/489 dated 15.6.93 (issue date 17.6.93).
12. Memo No. Sr.DAG(A)/7/Con-C/90-91/846 dated 14.2.94 addressed to Shri Pannalal Paul., C/T.
13. Letter No. Sr.DAG(A)/7/Con-C/90-91/845 dated 14.2.94 addressed to Dr. D.R. Teron, CM&HO, Haflong.
14. Letter dated 25.2.94 from Shri Pannalal Paul, C/T addressed to Sr.DAG(Admn), Meghalaya etc. Shillong in response to Memo No. Sr.DAG(A)/7/Con-c/90-91/846 dated 14.2.94.


(L. Tochhawng)
Sr.Dy. Accountant General (Admn)
Disciplinary Authority


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dated 28.4.94 addressed to the Dy. Accountant General (Admn) Meghalay etc. Shillong with a copy endorsed to Shri Paul.

Shri Pannalal Paul thus failed to appear before the District Medical Board constituted by the Joint Director, Health Services, NC Hills, Haflong for his medical check-up. Shri Pannalal Paul has forwarded some grounds in his letter dated 25.5.94 for not appearing before the Medical Board which are based on grounds that are difficult to evidence and be accepted viz. constraints of transport facilities etc.

Further, Shri Paul was also directed to resume duties immediately alongwith medical and fitness certificates from the competent authority (i.e. CM&HQ, Haflong) vide this Office Memo No. Sr.DAG(A)/7/Con-C/90-91/903 and 980 dated 7.4.94 and 13.4.94 respectively. He has however, neither reported for duties nor has submitted any leave application for the period of his unauthorised absence from duties w.e.f. 26.10.93 till date.

Said Shri Pannalal Paul, C/T is, therefor, charged with gross misconduct indulging in indiscipline, dereliction of duty, gross insubordination, violating the provisions of Rule 3(i)(ii)(iii) of the CCS(Conduct) Rules, 1964 by failing to comply and payheed to the direction of his superior officers. For his willful absence from duty he has also violated Rule 25(2) of CCS(Leave) Rules, 1972.


(L. Tochhawng)
Sr.Dy.Accountant General (Admn)
Disciplinary Authority

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ANNEXURE IV

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List of witness by whom the article of charge framed against Shri Pannalal Paul, C/T, are proposed to be sustained.

NIL

(L. Tochnhawng)
Sr. Dy. Accountant General (Admn)
Disciplinary Authority

Annexure - 25

Memo No. Sr.DAG(A)/7/Con-C/90-91/547

Dt. 5.2.92.

With reference to his letter dated 10..1.92, Shri Pannalal Paul, C/T is hereby again directed to make necessary arrangements for his appearance before the C.M. & H.O, Haflong for medical examination and not by any other Medical Officer. He should appear before the C.M. & H.O, Haflong by 15.3.92 positively failing which the undersigned will decide the case ex-parte.

2. The C.M & H.O, Haflong is being intimated separately.
3. The receipt of this Memo. may be acknowledged.


Sr. Dy. Accountant General (A).

Shri Pannalal Paul, C/T
C/o Shri Prabhat Ch. Paul,
P.O. Maibong-788 831,
Dt : N.C.Hills, Assam.

dc

कार : लेखा अधिकारी
शिलांग
GRAM : ACCOUNTS, ASSAM
SHILLONG
द्वारेण सं./
TELEX MO-237 205 ASMA IN
दूरभाष./
TELEPHONE



कार्यालय, महालेखाकार (लेखा-१) असम,
मेघालय, अरुणाचल प्रदेश और मिजोरम
[शिलांग ७८१००१]

OFFICE OF
THE ACCOUNTANT GENERAL (A&E) ASSAM,
MEGHALAYA, ARUNACHAL PRADESH & MIZORAM
SHILLONG - 788001

शिलांग दिनांक १

Dated Shillong

सं. १
No. 1 Sr.DAG(A)/7/Con-C/90-91/83

ORDER

Whereas the disciplinary proceeding under Rule 14 of the CCS(CCA) Rules was initiated against Shri Pannalal Paul, C/T of Office of the Accountant General (A&E), Meghalaya etc. Shillong (currently under unauthorised absence) vide this Office Memo No.Sr. DAG(A)/7/Con-c/90-91/84 dated 6.7.94 on the following articles of charges -

ARTICLE I

"That the said Shri Pannalal Paul, C/T was sanctioned leave as due and admissible to him on Medical grounds (i.e. EL/HPL/EOL on MC) for the period from 3.12.89 to 9.5.91 by the leave sanctioning authority. He was due to resume his duties on 10.5.91 after expiry of leave. He, however, did not do so but continued to remain absent unauthorisedly and afterwards, vide his leave application dated 20.9.93 (received in this Office on 28.9.93) applying for EOL for the period from 10.5.91 to 25.10.93, after a lapse of about two years and five months and thereafter continued to remain absent unauthorisedly till date without any leave application."

ARTICLE II

"That the said Shri Pannalal Paul, C/T was directed several times by his superior officer i.e. Dy.Accountant General(Admn) to appear before the Chief Medical and Health

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Officer. NC Hills. Haflong (nearest to his place of residence, i.e. Maibang) to get himself examined physically and clinically to determine whether there is any likelihood or not of his resuming duty in the near future in view of his continued absence from duty, but the said Shri Paul failed to carry out the orders of his superior Officer. He was also directed by the Joint Director of Health Services, NC Hills, Haflong vide his Office Memo No. G/42/2608 dated 19.4.94 with a copy endorsed to the Dy. Accountant General (Admn) to, appear before the District Medical Board on 25.4.94 for medical check-up. Again, Shri Paul failed to appear before the said Medical Board on 25.4.94 as directed.

Shri Paul was also directed to resume duty immediately i.e. on 7.4.94 and 13.4.94 alongwith medical fitness certificate from the competent authority (i.e. CM&HO, Haflong) but till date he has not done so.

Shri Pannalal Paul, C/T is therefore, charged with gross misconduct indulging in indiscipline, dereliction of duty, gross insubordination, violating the provisions of Rule 3(1)(ii)(iii) of the CCS(Conduct) Rules, 1964, by failing to comply and pay heed to the direction of his superiors. For his wilful absence from duty he has also violated Rules 25(2) of CCS(Leave) Rules, 1972."

A statement of imputation of misconduct or misbehaviour in respect of the Articles of charge framed against Shri Pannalal Paul as well as a list of documents by which, and a list of witness by whom, the charges were proposed to be sustained were also forwarded to him along with the aforesaid Memo No. Sr.DAG(A)/7/Con-c/90-91/84 dated 6.7.94.

In his written statement of defence dated 25.7.94, the Charged Official did neither accept the charges nor did he clearly deny the charges. Accordingly, the Disciplinary

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Authority ordered for an inquiry and in doing so appointed Shri D.K. Nag, Sr. Accounts Officer as Inquiry Officer vide letter No. Sr.DAG(A)/7/Coc-C/90-91/118 dated 11.08.94. The Charged Official did not participate in the inquiry from the beginning to end inspite of directions from the Inquiry Officer and the Disciplinary Authority (as was done by the Charged Official on the earlier occasion). The inquiry was, therefore, held in his absence ex-parte. The official was, however, kept informed about the progress of the inquiry by sending Daily Order Sheet of the proceedings to his home address by the Inquiry Officer.

After the initial inquiry report was submitted vide letter No. I.O./Deptt-Eng/PLP/94-95/2 dated 16.09.1994, the same was sent to the Charged Officer. On careful consideration of the subsequent representation of the Charged Officer, it was considered by the Disciplinary Authority that the objection of the Officer as to the non-forwarding of the Presenting Officer's brief was a valid ground on which the inquiry process will have to recommence. The order to this effect was passed by the Disciplinary Authority vide his Order No. Sr.DAG(A)/7/Con-c/90-91/182 dated 18.10.94. A copy of which was endorsed to Shri D.K. Nag, I.O., Shri A.S. Bhattacharjee, P.O. and Shri Pannalal Paul, the Charged Official.

And whereas the inquiry Officer vide his report No. I.O./Deptt.Inq/PLP/94-95/7 dated 16.02.95 concluded his findings as under :-

"On the basis of documentary evidence adduced in the case before me and in view of the reasons given above, I hold that, all the two charges against Shri Pannalal Paul, C/T are, proved".

And whereas a copy of the report of the inquiry was sent to Shri Pannalal Paul vide letter No. Sr.DAG(A)/7/Coc-C/90-91/326 dated 24.02.95 providing him an

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opportunity to represent against the report of the Inquiry Officer. His representation on the Inquiry Officer's report was received on.24.03.95. On careful perusal of the representation dated 18.03.1995 of the Charged Official, the Disciplinary Authority out-right rejects his plea that he would submit his final representation on the inquiry report on receipt of comment, admission, refutation, rebuttal etc. of his representation dated 30.11.1994 to the Inquiry Officer. It was also held by the Disciplinary Authority that the charged official's request of making an interim representation to be followed by a final representation, while not only being unacceptable was also NOT the prerogative of the charged official. Further, the plea that leniency ought to be meted out to him being a physically handicapped employee, does not hold ground and is not acceptable to the Disciplinary Authority. It must also be recorded here that the present Disciplinary Authority had exercised outmost leniency on an earlier occasion to the Charged Official. It may be noted that this is not the first occasion when the disciplinary proceedings have been initiated against the Charged Official. As mentioned above, the first disciplinary proceedings against Shri Fannalal Paul were initiated on 07.11.1990 on the ground of unauthorised absence for the period from 03.12.89 to 07.11.90 (date of issue of Charge sheet). Considering the fact that the Official was a physically handicapped category and also with the hope and intention to give him opportunity to correct his behaviour, the Disciplinary Authority chose to express leniency and allowed him the advantage of being given the benefit of doubt that perhaps his physical ailments then incapacitated him to resume official duties. This leniency was exercised with the sole motive and expectation that the official might pull himself together and resume his official duties. However, that was not done.

And Whereas in respect of the current Inquiry

-90- 176

Report and the submission of the representation by the Charged Official, the Disciplinary Authority has made an in-depth study of the contents of the representation as well as the observations made by the Inquiry Officer on the representation of the Charged Official. The undersigned finds that the objection of the Charged Official that the substance of the case that prompted the initiation of disciplinary proceedings against the Charged Official then and now, was essentially the same is not relevant nor is it comparable. On this account, the Disciplinary Authority agrees in toto with the Inquiry Officer's observation.

Keeping all the above in view, the undersigned accepts the findings dated 16.02.95 of the Inquiry Officer in respect of the Articles of charge mentioned above.

Now, therefore, after considering the report of the inquiry and the facts and circumstances of the case, the undersigned holds that Shri Pannalal Paul has behaved in a manner most unbecoming of a Government servant violating the provisions of Rules 3 (1)(ii)(iii) of CCS (Conduct) Rules 1964 and also Rule 25 (2) of CCS(Leave) Rules, 1972. Further, the fact that he has not even applied for leave for his absence for the period from 26.10.93 till date is grossly in contravention and violation of CCS(Leave) Rules, 1972. Moreover, the undersigned had made several attempts to set the matter right by requesting and directing him to join duties in a number of occasions. Considering the fact that the Official had during this period had moved as far as Delhi and Silchar (Assam) the reasons for his non compliance to the directives of his superior to resume duty indicates nothing but sheer indifference.

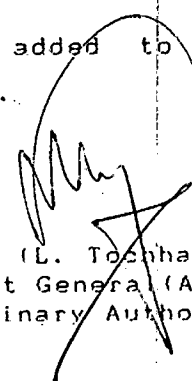
The above facts amply indicate the positive and fair intent of the Administration to persuade him to join normal duties. It also clearly belies the contentions of the Charged Official that the fate of the inquiry was already

- 24- 177 (66)

pre-ordained as suggested by the Charged Official.

In view of all the above, the undersigned as Disciplinary Authority finds that there are sufficient and valid grounds for imposing a major penalty as per Rule 11 (viii) of CCS(CCA) Rules, 1965 in as much as gross insubordination and indifference to the directions of his Superiors, violation of Rule 25 (2) of CCS (Leave) Rules by unauthorised and wilful absence from duty as displayed by the Official cannot be countenanced else it would create an undesirable precedence which may adversely affect the work environment of the office as a whole, and considering the gravity of the charges as has been established against him is such as to render his further retention in service undesirable. The undersigned is, therefore, of the expressed view that the ends of justice would be met by imposing the penalty of REMOVAL FROM SERVICE. Accordingly, the abovesaid penalty is hereby imposed on Shri Pannalal Paul, C/T with immediate effect. It is further ordered that the period of absence w.e.f. 10.05.91 till date be treated as non-duty since the official has not resumed his duties.

A copy of this order may be added to the Confidential Rolls of Shri Pannalal Paul, C/T.


(L. Tochhawng)
Sr. Dy. Accountant General (Admn)
Disciplinary Authority

To:
Shri Pannalal Paul, Clerk/Typist,
C/O. Shri Prabhat Chandra Paul,
P.O. - Maibang,
M. C. Hills (Assam)

Copy to :-

1. Establishment Officer,
% the ACCOUNTANT GENERAL(A&E) MEGHALAYA etc. for information
& necessary action.
2. C. R. of Shri Pannalal Paul, Clerk/Typist.

% the Accountant General (A&E) Meghalaya e
Shillong-793 001.

Place of Issue : Shillong


Dated 11 AUG 1994
Aug 94. (178)

ORDER

WHEREAS an inquiry under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 is being held against Shri Pannalal Paul, C/T % the A.G. (A&E) Meghalaya etc. Shillong.

AND WHEREAS the undersigned considers that an Inquiring A-authority should be appointed to inquire into the charges framed against the said Shri Pannalal Paul, C/T % the A.G. (A&E) Meghalaya etc., Shillong.

NOW, THEREFORE, the undersigned in exercise of the powers conferred by Sub-rule (2) of the said rule, hereby appoints Shri D.K.Nag Sr.Accounts Officer, % the A.G. (A&E) Meghalaya etc., Shillong as the Inquiring Authority to inquire into the charges framed against the said Shri Pannalal Paul.


