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5/100

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-88/97 ordersheet pg-1

Dismissed Date-9/4/97

M.P-130/97 ordersheet pg-1 to 3

Dismissed Date-25/6/98

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH  
GUWAHATI

ORIGINAL APPLN.NO. 273 OF 1995  
TRANSFER APPLN.NO. OF 1995  
CONTEMPT APPLN.NO. OF 1995 (IN OA NO. )  
REVIEW APPLN. NO. OF 1995 (IN OA NO. )  
MISC. PETN. NO. OF 1995 (IN OA NO. )

..... Ajay K. Singh APPLICANT(S)  
-VE-

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

FOR THE APPLICANT(S) ...MR. B.K. Sharma  
MR. P.K. Tiwari  
MR. B. Mehta  
MR.

FOR THE RESPONDENTS ...MR. G. Sauma, Addl. Secy.

OFFICE NOTE

DATE

ORDER

15.12.95

Mr B.K.Sharma for the applicant.

This application is in  
form and within time.  
C. F. of Rs. 50/-  
deposited vide  
IPO/EX No. 514775  
Dated 22.9.95

Applicant present. A two fold  
grievance is made in this application.  
One relates to the disciplinary proceed-  
ing initiated against the applicant  
and the second is that while promoting  
certain juniors on adhoc basis by order  
dated 10.11.95 (Annexure-9) he has been  
denied that benefit although he is  
entitled to the same and that if the  
circumstance of pendency of the disci-  
plinary proceeding has <sup>weighed</sup> wait with the  
respondents as it appears to have so  
<sup>weighed</sup> wait it is contrary to the law. The  
applicant has framed the application  
for introducing both the causes of  
action. He prays that the memorandum  
of charges on the basis of which the  
disciplinary enquiry is commenced  
namely Annexure-5 dated 21.2.92 as  
also charges contained therein be  
quashed and at the same time he has  
prayed for a direction to respondents  
1 and 2 to promote him to J.A.G.Group-  
A of ITS with effect from the same  
date on which respondents 5 to 11 were  
promoted. These are two independent

contd...

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH  
GUWAHATI

ORIGINAL APPLN.NO. OF 1995  
TRANSFER APPLN.NO. OF 1995  
CONTEMPT APPLN.NO. OF 1995 (IN OA NO. )  
REVIEW APPLN. NO. OF 1995 (IN OA NO. )  
MISC. PETN. NO. OF 1995 (IN OA NO. )

..... APPLICANT(S)

-VS-

..... RESPONDENT(S)

FOR THE APPLICANT(S) ...MR.

MR.

MR.

MR.

FOR THE RESPONDENTS ...MR.

OFFICE NOTE	DATE	ORDER
	15.12.95	<p>causes of action and cannot be clubbed together and the application is therefore suffers from misjoinder of causes of action. Mr Sharma now <sup>states</sup> seeks that the applicant desires to confine this application to the grievance relating to promotion and the relief sought by paras 8.4 of the O.A and he will not proceed with this application for reliefs claimed in paras 8.1, 8.2 and 8.3 subject however to his right to file separate application in that respect. We think that the above liberty should be granted. It may be stated that the circumstance <sup>of</sup> pendency of the disciplinary proceeding and the grounds of attack on the validity of the enquiry as may be relevant to the question of promotion will always <sup>be</sup> open to be relied to support the case for promotion although relief of quash: the proceeding cannot be clubbed with other reliefs that is sought.</p> <p>Consequently the O.A. is admitted <sup>the extent of</sup> only to the question of relief <sup>for which</sup> claimed in para 8.4 and the averments contained in the application therefore shall be read as confined to that relief. The</p>

contd..

15.12.95 O.A. is not admitted for the purpose of relief claimed in paras 8.1, 8.2 and 8.3 relating to departmental proceeding. The applicant however <sup>will</sup> be at liberty to file a separate O.A. if so advised in accordance with the law to seek relief in respect of the departmental proceeding.

Issue notice to the respondents. 8 weeks for written statement. To be placed for orders on 26.2.1996.

Mr G.Sarma, Addl.C.G.S.C seeks to appear for the respondents 1 to 4. Notice however be issued directly to all the respondents.

Issue notice to the respondents separately alongwith the notice in the O.A as to why interim relief should not be granted in terms of par 9.2 and 9.3 of the O.A. Returnable on 26.2.1996. O.A be listed on 26.2.96 for hearing as to interim relief and for the directions in the O.A.

It is made clear that pendency of this application will not be a bar for the respondents to give adhoc promotion to the applicant if so advised without prejudice to their rights and contentions in the O.A.

*No requisites or issuing notices have been made so far. placed before the court for orders.*

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

pg

*9/1/96*  
*50151*

*Requisite are made on 5.1.96 & issued. v. no-105-115 2.9.1.96*

*[Signature]*

(4)

26.2.96

Adjourned to 9.4.96 for orders.  
Liberty to file counter.

Notice served on R.no. 7.

~~Notice served on R.no. 6, 9 & 11.~~

*[Signature]*  
Vice-Chairman

*[Signature]*  
Member

*[Signature]*  
1/2

nkm

Notice received unserved  
from R.no. 5, 6, 8, 9, 10 & 11.

*[Signature]*  
4/3

9.4.96

Learned Addl.CG.S.C Mr G.Sarma is present. Written statement has been submitted. Mr P.K.Tiwari for the applicant prays for 3 weeks time to file rejoinder.

List for hearing on 22.5.96. In the meantime the applicant may submit rejoinder, if considered necessary, with copy to the respondents.

2.4.96

W/S Submitted  
on behalf of the Respondent.  
1 to 4.

*[Signature]*

pg

*[Signature]*  
Member

22-5-96

Mr.P.K.Tiwari for the applicant is present. Written statement has been submitted by respondent No.1 to on 2-4-96. Copy of the same may be served on counsel ~~for~~ of the applicant. List for hearing on 27-6-96.

22.5.96

*[Signature]*

OF

*[Signature]*  
Member

lm

27-6-96

Learned Addl.C.G.S.C. Mr.G.Sarma for the respondents. List for hearing on 25-7-96.

pg

*[Signature]*  
Member

5  
O.A.273/95

Notice duly served on  
O.P. No. 7.

25-7-96

Notices ~~received~~ unserved  
on respondents nos. 5, 6, 8, 10, & 11.  
(the A/D. not received)  
w/ statement has been filed.

lm

27.8.96

Learned counsel Mr. S. Sarma for  
the Mr. B.K. Sharma is present for the  
applicant. List for hearing on  
27-8-96.

Member

None for the applicant.

Mr. A.K. Choudhury, Addl. C.G.S.C  
for Mr. G. Sarma, Addl. C.G.S.C seeks one month  
time. Allowed.

List for hearing on 24.9.96.

Member

Information to the  
applicant  
m/27/96

w/ statement has been filed

trd

m/27/96

24.9.96

Mr S. Sarma for the applicant.  
G. Sarma, Addl. C.G.S.C for the respondent  
List for hearing on 12.11.1996

Member

w/ statement has been filed

pg

m/25/99

12.11.96

Mr B. Mehta for the applicant.  
Sarma, Addl. C.G.S.C for the respondent  
List for hearing on 10.12.96.

Member

pg

m/12/11

O.A. 273/95.

24.12.96

4.3.97

Let the case be listed for hearing on 24.4.1997.

1. W/S has been filed by respondents No. 1-4.
2. Notices duly served on respondent Nos 5 to 11.
3. No reply has been filed.
4. The case is ready for hearing. The case may be placed before the Division Bench for fixing a date of hearing.

Member

Vice-Chairman

pg

W  
11/3

29/12/96

11.3.97

Mr B.K. Sharma, learned counsel for the applicant, is present. On the request of Mr G. Sarma, learned Addl. C.G.S.C., this case be listed on 21.3.97.

Mr G. Sarma shall produce the the proceedings of the Departmental Promotion Committee records on the next date. Also call for the records of O.A.No.32/96.

Member

Vice-Chairman

nkm

14.3.97

On the request of the counsel for the parties this case be listed for hearing on 26.3.97.

Member

Vice-Chairman

nkm

26.3.97

The Division Bench is not available as the Hon'ble Administrative Member is on leave.

Let this case be listed on 9.4.97.

Vice-Chairman

nkm

26.3.97

Add. facts & prayer  
filed by the counsel of applicant,  
at pgs. 97 - 110.

Wt statement & addl. w/s.  
has been filed.

X

9.4.97

On the prayer of Mr G.Sarma,learned Addl.C.G.S.C the case is adjourned till 17.4.1997. Mr B.K.Sharma,learned counsel for the applicant has no objection.

w/ statement & Addl. W/S  
has been b/w

16/4

  
Member

  
Vice-Chairman

pg

  
11/4

17.4.97

Mr G.Sarma,learned Addl.C.G.S.C is present for the respondents.


List on 1.5.97 for hearing.

w/ statement & Addl  
w/ statement has been  
b/w

  
Member

  
Vice-Chairman

pg

  
22/4

1.5.97


On the prayer of Mr G.Sarma,learned Addl.C.G.S.C the case is adjourned till 7.5.97.

20/4

  
Member

  
Vice-Chairman

pg

  
2/5

7.5.97

On the prayer of Mr S.Sarma on behalf of Mr B.K.Sharma,learned counsel for the applicant the case is adjourned to 12.5.97.

  
Member

  
Vice-Chairman

pg

  
6/5

12.5.97

On the prayer of Mr S.Sarma on behalf of Mr B.K.Sharma the case is adjourned to 24.6.97 for hearing.

  
Member

  
Vice-Chairman

pg



(8) O.A. 273/95

8

4.6.97

On the prayer of Mr. S. Sonu, Adv.  
the case is placed for orders on  
6.6.97 instead of 24.6.97 for hearing

By order.

*in*

6-6-97

~~Mr. G. Sharma / Mr. G. Sharma~~ Addl. C.G.S.C for the

There is no representation for the  
applicant. Mr. G. Sharma Addl. C.G.S.C for  
the respondents. *is present*

Let this case be listed for  
hearing on 30-6-97.

*for*  
Member

*J. B. Sharma*  
Vice-Chairman

1m  
*for*  
*12/6*

30-6-97

On the prayer of counsel for the  
parties case is adjourned till 2-7-97.

*for*  
Member

*J. B.*  
Vice-Chairman

1.m.

*for*  
*11/7*

2.7.97

Heard in part. Mr B.K. Sharma, learned  
counsel for the applicant wants to examine some  
points of law in view of the Full Bench decision,  
and therefore, he prays for short adjournment.

List it on 14.7.97 for further hearing.

*for*  
Member

*J. B.*  
Vice-Chairman

The case is ready  
for hearing.

*ns*  
20/8/97.

nk m

*for*  
*3/7*

14-7-97

Due to ref., the case is suspended  
after 12 months. Adjourned to 29.8.97

By order

19.9.97

Case is ready for hearing.

List for hearing on 10.12.97

W/S has been heard  
on R.Nos 1-4.

W/S has not been  
heard on R.Nos 5-11.

Addl. statement has  
been heard.

8/12

Member

Vice-Chairman

pg

ms  
22/9

10.12.97 There is no Revision Bar  
Adjudged to 5-2-98

By order,

5.2.98

The learned counsel for the  
parties are not present. The case is  
adjourned to 23.2.98 for hearing.

Member

Vice-Chairman

nkm

ms  
6/2

23.2.98

On the prayer of Mr B.K.Sharma,  
learned counsel for the applicant the  
case is adjourned till 2.3.98.

Member

Vice-Chairman

W/S and Addl. statement  
has been heard.

8/12

pg

ms  
26/2

2-3-98

Mr.S.Ali, learned Sr.C.G.S.C. has  
made a mention on behalf of Mr.B.K.Sharma  
that he is not in a position to attend the  
Court for his personal difficulty. Mr.G.  
Sharma learned Addl.C.G.S.C. has no  
objection.

List on 8.3.98.

Member

Vice-Chairman

W/S and Addl. statement  
has been heard.

10/3

ms  
3/3

11.3.98

Mr A.K.Choudhury on behalf of Mr G.Sarma, learned Addl.C.G.S.C prays for adjournment as he is out of station. Counsel for the applicant has no objection. Prayer allowed. No further adjournment will be granted.

List on 24.3.98 for hearing.

*bo*  
Member

*LB*  
Vice-Chairman

pg

The case is ready for hearing as regard service & w/s.

24.3.98 Adjourned to 20.4.98.  
By order

20.4.98

Heard in part. Mr G.Sarma, learned Addl.C.G.S.C is not in a position to attend the Tribunal due to his personal difficulties. Mr S.Ali, learned Sr. C.G.S.C on behalf of Mr Sarma prays for adjournment.

List on 6.5.98 for further hearing

*bo*  
Member

*LB*  
Vice-Chairman

pg

2/8  
2/14

6.5.98 Adjourned to 10.6.98.  
By order

10-6-98

Mr.U.K.Nair learned counsel appearing on behalf of Mr.B.K.Sharma learned counsel for the applicant mention has been that Mr.B.K.Sharma is out of Station for Shardha Ceremo one of his junior. Therefore, he prays for adjournment.

List it on 15-6-98.

*bo*  
Member

*LB*  
Vice-Chairman

lm

w/s and Addl. statement  
has been filed

5/10  
23/3

2/10  
12.4

1) w/s has been filed on R.Nos 1-4. The R.Nos 5-11 have not been filed.  
2) Addl. statement has been filed.

w/s has been filed on R.Nos 1-4. The other Respondents have not been filed.  
2) Addl. statement has been filed.

4/9/6 15.6.98

Adjourned due to reference case to be listed on 19.6.98.