Sr.By.Accountant General (Admn)
Disciplinary Authority

Copy to :-

Registered A/D to Shri Pannalal Paul, C/T C/o Shri Prabhat Chandra Paul. P.O. Maibang, Dist : N.C.Hills Assam.

Copy to :-

Shri D.K.Nag, Sr.Accounts Officer, % the A.G. (A&E) Meghalaya etc Shillong.

23
92
Annexure- 28 (GS) (179)
No. Sr.DAG(A)/7/Con-C/90-91/118
% the Accountant General (A&E) Meghalaya
etc. Shillong-793 001.

Place of Issue : Shillong

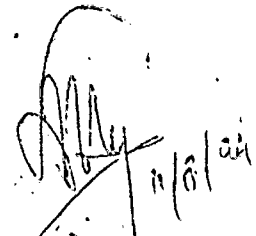
Dated 11 AUG 1994 Aug'94.

ORDER

WHEREAS an inquiry Under Rule 14 of the Central Civil Services (Classification Control and Appeal) Rules, 1965 is being held against Shri Pannalal Paul, C/T of the % the A.G. (A&E) Meghalaya etc., Shillong.

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

NOW, THEREFORE, the undersigned in exercise of the powers conferred by sub-rule(5) (c) of Rule 14 of the said rules, hereby appoints Shri A.S. Bhattacharjee, Sr. Accounts Officer, % the A.G. (A&E) Assam, Shillong as the Presenting Officer.


Sr. Dy. Accountant General (Admn)
Disciplinary Authority

Copy to :-

1. Shri A.S. Bhattacharjee, Sr. Accounts Officer % the A.G. (A&E) Assam, Shillong.
2. Registered A/D to Shri Pannalal Paul,
C/o Shri Peabhat Chandra Paul
P.O. Maibong, Dist: N.C. Hills, Assam
3. Shri D.K. Nag, Sr. Accounts Officer, % the A.G. (A&E) Meghalaya etc. Shillong.

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Annexure-29 (29)

No. I.O/Deptt. Enq/PLP/94-95/1

dt. 12.8.94

180

To
Shri Pannalal Paul, Clerk/Typist
C/O Shri Prabhat Chandra Paul
P.O. Maibong, Dist : N.C.Hills
Assam-788831.

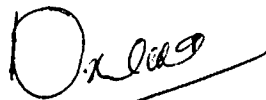
Subject : Departmental Enquiry under Rule 14 of the C.C.S(C.C.A) Rules, 1965 against Shri Pannalal Paul, C/T.

Under his Orders No. Sr.DAG(A)/7/Con-C/90-91/84 dt. 6.7.94 a copy of which was endorsed to you, the Senior Deputy Accountant General(Admn) has appointed me as the Inquiring Authority to inquire into the charges framed against you under his order No. Sr.DAG(A)/7/Con-C/90-91/118 dt. 11.8.94.

I shall hold the preliminary hearing on Wednesday, the 31st August, 1994 in my office room No. 38 (Fourth Floor, M.S. Building) at 11.A.M. You are therefore, required to attend the proceedings either alone or accompanied by your Defence Assistant on the appointed day, time and place failing which the proceedings will be held ex-parte.

Instructions for getting your Defence Assistant will be issued if his particulars and willingness to work as such along with the particulars of his Controlling authority are received by me before 25th August, 1994.

While nominating a Govt. servant as Defence Assistant, the instructions on the subject should be kept in view.



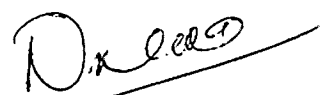
(D.K.NAG)
(INQUIRING AUTHORITY)

Memo No. I.O./Deptt.Inq/PLP/94-95/2-3

dt. 12.8.94

Copy forwarded to :-

1. Shri A.S.Bhattacharjee, Sr.A.O. % the A.G.(A&E) Assam Shillong
He is requested to attend the Preliminary hearing along with all the listed documents and copies of the statements of listed witness, if any, recorded during Preliminary investigations on the above mentioned date.
2. The Sr.Dy.Accountant General(Admn) Assam Meghalaya etc., Shillong.
He is requested to direct the charged Official and the Presenting Officer to attend the hearing on the date, time and place.



(D.K.NAG)
INQUIRING AUTHORITY)

Annexure - 30 ~~228~~ 95- (70)

Registered A/D

OFFICE OF THE ACCOUNTANT GENERAL (A&E), MEGHALAYA ETC., SHILLONG-1.

No. Sr.DAG(A)/7/Con-C/90-91/123

dt. 16.8.94.

(184)

To

Shri Pannalal Paul,
Clerk/Typist
C/o Shri Prabhat Chandra Paul
P.O. Maibong-788831
Dist : N.C.Hills (Assam)

Subject : Departmental Enquiry under Rule 14 of the C.C.S (CCA)
Rules 1965 against Shri Panalal Paul C/T.

The Inquiring Authority Shri D.K.Nag has fixed the Preliminary hearing of the case on Wednesday the 31st August, 1994 in his office Room No-38 (Fourth Floor, M.S.Building) at 11.A.M. You are hereby directed to attend the Preliminary hearing on the aforesaid date, time and place without fail.



Sr.Dy.Accountant General (Admn)
Disciplinary Authority.

Memo No. Sr.DAG(A)/7/Con-C/90-91/124-125 dt. 16.8.94.

Copy to :-

1. Shri A.S.Bhattacharjee, Sr.A.O. and Presenting Officer. He is requested to attend the Preliminary hearing on the appointed date, time and place. He is also requested to collect the original documents from the Confidential Cell for submission to the I.O.

2. Shri D.K.Nag Sr.A.O. and Inquiring Authority for information.


16/8/94

No. 5. DAG(A)/7/Con-C/90-91/182

Dt. 08/01/94

ORDER

After careful consideration of the representation of the charged Officer, Shri Pannalal Paul, C/T dated 28.9.94 and the facts and records available with us, the undersigned has ordered that the Inquiry will have to recommence from the stage of sending the Copy of the written brief of the Presenting Officer, Shri A.S. Bhattacharjee, Sr.A.O. Thus, the case may proceed as though we have resumed from the stage of presentation of the copy of the written brief to the charged official and henceforth.

(L. Tochhawng)
Sr. Dy. Accountant General (A)
Disciplinary Authority

Copy to :-

1. Shri D.K. Nag, Sr. Accounts Officer & the Inquiry Authority, He is requested to take immediate action in this case under C.C.S (C.C.A) Rules, 1965 under intimation to the undersigned.
2. Shri A.S. Bhattacharjee, Sr.A.O. & the Presenting Officer for information and further necessary action as per C.C.S. (CCA) Rules, 1965.
3. Shri Pannalal Paul, C/T C/o Shri Prabhat Chandra Paul, P.O. Maibang, N.C. Hills (Assam) for information. A copy of the order appointing the presenting officer, viz, Shri A.S. Bhattacharjee, Sr.A.O. has already been sent. The documents, viz, the original Registration Card of the All India Institute of Medical Sciences, two original Railway Tickets between Gauhati and Delhi and vice-versa and his written statement of defence dt. 25.7.94 have been received and were sent to the Inquiry Officer.

Sr. Dy. Accountant General (A)
Disciplinary Authority.

Annexure-32

REGISTERED

-97-



कार : मेखा अक्षम
शिर्डीग
GRAM : ACCOUNTS : ASSAM
SMILLONG
टेलिफोन नं०/
TELEX NO-237 205 AGMA IN
दूरभाष./
TELEPHONE

कार्यालय, महालेखाकार (ले० व० ह०) अक्षम,
मेघालय, अरुणाचल प्रदेश और मिजोरम
शिर्डीग नं० ३००१

"OFFICE OF
THE ACCOUNTANT GENERAL (A&E) ASSAM,
MEGHALAYA, ARUNACHAL PRADESH & MIZORAM
SMILLONG-792001

सं० 1

No : 10/Dupl.C-EMP./PLP/94-95/3

शिर्डीग दिनांक 1

Dated Shillong : 19.10.94

To

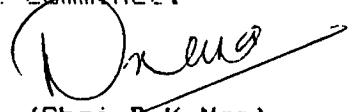
Shri Pannalal Paul, Clerk/Typist
C/O. Shri Prabhat Chandra Paul,
P.O. Maibong, Dist. N.C. Hills,
Assam
Pin - 788 831

Sub.: Departmental Enquiry under Rule 14 of the CCS(CCA)
Rules, 1965 against Shri Pannalal Paul, C/T

A reference is invited to Memo No.
Sr.DAG(A)/7/Con-c/90-91/182 dated 18.10.94. The following
documents are forwarded herewith:

1. A copy of Daily Order Sheet dated 31.08.94 and 5.9.94.
2. A copy of the written brief dated 5.9.94 submitted by the
Presenting Officer, Shri A.S. Bhattacharjee.
3. A copy of the list of exhibits submitted by the
Presenting Officer.

Shri Pannalal Paul, C/T is further directed to
appear before the Inquiry Authority with his written brief,
if any, on 28.10.94 at 11:00 am in my Office at Room No. 38
(M.S. Building) on which date inquiry will re-commence.


(Shri B.K. Nag)
Inquiry Authority)

Memo No. 10/Deptt Inq./PLP/94-95/4

19.10.94

Copy forwarded to

Sr. DAS (Admn) (local). This is a reference to the
Memo no Sr DAS(A)/7/Com-2/90-91/182 dated 18.10.94

D. K. S.

INQUIRY AUTHORITY

Daily Order Sheet.
Proceeding of Preliminary hearing.

Received Order No.Sr.D.A.G.(Admn)/7/Con-C/90-91/118 dated 11.8.94 from Sr.DAG(Admn) appointing me as inquiring authority under Rule 14 of the C.C.S.(C.C.A) Rules,1965 in the inquiry being held against Shri Pannalal Paul. The charge sheet documents have been received, Preliminary hearing has been fixed in my office chamber at 11 A.M. on 31.8.94, Both the charged officer and the Prosecuting Officer have been informed through a letter to attend the Preliminary hearing.

2) Proceedings could not be taken up due to absence of Prosecuting Officer, Charged Officer in his letter dated 18.8.94 has intimated his inability to be present in the Preliminary hearing.

Next date of Preliminary hearing has been fixed on 5.9.94 at 11 A.M. in Room No.38, M.S.Building.

D.K. NAG

(D.K. NAG.)

INQUIRING AUTHORITY.

Memo No. 10/Deptt. Enq./PLP/94-95/2

Dt. 31-8-1994.

Copy forwarded to :-

186
2/9

1) Sr. D.A.G.(Admn). Office of the A.G.(A&E) Assam, Meghalaya etc. Shillong.

2) Sri A.S.Bhattacharjee, Sr.Accounts Officer and *Presenting* ~~Prosecuting~~ Office He is requested to attend the preliminary hearing along with all the listed documents and copies of the Statements of listed witness if any recorded during preliminary investigation on the above mentioned date time and place.

h.d. 18.9.94

D.K. NAG

(D.K. NAG.)

INQUIRING AUTHORITY.

O/O. the A.G.(A&E) Meghalaya
etc. Shillong.

- 100 - (186)

(75)

Daily Order Sheet

5.9.94

Preliminary hearing held on 5.9.94 at 11 A.M.
The presenting Officer has presented the case and
handed over the listed documents.

2. Charged Officer, Shri Pannalal Paul, Clerk Typist
did not appear before the inquiry. In ~~reply~~ my letter NO.
I.O/~~Dep. Eng.~~ PIP/94-95/1 dated 12.8.94 the Charged Officer
~~was~~ intimated that the proceedings would be held ex-parte
on his failure to appear before the inquiry. In reply, the Charged
Officer in his letter dated 18.8.94 expressed his inability to
appear before the inquiry. Proceedings, therefore, held ex-parte.
3. Enquiry held with the Presenting Officer, Shri A.S.
Bhattacharya, Sr. Accounts Officer.
4. Hearing closed.

PRESENTING OFFICER

Dr. D. K. Singh
5/9/94
INQUIRY AUTHORITY

5-9-94

11 A.M.

Pannalal Paul. C/T.

Preliminary hearing.

Sri Pannalal Paul, Clerk Typist originally applied for L. M.C. from 3.12.89 to 9.5.91 which was sanctioned. He was due to join on 10.5.91 but unfortunately did not and continued to remain absent unauthorisedly i.e. without any intimation. On 20.9.93 he applied for E.O.L. for the period from 10.5.91 to 25.10.93 on M.C. taking certificates from Different Medical Officers as would be evident from listed documents.

It may kindly be noted in this context that he applied for leave after absence of 2 Yrs. 5 months. This leave has not yet been sanctioned.

Now He was again due to join on 26.10.93 on the expiry of aforesaid leave applied for but till to date he has neither resumed duty or applied for any kind of leave with effect from 26.10.93.

It will be clear from the listed documents that he was directed several times to appear before the C.M. H.O. Haflong nearer to the place of his residence at Maibong to get himself examined physically and clinically to ascertain whether there was any likely hood of his resumption of duties in near future. but Sri Pannalal Paul failed to do so. He was directed by the Joint Director H.S. to appear before the Medical Board on 25.4.94 for thorough medical check up but Sri Paul did not appear before the said Board. The reasons ^{adduced} addressed by him for not being able to appear before the Medical Board do not appear to be convincing as will be evident from the replies furnished by him in this regard. He was also directed to resume duty immediately on two occasions viz on 7.4.94 and 13.4.94 along with the medical fitness certificate from the competent authority but till to day he has not resumed his duty. He has also expressed his inability to appear before the I.O. by his written statement of defence dated 25.7.94. It will appear from the entire history of the case that, Sri Paul is neither interest nor willing to resume duties. He is also not helping the Administration to take appropriate decision in his case and as such the Administration is left with no alternative but to issue charge-sheet against Sri Paul under Rule 14 of C.C.S(CCA) Rules for violating rule 3(1)(ii) (iii) of C.C.S. (Conduct) Rules.

I do, herewith handover all the listed documents and connected papers for the consideration of the honourable Inquiry Officer.

On 20.9.93 he applied for B.O.B. for the period 05.10.93 on U.C. taking certificate of Presenting Officer.

It may be noted that the certificate of Presenting Officer was issued on 26.10.93.

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(a) List of exhibits produced by the Presenting Officer.