By order

(11) OA 273/95 11

Notes of the Registry.	Date	Order of the Tribunal
WTS and Addl. statement has been R.W. 13/6	19.6.98.	Left over. Agreed to 24.6.98.  By order
	24-6-98	Passover in a day. By order.
16.7.98  Copies of the order have been sent to the D/Sec for issuing the same to the L/Advocates of the parties. H.P.	25.6.98	There is no representation. Appli- cation is dismissed for default.  Member Vice-Chairman
7-1-99  Written statement & Addl. statement has been R.W.	5-1-99	In view of the order passed in Mi- Petition No.172 of 98 the order of dismissal is set aside and the Original application No.273 of 95 is restored to file. on 5-1-99.  List for hearing on 8-1-99.  Member Vice-Chairman
11.3.99  Copies of the Judgment have been sent to the D/Sec. for issuing the same to the parties through Regd. with afo. H.P.	8.1.99	Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is disposed of. No order as to costs.  Member Vice-Chairman

188cc or vide despatch  
NO. 823 to 833 dt. 17-3-99

Notes of the Registry	Date	Order of the Tribunal
12		

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH ::: GUWAHATI-5.

O.A.No. 273 of 1995

8.1.1999  
DATE OF DECISION.....

!! Shri A.K. Singh (PETITIONER(S))

Mr B.K. Sharma and Mr S. Sarma ADVOCATE FOR THE  
PETITIONER(S)

VERSUS

Union of India and others RESPONDENT(S)

Mr B.C. Pathak, Addl. C.G.S.C.

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

THE HON'BLE MR 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.



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.273 of 1995

Date of decision: This the 8th day of January 1999

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

The Hon'ble Mr G.L. Sanglyine, Administrative Member

Shri Ajay Kumar Singh, ITS,  
Staff No.8113,  
Divisional Engineer, Telecom,  
Office of the Chief General Manager,  
Telecom, North East Circle,  
Shillong.

.....Applicant

By Advocates Mr B.K. Sharma and Mr S. Sarma.  
- versus -

1. The Union of India, through the  
Secretary, Ministry of Communication,  
Department of Telecommunication,  
New Delhi.
2. The Director General,  
Government of India,  
Ministry of Communication,  
Department of Telecommunication,  
New Delhi.
3. The Assistant Director General (Vig.A),  
Government of India,  
Department of Telecommunication,  
New Delhi.
4. The General Manager (Vig.),  
Government of India,  
Ministry of Communication,  
Department of Telecommunications,  
New Delhi.
5. Shri H.C. Mohta,  
Divisional Engineer (Telecom),  
Staff No.8114, through the  
Chief General Manager (Telecom),  
Mahanagar Telephone Nigam Ltd.,  
Bombay.
6. Shri V. Raju,  
Divisional Engineer (Telecom),  
Staff No.8115, through the  
Chief General Manager (Telecom),  
Andhra Pradesh Telecom Circle,  
Hyderabad.
7. Shri I.N.Y. Prasad,  
Divisional Engineer (Telecom),  
Staff No. 8116, through the  
Chief General Manager (Telecom),  
Karnataka Telecom Circle,  
Bangalore.
8. Shri R. Sridharan,  
Divisional Engineer (Telecom),  
Staff No.8117, through the  
Chief General Manager (Telecom),  
Bangalore Telephone District,  
Bangalore.

9. Shri Nazamul Haq,  
Divisional Engineer (Telecom),  
Staff No.8118, through the  
Chief General Manager (Telecom),  
Quality Assurance Circle,  
Bangalore.

10. Shri CVL Nagalula,  
Divisional Engineer (Telecom),  
Staff No. 8119, through the  
Chief General Manager (Telecom),  
Mahanagar Telephone Nigam Ltd.,  
Bombay.

1. Shri S.K. Chaturvedi,  
Divisional Engineer (Telecom),  
Staff No.8120, through the  
Chief General Manager (Telecom),  
Madhya Pradesh Telecom Circle,  
Bhopal.

.....Respondents

By Advocate Mr B.C. Pathak, Addl. C.G.S.C.

.....

O R D E R

BARUAH.J. (V.C.)

The applicant, at the material time, was Sub Divisional Officer (Phones) in the Department of Telecommunications. By Annexure 2 order dated 13.10.1989, he was suspended with effect from 1.6.1989 on certain allegations against him. However, on the very same day, By Annexure 3 order the order of suspension was revoked. By Annexure 4 order dated 20.2.1990 he was promoted to the senior time scale and transferred to Ahmedabad. Accordingly he carried out the order of transfer and assumed charge in the promotional post. By Annexure 5 order dated 27.1.1992 Article of charges alongwith statement of imputations were framed by initiating departmental proceeding under Rule 14 of the CCS(CCA) Rules, 1965 asking the applicant to show cause why disciplinary action should not be taken and why punishment should not be awarded on the basis of the charges framed. The applicant replied to the show cause. However, the authority, not being satisfied with the cause shown decided to proceed with the enquiry and in pursuance



thereto an Enquiry Officer was appointed in the year 1994. The disciplinary proceedings came to an end on 13.2.1997. In the said disciplinary proceedings the applicant was exonerated and the charges were dropped. However, a new article of charge was framed against him on 3.1.1997. The article of charge alongwith a statement of imputations had been served on him. The charge was for procuring some telephone instruments for illegal issuance. The applicant was asked to show cause against the charge. The applicant submitted his reply to the show cause notice. The Disciplinary Authority not being satisfied with the reply, decided to proceed with the enquiry. According to the applicant the said disciplinary proceeding is still pending. During the pendency of the first disciplinary proceeding, a DPC meeting was held on 10.11.1995 and the eligible candidates including the applicant were assessed. From the pleadings it appears that the case of the applicant was also considered in that DPC. However, it is not known whether the sealed cover procedure had been followed or not as we do not find any record in this regard. The second disciplinary proceeding was initiated against the applicant during the pendency of the first disciplinary proceeding. According to the applicant though he was exonerated in the first disciplinary proceeding and there being no criminal case pending against him he was not given his promotion, which he was entitled to on the basis of the DPC meeting held on 10.11.1995. However, what was the assessment of the applicant is not known. But the applicant has stated that his juniors had been promoted. As the applicant was not given promotion he has filed this present application. It may be mentioned here that at the time when the present application was filed by the applicant before this Tribunal the disciplinary proceeding was then pending, and therefore, even if he was entitled to be promoted he could not be given promotion.....

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promotion because of the pendency of the application.

2. In due course the respondents have entered appearance and filed written statement. In para 5 of the written statement the respondents have stated that as the disciplinary proceeding was still pending the question of giving promotion would not arise. We quote para 5 below:

".....the applicant alongwith his juniors was duly considered by the Screening Committee for ad hoc promotion to JAG of ITS Gr-A on his due seniority. Since disciplinary proceedings are pending against the applicant, he cannot be promoted till the proceedings are concluded. As per Department of Personnel and Training guidelines an officer is not be promoted in the following circumstances:

- i) Government servant under suspension.
- ii) Government servant in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending;  
and
- iii) Government servants in respect of whom, prosecution for a criminal charge is pending."

From the statements made in para 5 of the written statement, quoted above, it may be safely concluded that the applicant would have been promoted, but for the pendency of the disciplinary proceedings. This may also go to show that the applicant as per the assessment came out successful, but could not be promoted due to the pendency of the disciplinary proceeding against him. During the pendency of this application the disciplinary proceeding initiated against him on the basis of the first chargesheet came to an end exonerating him of the charges.

*B* No other criminal case was pending against him as will be evident from Annexure 13 order dated 12.2.1992 wherein it is stated that the chargesheet could not be filed against the applicant due to paucity of evidence. It is not known why, in spite of the applicant being

exonerated.....

exonerated from the disciplinary proceeding initiated on the basis of the first chargesheet, his promotion was withheld.

3. We have heard Mr S. Sarma, learned counsel for the applicant and Mr B.C. Pathak, learned Addl. C.G.S.C. on behalf of the respondents. Mr Sarma submits that the applicant should have been promoted immediately after he was exonerated. An additional statement of facts has also been filed by the applicant. Mr Sarma has specifically invited our attention to para 7 of Annexure A enquiry report to the additional statement. We quote para 7 of the report below:

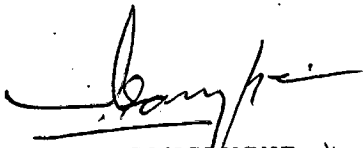
"It is stated that Charged Officer worked as SDOP(North) from 29.12.1986 to 2.4.1980 (Exn. D-9 and D-11). The CBI, Jaipur have filed final reports stating that no charge sheet was being filed against Shri A.K. Singh for want of sufficient evidence. Copies of these reports are marked collectively as Ex.D-3."

Mr Pathak also very fairly and candidly states that from reading para 7 of the report it appears that no criminal case was pending against the applicant. He also does not dispute the fact that the applicant was exonerated from the first chargesheet. However, Mr Pathak submits that the department might have withheld his promotion because of the subsequent disciplinary proceeding initiated on 3.1.1997. Mr Sarma, on the other hand, submits that the disciplinary proceeding which was pending at the time of the DPC meeting held on 10.11.1995 should alone be counted and not the subsequent disciplinary proceeding.


Mr Pathak does not dispute the legal proposition. We also feel that the subsequent disciplinary proceeding cannot debar the applicant from getting his promotion on the basis of the DPC meeting held on 10.11.1995.

4. In view of the above, we allow this application and direct the respondents to open the sealed cover if the sealed cover procedure had been adopted. If the sealed cover procedure was not adopted then the assessment made at the time of the Departmental Promotion/Screening Committee meeting held on 10.11.1995 should be taken into consideration and on the basis of such assessment examine whether the applicant was entitled to be promoted. If no such assessment was made at that time the respondents shall hold a review Departmental Promotion/Screening Committee meeting for assessment of the applicant as on 10.11.1995, the date of meeting of the DPC. This must be done as early as possible, at any rate within a period of three months from the date of receipt of this order.

5. The application is accordingly disposed of. No order as to costs.



( G. L. SANGLYINE )  
ADMINISTRATIVE MEMBER



( D. N. BARUAH )  
VICE-CHAIRMAN

21

Filed by: *Sri R. Irish*  
*Attrocat.*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GAUHATI BENCH.

O.A.NO 273 of 1995.

A.K. Singh.

- vs -

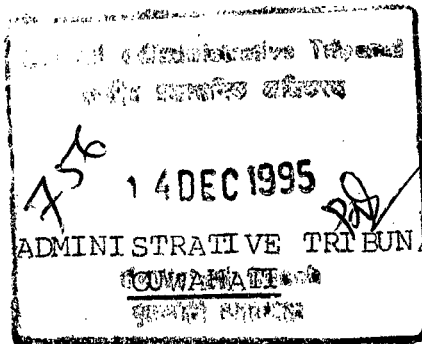
Union of India & ors.

LIST OF DATES

- 31.1.89 - Applicant was S.DO Phones at Jaipur and S.P. CBI  
Annexure-1 lodged an FIR making certain allegations.  
page-19
- 13.10.89 - Applicant was suspended w.e.f. 1.6.89 as he was  
Annexure-2 kept in the Police custody for more than 48 hrs.  
page-21.
- 13.10.89 - The applicant's such suspension was revoked by the  
Annexure-3 govt.  
page-22
- 20.2.90 - The applicant was transferred to Ahmedabad on  
Annexure-4 promotion to Sr. Time Scale I T S as Divisional  
page-23 Engineer.
- 27.1.92 - Respondents communicated that certain enquiry is  
Annexure-5 going to be held 21.2.92 on Annexure -1 FIR but  
page-24. for nearly 2 years no inquiry officer was appointed.
- 21.12.94 - Inquiry Officer was appointed.  
Annexure-6A page-40.
- Annexure-6B- Presenting Officer was also appointed.
- 10.4.95 - It was communicated that out of 117 charges 89 have  
Annexure-7 been dropped as most of the issue slip was not  
page-44 issued by the applicant.
- 15.2.95 - Applicant made representation to that effect.  
Annexure-8A
- 20-10-95 - Another representation was made by the applicant.  
Annexure-8B
- 10.11.95 - Promotion in the Jr. Administrative Grade of ITS  
has been made ignoring the case of the applicant,  
whereas he ought to have figured above Sri.R.Irish

ctd...2/=

- 22
- 2-12-92 - An Office Memorandum was issued where in it is a  
Annexure-10 stated that time factor may not effect the promo-  
page-72 tion in a DAR proceeding.
- 23.9.91 - A communication showing the time factor in respect  
Annexure-11 of DAR proceeding.  
page-75.
- 28.4.88 - Letter issued in respect of expeditious finalisation  
Annexure-12 of Departmental Proceedings.  
page-78
- 12.2.92 - The CBI authority showed inability to file Charge-  
Annexure-13 sheet against the applicant.  
page-81
- 12-9-95 - The respondents failed to provide opportunity to  
Annexure-14A the applicant to inspect some documents.  
page-82.
- 29.9.95 - Inspector of CBI expressed his regret for the  
Annexure-14B inordinate delay.  
page-83
- 25-4-91 & - Certificate of condemnation and achieving all the  
21.5.92 targets with the help of the applicant.  
Annexure 15A  
15 B & 15 C



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

~~Title of the~~

(An application under Section 19 of the Administrative  
Tribunals Act, 1985)

Title of the Case

: O.A. No. 273 of 1995

Shri Ajay Kumar Singh

...

Applicant

- Versus -

The Union of India & Ors.

...

Respondents

I N D E X

<u>Sl. No.</u>	<u>Particulars of the documents</u>	<u>Sl. No.</u>
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3.	Annexure-1 ...	19-20
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For use in Tribunal's office

Date of filing : 85-96  
Registration No. : 97-110.

REGISTRAR

Recd  
Gopal Sarma  
AD LG SC  
C.P.  
Guwahati  
12/12/95

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. No. \_\_\_\_\_ of 1995

BETWEEN

Mr. Ajay Kumar Singh, ITS  
Staff No. 8113  
Divisional Engineer, Telecom  
Office of the Chief General  
Manager, Telecom, North East Circle,  
Shillong.

..... Applicant

AND

1. Union of India,  
through the Secretary,  
Ministry of Communication,  
Department of Telecommunications,  
Sanchar Bhawan, Ashoka Road,  
New Delhi.
2. The Director General,  
Government of India,  
Ministry of Communication,  
Department of Telecommunications,  
Sanchar Bhawan, 20, Ashoka Road,  
New Delhi.
3. Assistant Director General (Vig.A).  
Government of India,  
Department of Telecommunications,  
Dak Tar Bhawan,  
Sansad Marg,  
New Delhi - 110 001.
4. General Manager (Vig.)  
Government of India,  
Ministry of Communication,  
Department of Telecommunications,  
Dak Bhawan, Sansad Marg,  
New Delhi-110 001.
5. H.C. Mohta, Divisional Engineer (Telecom),  
Staff No. 8114, through  
Chief General Manager (Telecom),  
Mahanagar Telephone Nigam Ltd, Bombay.
6. V. Raju, Divisional Engineer (Telecom)  
Staff No. 8115, through  
Chief General Manager (Telecom),  
Andhra Pradesh Telecom Circle,  
Hyderabad.

Contd....P/2.

Find by the applicant  
through  
Rajendra  
Advocate  
12.12.11



7. I N Y Prasad, Divisional Engineer (Telecom),  
Staff No. 8116, through  
Chief General Manager (Telecom),  
Karnataka Telecom Circle,  
Bangalore.
8. R. Sridharan, Divisional Engineer (Telecom),  
Staff No. 8117, through  
Chief General Manager (Telecom),  
Bangalore Telephone District,  
Bangalore.
9. Nizamul Haq, Divisional Engineer (Telecom),  
Staff No. 8118, through  
Chief General Manager (Telecom),  
Quality Assurance Circle,  
Bangalore.
10. CVL Nagalula, Divisional Engineer (Telecom),  
Staff No. 8119, through  
Chief General Manager (Telecom),  
Mahanagar Telephone Nigam Ltd.,  
Bombay.
11. S.K. Chaturvedi, Divisional Engineer (Telecom),  
Staff No. 8120, through  
Chief General Manager (Telecom),  
Madhya Pradesh Telecom Circle,  
Bhopal.

.... Respondents

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDERS AGAINST WHICH  
THE APPLICATION IS MADE :

The instant application under Section 19 of the Administrative Tribunals Act, 1985 is made against following orders and developments arising therefrom :

- (a) The Government of India Memorandum No. 8/15/91-Vig.II of the Department of Telecommunications dated 27.1.92, issued in the name of the President of India, by Assistant Director General (Vig.A),

pursuant to which inquiry against the applicant has been initiated under Rule 14 of the CCS(CCA) Rules, 1965. The charges in respect of which the inquiry has been initiated, are related to the events, that had allegedly taken place in the year 1987-88 i.e. 4/5 years prior to the framing of charges.

- (b) Inordinate delay in the completion of disciplinary inquiry against the applicant which is pending since last 4 years and is related to events that had allegedly taken place 4/5 years ago prior to the framing of charges.
- (c) Government of India Order No. 314-9/95-STG-III dated November 10, 1995 of the Department of Telecommunication, promoting respondent No. 5 to 11 (all Junior to applicant) to JAG of ITS Group-A on adhoc ~~xxxx~~ basis, ignoring the applicant's claim for such promotion and thereby superseding him by his juniors.

2. JURISDICTION OF THE TRIBUNAL :

The applicant declares that the subject matter of the instant case is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :

The instant application is within the prescribe period of limitation as laid down under Section 20 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

The applicant in the instant case is aggrieved

by the inordinate delay in the completion of frivolous and vexatious disciplinary inquiry (under Rule 14 of the CCS(CCA) Rules) which is pending against him since last 4 years. The aforesaid inquiry is related to events that had allegedly taken place 4/5 years ago prior to the framing of charges. During the pendency of this inquiry the competent authority vide order dated 10th November 1995 promoted the respondent Nos. 5 to 11 to Junior Administrative Grade of Indian Telecom Service Group A on adhoc basis ignoring the applicant's claim for such promotion. As respondent Nos. 5 to 11 are all junior to applicant, therefore, the applicant is also aggrieved by his supersession and he has reasons to believe that he has not been promoted to JAG Grade only because of pendency of disciplinary inquiry against him. Being thus highly aggrieved, ~~by~~ the applicant has come before this Hon'ble Tribunal for the redressal of his grievances.

The aforesaid, ~~the~~ is the crux of the subject matter of the instant case. The applicant now places the facts of the case in seriatim.

4.1 That the applicant is a citizen of India. He belongs to 1983 batch of Indian Telecommunications Service. After the completion of probation period the applicant was posted in Rajasthan Telecom Service at Jaipur as S.D.O. Phones.

4.2 That during the period when the applicant was posted as S.D.O. Phones at Jaipur, on 31.1.89, the S.P., CBI, Jaipur lodged an FIR against the applicant

Contd...P/5.

wherein allegation was made that the applicant during the year 1986-88 while functioning as S.D.O. Phones North Jaipur, conspired with some unknown persons to cheat the Telephone Department and that in furtherance of said criminal conspiracy the applicant dishonestly and fraudulently prepared a number of fake issue slips for issue of telephone instruments against the telephone connections already installed with instruments. Pursuant to the FIR lodged a regular case was registered against the applicant and the investigation of the same was undertaken.

Copy of the FIR dated 31.1.89 is annexed hereto and marked as ANNEXURE-1.

4.3 That as a result of investigation in the aforesaid case, the applicant was also detained in police custody on 1.6.89 for a period of exceeding 48 years, consequently the Government of India vide order No. 9-16/89-Vig-I dated 13.10.89 placed the applicant under suspension with effect from 1.6.89 in terms of sub rule (2) of Rule 10 of the CCS (CCA) Rules, 1965.

Copy of the order of suspension dated 13.10.89 is annexed hereto and marked as ANNEXURE-2.

4.4 That the Government of India vide order of even number and date like that of Annexure-2, revoked the order of applicant's suspension making it clear that the Annexure-2 order of suspension was deemed to have been made by the competent authority from 1.6.89.

Copy of the order revoking the applicant's suspension is annexed hereto and marked as ANNEXURE-3.

4.5 That subsequently in pursuance of Telecom Directorate, New Delhi Memo No. 10-2/89-STG.I dated 9th January 1990, the Chief General Manager, Rajasthan Telecom Circle, Jaipur transferred the applicant on promotion to Senior Time Scale of ITS Group A as a Divisional Engineer in Ahmedabad Telephone District, vide Memo No. STA/8-11/XII, 9 dated Feb. 20, 1990.

Copy of Memorandum dated Feb. 20, 1990 is annexed hereto and marked as ANNEXURE-4.

4.6 That when the applicant was posted as Divisional Engineer in Ahmedabad Telephone District, the Government of India vide Memo No. 8/15/91-Vig.II dated 27.1.92, which was communicated to applicant vide letter dated 21.2.92, proposed to hold an inquiry against the applicant under Rule 14 of the CCS(CCA) Rules, 1965. This disciplinary inquiry was in regard to same set of facts on the basis of which Annexure-1 FIR dated 31.1.89 was registered against the applicant.

Copy of the Memorandum dated 27.1.92 is annexed hereto and marked as ANNEXURE-5.

4.7 That though the disciplinary inquiry against the applicant under Rule 14 of the CCS(CCA) Rules was proposed to be held vide Memorandum dated 27.1.92, but for nearly 2 years even the Inquiry Officer was not

appointed for conducting the Inquiry. It was vide order No. 8/15/91-Vig. II (i) dated 21.12.94 that the Government appointed the Inquiry Officer. By the order of same no. and date the Presenting Officer was also appointed by the Government to present the case in support of the articles of charge against the applicant before the Inquiring Authority.

Copy of two orders of even number and date appointing Inquiry Officer and Presenting Officer are annexed herewith and marked as ANNEXURES-6A and 6B respectively.

4.8 That the CBI vide its letter No. 3994/3/1(A)/89/SPE/JPR dated 10.4.95 intimated the applicant that out of 117 instances shown in the statement of imputations of the memorandum of charge, 89 have been dropped as most of the issue slips have not been countersigned by the applicant. It was also intimated that now the prosecution would take 28 instances out of 117 into consideration.

Copy of the letter dated 10.4.95 is annexed hereto and marked as ANNEXURE-7.

4.9 That during this period, applicant also sent the representation dated 15.2.95, to the Secretary Telecommunications Department of Telecommunications, Government of India. Copy of the said representation alongwith the letter was also sent to the D.D.G.(Vig.), Department of Telecommunications. In this representation applicant made a prayer

for withdrawing the charge Memo No.8/15/91-Vig. II dated 27.1.92 primarily on the ground of charges being stale frivolous and vexatious and also on account of inquiry being inordinately delayed. In the said representation, an apprehension was expressed by the applicant that as he is in the zone of consideration for his promotion to the JAG Grade which is likely to be made by the DPC very shortly therefore, due to pendency of disciplinary proceeding against him there is a danger of the applicant's case not being considered by the DPC at all for the purpose of promotion to the JAG Grade.

It is stated that after the receipt of Annexure-7 letter dated 10.4.95, the applicant submitted yet another representation dated 20.10.95 in continuation of earlier representation dated 15.2.95. In this representation applicant reiterated his prayer for dropping the disciplinary proceedings. By referring to the Annexure-7 letter dated 10.4.95, the applicant also advanced additional grounds in support of his prayer. However till this date neither of the representations have been disposed of.

Copies of the representation dated 15.2.95 and 20.10.95 are annexed herewith and marked as ANNEXURES-8A and 8B respectively.

4.10

That the Government of India vide order No. 314-9/95-STG-III dated 10.11.95 made promotions in Junior Administrative Grade of ITS, Group A<sup>and</sup> as apprehended by the applicant, his name did not figure in the list of promoted officers while his juniors i.e. respondent Nos. 5 to 11 were promoted in the Junior Administrative Grade

ITS Group A. In the list contained in order, going by his seniority position, the name of the applicant ought to have appeared after Shri Ram Krishna whose staff No. is 8111. It is stated that the petitioner's staff No. is 8113 and he is senior to respondent Nos. 5 to 11. It is stated that the DPC was bound to consider the adhoc promotions of the applicant notwithstanding the fact that the disciplinary inquiry against the applicant is pending. It is further stated that on the name of disciplinary proceeding the sword of Democales cannot remain hanging over the head of the applicant through out and the pendency of the disciplinary proceeding against him can never be a reason for denial of promotion to the higher grade.

Copy of the order dated 10.11.95 is annexed hereto and marked as ANNEXURE-8.

4.11 That there are ~~xxxxxxxx~~ instructions and guidelines of the Government of India laying down the parameters and principles which must be strictly adhered to in the matter of disciplinary proceeding. Realising delay in the disposal of the case and the consequent suffering of the officer against whom such a disciplinary case is pending, the Government of India vide letter No. 5/3/91-M dated 2.12.92 stressed the need ~~to be taken~~ for minimising the delay in the ~~disposal~~ disposal of the disciplinary cases and suggested steps which are to be taken for ensuring the same.



A copy of the letter No. 5/3/91-M dated 2.12.92 is annexed hereto and marked as ANNEXURE-10.

4.12 That ~~the~~ communication No. 4-32/91-Vig.I dated 23.9.91 laid down some of the important instructions which are to be strictly followed in order to ensure expeditious completion of the disciplinary inquiry under Rule 14 of the CCS(CCA) Rules. In one such instruction it was specifically point out that while appointing the Inquiry Officer, the disciplinary authority will bring to the notice of the former the time frame of 3 to 6 months within which they are required to complete the inquiry.

Copy of the communication dated 23.9.91 is annexed hereto and marked as ANNEXURE-11.

4.13 That there is yet another instruction of the Government of India in regard to expeditious finalisation of the disciplinary cases which is contained in the letter No. 15-5/87-Vig. III(i) dated 28.4.88, wherein it is specifically provided that after it is decided to initiate proceeding for a major penalty against ~~an~~ a Government servant, the charge-sheet to him should be issued within a maximum period of one month. It has also been provided that the Inquiry Officer and Presenting Officer should be appointed within a period of 15 days from the date of receipt of the charge sheet by the suspended public servant notwithstanding the fact that

he has failed to submit any reply to the charge-sheet within the stipulated period. It is also provided that so far as the disciplinary case pending for more than one year concern, each case to be reviewed to locate bottlenecks and suitable action to be taken to expedite and complete these cases.

Copy of the letter dated 28.4.88 is annexed hereto and marked as ANNEXURE-12.

4.14 That in the instant case, there has been a flagrant violation of the instructions contained in Annexures-10, 11 and 12. It is stated that in the case in hand, there has been an undue delay in the completion of proceeding. The subject matter of the ~~xxx~~ inquiry relates to the events that had allegedly taken place in the year 1987. The charge-sheet was served in 1992 and the Inquiry Officer was appointed in 1994 and now in 1995, the CBI has decided to drop 89 out of total 117 instances shown in the statement of imputations of the memorandum of charge. It is, therefore, stated that the sword of Damocles has remained hanging on the head of the applicant since 1989 when the FIR was lodged against him by the CBI. It is stated that it is incumbent upon the disciplinary authority to conclude the enquiry expeditiously as there is no doubt that the applicant has been put to avoidable mental agony and torture due to long continuation of the disciplinary proceeding against him.

4.15 That in the instant case, the subject matter of the disciplinary inquiry is stale as it is related

to the events that had allegedly transpired way back in 1987. It was nearly 7 years ago that the investigation against the applicant had begun ; but till this very date nothing has come out of it. It is also noteworthy that after nearly 7 years of investigation, the CBI has decided in 1995 to drop 89 instances out ~~xx~~ of total 117 instances of irregularities against the applicant. It only goes to show the maliciousness and total non-application of mind on the part of the competent authority while framing charges against the applicant.

4.16 That it is stated that after the decision of the CBI to drop 89 instances against the applicant out of total 117, the scenario has undergone a sea change and the memorandum of charge cannot be permitted to remain in the present form because in the charge of the statement of imputations contained in the memorandum, all the 117 instances have been included against the applicant. It is stated that after dropping of those instances, by the specialised agency like CBI, it is no longer permissible on the part of the disciplinary authority to proceed with the same memorandum of charge and continue with the disciplinary proceeding. On this count alone, the memorandum of charge is liable to be quashed and set aside.