1. Memo No. Sr.DAG(A)/7/Con-C/90-91/848 dt. 14.2.94.
2. Confidential letter No. Sr.DAG(A)/7/Con-C/90-91/845 dt.14.2.94.
3. Regd. letter dt. 25.2.94 from Shri Pannalal Paul, Clerk Typist.
4. Registered Memo No. Sr.DAG(A)/7/Con-C/90-91/859 dt. 4.3.94
5. Registered letter No. Sr.DAG(A)/7/Con-C/90-91/902 dt. 13.4.94
6. Registered Memo No. Sr.DAG(A)/7/Con-C/90-91/908 dt. 13.4.94.
7. Memo G/42/2609 dt. 19.4.94 from Joint Director of Health Services Haflong, N.C.Hills.
8. Letter No. G/42/2811 dt. 28.4.94 from Joint Director of Health Services, Haflong, N.C.Hills.
9. Registered letter dt. 29.4.94 from Sri Pannalal Paul, Clerk Typist.
10. Letter No. Sr.DAG(A)/7/Con-C/90-91/26 dt. 5.5.94
11. Memo No. Sr.DAG(A)/7/Con-C/90-91/39 dt. 17.5.94.
12. Registered letter dt. 25.5.94 from Shri Pannalal Paul Clerk Typist.
13. Memo No. Sr.DAG(A)/7/Con-C/90-91/84 dt. 5.7.94 containing statement of Article of Charge and Statement of imputation of misconduct and misbehaviour in support of article of charge.
14. Registered letter dt. 14.7.94 from Shri Pannalal Paul, C/T.
15. Submission of written statement of Defence dt. 25.7.94 from Shri Pannalal Paul, Clerk Typist.
16. Medical Certificates (10 Nos.)
17. Leave application dt. 20.9.93
18. Registered letter dt. 20.9.93 from Pannalal Paul Clerk Typist.

[Signature]
INQUIRING AUTHORITY

STATETELEGRAMEXPRESS

From

ACCOUNTS

MEGHALAYA, SHILLONG

To

Shri Pannalal Paul
Care Prabhat Chandra Paul
P.O. Maibang
Dist : N.C.Hills (Assam)

No. Sr.DAG(A)/188 (.) APPEAR BEFORE THE INQUIRY OFFICER
SHRI D.K.NAG ON 28.10.94 POSITIVELY (.)

ACCOUNTS

Not to be Telegraphed :-


Memo No. Sr.DAG(A)/7/Con-C/90-91/189-92 dtd 21.10.94.

Post copy for confirmation forwarded to :-

REGD A/D to Shri Pannalal Paul, C/T C/o Shri Prabhat Chandra Paul,
1. P.O. Maibang, Dist : N.C.Hills (Assam). He is directed
to appear before the Inquiry Officer, Shri D.K.Nag,
on 28.10.94 at 11.00 a.m. in his office Room No-38
(M.S.Building) on which date inquiry will re-commence,
with his written brief if any. Shri Paul also directed
to intimate the undersigned whether he appeared before
the Orthopaedic Surgeon as advised by the Jt. Director
Health Services, Haflong where he had appeared before
him on 20.5.94 on his own volition.

✓ 2. Shri D.K.Nag, Sr.A.O. & Inquiry Authority w.r.t. his letter
No. I.O/Deptt. Eng/PLP/94-95/3 dtd 19.10.94.

3. Shri A.S.Bhattacharjee, Sr.A.O. & Presiding Officer. He is
requested to be present during the inquiry to held on
28.10.94 at 11.A.M. in the Room No. 38 (M.S.Building) of
Shri D.K.Nag,


Sr.Dy.Accountant General(A)
% the A.G.(A&E) Meghalaya etc,
Shillong.

STATE

-105-

191

EXPRESS

PANNALAL PAUL

CARE PRABHAT CH PAUL

PO MAIBONG NC HILLS (ASSAM)

PIN - 788831

31 OCT 1994

1 REGISTERED

NO 1.0/4 MY, LETTER DATED 19TH
 INSTANT TO YOUR ADDRESS @ INQUIRY
 COULD NOT BE HELD FOR YOUR
 NOT APPEARING BEFORE INQUIRY
 AUTHORITY @ YOU ARE GIVEN
 LAST OPPORTUNITY TO APPEAR ON
 7TH NOVEMBER AT 11AM. BEFORE
 INQUIRY AUTHORITY FAILING IN WHICH
 INQUIRY WILL BE HELD EX-PARTEO

28/10/94
 INQUIRY AUTHORITY

22 NOV 1994

Memo No 1.0/DEPT. ENG/PLP/94-95/4(A)
 dt 28.10.94

For copy in confirmation

forwarded to

Sri Panna Lal Paul

C/O Sri Prabhat Chandra Paul

PO Maibong

NC Hills Assam

PIN - 788831

A copy of the Daily Order Sheet
 dt 28.10.94 is forwarded herewith

28/10
 1

To be
 issued from
 Confidential
 cell

28/10

10

106-192

(81)

Daily Order Sheet

28.10.94

In my letter dated 19.10.94, Sri Pammal Paul clerk-typist was directed to appear before the inquiry today at 11 AM with his written brief; ^{if any} Sri Pammal Paul ~~did not~~ appear before the inquiry nor sent any written brief. ~~No reply to my letter~~ No reply to my letter dated 19.10.94 has been received from him.

Under the circumstances, the inquiry could not be recommenced today. Sri Pammal Paul, Clerk-typist ~~will~~ will be given another opportunity to appear before the inquiry which will be recommenced on 7.11.94 at 11 AM.

Inquiry adjourned till 7.11.94

Dr. S. S. S.
28/10/94

I. A.

X 1015 A MAIBONG 4 48 DI

SENIOR DEPUTY ACCOUNTANT GENERAL

ADMINISTRATION CARE ACCOUNTANT

GENERAL ACCOUNTS MEGHALAYA SHILLONG

APPROPOS OF TELEGAMS DTD 21ST AND 31ST OCTOBER EXEMPTION FROM MY

APPEARING BEFORE ENQUIRY AUTHORITY ON 7TH NOVEMBER RELUCTUENTLY

HEREBY HUMBLY ~~SOLICITED~~ CONSEQUENT UPON PROTRACTED ANDENDURING PHYSICAL CONSTRAINT DETAILS FOLLOW

: PANNALAL PAUL

COL 21ST 31ST

=== ESCSCB0073

ESC8FT0043

EGHSFT0030

NNNN

310
PA LE DAG (Admin)21/11/11
10/11/11

10/11/11

Despatcher:-
Pannalal Paul,

November 05, 1994

C/o Shri Prabhat Chandra Paul,
P.O. Maibang-788 831,
Dist. N.C.Hills. (Assam)

REGISTERED

To

The Senior Deputy Accountant General (Administration),
Office of the Accountant General, (Accounts & Entitlements)
Meghalaya Etc., SHILLONG-793 001.

References :- (1) Express Telegram No. Sr. DAG(A)/188 Dated
October 21, 1994.

(2) Express Telegram No. 10/11 (illegible) Dated
October 31, 1994 AND

(3) My reply to the above telegrams via EXPRESS
TELEGRAM vide No. 3868 Dated 04-11-1994.

Respected Sir,

Apropos of the foregoing particulars this is to inform you that the express telegram No.(1) i.e. Dated 21-10-1994 was delivered to me on 27-10-1994 at 14-25 Hours. Nonetheless, the post copy thereof was received on 24-10-1994 and the reply to the post copy was sent on 25-10-1994 under REGISTERED Post vide Postal Registration No.2899 Dated 25-10-1994

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The Express Telegram No. (2) i.e. Dated October 31, 1994 was received on 02-11-1994 at 15-20 Hours. The following day i.e. on 03-11-1994 being holiday observed in the local Post Office the reply to this telegram was sent through EXPRESS TELEGRAM and it was booked at 10-15 Hours, which has cost me Rs. 40/-. (Rupees forty), on 04-11-1994, telegram No. being 3868.

Seeing that currently I am overly in poor circumstances and the cost of the Express Telegram has added to the pecuniary privation plaguing me.

I cannot but regret for my failure to turn up before the Inquiry Authority Mr. D.K. Nag, Senior Accounts Officer on the revised date i.e. 07-11-1994, owing to my physical constraint already apprised at length which be kindly appreciated and borne with.

With regards. I remain.

Yours faithfully,

Pannalal Paul

(PANNALAL PAUL) 5.11.94

- 110/96
17 NOV 1994No 1.0. | Deptt. Enq. | PLP | 94-95 | 5 dt 17¹¹/₇₄

Sri Param Lal Paul

C/O. Sri. Prabhakar Chandra Paul,
PO. Maibong, Dist. N.C. Hills,
Assam. PIN - 788831Subj: Departmental Enquiry under
Rule 14 of the C.C.S. (CCA)
Rules, 1965 against Sri Param Lal
Paul; C/T.A reference is invited to
Memo No. 1.0. | Deptt. Enq. | PLP | 94-95 | 4(A)
dated 28.10.94. The following
documents are forwarded herewith.

1. A copy of Daily Order Sheet dated
7.11.94
2. A copy of the written brief dated
7.11.94 submitted by the Presenting
Officer.

Receipt of the foregoing
letters from Sri Param Lal Paul is
hereby acknowledged.

1. Regd. letter dated 24.10.94 with
a corrigendum.
2. Telegram dated 4.11.94 received on
11.11.94

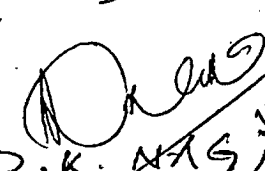
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3. Regd. letter dt 24.10.94 and
25.10.94 addressed to the Sr. DAS (Admin.)

4. Regd. letter dt 5.11.94 addressed
to the Sr. DAS (Admin.)

5. Regd. letter dated 12.11.94 addressed
to the Inquiry Authority


(D.K. NAG) 17/11/94
INQUIRY AUTHORITY

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DAILY ORDER SHEET

2.11.94

Inquiry recommenced at 11 AM today. The Presenting Officer has presented the case and handed over the listed documents.

2. Charged officer, Shri Pannalal Paul, Clerk Typist did not appear before the inquiry. In my telegram dated 28.10.94 and the post copy issued under Memo No.1.0/Deptt. Enq/PLP/94-95/4(A) dated 28.10.94 to his address, Shri Pannalal Paul was intimated that, inquiry would be held ex-parte in the event of his failure to appear before the Inquiry Authority on the stipulated date. Inquiry, therefore, held ex-parte.

3. Inquiry held with the Presenting Officer, Shri A.S. Bhattacharjee, Senior Accounts Officer.

4. Hearing closed.

A.S. Bhattacharjee
PRESENTING OFFICER

D.K. Das
(D.K. Das) IAG

7/11/94
INQUIRY AUTHORITY

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Submission of the presenting officer on 7.11.94, on the Disciplinary case against Shri Pannalal Paul, Clerk/Typist with special reference to Paul's statement of defence date 25.7.94.

1. Shri Pannalal Paul, Clerk/Typist was directed to appear before the CM & HO Haflong, in Memo NO. Sr, DAG(A)/7/Con-C/90-91/846, dated 14.2.94 to get himself examined physically and clinically to determine whether there was any likelihood of his resumption of duty in the near future, in view of his continuous unauthorised absence from duty since 10.5.91. As there was no information received in this regard from Shri Paul, he was served with a Memo NO Sr, DAG(A)/7/Con-C/90-91/859, dated 4.3.94. In response to this Shri Paul intimated in his letter dated 24.3.94 that he did not appear before the CM & HO Haflong. He, however, stated that he had appeared on 13.3.92 and 23.11.94. The medical report for which Shri Paul appeared before the CM & HO, N.C. Hills, Haflong on 13.3.92 was received and considered by the Administration in connection with the finalisation of the earlier Disciplinary case initiated against him for his unauthorised absence from duty for the period from 3.12.89 to 9.5.91.

No medical report was received in this office from CM & HO, N.C. Hills, Haflong for which Shri Paul appeared before him on 23.11.92. Accordingly, ~~thereafter~~ the matter was taken up with the CM & HO, Haflong, semi-officially, in this office DO. letter NO. Sr, DAG(A)/7/Con-C/90-91/845, dated 14.2.94 with subsequent reminder NO. Sr DAG(A)/7/Con-C/90-91/902, dated 7.4.94 along with a copy to Shri Paul in this office Memo. NO. Sr, DAG(A)/7/Con-C/90-91/903 dated 7.4.94. Shri Paul was inter-alia requested through this Memo. to report for duty immediately.

Jt. D.H.S

Ultimately, the N.C. Hills, Haflong in his Memo. NO. G/42/2609 dated 19.4.94 intimated this office that Shri Pannalal Paul was directed to appear before the District Medical Board on 25.4.94 for thorough medical check-up. Later, the Jt. D.H.S. Haflong in his letter NO. G/42/2811, dated 28.4.94 informed this office that Shri Paul did not appear before District Medical Board on 25.4.94 as was asked in his office letter NO.

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G/42/2608, dated 19.4.94.

It is clear that the Jt. D.H.S. N.C.Hills, Haflong (Assam) was very much present in his office on 25.4.94 and the explanation furnished by Shri Paul about the non-availability of the Jt.D.H.S. Haflong on 25.4.94 is not tenable. Further, it may be mentioned that from Maibang to Haflong there is daily Bus service and Railway service and as such his explanation that due to tenuous Railway service he could not appear before the Medical Board is not acceptable.

However, it is seen that without any instruction from this office, Shri Paul appeared before the Jt. D.H.S. N.C.Hills, Haflong (Assam) on 20.5.94 (and not the Medical Board). He stated in his statement of defence that in spite of his appearing before this Medical Board he had been issued with the charge-sheet. In this connection it may be stated that neither the Jt.D.H.S. Haflong nor Shri Paul intimated this office that Shri Paul appeared before the Jt.D.H.S. Haflong on 20.5.94 (not before the Board) till the issue of charge-sheet on 6.7.94.

This office came to know about this in the letter dated 22.7.94. ^{of Jt. D.H.S. Haflong} However, it is seen from the Report of the Jt.D.H.S. Haflong that Shri Paul was instructed to consult any Orthopaedic Surgeon for his better investigation and treatment. But Shri Paul in his letter dated 25.10.94 addressed to the Sr.DAG(A) intimated that he had not appeared before any Orthopaedic Surgeon.