4.17 That the instant case is a fit case where this Hon'ble Tribunal may be pleased to stay any further continuation of disciplinary proceeding against the applicant and be further pleased to direct the competent authority to consider the applicant's claim for promotion.

to JAG Grade, Group A of ITS ignoring the fact of disciplinary proceeding against the applicant. Here it is pertinent to mention that the Government of India, Department of Personnel in its instruction dated 14.9.92 had laid down the principle that where the disciplinary case/criminal prosecution against the Government servant is not concluded even after the expiry of two years from the date of meeting of the first DPC which kept its finding in respect of the Government servant in a sealed cover, in such a situation, the appointing authority may review the case of the Government servant to consider the desirability of giving him adhoc promotion. It has also been laid down that promotion to a Government servant cannot be withheld for more than a period of 6 months and it is necessary for the competent authority to review such a case after expiry of six months.

4.18 That in the instant case it is also relevant to mention that as evidence against the applicant was not available the Central Bureau of Investigation could not even file a charge-sheet against the applicant and it expressed its inability to do so vide its report dated 12.2.92. It is stated that since then the whole case is lying dormant.

Copy of the CBI report dated 12.2.92

is annexed hereto and marked as ANNEXURE:13.

4.19 That in the instant case the inordinate delay in the finalisation of departmental proceedings against the applicant is primarily due to laches on the part of

officials involved in the initiation of disciplinary proceedings against the applicant. Even as late as 12.9.95 the concerned authority failed to provide opportunity to the applicant to inspect the additional documents, the inspection of which was necessary to enable the applicant to file an effective written statement against the initiation of disciplinary inquiry against him. As a result of which the applicant till this date could not even file written statement. The Commissioner for Departmental Inquiries vide Memorandum dated 12.9.95 advised to expedite necessary action in connection with the inspection of additional documents. Moreover, the Inspector of Police CBI vide letter dated 29.9.95 expressed his regret for the delay in providing the applicant with an opportunity to inspect the additional documents.

Copy of the memorandum dated 12.9.95 and the letter dated 29.9.95 are annexed hereto and marked as ANNEXURES-14A and 14B respectively.

4.20 That for his excellent performance in Ahmedabad Telecom District in 1991 and 1992 and in Haryana Telecom Circle in 1994, the applicant received high praise and commendations from his senior officers. In view of the commendations received from 1991 onwards it is unthinkable that the DPC did not find the applicant suitable enough for ad-hoc promotion to JAG grade. The only conclusion that can be drawn is that the DPC did not even consider the applicant's case for promotion to JAG grade in view of pendency of disciplinary proceedings against him.

Contd...P/13B.

~~4.21~~

Copies of commendation certificates received in Ahmedabad Telecom District dated 25.4.91 and 21.5.92 are annexed hereto and marked as ANNEXURE 15A and B respectively.

Copies of the commendation certificate received in Haryana Telecom Circle dated 8.4.94 is also annexed herewith and marked as ANNEXURE:15C.

4.21

That in the instant case the applicant has suffered unbearable agony and pain. The case relates to events that had allegedly transpired in 1987. The FIR was lodged in 1989. The Disciplinary Proceeding was stated in 1992. In 1992 itself the CBI expressed its inability to file a charge-sheet against the applicant. The case is lying dormant since then and the only person who has suffered in the process is this applicant.

4.22

That the applicant had demanded justice but the same was denied to him. Hence the applicant files this application bonafide and to secure the ends of justice.

#### 5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1

For that the subject matter of the disciplinary inquiry pending against the applicant is stale as it relates back to the events that had allegedly taken place nearly 8 years ago in 1987. Since the matter is stale, no fruitful purpose would be served in pursuing it any further and as such, the disciplinary proceeding is liable to be dropped.

5.2 For that there has been an inordinate delay in the conclusion of the disciplinary proceeding against the applicant. Since the competent authority has failed to complete the disciplinary proceeding against the applicant within a reasonable period, the same is liable to be dropped.

5.3 For that the disciplinary proceeding being initiated against the applicant is contrary to the guidelines and executive instructions contained in Annexures-10, 11 and 12.

5.4 For that the dropping of 89 instances of irregularities against the applicant by the CBI bears testimony to the fact that there has been total non-application of mind in framing charges against the applicant and the memorandum of charge was prepared hastily for ulterior purposes. After the CBI dropping 89 instances against the applicant, it is no longer open for the disciplinary authority to pursue with the enquiry against the applicant and the same is liable to be dropped.

5.5 For that after the CBI dropping 89 instances against the applicant, the memorandum of charge against the applicant cannot exist in its present form and the same is liable to be set aside and quashed.

5.6 For that all the charges of the alleged instances of irregularities in respect of which enquiry is being held are related to the events that had allegedly

taken place nearly 8 years ago. Moreover, the charges were framed after nearly five years of alleged happening. The charges are therefore, stale and there has been substantial delay in framing of the charges. Hence on this count alone all the charges are liable to be set aside and quashed.

5.7 For that the charges on which the enquiry is being held have been framed with a closed mind and/or there has not been any applicant of mind in their framing

5.8 For that the charges contained in the impugned memorandum are malicious and hence liable to be set aside and quashed.

5.9 For that the impugned memorandum of charges is arbitrary, unreasonable and is violative of the settled principles of service jurisprudence.

6. DETAILS OF REMEDIES EXHAUSTED :

The applicant declares that he has no other alternative or efficacious remedy except by way of filing this application.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT :

The applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of this application before any other Court, Authority or any other Bench of this Hon'ble Tribunal nor any such application, writ petition or suit



is pending before any of them.

8. RELIEF SOUGHT FOR :

On the facts and circumstances, the applicant prays for the following reliefs :

- 0A not admitted  
for this relief  
15.12.95
- 8.1 Quash and set aside the memorandum No.8/15/91-Vig.II dated 27.1.92 (Annexure-5)
- 8.2 Quash and set aside the charges contained in Annexure-5 memorandum dated 27.1.92
- 8.3 Direct the respondent Nos. 1 to 4 to drop the disciplinary proceeding against the applicant which is continuing pursuant to Annexure-5 memorandum dated 27.1.92
- 8.4 Direct the respondent Nos. 1 and 2 to promote the applicant to Junior Administrative Grade, Group A of ITS with effect from the same date on which the respondent Nos. 5 to 11 were promoted.
- 8.5 Pass any other order or orders or give direction/ directions as may be deemed fit and proper in the facts and circumstances of the case.
- 8.6 Award cost of this application to the applicant.
- 0A admitted  
for this relief  
only - 15.12.95

9. INTERIM ORDER PRAYED FOR :

On the facts and circumstances of the case, the applicant prays for the following interim orders :

- 9.1 Pending disposal of the application, the Hon'ble Tribunal may be pleased to restrain the respondent

Nos. 1 to 4 from taking any further action in pursuance of the memorandum No. 8/15/91-Vig. II dated 27.1.92 (Annexure-5) ;

9.2 The Hon'ble Tribunal may further be pleased to direct that the pendency of this application shall not be a bar for the applicant's promotion to the Junior Administrative Grade, Group 'A' of ITS or to any other higher grade or such benefits that may accrue to him during the pendency of this application.

9.3 Pending disposal of this application, the applicant should not be superseded by his juniors in the matter of his promotion to the next higher grade.

10. ....

The application is filed through Advocate.

11. PARTICULARS OF THE I.P.O. :

(i) I.P.O. No. : 514775  
(ii) Date : 22-9-95  
(iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

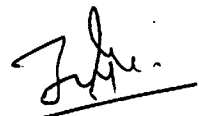
As stated in the Index.

Contd.....

V E R I F I C A T I O N

I, Shri Ajay Kumar Singh, son of Shri Ajeet Prasad, resident of village Katewra, Delhi-39, presently working as Divisional Engineer (Telecom), in the office of the Chief General Manager (Telecom), Shillong, do hereby verify and state that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice and I have not suppressed any material facts.

And I sign this verification on this the 13<sup>th</sup> day of December 1995 at Guwahati.

  
(Ajay Kumar Singh)

ANNEXURE- 1

(18) Annexure: 1

ANNEXURE-  
दि.पु.स्था.प.  
S.P.E.C.

दिल्ली विशेष पुलिस स्थापना

शाखा

JAIPUR

BRANCH

DELHI SPECIAL POLICE ESTABLISHMENT

प्रथम सूचना

FIRST INFORMATION REPORT

LN 7285

(बड़ प्रक्रिया संहिता की धारा 154 के अधीन)  
(Recorded u/s 154 Cr. P.C.)

घटना संख्या

Crime No. 1(A)/89

रिपोर्ट करने का समय और तारीख

31-01-1989

Date and time of report

घटना-स्थल और राज्य का नाम

Place of occurrence with State

JAIPUR (Rajasthan)

घटना का समय और तारीख

Date and time of occurrence

During 1986-1988

करियारी या सूचना देने वाले का नाम और पता

Name of complainant or informant with address

Source Information

घटना का विवरण

Offence

120-B r/w 420 and 420 IPC  
and 5(2) r/w 5(1)(d) of  
PC Act, 1947.

परिष्कृत का नाम और पता

Name and address of the accused

(1).....Shri A.K.Singh, SDO(P) North  
O/o General Manager Telephone,  
JAIPUR. (Group-B)(2).....Shri S.N.Singh, JTO Section-26  
SDO(P) North, O/o G.M.T., Jaipur  
MCO-III  
Ministry of communication

(3).....

Action taken

PC registered

तफ़्तीक अधिकारी

Investigating Officer

Shri. Ram Chandra, Inspector of Police, CBI, Jaipur.

सूचना  
INFORMATION

An information received has revealed that during the year 1986 to 1988, Shri A.K.Singh, SDO(P) North, Jaipur and Shri S.N.Singh, JTO, Section-26, SDO(P) North, Jaipur, while functioning in aforesaid capacity, conspired with some unknown persons to cheat the Telephone Deptt.

In furtherance of said criminal conspiracy, Sh. SN S. JTO dishonestly and fraudulently prepared a number of fake i

contd...

slips for issue of telephone instruments against the telephone connections already installed with instruments.

Shri A.K.Singh, SDO(P), North, by abusing his official position, dishonestly and fraudulently ordered for issue of telephone instruments twice and thrice against a number of individual telephone connections on the said bogus issue slips. On the said issue slips Shri S.M.Singh, JTO fraudulently, by abusing his official position got issued telephone instruments from store twice/thrice against a number of individual telephone connections. In this manner, 77 telephone instruments costing about Rs.58,751/- (Rs.763/- each instrument) were got issued. Thus, they caused wrongful loss of about Rs.58,751/- to the Government and corresponding gains to themselves.

The above facts disclose commission of offences punishable u/s 120-B r/w 420 IPC and 420-IPC s/w and 5(2) r/w 5(1)(d) of PC Act, 1947. Therefore, a Regular Case is registered and entrusted to Shri Ram Chandra, Inspector of Police, S.P.E./C.B.I., Jaipur for investigation.

(B.L.ATUL) 31/1  
SUPDT. OF POLICE  
SPE: CBI, JAIPUR

CONFIDENTIAL

REGISTERED

Endst.No. 1178/3/1(A)/89/SPE/JPR

Date: 31.1.89

Copy forwarded to :

1. The Special Judge, SPE Cases, Jaipur - Rajasthan.
2. The Dy Insp'r Genl of Police, C.B.I., SIC-IV, New Delhi.
3. The Dy Director General(Vig), P & T Board, Dak Tar Bhawan, New Delhi.
4. The Dy Secretary(By Name) Ministry of Communication, Sardar Patel Bhawan, New Delhi.
5. The Director, C.V.C.(By Name), New Delhi.
6. Shri Ram Chandra, Inspector of Police, SPE/CBI, Jaipur.

\*\*\*\*\*

No. 9-16/89-Vig-I  
Government of India  
Ministry of Communications  
Department of Telecommunications  
Dak Bhavan, Sansad Marg, New Delhi- 110001.

Dated: 13<sup>10</sup>.9.1989.

O R D E R

WHEREAS a case against Shri A.K. Singh an officer of TTS Group 'A' and presently working as SDO(P) North Jaipur, in respect of a criminal offence is under investigation.

AND WHEREAS the said Shri A.K. Singh was detained in police custody on 1.6.89 for a period exceeding forty- eight hours.

NOW THEREFORE, the said Shri A.K. Singh is deemed to have been suspended w.e.f. the date of detention i.e. 1.6.1989 in terms of Sub rule(2) of Rule 10 of the CCS(CCA) Rules, 1965 and shall remain under suspension until further orders.

(By order and in the name  
of the President).

R.S. BANSAL

( R.S. BANSAL )  
General Manager(Vigilance)

Copy to:

- 1) Shri A.K. Singh, SDO(P) North Jaipur( Through C.G. M.T. Jaipur)
- 2) Chief G.M.T. Telecom. Rajasthan Circle Jaipur.
- 3) G.M. (Personnel) Telecom. Directorate New Delhi.

(SHR. ICHHA JUNEJA)  
Asstt. Dir. General(Vig-A).

Attested  
Bansal  
12/9/89

Annexure : 3

No. 9-16/89-Vig-1  
Government of India  
Ministry of Communications  
Department of Telecommunications  
Rak Bhavan, Sansad Marg, New Delhi- 110001.

Dated: 13.6.1989.

## O R D E R

WHEREAS an order placing Shri A.K. Singh, an officer of ITS Group 'A' presently working as ADO(P) North Jaipur, under suspension was deemed to have been made by the competent authority from 1.6.89.

NOW THEREFORE, the President in exercise of the powers conferred by clause(c) of sub-rule(5) of rule 10 of CCS(CCA) Rules, 1965 hereby revokes the said order of suspension with immediate effect.

(By order &amp; in name of President)

*R/S*  
(R. S. BANSAL)  
General Manager(Vigilance)

Copy to:

- 1) Shri A.K. Singh, SDO(P) North, Jaipur. (Through CGMT Jaipur).
- 2) Chief General Manager Telecom. Rajasthan Circle Jaipur.
- 3) General Manager(Personnel) Telecom. Directorate.

*Poonam Juneja*  
(Poonam Juneja)  
Asstt. Dir. General(Vigilance & A)

*Attest*  
*B. D. S.*  
*12/11/89*

DEPARTMENT OF TELECOMMUNICATIONS

Office of the Chief General Manager Telecommunications,  
Rajasthan Circle, Sardar Patel Marg, Jaipur - 302 008.

No. STA/8-11/XII/9.

Dated : Feby. 20, 1990.

MEMORANDUM

In pursuance of Telecom Directorate, New Delhi memo No. 10-2/89-STG.I dated 9th January 1990, the Chief General Manager, Rajasthan Telecom Circle, Jaipur is pleased to transfer Shri A.K.Singh, ADET Crossbar Installation, Bhilwara on promotion to Senior Time Scale of ITS Group 'A' as a Divisional Engineer in Ahmedabad Telephone District.

Necessary charge reports may be sent to all concerned.

*B.R. Shukla*

( B.R.Shukla )

Asstt.General Manager(Admn)

A copy of this memo is issued to :-

1. The Director General (STG-I), Department of Telecom, Sanchar Bhawan, New Delhi 110001 for information,
2. The General Manager Telecom District, Jaipur,
3. The Director Telecom (South) Udaipur,
4. The Chief General Manager, Gujarat Telecom Circle, Ahmedabad. His FAX message No. Staff 13/5/XIII refers.
5. The General Manager, Telecom District, Ahmedabad.
6. The Sr.PA(G) to CGM/GM(D)/Dy.GM Circle Office, Jaipur,
7. PF of the officer,
- ✓ 8. Officer concerned,
9. Spare.
10. T.D.E Bhilwara. A/c n/a place

*Accepted*  
*B.R. Shukla*  
*Admn*  
*12/14/95*



Confidential

## DEPARTMENT OF TELECOMMUNICATIONS

Office of the  
Area Manager(West)  
Sabena Apartment  
Ahmedabad.

Shri A.K.Singh,  
Divisional Engineer (Int.)NRP  
Naranpura Telephone Exchange  
Ahmedabad.

No.ATW/Disc-5/A.K.S/91-92  
Dated: 21.2.1992

Sub: Disciplinary case against Shri A.K.Singh, D.E.

Please find enclosed herewith a Memorandum No.8/15/91-Vig-II dated 27.1.92 in original alongwith all its enclosures received from D.O.T. Four copies of acknowledgement may be sent to this office as three acknowledgement copies are to be sent to D.G.M.(A) for record.

*Lav Gupta*  
(Lav Gupta)  
Area Manager(West)

Encl: as above

The receipt of the above mentioned memorandum is hereby acknowledged.

*A.K.Singh*  
(A.K.Singh)  
Divisional Engineer(Int.)NRP/SAB  
Naranpura Telephone Exchange  
Ahmedabad.

*Received*  
*By Mr. A. V. K. Nataraj*

No. 8/15/91-VIG.II  
GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS

.....

DAK TAR BHAWAN  
SAHSAD MARG  
NEW DELHI-110001.

Dated the 27-1-72.

M E M O R A N D U M

The President proposes to have an inquiry held against Shri A.K. Singh, formerly SDOP(N), Jaipur Telephones and now ADET in Gujarat Telecom Circle, under Rule 14 of the CCS(CCA) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

2. Shri A.K. Singh is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

3. He is informed that an 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 A.K. Singh is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the CCS(CCA) Rules, 1965 or the orders/directions issued in pursuance of the said Rule, the inquiring authority may hold the inquiry against him ex-parte.

5. Attention of Shri A.K. Singh 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 interests 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 A.K. Singh 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 CCS(Conduct) Rules, 1964.

contd.....2/-

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Sent  
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12/12/95



ANNEXURE-I

Statement of articles of charge framed against Shri A.K. Singh formerly SDOP(North), Jaipur Telephones and now ADET in Gujarat Telecom Circle.

ARTICLE-I

That the said Shri A.K. Singh while functioning as SDOP(North) under G.H. Telephones, Jaipur Telephones District, Jaipur during the year 1987-88, wilfully ignored the interests of the Department and mechanically passed orders twice/thrice for issue of telephone instruments on the false issue/requisition slips submitted by the JTOs working under him, inspite of the fact that either telephone instruments had already been issued against the respective OBs or the OBs had already been cancelled. He prepared false inspection reports and also failed to take any action against the concerned subscribers on the basis of the inspection reports submitted by the SIT as well as PI working under him. Shri A.K. Singh thus facilitated the fraudulent issue of 74 telephone instruments causing pecuniary loss to the Department of about Rs.56,462/- (at the rate of Rs.763/- for each instrument). Shri A.K. Singh also unauthorisedly sold one telephone instrument each to S/Shri K.C. Gupta and M.J.S. Ahluwalia having telephone connections No. 842433 and 72711, respectively.

2. Thus, by his above acts, Shri A.K. Singh failed to maintain absolute Integrity, devotion to duty and acted in a manner unbecoming of a Government servant thereby contravening Rule 3(1) (i), (ii) and (iii) of the CCS(Conduct) Rules, 1964.

By order and in the name of the President,

*Poojan Juneja*  
( MRS. POOJAN JUNEJA )  
ASSTT. DIRECTOR GENERAL (VIG.)

*Attested*  
*B. Singh*  
*12/12/88*

ANNEXURE-II

Statement of imputations of misconduct/misbehaviour in support of the articles of charge framed against Shri A.K. Singh, formerly SDDP (North), Jaipur Telephones and now ADET in Gujarat Telecom Circle.

Shri A.K. Singh was working as SDDP(North), O/o GMT Jaipur during the year 1987-88. His duties inter alia were to issue telephone instruments on receipt of issue slip against respective O.B. from the JTO working under him.

2. That during the relevant period S/Shri S.N. Singh and Laxman Das were functioning as JTOs in Section 26 (North) and Section 12 respectively. It was the duty of Shri A.K. Singh to pass order for issue of telephone instruments against O.B. on the basis of issue slip submitted by the JTOs, after due care and necessary check to safeguard the interest of the Department. On the contrary the said Shri A.K. Singh passed orders for issue of telephone instruments in a mechanical manner twice/thrice against the same O.B. in certain cases, on the issue/regulation slip, submitted by said Shri S.N. Singh, although the telephone instruments were already once issued and installed against the respective O.B.s as detailed below. Shri A.K. Singh also passed orders for issue of telephone instruments even against those O.B.s which were cancelled and against which no telephone instrument was to be issued :-

contd....2/-

Sl No.	O.B. No.	Section	No. & date of issue slip on which telephone instrument drawn	Drawn by	Date of execution/Section.	
1	2	3	4	5	6	
1.	119 (N)	26	68 dt. 09/01/87	S.N. Singh	26/6.1.87	S. Singh
2.	- do -	.	77 dt. 12.01.87	-do-	Falsely drawn	-do-
3.	120 (N)	.	68 dt. 09.01.87	-do-	3.2.87	-do-
4.	-do-	.	77 dt. 12.01.87	-do-	26/Falsely drawn.	-do-
5.	121	.	68 dt. 09.01.87	-do-	26/12.3.87	-do-
6.	-do-	.	77 dt. 12.01.87	-do-	Falsely drawn	-do-
7.	125 (N)	.	68 dt. 09.01.87	-do-	26/4.2.87	-do-
8.	-do-	.	141 dt. 28.01.87	-do-	Falsely drawn	-do-
9.	127(N)	.	68 dt. 09.01.87	-do-	26/31.1.87	-do-
10.	-do-	.	141 dt. 28.02.87	-do-	Falsely drawn	-do-
11.	128 (N)	.	68 dt. 09.01.87	-do-	26/Cancelled	-do-
12.	-do-	.	141 dt. 28.01.87	-do-	- do -	-do-
13.	129 (N)	24	155 dt. 29.11.86	J.N. Khandelwal	24/28.11.87	J.N. Khandelwal.
14.	-do-	26	141 dt. 28.01.87	S.N. Singh	Falsely drawn	-do-
15.	138 (N)	24	155 dt. 29.12.86	J.N. Khandelwal	24/1.12.86	-do-
16.	138 (N)	26	141 dt. 28.01.87	S.N. Singh	Falsely drawn	-do-
17.	141 (N)	26	141 dt. 28.01.87	-do-	26/10.01.87.	S.N. Singh
18.	141	26	104 dt. 18.12.87	-do-	Falsely drawn	-do-

*amir*  
*B. Singh*  
*14/4/87*

1.	2.	3.	4.	5	6	7
19.	143 (N)	26	141 dt. 28.01.87	S.N. Singh	26/13.01.87	S.N. Singh
20.	-do-	"	104 dt. 18.12.87	-do-	Falsely drawn	-do-
21.	524 (N)	12	148 dt. 21.10.87	Laxman Dass	12/21.10.87	Laxman Dass
22.	-do-	26	9 dt. 02.11.87	P.C. Arya	Falsely drawn	
23.	526 (N)	25	190 dt. 29.10.87	M.U. Khan	25/28.10.87	M.U. Khan
24.	-do-	26	60 dt. 12.11.87	S.N. Singh	Falsely drawn	

CANCELLED O.B.s

25.	50 (N)	26	81 dt. 15.12.86	S.N. Singh	Cancelled
26.	53 (N)	26	- do -	-do-	- do -
27.	55 (N)	"	- do -	-do-	-do -
28.	68 (N)	"	- do -	-do-	-do -
29.	92 (N)	"	6 dt. 01.01.87	-do-	-do -
30.	93 (N)	"	- do -	-do-	-do-
31.	107 (N)	"	77 dt. 12.01.87	-do-	-do-
32.	118 (N)	"	- do -	-do-	-do-
33.	126 (N)	"	141 dt. 28.1.87	-do-	-do-
34.	131 (N)	"	- do -	-do-	-do-
35.	149 (N)	"	- do -	-do-	-do-
36.	150 (N)	"	- do -	-do-	-do-
37.	164 (N)	"	92 dt. 12.03.87	P.C. Arya	- do -
38.	602 (N)	"	12 dt. 06.04.88	S.N. Singh	-do-
39.	629 (N)	"	- do -	- do -	-do-
40.	635 (N)	"	- do -	- do -	-do-
41.	636 (N)	"	- do -	- do -	-do-

*Amended  
Banswari  
12/11/86*

42.	25 (U)	21	209 dt. 27.4.87	K. Singh	21/8.5.87	K. Singh
43.	"	26	135 dt. 15.06.87	S.N. Singh	Falsely draun	
44.	13 (U)	21	53 dt. 19.02.87	L.K. Kul-shrestha	21/11.2.87	L.K. Kul-shrestha
45.	"	26	56 dt. 09.02.87	S.N. Singh	Falsely draun	
46.	26 (U)	21	64 dt. 08.04.87	L.K. Kul-shrestha	21/10.04.87	L.K. Kul-shrestha
47.	"	26	135 dt. 16.06.87	S.N. Singh	Falsely draun	
48.	28 (U)	26	109 dt. 19.05.87	B.M. Meena	26/6.5.87	B.M. Meena
49.	"	"	135 dt. 16.06.87	S.N. Singh	Falsely draun	
50.	29 (U)	"	109 dt. 19.05.87	B.M. Meena	26/ 5.06.87	S.N. Singh
51.	"	"	135 dt. 16.06.87	S.N. Singh	Falsely draun	
52.	30 (U)	"	109 dt. 19.5.87	B.M. Meena	26/15.05.87	B.M. Meena
53.	"	"	135 dt. 16.06.87	S.N. Singh	Falsely draun	
54.	31 (U)	"	109 dt. 16.06.87	B.M. Meena	26/20.05.87	B.M. Meena
55.	"	"	135 dt. 16.06.87	S.N. Singh	Falsely draun	
56.	32 (U)	"	109 dt. 19.05.87	B.M. Meena	26/14.05.87	B.M. Meena
57.	"	"	135 dt. 16.06.87	S.N. Singh	Falsely draun	
58.	34 (U)	"	109 dt. 19.05.87	B.M. Meena	26/14.05.87	B.M. Meena
59.	"	"	135 dt. 16.06.87	S.N. Singh	Falsely draun	
60.	37 (U)	21	39 dt. 04.06.87	Kamal Singh	21/28.05.87	L.K. Kul-shrestha
61.	"	26	271 dt. 30.06.87	S.N. Singh	Falsely draun	

gaurish  
B. Singh  
Ad. 12/12/45



1.	2.	3.	4	5	6	7
62.	39 (W)	21	39 dt. 04.06.87	L.K. Kul-Shreetha	21/28.05.87	L.K. Shreetha
63.	"	26	271 dt. 30.6.87	S.N. Singh	Falsely drawn	
64.	40 (W)	21	209 dt. 27.4.87	K. Singh	21/08.05.87	K. Singh
65.	"	26	271 dt. 30.06.87	S.N. Singh	Falsely drawn	
66.	41 (W)	21	209 dt. 27.04.87	K. Singh	21/08.05.87	K. Singh
67.	"	26	271 dt. 30.06.87	S.N. Singh	Falsely drawn	
68.	42 (W)	21	209 dt. 27.04.87	K. Singh	21/ 8.05.87	K. Singh
69.	"	26	271 dt. 30.06.87	S.N. Singh	Falsely drawn	
70.	43 (W)	21	209 dt. 27.4.87	K. Singh	21/08.05.87	K. Singh
71.	"	26	271 dt. 30.06.87	S.N. Singh	Falsely drawn	
72.	142 (W)	"	67 dt. 08.07.87	P.C. Arya	26/14.07.87	P.C. Arya
73.	"	"	249 dt. 28.07.87	S.N. Singh	Falsely drawn	
74.	143 (W)	"	67 dt. 08.07.87	P.C. Arya	26/19.12.87	S.N. Singh
75.	"	"	249 dt. 28.07.87	S.N. Singh	Falsely drawn	
76.	144 (W)	"	67 dt. 08.07.87	P.C. Arya	26/10.07.87	P.C. Arya.
77.	144 (W)	"	249 dt. 28.07.87	S.N. Singh	Falsely drawn	
78.	145 (W)	"	67 dt. 08.07.87	P.C. Arya	26/22.07.87	S.N. Singh
79.	"	"	249 dt. 28.07.87	S.N. Singh	Falsely drawn	
80.	146 (W)	"	67 dt. 08.07.87	P.C. Arya	26/05.08.87	S.N. Singh

*Amrinder Singh*  
*Amrinder Singh*

1.	2.	3.	4.	5.	6.	7.
81.	146 (W)	26	249 dt. 28.07.87	S.N. Singh	Falsely drawn	
82.	147 (W)	.	67 dt. 08.07.87	P.C. Arya	26/29.07.87	S.N. Singh
83.	.	.	249 dt. 28.07.87	S.N. Singh	Falsely drawn	
84.	148 (W)	21	83 dt. 08.07.87	L.K. Kul-shrestha	21/04.07.87	L.K. Kul-shrestha
85.	.	26	249 dt. 28.07.87	S.N. Singh	Falsely drawn	
86.	12 (W)	.	56 dt. 09.02.87	S.N. Singh	Cancelled	
87.	38 (W)	.	271 dt. 30.06.87	S.N. Singh	- do -	
88.	44 (W)	.	- do -	-do-	- do -	
89.	90 (W)	14	23 dt. 04.05.87	B.M. Meena	- do -	
90.	134 (W)	26	67 dt. 08.07.87	P.C. Arya	- do -	

3. Shri S.N. Singh, JTO after dishonestly obtaining the aforesaid telephone instruments from the central stores, O/o SOOP, Jaipur, neither made the entry in his stock register nor deposited the instruments back, but misutilised/misappropriated the same.