2. In his statement of defence dated 25.7.94, Shri Paul mentioned that he went to the All India Institute of Medical Science and obtained an OPD Registration Card bearing NO.35629/93 dated 9.11.93 and saw and held consultation with the Medical Expert on 7.11.93. But Shri Paul has failed to furnish any document with regard to his consultation with any Medical Expert in All India Institute of Medical Science, New-Delhi (other than the Registration Card dated 9.11.93.)

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His argument in this regard that he had to backout from the treatment due to tremendous monetary constraint does not seem convincing.

It may be further pointed out that Shri Paul does not seem interested in the job nor he appears to be willing to co-operate with the Administration/Inquiry Officer. While he can go to Delhi there is no reason whatsoever that he cannot come to Shillong even for a day in the matter of settlement of his case.

3. For his unauthorised absence from 10.5.91 to 25.10.93, he submitted his application after a lapse of 2 years and 5 months i.e. on 20.9.93 with MCS issued by 4 (four) different doctors from Silchar (Assam) that too after issue of reminders from this office. This leave has not yet been sanctioned by the Administration since he has not yet resumed his duties in the office. From 26.10.93 onwards he has not yet cared to submit any leave application and has been absenting himself unauthorisedly.

It may be mentioned in this context that in term of the provision contained in sub-rule (5) of Rule 19 of CCS (Leave) Rules, 1972, that grant of medical certificate does not in itself confer upon the Govt. servant concerned any right to leave; the medical certificate shall be forwarded to the authority competent to grant leave and orders of the authority awaited.

In this connection, G.I. instruction NO (5) below Rule 11 of the CCS (CCA) Rules, 1965, read with sub-rule (2) of Rule 25 of CCS (Leave) Rules, 1972, may be referred to. Both these provisions contemplate suitable disciplinary action for unauthorised and wilful absence from duty.

4. The total period of continuous absence is detailed below:-
1) From 30.10.89 to 2.12.89 (Leave sanctioned)

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- 2) From 3.12.89 to 9.5.91 (Sanctioned E.O.L/EL/HPL on MC)
 - 3) " 10.5.91 to 25.10.93 (Leave not Sanctioned, Application)
submitted after 2yrs & 5 months)
 - 4) " 26.10.93 to date (no application for leave received)

In this connection it may be pointed out, that there is no valid ground whatsoever for his not applying for leave in time or not applying for leave at all as for the period from 26.10.93 to date. It is unbecoming of a Govt. servant and it reasonably attracts the provision of Rules 3(1) (iii) of CCS (conduct) Rules, 1964.

Shri Paul joined this office on 20.5.1985, and hence should know the rules and procedure for submission of leave application and maintaining official decorum and decency.

A.S. Bhattacharya
(A.S. Bhattacharya)

Presenting Officer.

Inquiry Officer.

2. S. D. G. (Admin) Assam & A. G. G. G.

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Annexure - 36

(91)

-116- (203)

To

The Accountant General (A & E)
Meghalaya Etc., SHILLONG - 793001.

Subject:- Review for reinstatement.

Residential Sir,

With due respect and apropos of the foregoing subject this is to arrest your kind attention to the effect that I, holder of an inconsequential post of sorts, with having been posted to this august office with effect from 20-05-1985 as a physically handicapped candidate under reserved physically handicapped quota and thus I am victim to and suffering from permanent physical disability.

With having been struck down with physical disability I was willy nilly forced to go on leave with effect from 28-10-1989 to 5-12-1989 and thereafter I had been on unauthorised absence leading to initiation of disciplinary action against me. With the charges not having been established upon the enquiry I was sanctioned leave on medical ground until 20-5-1991 and thereafter I was on unauthorised absence and disciplinary action was initiated against me leading to my removal from service vide office order No. Sr. DAU(A)/7/Con-C/90-91/83 Dated 31-5-1995.

Inasmuch as I was ignorant of the fact that in the event of exceeding of 5 years continuous leave service of any employee predisposes getting through with and thus I have fallen a prey to my own ignorance the blame of which deserves to be laid to my own door.

All said and done, I hereby call upon

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you cap in hand to have a contemplative
turn of mind and have second thoughts on
this score. And I do have the apology that
you will be kind enough to deliver the goods
in this behalf and be kindly reinstated.

With esteemed regards,

Dated Shillong the
15th June, 1995.

Yours faithfully,

Pannalal Paul.

(PANNALAL PAUL)

Clerk/Typist

Currently removed
from service.

Annexure-37

No. I.O/Deptt.ing/PLP/94-95/7

Date : 16.2.95.

To

The Sr. Deputy Accountant General (Adm),
Assam, Meghalaya etc. Shillong.

Sub : DEPARTMENTAL INQUIRY UNDER RULE 14 OF
C.C.S. (CCA) RULE 1965 AGAINST SHRI
PANNALAL PAUL, CLERK-TYPIST.

Sir,

Under the orders communicated in your
Memo No. Sr.DAG(A)/7/Con-C/90-91/182 dt.18.10.94,
the Departmental Inquiry against Shri Pannalal
Paul, Clerk-Typist have since been completed.
On the basis of the documentary evidence adduced
before me I have prepared my Inquiry Report, two
copies of which are forwarded to you for further
necessary action by the competent authority.

The records connected with the inquiry
are also sent herewith.

Shillong,

16.2.95.

Yours faithfully,

(D.K. NAG)

Inquiring Authority.

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INQUIRY REPORT

In the case against Shri Pannalal Paul,
Clerk-Typist, Office of the Accountant General (A&E)
Meghalaya, Shillong.

1. Under Sub-rule(2) of Rule 14 of C.C.S.
(CCA) Rules, I was appointed by the Senior Deputy
Accountant General (Admn) Meghalaya, Shillong as
the Inquiring Authority to enquire into the charges
levelled against Shri Pannalal Paul, Clerk-Typist,
Vide his Memo No.Sr.DAG (Admn)7/Con-C/90-91/118
dt.11.8.94. I had completed the Inquiry and on
the basis of the documentary evidence adduced
before me prepared my Inquiry Report and ~~submitted~~
Submitted the same to the disciplinary Authority
vide my letter No.I.O./Deptt.enq./PLP/94-95/2
dt.16.9.94.

After careful consideration of the
representation of the charged officer, Shri
Pannalal Paul, C/T dated 28.9.94 and on the facts
and records as available, the Disciplinary
Authority Vide his orders dated 18.10.94 has
directed that, the inquiry would have to recommence
from the stage of sending the copy of the written
brief of the presenting officer, Shri A.S..
Bhattacharjee, Sr. A.O.

In pursuance of the orders of the
Sr. DAG (Admn) dated 18.10.94, Shri Pannalal Paul,
Clerk-Typist was served with a copy of the Daily
order sheet dated 31.8.94 and 5.9.94 and a copy
of the written brief dated 5.9.94 submitted by

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the Presenting Officer along with the list of exhibits submitted by the Presenting Officer vide my letter No.I.O./Deptt.eng/PLP/94-95/3 dt.19.10.94.

Re-commencement of inquiry was fixed by me on 28.10.94, and Shri Pannalal Paul was further directed to appear before the Inquiry Authority with his written brief, if any, on 28.10.94 at 11A.M.

Shri Pannalal Paul, Clerk-Typist, neither appeared before the inquiry nor sent any written brief, (Under the circumstances, the inquiry could not be re-commenced on 28.10.94 as scheduled.

Shri Pannalal Paul, Clerk-typist was again given another and last opportunity to appear on 7.11.94 at 11A.M. before Inquiring Authority failing which inquiry would be held ex-parte. This was conveyed to him in my telegram dated 31.10.94 sent to his address followed by Memo No.I.O./Deptt.eng/PLP/94-95/4 (A) dt.2.11.94.

Inquiry recommenced at 11 A.M. on 7.11.94. The presenting Officer has presented the case and handed over the listed documents.

2. Participation by the charged Officer in the inquiry and Defence Assistance available to him.

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Charged Officer, Shri Pannalal Paul, C/T did not appear before the inquiry, Inquiry therefore, held exparte. Inquiry held with the Presenting Officer, Shri A.S. Bhattacharjee, Sr. Accounts Officer.

Shri Pannalal Paul, charged Officer in his telegram dated 4.11.94 which was received on 11.11.94 had prayed for exemption from his appearing before Inquiring Authority on 7.11.94 due to his protracted and enduring Physical constraint.

There was no witness in defence and the inquiry was concluded in support of documentary evidence.

3. Article of charge and substance of imputation of misconduct or misbehaviour.

The following two article of charge have been framed against Shri Pannalal Paul, Clerk-Typist.

Article - I

Article - II

According to the statement of imputation of misconduct or misbehaviour in support of article of charge, the said Shri Pannalal Paul, Clerk-Typist was sanctioned leave (EL/HPL/EOL/ on MC) by the

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leave sanctioning authority for the period from 3.12.89 to 9.5.91. He was due to resume his duties on 10.5.91 after expiry of leave but did not do so and continued to remain absent unauthorisedly and afterwards, Vide his application dt.20.9.93, applied for Extra Ordinary leave for the period from 10.5.91 to 25.10.93, after a lapse of about two years and five months and thereafter, continued to remain absent unauthorisedly till date without any leave application.

The said Shri Pannalal Paul, Clerk-Typist was directed several times by his superior officer, i.e. Deputy Accountant General (Admn) to appear before the Chief Medical and Health Officer, N.C. Hills, Haflong, (Nearest to his place of residence, Maibong) to get himself examined Physically and clinically to determine whether there is any likelihood or not of his resuming duty in the near future in view of his continued absence from duty, but the said Shri Pannalal Paul failed to do so. He was directed by the Joint Director of Health Services, N.C. Hills Haflong vide his office Memo No.G/42/2608 dt.19.4.94 with a copy endorsed to the Deputy Accountant General (Admn) to appear before the District Medical Board on 25.4.94 for medical check-up. Again Shri Paul failed to appear before the said Medical Board on 25.4.94 as directed.

D. Paul

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Shri Pannalal Paul was also directed to resume duty immediately in the letter dated 7.4.94 and 13.4.94 along with medical fitness, certificate from the competent authority (i.e. the Chief Medical and Health Officer, ~~WII~~ Haflong), but he did not do so.

Shri Pannalal Paul was therefore, charged with gross misconduct indulging in indiscipline, dereliction of duty, gross insubordination, violating the provisions of rule 3(I)(ii)(iii) of the C.C.S. (Conduct) Rules, 1964 by failing to comply with the orders of his superior authority. For his wilful absence from duty, he has also violated rule 25(2) of C.C.S. (Leave) Rules, 1972.

BRIEF STATEMENT OF THE CASE OF DISCIPLINARY AUTHORITY :-

The Disciplinary Authority proposed to hold an inquiry against Shri Pannalal Paul, Clerk-Typist under Rule 14(2) of C.C.S. (Classification, control and appeal) Rules 1965 on the ground of his unauthorised absence from 10.5.91 onwards and drew up the substance of the imputations of misconduct or misbehaviour into definite article of charge. A Statement of the imputations of misconduct or misbehaviour in support of each article of charge contain the following in brief :-

R. K. Paul
Shri Pannalal Paul, Clerk-Typist was sanctioned leave as due and admissible on medical ground for the period commencing from 3.12.89 to 9.5.91. He was due to resume duty on 10.5.91.

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but did not do so and continued to remain absent unauthorisedly : i.e. without any intimation and after wards, vide his application dated 20.9.93 had applied for EOL for the period from 10.5.91 to 25.10.93 on medical certificate after a lapse of about 2 years and 5 months and thereafter, continued to remain absent unauthorisedly till date without submitting any leave application.

Shri Pannalal Paul was directed several times by his Superior Officer to appear before the Medical Board but he failed to do so. He was, also directed to resume duty immediately in the letter issued to him on 7.4.94 and 13.4.94 along with the medical fitness certificate from the competent authority, (i.e. C.M. & H.O. Haflong NC Hills, Assam) but till date he has not resumed duty and remained absent unauthorisedly.

Shri Pannalal Paul, is therefore, charged with gross misconduct indulging in dereliction of duty, indiscipline, gross insubordination, thus violating the provision of Rule 3(I)(ii), (iii) of the CCS (Conduct) Rules, 1964 by failing to comply with the direction of his superior officer.

CASE OF THE DEFENDANT :-

In reply to the charges levelled against him, Shri Pannalal Paul had submitted his written statement of defence dated 25.7.94.

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On re-commencement of inquiry on 7.11.94, a fresh written brief was taken from Presenting Officer, since the charged officer was not present before the Inquiring Authority, it was considered just to supply a copy of the written brief to the charged officer before he file his own brief. Accordingly a copy of the same was sent to Shri Pannalal Paul under my registered letter dated 17.11.94. His written representation dated 30.11.94 was received on 5.12.94.

Points made out by him in his written statements of Defence are discussed charge wise in brief.

As regards charges levelled in Article-I, his arguments are that; (a) "the lapse on his part owing to unauthorised absence stret-ching from 10.5.91 to 25.10.93 was dealt with virtual inexorability", (b) "that, he was sent a communication which was presious minatory in character vide Memo No.Sr.DAG(A)/7/Con-C/90-91/597 dt.5.2.92; therefore "he should not be further corped at for this specific offence and he has "nothing to do with the lapse of this period i.e. from 10.5.91 to 25.10.93".

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As regards charges levelled in Article-II, for his failure to appear before the Medical Board at Haflong, N.C. Hills, Assam on 25.4.94, his arguments were : (1) the notice issued by the

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Joint Director of Health Services, N.C. Hills, Haflong Vide No.G/42/2608 dt 19.4.94 for his appearance before the Medical Board on 25.4.94 was sent to him by ordinary post ; (2) it is irrecusable beyond any contradiction whatsoever that a to-and-fro journey between Maibong and Haflong by making conveyance arrangement is a highly expensive affair as he has been without pay; (3) as the Medical Officer, i.e. the Joint Director of Health Services, N.C. Hills, Haflong remains outstation on umpteen assignments, he, after sustained endeavours managed to get into touch with the Medical Officer after 25.4.94 and a new date for his appearance before the medical board for his medical check up was slated for 25.4.94 and (4) for paucity of Transportation facilities between Maibong and Haflong.

As regards charges levelled against him for not resuming duty with proper medical fitness, certificate as per direction of the authorities his arguments are; as "he is yet to get cut out for the resumption of his duties and yet to get out and about."

Regarding charges on unauthorised absence with effect from 26.10.93 onwards without submitting any leave application his arguments are that, he is ignorant of rules and as a matter of fact, did not know that sort of leave to be applied for leading to the resultant unauthorised absence.

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Finally, for charges levelled against him for violation of Rule 3(1) (ii) (iii) of CCS (Conduct) Rules 1964 and Rule 25(2) of the Central Civil Services (Leave) Rules, 1972, his argument is that, he is not a walking encyclopedia of rules and the same being beyond his ken, it will not hold water and may sound ludicrous and outlandish to make any comment on it.

Shri Pannalal Paul, Clerk-Typist, has therefore, refuted the charges levelled against him on the basis of arguments set forth above.

ANALYSIS AND ASSESSMENT OF EVIDENCE: ARTICLE OF CHARGE - I .

Shri Pannalal Paul; Clerk-Typist was sanctioned leave as due and admissible for the period from 3.12.89 to 9.5.91. As a matter of fact, he did not resume duty on expiry of sanctioned leave and continued to remain absent. From the statement of imputation of misconduct or misbehaviour in support of article of charge it appears that, he was directed by the Office to submit leave application duly supported by medical certificate under letter No.Estt.(M)/PC/P-14/489 dt.17.6.93. It seems, the letter containing direction of submission of leave application was issued to him after a lapse of about 2 years 1 month. Therefore, submission of leave application for absence could

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perhaps be made earlier by the charged officer had the directions been issued to him in time. The arguments set forth by the charged officer in reply to the charges of non-submission of application of leave of absence from 10.5.91 onwards are, however, not valid as he was duty bound to submit application for extension of leave of absence with medical certificate on 10.5.91 after expiry of sanctioned leave.

The accused Officer, Shri Pannalal Paul, Clerk-Typist continued to remain absent unauthorisedly from 26.10.93 till date. Neither he submitted any leave application supported by medical certificate nor he resumed duty. He can not be allowed to plead that, he violated the procedure because of his ignorance as to what kind of leave he should apply for. Rules and procedures are laid down in the interest of of the Govt. servant whose responsibility is to follow them.

ARTICLE OF CHARGE - II

In spite of issue of direction by the Deputy Accountant General (Admn) and by the Joint Director of Health Services, as well, the charged Officer, Shri Pannalal Paul, Clerk-typist failed to appear before the district Medical Board, Haflong on 25.4.94 for medical check-up. Reasons adduced by him in support of his failure, viz. paucity of

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transport facilities, and arrangement of expenses with in a brief period i.e. between the receipt of the notice from the Joint Director of Health Service, Haflong, N.C. Hills and the date stipulated for appearance before the Medical Board do not seem to be convincing. The third reason put forward by him was that "the Joint Director of Health Services is on the hop with official works and remains outstation on umpteen assignments" cannot be accepted as valid since the Joint Director of Health Services, Haflong in his office letter No.G/42/2811 dt.28.4.94 addressed to the Deputy Accountant General (Admn) Meghalaya with a copy to Shri Pannalal Paul had reported that, Shri Pannalal Paul did not appear before the Medical Board on 25.4.94. It is therefore, clear that, the Joint Director of Health Services Haflong was present on 25.4.94 in his office at Haflong.

In his statement of defence dated 25.7.94, Shri Pannalal Paul had stated that, he actually appeared before the Medical Board on the appointed day on 20.5.94 with the Joint Director of Health Services Haflong, N.C. Hills as the chairman of the Medical Board. Through he turned up before the Medical Board on 20.5.94 he was issued charge sheet. He had also furnished a photocopy of the money receipt obtained against

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payment of Rs.90/- towards his medical examination.

From the letter issued under Memo No.G/42/5737 dt.22.7.94 from the Joint Director of Health Services, Haflong, N.C. Hills, addressed to the Deputy Accountant General (Admn) it appears Shri Pannalal Paul appeared before the Joint Director of Health Services on 20.5.94. It transpires from that letter that Shri Paul did not appear before the Medical Board as claimed by him. He actually appeared before the Joint Director of Health Services and that was on his own volition since the office neither issued any request letter to the medical authorities nor any direction to Shri Pannalal Paul in this regard.

It further appears, the charge sheet was issued to Shri Paul on 6.7.94, i.e. before receipt of the letter dated 22.7.94 from the Joint Director of Health Services intimating appearance of Shri Paul before him for medical examination.

The Joint Director of Health Services, Haflong had directed Shri Pannalal Paul Vide his letter dt.22.7.94 quoted above to consult with the Orthopaedic Surgeon for better investigation and treatment. Shri Pannalal Paul was asked by the office to intimate whether he appeared.

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before the Orthopaedic Surgeon. In reply, Shri Paul vide his letter dated 25.10.94 addressed to the Sr. Deputy Accountant General (Admn) had intimated that, he did not appear before any Orthopaedic Surgeon.

Shri Pannalal Paul was directed to resume duty immediately, in the letters issued to him on 7.4.94 and 13.4.94, Neither he resumed duty nor he submitted any application for his long leave of absence from 26.10.93 till date. In his written brief dated 30.11.94, Shri Paul has explained, his difficulties to resume duty owing to his physical disability and assured that he would resume duty within 48 hours as soon he is rendered fit. This explanation, however does not confer him any right to remain absent unauthorisedly.

As regards charges levelled against him for violation of Rule 3(1)(ii)(iii) of the C.C.S. (Conduct) Rules 1964 and Rule 25(2) of the C.C.S. (Leave) Rules, 1972 the arguments put forward by him in his written representation dated 25.7.94 though intended to refute the charges, have alternatively showed his intention to violate the rules.

In his written brief dated 30.11.94 Shri Pannalal Paul has, however, made arguments to the effect that the rules invariably hold good so far as the Central Government Employees are concerned

Done

and handicapped Central Government Employees should not be bracketed with and treated on the same footing as the rest of the employees under the Central Government. The arguments put forward by him do not hold good since the C.C.S. (Conduct) Rules and C.C.S. (Leave) Rules do not contain special provisions for physically handicapped employees.

7. FINDINGS :

On the basis of documentary evidence adduced in the case before me and in view of the reasons given above, I hold that, all the two charges against Shri Pannalal Paul, Clerk-Typist are proved.

Shillong,

16.2.95

(D.K. NAG)
INQUIRING AUTHORITY

Annexure - 38

(105)

- 132-20

Registered A/D

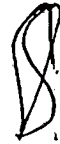
OFFICE OF THE ACCOUNT GENERAL (A&E) MEGHALAYA ETC. SHILLONG-793001

NO.Sr.DAG(A)/7/CON-C/90-91/146

Date:- 14.7.95

To,
Shri Pannalal Paul
C/o. Shri Prabhat Chandra Paul,
P.O.Maibang,
Dist:- N.C. Hills (Assam)

I send herewith a copy of the order dt.12.7.95
of the Appellate Authority. This is with reference to his
Memorandum dated 15.6.95 addressed to him.


Dy. Accountant General
(Admn.)

Enclo:- As Stated above.

(109)

- 124-21
1

Order

This pertains to the Memorandum dated 15.6.95 submitted by Shri Pannalal Paul, Clerk/Typist since removed from service.

The facts of the case as seen from the available records are as follows:-

Shri Pannalal Paul was sanctioned leave (EL/HPL/EOL on MC) by the leave sanctioning authority for the period from 3.12.89 to 9.5.91. No application for further leave beyond this period was received in this office from him by 14.6.93 and was directed by the E.O.(M) vide his Memo No.Estt(M)/PC/P-14/489 dated 15.6.93 (issue date 17.6.93) to submit application duly supported by MC for regularisation of his unauthorised absence from 10.5.91 as per prescribed forms which were also sent to him alongwith the memo dated 15.6.93 (issue date 17.6.93) at his leave address (i.e.C/o Shri Prabhat Ch.Paul, P.O.Maibang, N.C.Hills, Assam), in response to which Shri Paul vide his letter dated 20.9.93, sent leave application applying for E.O.L. for 900 days w.e.f. 10.5.91 to 25.10.93 alongwith M.C. issued by different Doctors for different periods after a lapse of about two years and five months which were received in this office on 28.9.93. This absence was yet to be regularised by the competent authority. Shri Pannalal Paul neither resume duty on 26.10.93 after the period of absence which expired on 25.10.93 nor applied for extension of leave beyond 26.10.93. Shri Paul was directed several times by the D.A.G.(Admn.) to appear before the C.M.&H.O., N.C.Hills, Haflong to get himself examined physically and clinically to determine whether there was any likelihood or not of his resuming duty in the near future vide this office Memo Sr.DAG(A)/7/Con-C/90-91/846,859,903 and 909 dated 14.2.94, 4.3.94, 7.4.94 and 13.4.94 respectively. Simultaneously, the C.M. &H.O., N.C.Hills, Haflong, Dr. K.C.Sharma and thereafter Dr.D.R.Teron were also requested to conduct a physical and clinical examination of Shri Paul and to give specific comments as to whether the official would be fit to resume duty in the near future or not but Shri Paul did not appear

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before the Medical Officer as directed from time to time.

The Joint Director of Health Services, N.C.Hills, Haflong was addressed in the matter who vide his U.M.No.G./42/2609 dated 19.4.94 informed the D.A.G.(A), Meghalaya, etc., Shillong that Shri Paul was directed by him to appear before the District Medical Board on 25.4.94 for medical check up. Shri Paul did not appear before the Medical Board as directed as intimated by the Jt. Director of Health Services. N.C.Hills, Haflong vide his letter No.G/42/2811 dated 28.4.94 addressed to the D.A.G.(A), Meghalaya with a copy to Shri Paul.

Shri Pannalal Paul was charge sheeted by the Disciplinary Authority vide his Memo No.Sr.DAG(A)/7/Con-C/90-91/84 dated 6.7.94 and following charges were levelled against him :-

Article I

That the said Shri Pannalal Paul, C/T was sanctioned leave as due and admissible to him on Medical grounds (i.e. EL/HPL/EOL on MC) for the period from 3.12.89 to 9.5.91 by the leave sanctioning authority. He was due to resume his duties on 10.5.91 after expiry of leave. He, however, did not do so but continued to remain absent unauthorisedly and afterwards, vide his leave application dated 20.9.93 (received in this Office on 28.9.93) applying for EOL for the period from 10.5.91 to 25.10.93, after a lapse of about two years and five months and thereafter continued to remain absent unauthorisedly till date without any leave application.

Article II

That the said Shri Pannalal Paul, C/T was directed several times by his superior officer i.e. Dy.Accountant General(Admn.) to appear before the Chief Medical and Health Officer, N.C.Hills, Haflong (nearest to his place of residence, i.e. Maibang) to get himself examined physically and clinically to determine whether there is any likelihood or not of his resuming duty in the near future in view of his continued absence from

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duty, but the said Shri Paul failed to carry out the orders of his superior officer. He was also directed by the Joint Director of Health Services, N.C.Hills, Haflong vide his office Memo No.G/42/2608 dated 19.4.94 with a copy endorsed to the Deputy Accountant General(Admn.) to appear before the District Medical Board on 25.4.94 for medical check-up. Again, Shri Paul failed to appear before the said Medical Board on 25.4.94 as directed.

Shri Paul was also directed to resume duty immediately vide Memo dated 7.4.94 and 13.4.94 alongwith medical fitness certificate from the competent authority (i.e. CM&HO, Haflong) but till date he has not done so.

Shri Pannalal Paul, C/T is therefore, charged with gross misconduct indulging in indiscipline, dereliction of duty, gross insubordination, violating the provisions of Rule 3(1)(ii)(iii) of the CCS(Conduct) Rules, 1964, by failing to comply and pay heed to the direction of his superiors. For his willful absence from duty he has also violated Rules 25(2) of CCS(Leave) Rules, 1972.

In his written statement of defence dated 25.7.94 Shri Pannalal Paul neither accepted the charges nor clearly denied them.

As required under the rules an Inquiry Officer was appointed to enquire into the charges.

The Inquiry Officer fixed the hearing on 31.8.94 at 11.00 A.M. and charged officer was informed accordingly. The hearing could not be taken up as the Presenting Officer was absent on the date. The charged officer had also intimated his inability to attend the hearing vide his letter dated 18.8.94. The hearing was postponed and fixed on 5.9.94 at 11.00 A.M. in Room No.38 of the M.S.Building.

On 5.9.94 the preliminary inquiry was held by the Inquiry Officer at 11.00. A.M. with the Presenting Officer in attendance only. The charged officer did not appear before the Inquiry Officer. The charged officer was intimated vide Inquiry Officer's letter dated

12.8.94 that the inquiry would be held exparte if the charged officer did not appear before the Inquiry Officer. In absence of the charged officer the inquiry was held exparte.

The Inquiry Officer accordingly submitted his report to the Disciplinary Authority concluding that the charges framed against the charged officer were established.

After the inquiry report was submitted vide letter No.1.0/Depttl.Inq./PLP/94-95/2 dated 16.9.1994, the same was sent to the charged official. On careful consideration of the subsequent representation of the Charged Officer, it was considered by the Disciplinary Authority that the objection of the Charged Officer as to the non-forwarding of the Presenting Officer's brief was valid. Considering this the Disciplinary Authority vide his No.Sr.DAG(A)/7/Con-C/90-91/182 dated 18.10.94 passed an order that the inquiry will have to recommence from the stage of sending the copy of the written brief of the Presenting Officer. In pursuance to this order the Inquiry Officer sent the following documents to the Charged Officer vide his letter dated 19.10.94.