4. The said telephone instruments were issued from the central stores on the basis of the orders of Shri A.K. Singh, endorsed on the issue slips submitted by Shri S.N. Singh, JTO.

5. Shri A.K. Singh also prepared false inspection reports and, after his transfer, he neither submitted the inspection reports to the O/o the DE, Jaipur nor took any action against the concerned subscribers. During the search of Shri A.K.

contd

*Amal*  
*B. K. Singh*  
*12/12/85*

Singh's house, inspection reports in respect of telephone Nos. 82668 and 842433 submitted by the SIT as well as the PI working under him, on which Shri A.K. Singh had failed to take any action were also seized.

6. Similarly, Shri A.K. Singh, in utter disregard of existing norms and procedure and ignoring the interests of the Department, mechanically passed orders for issue of telephone instruments on the issue slips submitted by Shri Laxman Dass, JTO concerning certain OBs against which telephone instruments had already been issued and installed. The said telephone instruments got fraudulantly issued by Shri Laxman Dass, JTO were never accounted for, as detailed below :-

Sl. No.	OB No. & Section	Slip No. date	By whom drawn	Installed which section & dt. of execution.	By whom executed.
1.	2.	3.	4.	5.	6.
1.	25(N) 12	53 dt. 04.03.86	J.B. Sharma	Falsely drawn	
2.	" "	8 dt. 02.03.87	- do -	12/2.3.87	J.B. Sharma
3.	" "	41 dt. 06.05.87	K.M. Srivastava	Falsely drawn	
4.	172(N) "	8 dt. 02.03.87	J.B. Sharma	12/2.3.87	J.B. Sharma
5.	" "	91 dt. 06.05.87	K.M. Shrivastava	Falsely drawn	
6.	210(N) "	122 dt. 21.5.87	Laxman Dass	Falsely drawn	
7.	" "	132 dt. 28.5.87	L.L. Bangali	12/28.5.87	L. Dass
8.	219(N) "	122 dt. 21.5.87	L. Dass	12/27.5.87	- do -
9.	" "	194 dt. 28.5.87	L. Dass	Falsely drawn	
10.	229 (N) "	122 dt. 21.5.87	Laxman Dass	Cancelled on 15.6.87	

*Amr*  
*Asli*  
*Advocate*  
*12/11/85*

	229 (N)	12	94 dt. 14.9.87	Laxman Dass	Cancelled on 15.6.87	
12.	230 (N)	"	122 dt. 21.5.87	- do -	- do -	
13.	"	"	132 dt. 28.5.87	L.L. Banerji	12/28.5.87	L. D.
14.	258 (N)	"	122 dt. 21.5.87	Laxman Dass	12/22.6.87	- do
15.	"	"	94 dt. 12.8.87	- do -	Falsely drawn	
16.	292 (N)	"	87 dt. 12.8.87	- do -	12/1.8.87	- do
17.	"	"	94 dt. 14.9.87	- do -	Falsely drawn	
18.	336 (N)	"	94 dt. 14.9.87	- do -	12/20.8.87	
19.	"	"	148 dt. 21.10.87	- do -	Falsely drawn	
20.	374 (N)	22	dt. 3.6.87	- do -	Cancelled.	
21.	178 (N)	14	202 dt. 22.6.87	- do -	Cancelled	
22.	286 (N)	"	184 dt. 21.5.87	- do -	- do -	
23.	317 (N)	"	69 dt. 21.5.87	- do -	- do -	
24.	344 (N)	"	117 dt. 20.5.87	- do -	- do -	
25.	"	"	202 dt. 22.6.87	Laxman Dass	17/8.7.87	Laxman Dass
26.	483 (N)	24	128 dt. 15.6.87	G.L.K.	24/18.5.87	G.L.K.
27.	"	14	217 dt. 24.6.87	Laxman Dass	Falsely drawn	

7. Shri A.K. Singh, thus, facilitated the issue of 74 tele hone instruments on the fake requisition slips submitted by the said S/Shri S.H. Singh and Laxman Dass as detailed above and caused pecuniary loss to the Department to the extent of Rs. 56,462/- (at the rate of Rs. 763/- for each instrument):

*Amr*  
*Amr*  
*Amr*  
*Amr*

60

8.

Further, Shri A.K. Singh unauthorisedly sold one Telephone instrument each to Shri K.C. Gupta of Jhotwara having telephone connection No. 842433 and Shri M.J.S. Ahluwalia of 65, Gopalwari, Jaipur having telephone connection No. 72711. The said two telephone instruments unauthorisedly sold by Shri A.K. Singh were recovered from the houses of S/Shri K.C. Gupta and M.J.S. Ahluwalia, respectively. They have stated that the said two instruments seized from their residences had been purchased by them from Shri A.K. Singh.

9.

Thus, by his above acts, Shri A.K. Singh failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of a Government servant thereby contravening Rule 3(1) (i), (ii) and (iii) of the CCS(Conduct) Rules, 1964.

.....

*Amended  
B.S. Ahluwalia  
7/2/45*

with

List of documents by/articles of charge framed against Shri A.K. Singh, formerly SOOP (North), Jaipur Telephones and now ADER in Gujarat Telecom Circle are proposed to be sustained.

1. FIR No. 1(A)/89 of SPE, CBI, Jaipur dated 31.1.1989.
2. Seizure Memo dated 2.2.1989 and its documents.
3. Search list dated 2.2.1989<sup>and</sup> its documents.
4. Search list dated 2.2.1989 and its documents.
5. Seizure Memo dated 3.2.1989 and its documents.
6. Seizure Memo dated 3.2.89 and its documents.
7. Stock register of NTC for the year 1985-86.
8. Stock register of NTC for the year 1987-88 and 88-89.
9. Issue slip No. 68 dated 9.1.1987.
10. Issue slip No. 77 dated 12.1.1987.
11. Issue Slip No. 141, 60, 104, 81, 6 and 12 respectively.
12. Issue slips Nos. 53, 8, 41, 122, 194, 130, 94, 184, 87, 148, 22, 202, 69, 129, 217 respectively.
13. Issue slip No. 195 dated 28.5.1987, 120 dated 21.11.1987 sanctioned 25.
14. Seizure Memo dated 6.11.1989 and its documents.
15. Seizure Memo dated 23.11.1989 and its documents.

.....

*attest*  
*B. D. S.*  
*Advocate*  
*12/12/93*

List of witnesses by whom articles of charge framed against Shri A.K. Singh, formerly SDOP(North), Jaipur Telephones and now ADET in Gujarat Telecom Circle are proposed to be sustained.

1. Shri M.O. Khatri, Inspector, ESI Corporation, Jaipur.
2. Shri P.K. Sudrahan, Inspector, ESI Corporation, Jaipur.
3. Shri M.R. Meena, Officer, UCO Bank.
4. Shri Gopi Chand, Officer, UCO Bank.
5. Shri P.V. Pahuja, SDOP(C), Jaipur.
6. Shri G.M. Mali, TOA, O/o the SDOP(P) Centre-I.
7. Shri P.C. Arya, PI, Jhotwara.
8. Shri B.B. Sharma, PI, Kotputli.
9. Shri Rur Mal Mali, Regular Mazdoor.
10. Shri M.K. Bhatnagar, Manager, M/s Jaipur Bottling Co. VKI, Area.
11. Shri Radhye Shyam, Accountant, M/s Jaipur Bottling Co. VKI
12. Shri K.C. Gupta, S/o Shri Chouth Mal Gupta.
13. Shri Rattan Gupta.
14. Shri Mahubullah Driver, AE Tele. Office of the GMTD, R/o Sahid Abdul Hamid Nagar, MI Road, Jaipur.
15. Shri M.K. Chachan, Delhi Punjab Gujrat Karter, Jaipur.
16. Shri Amitab Soni, Partner, M/s Amitab Trading Co. MI Road, Jaipur.
17. Shri G.L. Khandelwal, PI Sec. 24, SDOP (SG).
18. Shri J.N. Khandelwal, JTO.
19. Shri MJS Ahluwalia, 65, Gopal Vardi, Jaipur.
20. Shri Kamal Singh, PI Section 21 SDOP (T).
21. Shri Lal Mohd. LI.
22. Shri Danish Chand Sharma, R.M.
23. Shri V.C. Vadhani, PI Sec. 24.
24. Shri Sarvan Lal, RM Sec. 14.
25. Shri Satya Narain.
26. Shri Hanuman Saini, ORM Sec. 25.
27. Shri Tapan Banarjee.
28. Shri Govind Ram.
29. Shri L.L. Bengali, PI Section 12.
30. Shri B.M. Meena, PI Planning Section.
31. Shri L.L. Kalaria, ORM, Sec. 25.
32. Shri Chiranji Lal, Lineman.
33. Shri S.C. Gulati, PI.
34. Shri H.C. Mehta, OET, Bombay.

*[Handwritten signature]*  
12/12/95

-1 2 :-

- 63
35. Shri J.P. Sharma, DIOE, Pali.
  36. Shri K.N. Srivastava, PI.
  37. Shri H.C. Sharma, AE (Vig).
  38. Shri Ram Nath Yadava, Lineman.
  39. Shri Sadhu Ram, DRM.
  40. Shri Rajendra Prasad, DRM.
  41. Shri R.K. Saini, Inspector of Police, CBI, Jaipur.
  42. Shri Devinder Singh, Inspector of Police, CBI, Jaipur.
  43. Shri K.C. Sharma, Inspector of Police, CBI, Jaipur.
  44. Shri Abdul Salam, Line Inspector.
  45. Shri Ram Chandra, Inspector of Police, CBI, Jaipur.

*Handwritten signature and initials*

.....



No. 8/15/91-Vig.II(i)  
Government of India  
Ministry of Communications  
Department of Telecommunications

West Block No. I  
Wing No. 2, Ground Floor  
R.K. Puram Sector-I  
New Delhi-110066

Dated the 21-12-91

O R D E R

WHEREAS an inquiry under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, is being held against Shri A.K. Singh, formerly SOOP (N), Jaipur Telephones, and now TDE, Jind, Haryana Circle.

AND WHEREAS the President considers that an Inquiring Authority should be appointed to inquire into the charges framed against Shri A.K. Singh.

NOW, THEREFORE, the President, in exercise of the powers conferred by sub-rule (2) of the said Rule, hereby appoints Shri Amit Cowshish, COI, CVC, Jamnagar House Hutments, Akbar Road, New Delhi-110011, as the Inquiring Authority to inquire into the charges framed against the said Shri A.K. Singh.

By order and in the name of the President,

J. Mathew  
( JOHN MATHEW )  
DESK OFFICER (VIG.II)

To,

- ✓ 1. Shri A.K. Singh  
TDE, Jind

(Through the CGM Telecom, Haryana Telecom Circle, Ambala)

2. Shri Amit Cowshish, COI, CVC  
Jamnagar House Hutments  
Akbar Road  
New Delhi-110011

The following documents as required under Rule 14(6) of the CCS (CCA) Rules, 1965 are sent herewith :-

- i) Department of Telecom Memo No. 8/15/91-Vig.II dated 27.1.1992 alongwith Annexes I to IV.
- ii) Copy of the acknowledgement dated 21.2.1992 from Shri A.K. Singh acknowledging the Memo referred to at (i) above.

*amsh*  
*B. S. D.*  
*12/12/91*

contd.....2/-

-: 2 :-

iii) No defence statement has been submitted by the charged Officer.

iv) Department of Telecom Order No. 8/15/91-Vig.II(ii) dated 21-12-1994 appointing Shri B.L. Arora, Inspector of Police, O/o SP, CBI, Jaipur, as Presenting Officer.

Statement of witnesses, if any, will be produced during the course of inquiry.

*Ambedkar  
B.L. Arora  
21/12/94*

No. 8/15/91-Vig.II(ii)  
Government of India  
Ministry of Communications  
Department of Telecommunications

West Block No. I  
Wing No. 2, Ground Floor  
R.K. Puram Sector-I  
New Delhi-110066

Dated the 21-12-94

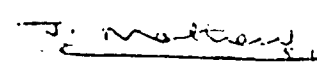
O R D E R

WHEREAS an inquiry under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, is being held against Shri A.K. Singh, formerly SOOP(N), Jaipur Telephones, and now TDE, Jind, Haryana Circle.