1. A copy of Daily Order sheet dated 31.8.94 and 5.9.94.

2. A copy of the written brief dated 5.9.94 submitted by the Presenting Officer.

3. A copy of the list of exhibits submitted by the Presenting Officer.

He also directed the Charged Officer vide his letter dated 19.10.94 to appear before the Inquiry Authority with his written brief on 28.10.94 at 11.00 A.M. in Room No.38 (M.S.Building) where the inquiry will recommence. A telegrams dated 21.10.94 was also sent to this effect. The Charged Officer did not appear before the Inquiry Officer. The Charged Officer was given a last chance vide telegram dated 31.10.94 by the Inquiry Officer mentioning that due to absence of Charged Officer the inquiry could not be held on 28.10.94 and that a last opportunity to appear before the Inquiry Authority was given for which the date fixed was 7.11.94 at 11.00. A.M., the Charged Officer was also informed that failing which inquiry will be

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(iii)

held Ex-parte. The inquiry report was submitted by the Inquiry Officer on 16.2.95 wherein again the charges levelled against Shri Pannalal Paul were held to be proved.

The Disciplinary Authority after going through the Inquiry Report, the statements and the evidence proceedings before the Inquiry Officer, concluded that the Inquiry Officer's findings were acceptable to him and keeping in view the gravity of the charges and also the conduct of the charged officer passed the order of penalty of Removal from Service.

Now Shri Pannalal Paul removed Clerk/Typist has submitted the memorandum on the following grounds:-

1) That he was appointed as a physically handicapped candidate.

2) That he was struck down with physical disability and was forced to proceed on leave w.e.f. 28.10.89 to 5.12.89 and thereafter remained on unauthorised absence leading to initiation of disciplinary proceedings. The charges were not established and he was sanctioned leave on medical grounds upto 20.5.91 and thereafter he was on unauthorised absence and disciplinary proceedings were initiated against him ^{leading to his removal from service} vide Office Order No. Sr. DAG(A)/7/Con-C/90-91/83 dated 31.5.95.

3) That he was ignorant of the fact that in the event of exceeding of 5 years ^{continuous} leave, service of any employee could not be continued for which the blame lay at his door.

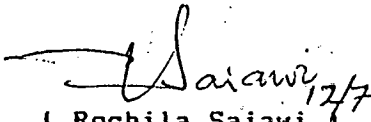
After going through the entire case history, the evidences that were produced and the Inquiry Report I am of the view that the Memo submitted by Shri Pannalal Paul and his appeal for reinstatement cannot be accepted due to the following reasons.

A Government servant after entering service and having served for sometime cannot take recourse to ignorance of the rules as he is expected to know the service rules by then. He did not heed to the directions of the authorities from time to time and did not follow the rules by remaining on unauthorised absence for years together. This was gross misbehaviour

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on his part and my condonation of such behaviour would affect the discipline of the office as a whole. I also find that the procedure for the disciplinary proceedings and inquiry as laid down in CCS(CCA) Rules, 1965 have been fully followed by the Disciplinary Authority and the Inquiry Officer.

With all these in view I reject the appeal made by Shri Pannalal Paul removed Clerk/Typist.


(Rochila Saiawi)
Accountant General (A&E)
Appellate Authority
Assam, Meghalaya, etc.,
Shillong.

Dated, Shillong
the 12th July, 95

-437-227

D-7
(1-24)

November 30, 1994

Despatcher :-
Pannalal Paul,
C/o Shri Prabhat Chandra Paul,
P.O. Maibang,
Dist. N.C.Hills. (Assam)
PIN :- 88 831.

REGISTERED WITH A/D

To

Mr. D.K.Nag, Senior Accounts Officer
AND

Inquiry Authority,
Office of the Accountant General, (Accounts & Entitlements),
Meghalaya Etc., SHILLONG-793 001.

Subject :- Departmental Enquiry under Rule 14 of the Central Civil
Service (Classification, Control and Appeal) Rules, 1965

Reference :- Written Brief of the Presenting Officer Dated 07-11-94
and my letter Dated 26-11-1994 despatched to your add-
resses under Registered Post vide Postal Registration
No. 3171 Dated 26-11-1994.

Respected Sir,

I have the honour to apprise you that I have gone
through the Written Brief of the Presenting Officer Dated 07-11-1994
meticulously and minutely and inasmuch as the charges set forth in
the brief, to my mind, are not immune from lopsidedness and whereas I
cannot take all the charges lying down, it is deemed meet to have my

- 2 - 138-238 (23)

sa vis-a-vis the written brief in question.

Ont the page No.1, para No.2 of the written brief it has been alleged that there had been no response from my end to the Office Memo No. Sr. DAG(A)/7/90-91/Con-C/856 Dated 14-02-1994. But in compliance with the directive incorporated in this Memo, I lost no time to acknowledge the receipt of the Memo. vide my Registered letter Dated 25-02-1994.

In para No.3, it has been stated that no Medical Report of my medical examination held on 23-11-1992 was received by the office. In this behalf I would like to inform that in compliance with the Memo No. Sr. DAG(A)/7/Con-C/90-91/233 Dated 21-10-1992, I appeared before the District Medical Board with the Chief Medical and Health Officer, (now Joint Director of Health Services) N.C. Hills Haflong being the chairman of the Medical Board on 23-11-1992 for getting medically examined both physically and clinically. I underwent various tests including X-rays. Kindly note that since I was not physically in a position to undergo cumbersome journey either by crowded train or congested bus, I arranged my own and personal conveyance from Maibang to Haflong and vice versa by hiring a auto rickshaw. Although I am deprived of my earnings, the purveyor of life-blood, ever since I had come on leave and till date I am devoid of any earnings whatsoever resulting from my failure to put in service to the office and department I am employed in by reporting for duty owing to my having to suffer from permanent physical disability for I am a physically handicapped person. I had to pay as exorbitant as Rs. 800/- (Rupees eight hundred) only as the hiring charge of the auto rickshaw for here at Maibang no vehicle for carrying passengers

- 134-229/21

can be had on demand and consequently the auto rickshaw had to be requisitioned from Haflong. My duty was to carry out the order of my superior officer i.e. to appear before the District Medical Board at Haflong for my physical and clinical medical examination. The responsibility of sending the Medical Report rested with the concerned authority of the office of the Chief Medical and Health Officer, N.C. Hills, Haflong as the medical report was to be directly sent to the competent authority of my department. As such the lapse of non-receipt of the medical report in question be kindly not laid at my door. My appearance before the District Medical Board on the stipulated date and time and undergoing the various tests as per the advice of the medical officers of the constituted medical board. However, as a token of my co-operation with the administration, I have written a comprehensive representation to the Joint Director of Health Services, N.C. Hills, Haflong on this score and have sent the representation by Registered with A/D post on 28-11-1994. A copy of the representation addressed to the Senior Deputy Accountant General (Administration) is annexed herewith for favour of kind perusal. In a corresponding way, the Joint Director of Health Services, N.C. Hills, Haflong be kindly moved to do the needful in the matter.

My failure to report "for duty immediately" in pursuance of Memo No. Sr. DAG(A)/7/Con-C/90-91/903 Dated 07-04-1994 will be dwelt on in the ensuing lines.

Para No. 4 of the written brief has dealt with my having failed to turn up before the Medical Board for my medical examination on 25-04-1994 in accordance with the Office Memo No. G/42/2609 Dated 19-04-1994 issued by the Joint Director of Health Se-

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-rwices, N.C.Hills, Haflong. In this regard I would like to draw the kind attention of the concerned authority that on being informed of my failure to appear before the Medical Board on 25-04-1994 through the letter of the Joint Director of Health Services, N.C.Hills, Haflong bearing No. G/42/2811 Dated 28-04-1994, I was issued a Memo vide No. Sr. DAG(A)/7/Gen-C/90-91/39 Dated 17-05-1994 with the directive to explain the reasons of my failure to appear before the Medical Board on 25-04-1994 within 5 (five) days of receipt of this memo failing which necessary disciplinary action would be initiated against me. I, as ever, lived upto obedience to my superior officer and replied forthwith with having cited 4 (four) reasons thereof vide my letter Dated 25-05-1994. These two letters are included in the listed documents. Though I complied with the directive of my superior officer, disciplinary action has been initiated against me and it has remained highly cryptic to me.

With respect to the para No. 5 of the written brief of the Presenting Officer I would like to inform that nowhere in my written statement of defence Dated 25-07-1994 I have mentioned that the Joint Director of Health Services, N.C.Hills, Haflong was not present in his office on 25-04-1994. What I have mentioned relates to the post 25-04-1994 period so far as the non-availability of the Joint Director of Health Services is concerned.

As regards the communication facilities in between Maibang and Haflong I would like to inform that there is no direct bus service between Maibang and Haflong. Nevertheless, though erratic there exists bus service between Hajadisa village and Haflong via

Maibang and between Khepre village and Haflong via Maibang. These two villages i.e. Hajadisa and Khepre are not linked by the Railway communication network and hence both the buses arrive at Maibang over-crowded and hyper-congested. As a handicapped person it is highly hazardous and strenuous to board these buses. Furthermore, both the buses are of small size and have the capacity for carrying very restricted number of passengers.

Regarding the Railway Service between Maibang and Haflong town I wish to inform that to reach Haflong town one is required to alight at Lower Haflong Railway station and has to ride a flight of stairs to reach the cab stand and the town is reached by a cab. For a handicapped person like me it is highly perilous to ride such a flight of stairs. Moreover, if I were to appear before the Medical Board as per the directive of the Joint Director of Health Services at 10 A.M. on 25-04-1994 by undertaking journey to Haflong by railway train, I would have been required to arrive at Haflong on the previous day. A halt for one night at Haflong would not have been possible for me owing to paucity of suitable accommodation facilities at Haflong.

Para No. 6 of the written Brief :- The circumstances leading to my failure to appear before the Medical Board on the stipulated date i.e. 25-04-1994 have been incorporated in my letter Dated 25-05-1994. Inasmuch as I considered this failure a lapse on my part, I deemed it necessary and ethically binding upon me to countervail this lapse by appearing before the Medical Board all over again. Accordingly I had had to run from pillar to post to get

~~and I am sure that the Medical Board will be satisfied with the explanation given by me.~~

- 6 -
- 142- 232

in no touch with the Joint Director of Health Services, N.C. Hills, Haridwar (vide my written statement of defence Dated 25-07-1994) and a new date for my appearance before the Medical Board to undergo medical examination was fixed on 20-05-1994. With my appearance before the Medical Board on 20-05-1994, methinks, my responsibility had ceased and it was the duty and responsibility of the concerned Medical Authority i.e. Joint Director of Health Services to submit the medical report according to the findings to the competent authority of the department. Besides, I appeared before the Medical Board on 20-05-1994 with the Joint Director of Health Services being the chairman of the Board and the board comprised two other medical officers. On being asked to pay my medical examination fees, I paid Rs. 90/- (Rupees Ninety) only to three members of the Medical Board — Rs. 30/- (Rupees thirty) only to each member of the board. A photostat copy of this money receipt Dated 20-05-1994 has been enclosed with my written statement of defence Dated 25-07-1994. It is worth mentioning here that when I appeared before the Chief Medical & Health Officer on 13-03-1992 for my medical examination, the C.M.H.O. alone conducted my medical examination and as such I was asked to pay only Rs. 30/- to the medical officer towards my medical examination fee unlike the next two occasions i.e. on 23-11-1992 and 20-05-1994 when I paid Rs. 90/- on each occasion towards my medical examination fees. Since on these two occasions I paid Rs. 90/- + Rs. 90/- as medical examination fees, it is evident that on each occasion Rs. 90/- was paid to three medical officers instead of one medical officer. The Joint Director of Health Services be kindly moved and be kindly requested officially with the photostat copy of the money receipt for Rs. 90/- Dated 20-05-1994 (another xerox copy of the money receipt is enclosed herewith) to clear up the glaring di-

- 148-233 (14)

-crepancy so that the medical report of my medical examination held on 20-05-1994 is forwarded to the competent authority of the department afresh. It may be kindly noted that it is the look-out of the concerned medical officer to ensure that the medical report is perfect, precise and flawless in all respects.

I have been charged with having failed to appear before the Joint Director of Health Services, N.C. Hills, Haflong even after 25-04-1994 (vide charge sheet memorandum Dated 06-07-1994) the stipulated date for my medical examination and consequently I stated in my written statement of defence Dated 25-07-1994 that in spite of my having appeared before the medical board charge sheet has been issued against me. Thus the contention of my appearance before the Medical Board on 20-05-1994 without instruction from this office is blatantly conflicting.

It may be kindly noted that for my appearance before the Medical board on 20-05-1994, I arranged my own personal conveyance from Maibang to Haflong and vice versa and spent reluctantly Rs. 600/- (Rupees six hundred) only excluding Rs. 90/- being medical examination fees, towards conveyance expenses. This time the hire charge of auto rickshaw was cheaper than the earlier one as the auto rickshaw this time was available at Maibang itself.

Para 7 of the written brief of the Presenting Officer :- As I have been away from my duty spanning over several years and thus I am without pay i.e. my sole earnings, the meagre savings lay at my disposal, had already been depleted. Thus I am badly

suffering from acute and tremendous financial crisis resulting in my failure to appear before any Orthopaedic Surgeon as per the letter of the Joint Director of Health Services Dated 22-07-1994. Being a physically handicapped person, I am exclusively dependent on the job which begets earnings by way of salary.

Para 8 and 9 of the Written Brief :- In my written statement of defence Dated 25-07-1994 it has been mentioned that I went to the All India Institute of Medical Sciences, New Delhi for my medical treatment and held consultation with Medical Expert there on 09-11-1993. Since I was an ignoramus about the All India Institute of Medical Sciences, I acted solely on the advice and guidance offered by the competent authority of the Institute leading to the consultation with the Medical Expert mentioned in my statement. The Medical Expert advised me to undergo various tests and investigation concerning my treatment. When I pursued about the approximate time to be taken to have the report of all my tests and investigations as suggested, I was told around 10 to 12 days' time would be required. Whereas I was not familiar with the red tapism of the Institute, I was not in full preparation beforehand so far as monetary support was concerned.