AND WHEREAS the President considers it necessary to appoint a Presenting Officer to present the case in support of the articles of charge against Shri A.K. Singh before the Inquiring Authority.

NOW, THEREFORE, the President, in exercise of the powers conferred by sub-rule (5)(c) of the said Rule, hereby appoints Shri B.L. Arora, Inspector of Police, O/o SP, CBI, Jaipur, as the Presenting Officer to present the case in support of the articles of charge against the said Shri A.K. Singh before the Inquiring Authority.

By order and in the name of the President,

  
( JOHN MATHEW )  
DESK OFFICER (VIG.II)

To,

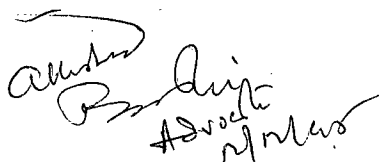
1. Shri A.K. Singh  
TDE, Jind

(Through the CGM Telecom, Haryana Telecom Circle, Ambala)

2. Shri B.L. Arora  
Inspector of Police,  
O/o SP, CBI,  
Jaipur

The following documents as required under Rule 14(6) of the CCS (CCA) Rules, 1965 are sent herewith :-

- i) Department of Telecom Memo No. 8/15/91-Vig.II dated 27.1.1992 alongwith Annexes I to IV.
- ii) Copy of acknowledgement dated 21.2.1992 from Shri A.K. Singh acknowledging the Memo referred to at (i) above.

  
Advocate

Contd....2/-

iii) No defence statement has been submitted by the Charged Officer.

iv) Department of Telecom Order No. 8/15/91-Vig.II(1) dated 21-12-1994 appointing Shri Amit Cowshish, COI, CVC, Jamnagar House Hutments, Akbar Road, New Delhi-110011 as the Inquiring Authority.

and  
B. Adwede  
12/12/95

CONFIDENTIAL

NO 3994/3/1(A)/89/SPE/JPR

Registered

Central

Dated: 10-11-95

To

Shri A.K.Singh (DET)  
122-L Circular Road  
Model Town  
ROHTAK (Haryana)

Sub.: RC 01(A)/89 Departmental inquiry against  
Shri A.K.Singh, DET.

Ref.: CDI/CVC/New Delhi's order sheet dated  
20.1.95.

Sir,

List of documents, annexure III of the memorandum of Charge, does not indicate the documents specifically, therefore, a specific list out of that has been made out and enclosed herewith.

Photo copies of all documents mentioned in the enclosed list are also enclosed herewith.

Out of 45 witnesses shown in annexure IV of the memorandum of charge, 33 are hereby dropped, prosecution would present 12 witnesses only mentioned at serial nos. 6, 7, 8, 12, 13, 19, 23, 24, 25, 29, 32 & 45.

Photo copies of pre recorded statements of all the 12 witnesses except of the witnesses mentioned at sl.no.13 & 45 are also enclosed. statements of witnesses mentioned at Sl.No.13 & 45 have not been recorded, hence the same are not being enclosed.

Out of 117 instances shown in the statement of imputations, annexure II of the memorandum of charge, 89 have been dropped as most of the issue slips have not been countersigned by Sh.A.K.Singh & few which have been countersigned by Shri A.K.Singh, have been countersigned correctly. In nutshell prosecution would take 28 instances out of 117 into consideration.

Yours faithfully,

*(Signature)*  
(B.L.ARORA)  
INSPECTOR OF POLICE  
CBI: JAI PUR

Encls.A/a.

A/A.

Endst.NO. /3/1(A)/89/SPE/JPR Dated:

Copy to Sh.Amit Cowshish, Commissioner for  
Departmental inquiries, Central Vigilance Commission,  
Block No.10, Jangnagar House, Akbar Road, New Delhi-  
110011 for information please.

*(Signature)*  
(B.L.ARORA)  
INSPECTOR OF POLICE  
SEE: CBI: JAI PUR

*Checked by  
Advocate  
12/11/95*

LIST OF DOCUMENTS

1. F.I.R. No.1(A)/89 of SPE:CBI:Jaipur dated 31.1.89.
2. Issue slip No.148 dated 21.10.87.
3. -do- 9 dated 2.11.87.
4. -do- 190 dated 29.10.87.
5. -do- 60 dated 12.11.87.
6. -do- 8 dated 2/3.87.
7. -do- 41 dated 6.5.87.
8. -do- 122 dated 21.5.87.
9. -do- 194 dated 28.5.87.
10. -do- 94 dated 14.9.87.
11. -do- 87 dated 13.3.87.
12. -do- 22 dated 3.6.87.
13. -do- 202 dated 23.6.87.
14. -do- 184 dated 21.7.87.
15. -do- 69 dated 11.5.87.
16. -do- 117 dated 20.5.87.
17. -do- 128 dated 15.6.87.
18. -do- 217 dated 24.6.87.
19. N.T.C. OB Register of SDOP(N) for the year 1987.  
Relevant NTC OBS are 25(N), 172(N), 210(N), 219(N),  
229(N), 230(N), 258(N), 292(N), 374(N), 178(N),  
286(N), 317(N), 344(N), 463(N),
20. N.T.C. OB Register relating to SDOP(N) maintained in  
the O/o Commercial Officer relating to NTC OB Nos.  
524 & 526.
21. File containing loose papers regarding account bills,  
inspection reports & misc. papers from S.No. 1 to 99  
(Relevant pages are 2, 40 to 48, 524) mentioned at item  
4 in search list dated 2.2.89.
22. Search list dated 2.2.89 showing house search of  
Shri A.K.Singh.
23. Recovery memo u/s 27 Evidence Act dated 5<sup>th</sup> 89  
& 85, 87, 89 to 98.

*(Signature)*  
P.O

*Accountant  
B. S. Advait  
my mail*

To,

ANNEXURE- 8A  
The D.D.O.(Vig),  
Department of Telecommunications  
West Block No. I, Wing NO.2,  
Ground Floor, R.K.Puram, Sector.I,  
New Delhi-110066.

Subj:- Request for withdrawing the charge memo No.8/15/91-vig.II  
Dated.27.1.92 ( based on illegal,unjust and biased CPI report)  
served on the undersigned (A.K.Singh,DET/ITN Formerly SDOP(N)  
JP).

Hon'ble Sir,

With reference to the subject cited above, kindly find enclosed here with my representation (in duplicate along with one set of documents) for favour of inviting the personal attention of your kind honour to intervene in the disciplinary proceedings initiated against me vide above charge memo served on me in Feb'92. My representation under part-II elaborately explains as to how CBI authorities have carried out their investigations in an unfair, non-judicious and biased manner just to implicate me with no material evidence on records. Further, CBI authorities had hopelessly failed to substantiate the earlier charges against me in FIR even after their 3 years long investigations. The documents so listed are the ones signed by other SDOPs (namely Shri J.P.Sharma and Shri H.C. Mehta) and not by the undersigned (As evident from the documents attached).

Thus, it remains established that the FIR itself initially lodged was bogus and the whole proceedings so prolonging on me since last over 6 years deserve withdrawal on this ground alone as allowing continuance to these proceedings based on this illegal and biased CBI report will result into continued denial of justice to me.

Moreover, Sir, I am in the active zone of consideration of my promotion to the JAG grade in the promotion list to come shortly (expected around March/April this year) and thus throwing me to the course of regular enquiry proceedings (which even in its normal course take several years to get finalised) will cause further unjustified damage to me as even on the face of it there are no materialistic facts/records against me besides other infirmities in the whole CBI proceedings (prolonging continuously since last 6 years) which may justify holding regular enquiry. Even the various recent judicial pronouncements (the judgments delivered by different Benches of the CAT/Supreme Court- Described under Part-IV of the representation) point the balance of convenience of the whole case strongly in my favour besides there being no patent merit into the case which might show any prima facie indications of I being involved in the said conspiracy, even if it existed (due to the signed orders passed by other SDOP (N)'s).

Sir, I may also be given an opportunity to be heard as a person so as to further explain my position to your kind honour in this regard before taking a final judicious action into the matter, please.

The whole proceedings (continuing since last over 6 years the finality to which is even yet remote) have resulted in oppression to me and thus causing an irrecoverable loss /damage to me with no justifiable reason/cause due to highhandedness of CBI Authorities.

In the hope of justice, I once again request your kind honour to withdraw the aforesaid charge memo served on me in the light of my elaborate submissions in the enclosed Representation.

With regards

Yours faithfully,

(A.K.Singh)  
DET/ITN  
(Formerly SDOP(N)JP)  
Add:-  
o/o Telecom Distt.Manager  
ITANAGAR ( ARUNACHAL  
PRADESH) PIN-791111.

Dated at ITN:- 15.2.95

Encls: A/A,

attached  
By  
Advocate  
Mulas

To

The Secretary Telecom,  
Department of Telecommunications,  
20, Ashoka Road, Sanchar Bhawan,  
New Delhi-110001

(Through Vigilance Cell of DOT-N.D)

Kind attention: Shri N.R. Mokhariwale, D.D.G. (Vig), DOT-ND.

SUBJECT: Withdrawing the charge memo No.8/15/91-VIG.II Dated  
27.1.92 (based on illegal, unjust and biased CBI report)  
served on the undersigned (A.K. Singh, DET/ITN formerly  
SDOP(N) JP ). -- Request for.

REFERENCE: My earlier representation dated 30.6.89 and subsequent  
correspondences with CBI Authorities at Jaipur and  
vig.cell of DOT-ND regarding supply of the copies/  
inspection of the listed documents and statements of  
witnesses relied upon in the charge Memo.

Hon'ble sir,

Regarding the above cited subject and in furtherance  
of my earlier communications, may I, A.K. Singh, DET/ITN formerly  
SDOP(N) JP be permitted to request your kind honour to pay  
personal attention to intervene the disciplinary proceedings initi-  
ated against me vide charge Memo No. 8/15/91-VIG.II dated 27.1.92  
at the instance of illegal, unjustified, and biased investigation  
report submitted by CBI Authorities at JP in the light of the  
following few paragraphs :-

P A R T - I

BACKGROUND OF THE CASE IN BRIEF

1. I belong to I.T.S. batch 1983 (joining the Department in  
May, 1985) and was posted as SDOP(N) Jaipur on my first posting  
(during probation it-self) after completion of my training in  
January, 1987 at ALTTC-Gaziabad.

2. I was served with a charge memo dated 27.1.92 in  
furtherance of an unlawful, malafide and bogus FIR earlier  
lodged by the CBI authorities against me on dated 31.1.89 with  
prejudice and strong bias against me (Details in part-II).  
Regarding malafide, biased, unjust and arbitrary way of carrying  
out the proceedings against me by the CBI authorities I had also  
informed your kind honour vide my earlier representation dated  
30.6.89 (Annexure-II/1 & II/3: Relevant paragraphs highlighted refer).

Contd/2/

*Attended  
B. R. Advait  
27/1/92*



Also , for these unlawful acts on the part of CBI authorities I have since filed a civil suit in the court at Jaipur against Shri Ramchandra, Inspector SPE/CBI JP and Ors. in July, 1989 itself for the mental torture and harassment caused to me by them during the course of my detention in CBI custody (between 1.6.89 to 7.6.89) which is yet to get finalised by the Hon'ble Court.

3. Responding to the said charge memo I had been continuously writing to CBI authorities at JP/Vig.Cell of DOT-ND (my series of communications dated 6.3.92, 17.7.92, 6.11.92, 18.8.93, 23.9.93 & 14.12.94 refer) for supplying me the copies of the listed documents in Annexure-III and the statements of witnesses relied upon in the charge memo so as to enable me to prepare my defence and submit the same to the disciplinary authority for getting the proceedings finalised early but this all was of no avail to me.

4. Seeing no fruitful progress/response on the part of CBI JP or vig.cell of DOT-ND in supplying me the relevant documents in more than over 3 years time despite my last communication dated 14.12.94 on the subject I again visited Jaipur on 4.1.95 but the CBI's reply was the same that the documents stand deposited in the court (in Shri S.N.Singh JTO's case) and thus copies will be supplied only after receipt of the certified copies from the court. When CBI authorities have not even approached the court over last 3 years for certified copies then how copies can be supplied to me is not understandable.

5. Getting disappointed with the CBI's response I inspected the documents relied in Shri S.N.Singh, JTO's 18 different charge sheets and collected the copies of the documents having reliance to my case. The contents of JTO's documents corroborate my statement of CBI authorities suffering with malafide, unfair, unjust and strong bias against me (Details under part-II).

6. That I suffered a major set back to receive the communication dated 28.12.94 from CDI/CVC-ND received by me on 16.1.95 for holding a preliminary hearing into the case with the hearing date fixed as 20.1.95. Even during the preliminary hearing held on 20.1.95 the reply of the CBI (now P.O) was the same (Annexure-II/4; Para 3 refers). Thus denying me my legitimate claim/right of getting supplied with the documents and the statements of witnesses relied upon in the charge memo so as to enable me in preparing my defence statement and to submit the same to the disciplinary authority for getting the case decided expeditiously & judiciously being no patent merit and any prema-facie indications of I being involved in the said conspiracy as alleged in the FIR or any materialistic facts brought out by CBI during its subsequent investigations carried out.

*Handwritten signature and date:*  
24/1/95

7. From the above, it is clearly evident that CBI authorities are prolonging the matter malafidingly for causing an undue harassment to me. At this pace nearly 1/4th of my official span had only been involved and submerged in this false, unjustified and non judicious disciplinary proceeding against me initiated at the instance of biased and bogus investigation(s) report submitted by CBI the finality of which is even yet remote as I have not even been supplied with the documents listed in the charge memo so far thus allowing a Damocles'sword to hang over me for several years ( 6 years already elapsed) without any reasonable or justifiable cause. And this inordinate delay in getting the proceeding finalized has further resulted into oppression to me.

P A R T - II

ISSUES WHICH DISCLOSE THE BIASED, ILLEGAL AND UNFAIR ATTITUDE OF CBI AUTHORITIES( PARTICULARLY SHRI RAM CHANDRA, INSPECTOR SPE/ CBI, JAIPUR ) IN CARRYING OUT THE INVESTIGATIONS.