To make matters worse, being a handicapped person I had to hire the service of an able-bodied person as an escort to accompany me to Delhi for able-bodied people by and large handicapped people and as such the service of able-bodied people cannot be obtained if their service charge is not paid. Two original Railway tickets furnished together with my written statement of defence Dated 25-07-1994 between Gauhati and Delhi and vice versa, two pers-

ons figure in the two tickets i.e. the second person being the hi-
red able-bodied person. I had to pay Rs. 50/- as his daily wage ex-
cluding other incidental expenses. For one day's stay in the Nation-
al Capital and metropolitan city like Delhi costs Rs. 150/- per he-
ad so that the daily cost in Delhi for two persons works out to Rs.
150/- + Rs. 150/- = Rs. 300/- and daily conveyance expense in Delhi
approximately comes to Rs. 50/-. Therefore daily expense for one day's
cost for two persons is Rs. 300/- + Rs. 50/- = Rs. 350/-. Daily con-
veyance is required for to and fro journey between my place of res-
idence i.e. hotel and the All India Institute Medical Sciences Hos-
pital. The 12 days' stay in Delhi thus costs approximately Rs. 4,200/-
The fund available with me would not measure up to this requirement.
Consequently I could not complete the treatment in the said hospital
leading to my premature departure from Delhi and hence I have failed
to furnish any document with regard to my consultation with any Me-
dical Expert in the All India Institute of Medical Science, New Del-
hi (other than the Registration Card Dated 09-11-1993 bearing No.
35629/93). The amount i.e. Rs. 4,200/- excludes the wage of the esc-
ort and other incidental expenses.

Para 10 of the written brief of the Presenting Of-
ficer :- The observation made by the presenting officer to the ef-
fect that I do not seem interested in the job has wounded my fe-
elings profoundly and has hurt the very core of my sentiment so mu-
ch so that with having rendered well nigh incorrigibly atrabilious.
As he has examined my service records which is evident from his ha-
ving mentioned my dated of joining, i.e. 20-05-1985, he does know t-
hat I am a physically handicapped person. I am dead positive that
had the presenting officer himself been a handicapped person such

- 146-236 (15)

poignant observation would not have emanated from him. Life of a handicapped person, like an able bodied person, is not a bed of roses. A handicapped person is relentlessly required to grapple with interminable problems — physical, mental, financial, social and all that. The gravity of the trials and tribulations of a handicapped person can by no means be felt by any stretch of imagination by an able-bodied person. I have been appointed as a physically handicapped candidate under the special reserved category of "Physically Handicapped" and it is highly baffling how the presenting officer with having been flush with all the material information concerning me and with having been mellowed considerably and holding a very esteemed position of "Senior Accounts Officer" made the observation. If a handicapped person loses interest in the job, he loses everything including the source of a decent living and livelihood. Nevertheless, I have already accepted the financial punishment i.e. I have waived my salary voluntarily during the period of my absence from my duties and the conventional motto "No work no pay" be kindly invoked against me. For mercy's sake I be kindly not deprived of right of livelihood. If a handicapped person like me is to be deprived of his fundamental right of livelihood, under no circumstances it should be implemented keeping the said handicapped person alive. He first should be exterminated physically and thereafter he should be deprived of his basic right of livelihood.

With regard to the contention that I am not willing to co-operate with Administration/Inquiry Officer I am to say that I am all along wholeheartedly co-operating with the Administration. I have replied to all the official communications and have translated all the directives of my superior officers into e-

- 147-238 (1A)

effect in letter and spirit. There has been no communication gap on my part e.g. on being informed of the non-receipt of the medical report of my medical examination held on 23-11-1992 I have written a comprehensive representation to the Joint Director of Health Services, N.C. Hills, Haflong and have forwarded the representation under Registered with A/D post (Postal Registration No. being 3186 Dated 28-11-1994). A copy of the representation addressed to the Senior Deputy Accountant General (Administration) is enclosed herewith for perusal.

My prime endeavour always is to resume my duties not for one day and besides I was never asked to come to Shillong for one day. I had gone Delhi for my medical treatment anticipating that I shall be rendered fit for the resumption of my duties. But as luck would have it, my mission ended in a fiasco.

I do admit that I have been directed times without number to report for duty immediately with having been armed with the relevant fitness medical ~~fixure~~ certificate from the Competent Authority. But I have failed to give effect to the directive on this score. It is worth mentioning here that I am leaving no stone unturned to retrieve the requisite fitness so that I can attend office regularly and independently without any help or support whatsoever from anybody else. God forbid, I am highly apprehensive of untoward incident like accident that may befall me while attending office and en route to office, thereby adding to my permanent physical disability and no one will be available to step forward to help me to have medical aid and look after me at Shillong. To bespeak that I

- 148-238 (13)

I am sparing no pain to regain the required fitness to report for duties at the earliest, I am to inform you that I have spent money lavishly on my medical treatment and on this score I herewith enclose 8 (eight) Nos. of original cash memos Dated 20-01-1993, 15-02-1993, 09-05-1993, 15-11-1993, 29-03-1994, 23-04-1994, 04-02-1994, 07-02-1994 amounting respectively Rs. 792.25, Rs. 2805.00, Rs. 246.40, Rs. 266.00, Rs. 3594.00, Rs. 3128.00, Rs. 1314.95 obtained against purchase of medicines to the tune of several thousand of rupees. Moreover, I herewith enclose a prescription issued by Dr. K.C. Rabha Dated 07-02-1993, the original Registration Card of Silchar Medical College Hospital, Silchar Dated 14-09-1993 bearing No. 40/193514 and a slip. Kindly note that for several years on end I have been sitting idle without any work and the resultant sedentary life is giving rise to tedium and to get rid of this life I am frantically trying to resume my duties at the earliest. If I am rendered fit, I can furnish undertaking that I shall report for duty within 48 hours of my regaining fitness. The enclosures viz. all the cash memos, Registration Card etc. be kindly preserved under gilt edged security so that these documents can be delivered and returned on demand at a pinch.

Para 11 of the written brief of the Presenting Officer :- Regarding unauthorised absence from 10-05-91 to 25-10-93 and from 26-10-93 till date I am to inform you that being a physically handicapped person with having been appointed as such and whereas I am having to suffer from permanent physical disability, I am at my wit's end as to how to act at such a state of affairs. I do admit the charge without reservation that I submitted my leave application after a lapse of 2 years and 5 months after issue of reminders from the office. This is stated that I carried out the order

- 149-239

(124)
(17)

of my superior officer by submitting leave application albeit after a gap of 2 years and 5 months.

Paras 12,13 and 18 of the written brief of the Presenting Officer :- I shall never question the validity and relevance of the rules viz. (1) sub-rule (5) of Rule 19 of C.C.S. (Leave) Rules, 1972, (2) G.I. instruction No. 5 below Rule 11 of the C.C.S. (C.C.A.) Rules, 1965, (3) sub-rule (2) of Rule 25 of C.C.S. (Leave) Rules, 1972 and (4) Rules 3 (i) (iii) of C.C.S. (Conduct) Rules, 1964. The rules invariably hold good so far as the Central Government employees are concerned. But, to my mind, handicapped Central Government employees should not be bracketed with and treated on the same footing as the rest of the employees under the Central Government. Being a handicapped employee, I am unable to comment on these rules.

• Para 19 of the written brief :- Yes I joined this office on 20-05-1985 and therefore I am supposed to know the rules and procedure for submission of leave application and maintaining official decorum and decency. Being a handicapped person I am hamstrung and pretty nonplussed.

The discrepancy in respect of the medical report of my medical examination held on 20-05-1994 i.e. absence of the signatures of the other two medical officers of the Medical Board though I paid Rs. 90/- as my medical examination fees, Rs. 30/- to each medical officer of the Board vide the letter of the Joint Director of Health Services, N.C.Hills, Haflong Dated 22-07-1994 be ki-

ndly brought to the notice of the Joint Director of health Services immediately and officially enclosing the xerox copy of the money receipt (another xerox copy of the said money receipt is enclosed herewith once again for the purpose) for the necessary rectification.

With regard to the non-receipt of the medical report of my medical examination conducted by the three medical officers of the District Medical Board and held on 23-11-1992 this is to inform that I have written a comprehensive representation to the Joint Director of Health Services, N.C.Hills, Haflong and forwarded the representation under Registered with A/D post (Postal Registration receipt No. being 3186 Dated 28-11-1994). A copy of this representation addressed to the Senior Deputy Accountant General (Administration) is enclosed herewith for kind perusal. The matter be kindly pursued officially immediately. A serious note be kindly taken of this glaring lapse on the part of the office of the Joint Director of Health Services, N.C.Hills, Haflong.

With esteemed regards. Ir remain.

Enclosures :- 8 (eight) original
Cash Memos, One Medical
Registration card with a slip (both original) and one
prescription. The copy of
the representation as above.
Total number of enclosures = 12. (Twelve)

Yours faithfully,

Pannalal Paul
(PANNALAL PAUL) 30.11.94

- 151 - 220
15 Dr A. G. G. G.

(126)

Govt. of Assam

193514

OUTPATIENT RECORD

Silchar Medical College Hospital, Silchar

Name Pannalal Paul Age 33y Sex M Relg H Hosp. No.
Cep Service
Address S/o - Sri Prabhatch Paul
Next Kin P.O. - Maibong
Clinical Note DT - N.C. Hill
First Visit 2nd Visit Date
3rd Visit Date

1st Visit Surgery Date 14/9

2nd Visit Date

3rd Visit Date

Provisional Diagnosis : " Swelling of L. hip in L. investigation :
6th L. side in L. side

" Swelling of R. hip
detected in L. side
6th L. side

Treatment :

Report :
Dr. Dolan
28th Nov
Colicium
3x
14/9/35

Subsequent Visit Extra.

M. O. H. C.
Dr. Dolan
14/9/35

CASH MEMO

 Gram : PRANDA
 Phone : 545075, 547750


NIRMAL ENTERPRISES

Authorised Distributors of :

Shree Baidyanath Ayurved Bhawan Limited.

Tokobari Road, GUWAHATI-781 001

No. 1951

Date 7-2-1997

M/s.

Cash

Name of Medicines	Size	Qty.	Rate	AMOUNT	
				Rs.	P.
Yogendra Res	251	3	23240	697	20
Vatchinamani Res	25	1	49735	497	30
Ure					
Saribadyasa	680	1	3690	36	90
Ramban Res	10	2	1650	33	00
Mahayograj Gu.	10	1	3060	30	60
				1295	00
Yograj Gu.	25	1	1995	19	95
				1314	95

TAX PAID

Signature

CASH MEMO

Gram 1 PRANDA
Phone 1 545075, 547750

NIRMAL ENTERPRISES

Authorised Distributors of :

Shree Baidyanath Ayurved Bhawan Limited.

Tokobari Road, GUWAHATI-781 001

No. 1930

Date 4-2-1994

M/s. S. K. C. Rappa

Name of Medicines	Size	Qty.	Rate	AMOUNT	
				Rs.	P.
yogeshwar ras	500	12	112.60	1435	20
Vat chutni ras	250	3	497.00	1491	90
Malayog Ras	10	5	30.60	153	00
Samir pany ras	250	1	17.60	17	60
Sarivalyasa	600	2	36.90	110	20
yogeshwar ras	800	1	119.60	119	60
				3328	00
				3208	40
				493	40
				200	00
				3015	00
				3128	00

less 61.

TAX PAID.

Signature

-154-244
CASH MEMO (A)Gram : PRANDA
Phone : 545075, 547759

NIRMAL ENTERPRISES

Authorised Distributors of :

Shree Baidyanath Ayurved Bhawan Limited.

Tokobari Road, GUWAHATI-781 001

No.

2520

Date 29.3.1994

M/s.

Name of Medicines	Size	Qty.	Rate	AMOUNT	
				Rs.	P.
Malayog Raj' Gn	5-	10	19.70	197	50
Arogyashuk' Reti	10	5	13.80	69	00
Randun n8	10	1		16	50
				283	00
		Less	61.	17	00
					/
				266	00

TAX PAID.

2 Signature

CASH MEMO

Gram : PRANDA
Phone : 45075, 47750



NIRMAL ENTERPRISES

Authorised Distributors of :

Shree Baidyanath Ayurved Bhawan Limited.

Tokobari Road, GUWAHATI-781 001

No. 3465
M/s.

Date 9-6-1993

Dr. K.C. Robi Tamalpu

Name of Medicines	Size	Qty.	Rate	AMOUNT	
				Rs.	P.
Yograj Guggulu	50	12	21.30	255	60
Kalyan	100	5	12.65	63	25
				318	85
	less	21.		5	85
				313	00

Signature

CASH MEMO

Gram : PRANDA
Phone : 545075, 547750

NIRMAL ENTERPRISES

Authorised Distributors of :

Shree Baidyanath Ayurved Bhawan Limited.

Tokobari Road, GUWAHATI-781 001



No. 2795

Date 23/4/1994

M/s.

Name of Medicines	Size	Qty.	Rate	AMOUNT	
				Rs.	P.
yogambu ras	1	9	246.00	2214	00
Vat chintamani ras	2.50	2	492.00	994	60
(Vib)					
Malayog raj ras	10	6	316.00	189	60
Arogyabhu ras	10	10	138.00	138	00
Somni Paryas	2.50	3	192.00	57	00
RAMRAN ras	10	4	165.00	50	00
Sarivadyasam	680	6	36.90	221	4.00
				3864 60	
Ligatu ras				270 60	
				3594 00	

TAX PAID

Signature

CASH MEMO

Gram : PRANDA
Phone : 45075, 47750

(132)



NIRMAL ENTERPRISES

Authorised Distributors of :

Shree Baidyanath Ayurved Bhawan Limited.

Tokobari Road, GUWAHATI-781 001

No.

Date.....15/2/1993

M/s.

2194

Dr. K. C. Robhe. PAMULPUR.

Name of Medicines	Size	Qty.	Rate	AMOUNT	
				Rs.	P.
Somiyang Len	2.5	5	16.45	82	25
Arogyavardhini Bala.	10	5	13.25	66	25
Mahaparijat Susha	10	5	30.60	153	60
Vai Vatahastan	2.5	2	487.30	984	60
Yopandou Kali	520	13	117.60	1528	80
Saribadihau	680	2	38.20	76	40
— Do —	450	1	26.35	26	35
				2821	65
• Less 4%.				116	65
				2805	60

TAX PAID.

Signature

Govt of Assam

OUTPATIENT DEPTT. OF

UNIT

SILCHAR MEDICAL COLLEGE &

HOSPITAL - GHOONGUR

NAME Pannulal PaulAGE 33 SEX M RELG HHOSPT. NO. 19354 DATE 14/9/93

" Rptd. to 8 Hoops in chukap
opium."

BS
14/9/93

No. 0961

CASH MEMO

Phone : 31720 P.D.

Date 20/1/93

AYURVEDIC PHARMACY

Deals in : All kinds of Ayurvedic &
Allopathic Medicines

Tokobari, Guwahati-781 001

D. L. No. KMP/6063/6064

Name Mr.

Prescribed by Dr.

Qty.	PARTICULARS	Mfg. Co.	Batch No.	Expiry Dt.	Amount Rs. P.
1 gm	1/2 riken Valt	Bayer	—	—	473 = 60
	R-Sg-1 Chink	—	—	—	170 = 80
1 gm	Bis Bayer	-Do-	—	—	107 = 10
82 Sg.	—	—	—	—	—
X 602 Tg	Siver Rel	-Do-	—	—	14 = 95
X 1 gm	Bayer	-Do-	—	—	25 = 80
1 gm	Bet Sg	—	—	—	—
1 gm	Mahana molie	-Do-	—	—	—
				Total	792 = 25

N. B. ● Goods once sold will not be taken back. ● Rates are inclusive of pre-paid Tax.

● If due to oversight any item is overcharged, please call for refund.

Signature

gram : PRANDA

CASH MEMO

Telephone : 477
45075

(135)
280

Assam Ayurvedic Bhandar

অসম আয়ুৰ্বেদিক ভাণ্ডাৰ

Authorised Distributors of :

Shree Baidyanath Ayurved Bhawan Ltd.

Tokobari Road, GUWAHATI-781 001

Shri

Name of Medicine	Size	Qty.	Amount
Sarivalyasan	620	7	246.40
			246.40

Mr. Pannalal Paul - (30) 4/25

R.

(I) Sarivadya Ras -	3 TSA	(Dabur)
Yogendra Ras -	1 pill	(Baidya)
Samin banna Ras -	1/6 gm.	(Baidya)
Malayogansj guggle -	2 pill	(Baidya)
Ramban Ras -	2 pill	(Baidya)
<hr/>		
		1 dose

Sig → one dose twice daily + 1 month

has (II)

R-Compound -

(100)

Sig → 2 tab. twice daily after meal.

not required
(available with me)

(III) J. Penicillin L-A-24 -

Sig → 1 inch 1/2 m. Monthly (AST)

(IV) Anagavardhini - 2 pill

Green Bhangura - 3 TSA

1 dose

Sig → one dose twice daily

before meal + 1 month

P.T.O.

P. B. K.
7/2/21

25
① Br. vat Chintamani pill

85. ~~with~~ ~~30~~ ~~5~~ ~~10~~ ~~15~~ ~~20~~ ~~25~~ ~~30~~ ~~35~~ ~~40~~ ~~45~~ ~~50~~ ~~55~~ ~~60~~ ~~65~~ ~~70~~ ~~75~~ ~~80~~ ~~85~~ ~~90~~ ~~95~~ ~~100~~ ~~105~~ ~~110~~ ~~115~~ ~~120~~ ~~125~~ ~~130~~ ~~135~~ ~~140~~ ~~145~~ ~~150~~ ~~155~~ ~~160~~ ~~165~~ ~~170~~ ~~175~~ ~~180~~ ~~185~~ ~~190~~ ~~195~~ ~~200~~ ~~205~~ ~~210~~ ~~215~~ ~~220~~ ~~225~~ ~~230~~ ~~235~~ ~~240~~ ~~245~~ ~~250~~ ~~255~~ ~~260~~ ~~265~~ ~~270~~ ~~275~~ ~~280~~ ~~285~~ ~~290~~ ~~295~~ ~~300~~ ~~305~~ ~~310~~ ~~315~~ ~~320~~ ~~325~~ ~~330~~ ~~335~~ ~~340~~ ~~345~~ ~~350~~ ~~355~~ ~~360~~ ~~365~~ ~~370~~ ~~375~~ ~~380~~ ~~385~~ ~~390~~ ~~395~~ ~~400~~ ~~405~~ ~~410~~ ~~415~~ ~~420~~ ~~425~~ ~~430~~ ~~435~~ ~~440~~ ~~445~~ ~~450~~ ~~455~~ ~~460~~ ~~465~~ ~~470~~ ~~475~~ ~~480~~ ~~485~~ ~~490~~ ~~495~~ ~~500~~ ~~505~~ ~~510~~ ~~515~~ ~~520~~ ~~525~~ ~~530~~ ~~535~~ ~~540~~ ~~545~~ ~~550~~ ~~555~~ ~~560~~ ~~565~~ ~~570~~ ~~575~~ ~~580~~ ~~585~~ ~~590~~ ~~595~~ ~~600~~ ~~605~~ ~~610~~ ~~615~~ ~~620~~ ~~625~~ 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~~1225~~ ~~1230~~ ~~1235~~ ~~1240~~ ~~1245~~ ~~1250~~ ~~1255~~ ~~1260~~ ~~1265~~ ~~1270~~ ~~1275~~ ~~1280~~ ~~1285~~ ~~1290~~ ~~1295~~ ~~1300~~ ~~1305~~ ~~1310~~ ~~1315~~ ~~1320~~ ~~1325~~ ~~1330~~ ~~1335~~ ~~1340~~ ~~1345~~ ~~1350~~ ~~1355~~ ~~1360~~ ~~1365~~ ~~1370~~ ~~1375~~ ~~1380~~ ~~1385~~ ~~1390~~ ~~1395~~ ~~1400~~ ~~1405~~ ~~1410~~ ~~1415~~ ~~1420~~ ~~1425~~ ~~1430~~ ~~1435~~ ~~1440~~ ~~1445~~ ~~1450~~ ~~1455~~ ~~1460~~ ~~1465~~ ~~1470~~ ~~1475~~ ~~1480~~ ~~1485~~ ~~1490~~ ~~1495~~ ~~1500~~ ~~1505~~ ~~1510~~ ~~1515~~ ~~1520~~ ~~1525~~ ~~1530~~ ~~1535~~ ~~1540~~ ~~1545~~ ~~1550~~ ~~1555~~ ~~1560~~ ~~1565~~ ~~1570~~ ~~1575~~ ~~1580~~ ~~1585~~ ~~1590~~ ~~1595~~ ~~1600~~ ~~1605~~ ~~1610~~ ~~1615~~ ~~1620~~ ~~1625~~ ~~1630~~ ~~1635~~ ~~1640~~ ~~1645~~ ~~1650~~ ~~1655~~ ~~1660~~ ~~1665~~ ~~1670~~ ~~1675~~ ~~1680~~ ~~1685~~ ~~1690~~ ~~1695~~ ~~1700~~ ~~1705~~ ~~1710~~ ~~1715~~ ~~1720~~ ~~1725~~ ~~1730~~ ~~1735~~ ~~1740~~ ~~1745~~ ~~1750~~ ~~1755~~ ~~1760~~ ~~1765~~ ~~1770~~ ~~1775~~ ~~1780~~ ~~1785~~ ~~1790~~ ~~1795~~ ~~1800~~ ~~1805~~ ~~1810~~ ~~1815~~ ~~1820~~ ~~1825~~ ~~1830~~ ~~1835~~ ~~1840~~ ~~1845~~ ~~1850~~ ~~1855~~ ~~1860~~ ~~1865~~ ~~1870~~ ~~1875~~ ~~1880~~ ~~1885~~ ~~1890~~ ~~1895~~ ~~1900~~ ~~1905~~ ~~1910~~ ~~1915~~ ~~1920~~ ~~1925~~ ~~1930~~ ~~1935~~ ~~1940~~ ~~1945~~ ~~1950~~ ~~1955~~ ~~1960~~ ~~1965~~ ~~1970~~ ~~1975~~ ~~1980~~ ~~1985~~ ~~1990~~ ~~1995~~ ~~2000~~ ~~2005~~ ~~2010~~ ~~2015~~ ~~2020~~ ~~2025~~ ~~2030~~ ~~2035~~ ~~2040~~ ~~2045~~ ~~2050~~ ~~2055~~ ~~2060~~ ~~2065~~ ~~2070~~ ~~2075~~ ~~2080~~ ~~2085~~ ~~2090~~ ~~2095~~ ~~2100~~ ~~2105~~ ~~2110~~ ~~2115~~ ~~2120~~ ~~2125~~ ~~2130~~ ~~2135~~ ~~2140~~ ~~2145~~ ~~2150~~ ~~2155~~ ~~2160~~ ~~2165~~ ~~2170~~ ~~2175~~ ~~2180~~ ~~2185~~ ~~2190~~ ~~2195~~ ~~2200~~ ~~2205~~ ~~2210~~ ~~2215~~ ~~2220~~ ~~2225~~ ~~2230~~ ~~2235~~ ~~2240~~ ~~2245~~ ~~2250~~ ~~2255~~ ~~2260~~ ~~2265~~ ~~2270~~ ~~2275~~ ~~2280~~ ~~2285~~ ~~2290~~ ~~2295~~ ~~2300~~ ~~2305~~ ~~2310~~ ~~2315~~ ~~2320~~ ~~2325~~ ~~2330~~ ~~2335~~ ~~2340~~ ~~2345~~ ~~2350~~ ~~2355~~ ~~2360~~ ~~2365~~ ~~2370~~ ~~2375~~ ~~2380~~ ~~2385~~ ~~2390~~ ~~2395~~ ~~2400~~ ~~2405~~ ~~2410~~ ~~2415~~ ~~2420~~ ~~2425~~ ~~2430~~ ~~2435~~ ~~2440~~ ~~2445~~ ~~2450~~ ~~2455~~ ~~2460~~ ~~2465~~ ~~2470~~ ~~2475~~ ~~2480~~ ~~2485~~ ~~2490~~ ~~2495~~ ~~2500~~ ~~2505~~ ~~2510~~ ~~2515~~ ~~2520~~ ~~2525~~ ~~2530~~ ~~2535~~ ~~2540~~ ~~2545~~ ~~2550~~ ~~2555~~ ~~2560~~ ~~2565~~ ~~2570~~ ~~2575~~ ~~2580~~ ~~2585~~ ~~2590~~ ~~2595~~ ~~2600~~ ~~2605~~ ~~2610~~ ~~2615~~ ~~2620~~ ~~2625~~ ~~2630~~ ~~2635~~ ~~2640~~ ~~2645~~ ~~2650~~ ~~2655~~ ~~2660~~ ~~2665~~ ~~2670~~ ~~2675~~ ~~2680~~ ~~2685~~ ~~2690~~ ~~2695~~ ~~2700~~ ~~2705~~ ~~2710~~ ~~2715~~ ~~2720~~ ~~2725~~ ~~2730~~ ~~2735~~ ~~2740~~ ~~2745~~ ~~2750~~ ~~2755~~ ~~2760~~ ~~2765~~ ~~2770~~ ~~2775~~ ~~2780~~ ~~2785~~ ~~2790~~ ~~2795~~ ~~2800~~ ~~2805~~ ~~2810~~ ~~2815~~ ~~2820~~ ~~2825~~ ~~2830~~ ~~2835~~ ~~2840~~ ~~2845~~ ~~2850~~ ~~2855~~ ~~2860~~ ~~2865~~ ~~2870~~ ~~2875~~ ~~2880~~ ~~2885~~ 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16253
August 18, 1994

Despatcher:-
Pannalal Paul,
C/o Shri Prabhat Chandra Paul,
P.O. Maibang-788 831,
Dist. N.C.Hills. (Assam)

REGISTERED WITH A/D

To

Mr. D. K. Nag,
Inquiring Authority
&
Senior Accounts Officer,
Office of the Accountant General, (A&E),
Meghalaya Etc., SHILLONG-793 001.

Subject:- Departmental Enquiry under Rule 14 of the C.C.S. (C.C.A.)
Rules, 1965 against me i.e. Pannalal Paul, C/T.

Reference:- Your communication No. I.O./Deptt. Enq/PLP/94-95/1
Dated 12-08-1994.

Respected Sir,

Apropos of the foregoing subject this is to apprise you to the effect that in compliance with the direction emanated from the competent authority i.e. The Senior Deputy Accountant General (Administration), the written statement of defence coming on the close heels of the issuance of the charge sheet memorandum No. Sr. DAG(A)/7/Eon-C/90-91/84 Dated 06-07-1994 has been put in and forwarded and addressed to the Senior Deputy Accountant General, (Admn.) vide Dated July 25, 1994 the same has been sent in via REGISTERED WITH A/D cover, the Postal Registration No. being 2228 Dated 26-07-1994.

Prior to the disciplinary proceedings getting off the ground, I would like to call upon you that the inquiry report of the previous Inquiry Officer, Mr. S. Deb Biswas, the Welfare Officer of this office vide my written statement of defence may kindly be pored over with a view to having the clear perception of the

Received
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case and this and this will stand you in good stead in orienting yourself with this intricate case and the circumstances leading to my prolonged absence from my duties and the resultant disciplinary proceedings against me. Over and above, the office order No. Sr. DAG(A)/7/Con-C/90-91/211 Dated September 18, 1992 may kindly be gone through in order to have the gamut of the case root and branch.

Inasmuch as I am having to suffer from disability of highly permanent nature and which is at the bottom of my prolonged absence from my duties and as such I shall not be able to get conspicuous by my presence during the preliminary hearing slated for August 31, 1994. The circumstances leading to the failure on my part on this score may kindly be appreciated and I may kindly be accorded exemption.

As regards my would-be defence assistant, I would like to say that methinks I have been reduced to nothing short of an anathema and pariah for I am a handicapped person and thus I am in a fair way to be cold shouldered. It is next to unlikely to find a defence assistant who will come to my succour and thus it is no less than crying for the moon in the light of this context. Albeit there is no gainsaying that I cannot call the shots but I am having to plough the lonely furrow willy nilly.

Before signing off I would like to implore to you to deal with the case in a commiserative fashion given the fact that I have bristled with umpteen constraints which are plaguing me consistently sans any let-up and for which act of benevolence on your part I shall rest ever grateful to you.

With esteemed regards. I remain.

Yours faithfully,

Pannalal Paul
(PANNALAL PAUL) 18.8.94