Under this part I would like to draw the attention of your kind honour, firstly to my representation dated 30.6.89 (Annexure-II) regarding malafide, unjust and arbitrary way of carrying out the investigations by the CBI with a strong bias against me enclosing the detailed report regarding my detention in CBI Police custody for 6 continuous days elaborately describing as to how I was treated by CBI, how investigations were carried out etc. etc. despite there being no materialistic facts against me as alleged in FIR ignoring all my stated facts (Annexure-II/3: Highlighted paras refer) with the only objective to implicate me in a totally false, biased and bogus FIR. My above representation clearly speaks out that how CBI authorities were bent upon to harass me and were in a mood to file a charge sheet against me in the court of law during the early course of their investigations but failing on that score, due to their being no materialistic facts against me, the case was referred for RDA based on same false and bogus facts to repeat for my harassment to continue still further with no justifiable reason/cause. My above version will further get proved on perusal of my following submissions in this regards --

1. The FIR dated 31.1.89 lodged (for the alleged misconduct relating to the year 1986 to 1988) carries the mention of the charges as ;

Contd/4/

*amshu  
Bansal  
12/12/90*

" that during the year 1986 to 1988 ,Shri A.K.Singh and Shri S.N. Singh,JTO-26 under SDOP(N) JP conspired with some unknown persons to cheat the telephone Deptt. by getting the telephone instruments issued twice and thrice against the telephone connections already installed with instruments on false issue slips prepared by JTO-26 and ordered by SDOP(N)JP .And this way 77 telephone instruments were got issued causing wrongful loss of about Rs. 58,751/- (Rupees 763/- each instrument to the Govt.) "

CBI'S above allegation in FIR of getting 77 telephone instruments issued on the order of the undersigned during the year 1986 to 1988 itself is far away from the truth because out of this said period of 3 years the said Shri S.N.Singh,JTO-26 worked under me only for about 8 months (ie between the period August'87 to March'88) period . For rest of the period the said Shri S.N. Singh JTO-26 worked under the control of different other SDOP's (namely Shri J.P.Sharma,Shri H.C.Mehta and Shri p.K.Pandey) and not under me. Further, none of the OB's/issue slips shown to me during my detention in CBI custody and included in Annexure-II to the chargememo (Sl.No. 1/page 2 to 90/page 6) fall in the said time duration of August'87 to March'88 and are not bearing my signatures for having passed the alleged orders for issue of telephone instruments twice/thrice against the telephone connections already installed with instruments. All these slips in actual bear the signed orders passed by Shri J.P.Sharma and Shri H.C.Mehta,SDOP's only and not of mine (Annexure-III carrying the said bogus issue slip refers).

2. Also the CBI has contradicted its own version of the undersigned being involved into the said conspiracy as evident from the last para highlighted in all the 18(bearing nos. 2 to 19) different charge sheets filed in the court against the said Shri S.N. Singh,JTO which (to reproduce) reads as --

" Due to their being no evidence in proof of the alleged crime , the charge sheet is not being filed against the accused Shri A.K.Singh."

3. Further, I was never the in-charge of West Sub-division whereas OBs/issue slips (none bearing my signatures also) are also included in the charge Memo served on me forming a major part of it(Annexure-II Sl.No. 42/page 4 to 90/page 6 to the charge Memo).

CBI authorities( in the instant case Shri Ram Chandra,Inspector SPE/CBI JP) were intimated of this fact in 1989 itself that these said bogus issue slips bear the signatures of SDOP's namely Shri J.P.Sharma and Shri H.C. Mehta only (Highlighted paras in Annexure-II/3 refers) and not of A.K.Singh (the undersigned).Shri Ram Chandra Inspector SPE/CBI JP during the course of his investigation proceeding recorded the statements of Shri J.P.Sharma SDOP (N) JP

*Amrinder Singh  
12/11/91*

and Shri V.P. Pahuja SDOP(C) JP on 13-10-89<sup>and 6.9.89</sup> respectively (Annexure-V refers) which further proves his knowledge of the fact that the issue/requisition slips on which Shri S.N. Singh drew telephone instrument falsely twice/thrice against the OBs/Telephone connections already installed with telephone instruments bear the signature of SDOP's Shri J.P. Sharma & Shri H.C. Mehta. But IO Shri Ramchandra in his investigation report (s) has not disclosed or even cared this right issue and restricted his investigations (with unfair and biased motive) only to false implication of the undersigned into it without there being any materialistic fact(s) against me either even in FIR or brought out during his subsequent investigations in furtherance of FIR. Mention of this aspect may not support my innocence to the charges levelled but it certainly establishes the illegal, malafide, unfair and non-judicious state of mind of CBI (Particularly Shri Ram Chandra, IO) in carrying out the proceedings which suffered discrimination and a strong bias against me during the entire course of investigation proceedings held by CBI.

The above proves beyond doubt that firstly, the FIR itself was illegal, biased and bogus and secondly, the subsequent CBI investigations suffered prejudice, malafides, and a strong bias against me due to the illegal, unfair and non-judicious practices adopted by CBI in carrying out the investigations and as such the whole proceedings doesn't deserve any implementation to cause a further harm to me. The disciplinary proceedings initiated against me at the instance of this illegal, unfair, non-judicious and bogus CBI report are thus liable to be withdrawn on this ground alone besides other aspects to follow in subsequent paragraphs.

### P A R T - III

#### MERITS OF THE CASE

Statement of article of charge (Annexure-I to the charge memo) carries the mention of the charge (in brief) mainly as--

" That the said Shri A.K. Singh, SDOP(N) JP during the year 1987-88 mechanically passed orders twice/thrice for issue of telephone instruments on the false issue/requisition slips submitted by the JTO's working under him inspite of the fact that either telephone instruments had already been issued against the respective OBs or the OBs had already been cancelled. He prepared false inspection reports and also failed to take any action against the concerned subscribers on the basis of the inspection reports submitted by the SIT as well as PI working under him. Shri A.K. SINGH thus facilitated the fraudulent issue of 74 telephone instruments causing pecuniary loss to the Deptt. of about Rs. 56,462/- (at the rate of Rs. 763/- for each instrument). Shri A.K. Singh also unauthorisedly sold one telephone instrument

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Bazooka  
12/12/85*

each to S/Shri K.C.Gupta and M.J.S Ahluwalia having telephone connection nos. 842433 and 72711 respectively."

To submit my defence to the above is as under ---

Firstly,Annexure-II to the charge memo clarifies that the breakup of these 74 telephone instruments drawn on false/ bogus issue slips is as under ---

57 by JTO-26 (S.No. 1/page 2 to 90/page 6) .

17 by JTO-12 & 14 (S.No.1/page 7 to 27/page8) .

Regarding 57 stelephone instruments drawn by JTO-26 I have already explained elaborately under part-II above that none of the issueslips bear my signature on which the alleged orders having been passed by the undersigned for issue of telephone instruments twice/thrice against a given OB have been stated (Annexure-III refers) .

Regarding 17 telephone instruments drawn by JTO-12 & 14 it is submitted that slip nos. appearing at S.No. 2/page 7 to 27/page 8 only fall in the duration when charge of SDOP(N) JP was held by me and thus 16 telephone instruments only appear outstanding against the said JTO Shri Laxman Das,who on questioning submitted his account of outstanding as --

Total telephone instruments drawn in excess	16
Telephone instruments drawn by Shri J.B.Sharma (since retired) and Shri K.M.Shrivastva(since expired)	(-) 3
OBs executed nos.529 (N),545(N),563(N) and 600 (N) against which no telephones drawn from Central stores.	(-) 4
Net outstanding against the JTO the said Shri Laxman Das .	9

The said JTO Shri Laxman Das has already written to DE(Phones) (O/D) O/O GMTD JP on 11.6.91 (Annexure-V/5) for depositing these 9 telephone instruments appearing outstanding against him and thus it can't be termed as any loss to the Govt. on account of duplicate issue of telephone instruments which are in the possession of the department it-self.Further ,when there are no any outstanding dues appearing against me or against any of the JTO's to whom telephone instruments were issued from central stores on the orders passed by me, the question of producing the extra telephone instruments and then selling to the said parties namely S/Shri K.c.Gupta and MJS Ahluwalia automatically cease to exist.Moreover the CBI's version of the parties having made such statements itself reflects a strong prejudice and biased state of mind of CBI authorities against me as elaborately described in earlier paragraphs too just to save their skin as the FIR and the subsequent investigations carried there-on by the CBI could not bring out any material information proving my any involvement at all into the alleged conspiracy . It has been stated with a view to influence the disciplinary

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authority so as to get the Rule-14 charge sheet served on me which even on the face of it does not give any premafacie indications against me. Had this been true the signed statements of the parties could have been available in the charge sheet copies of Shri S.N.Singh, JTO as documents were deposited in the court as stated by CBI. But these statements were not forming a part of S.N.Singh's charge sheets. It was thus a misguiding/manipulated version of the CBI with the only objective to influence the Disciplinary authority which further puts a strong question mark on the genuiness and correctness of the CBI investigations/proceedings.

Regarding inspection reports of telephone nos. 82668 and 842433 it might only suffice that no malafides are alleged against me. Moreover, what it appears on the face of it is that no 5-digit telephone no. from lev 82 ever existed in Jaipur and the other one is a repetition of the so said Shri K.C.Gupta of Jhotwara. Not only this I.O. Shri Ram Chandra has manipulated the records unlawfully due to his having a prejudice and strong bias against me as earlier described (Annexure-II/3: para marked on page 3 refers). Further, it is reasonably not possible for any human being to comment about 8 to 9 years old happening in a rightful manner. And this becomes more difficult when the proceedings itself suffer prejudice & strong bias too. No reasonable person even can dig out so old happenings from his memory correctly especially after so much of delay (8 to 9 years in this case). To my knowledge nothing in-criminating was seized during the whole course of my house search. The matter was delayed unduly by CBI authorities firstly, in completing the investigations & serving the charge memo and secondly, denying the supply of relevant documents for preparing my defence statement. This all has been done by the CBI with the sole objective to manipulate the facts and records/documents to save their skin as CBI couldn't establish any premafacie involvement of mine either in the FIR or in its subsequent investigations related with FIR. This all was being done by I.O Shri Ram Chandra to make my civil suit, filed in the court of Jaipur against CBI (with Shri Ram Chandra Inspector as a party to it) for the unlawful treatments given to me during the course of my detention in CBI Police custody (1.6.89 to 7.6.89), to meet an adverse fate. Had all this been true CBI authorities could not have denied the supply of relevant documents to me for 3 continuous years (despite series of written and telephonic reminders).

Secondly, as a organisational set up prevailing that time the procedure of receipt, issue and utilisation of stores to/by different field units in Jaipur Telephone District was as under---

There was separate unit functioning in JTD under the control of SDOP (C) JP exclusively as a centralized stores organisation responsible for issue & accounting of stores to field units (ie, other SDOP(S) who were mainly responsible for execution of works (both

ntce & developmental ones) in their respective units. As a prevailing practice the telephone instruments were being issued by SDOP(C) to the sectional JTO's, on requisition slips prepared and placed by them duly countersigned by their respective SDO's only against some OB Nos. mentioned in the slip(s). The store material (even refused at times or partially issued by SDOP(C) due to non-availability in stock or otherwise) issued was then to be taken by the JTO to his section and was being utilized after making the necessary entries into the stock register regarding its receipt & utilization. Thus the records of receipt, issue and utilization of stores were only being maintained either in the office of the SDOP(C) or by the Sectional JTO himself and no any books of store accounts were being maintained in any of the field SDO's Offices as a practice prevailing that time in Jaipur Telephones.

SDOP(C), after checking the proper issue & accounting of stores (with regard to wrong/duplicate/non-issue of store material against any requisition) to different JTO Sections, was getting the so noticed outstanding dues cleared in routine by raising it directly to Sectional JTO without supplying a copy even to respective field SDO (SDOP(C) letters dtd 11.6.84, 31.10.84 & 25.4.85 refer Annexure-VI). This very practice was stopped all of a sudden by the SDOP(C) without any knowledge/intimation even to field SDO's which led to this minor irregularity (to a little bit extent in the case of JTO Shri Laxman Das) for which the said Shri Laxman Das, JTO and the SDOP(C) JP themselves are wholly & only responsible as the books of accounts were being maintained only in their offices and not in the office of SDOP(N)JP.

Further, the prevailing practice of accounting of telephone instruments that time in Jaipur Telephones itself was defective which subsequently necessitated a review by the highest authorities in the circle and accordingly the CGMT Rajasthan Telecom. Circle Jaipur constituted a committee on 14.6.89 itself (ie immediately after my release from the CBI Police custody in early June/89) vide his note bearing no. 153/89 for working out a procedure/plan for proper issue, receipt, stocking of telephone instruments (CGMT letter dated 29.9.90 -Annexure-VI/1 refers).

Besides all above, certain practical difficulties/limitations (while actually working in the field) compell the Govt. servant (s) at times to deviate a little bit (only for the Deptt.'s interests) from the actually laid down rules and procedures relating to a given issue which in the instant case widely saying may include the circumstances viz., party requests for change of address or the case is subsequently detected as non-bonafide before its actual provisioning after issue of OBs and also the telephone instruments from stores or some urgent demand comes (TTC/CTC/VIP connections etc.) for provision of which drawal of telephone instruments within no time is practically non-feasible (due to the offices of JTO, SDOP(N) & SDOP(C) lying located in 3 different

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buildings) and other unforeseen cases of similar nature etc.etc. Under all above circumstances it is most likely that telephone instruments drawn ear marked for one particular connection is not utilised for the same but so far as the closing balance of the JTO tallies there is no harm/loss caused to the Govt. & similar is the case of mine.

To conclude, in the first case where 57 telephone instruments were got issued by the JTO-26 Shri S.N.Singh none of the issue slip bear my orders having been passed and signed over it, in the second case the JTO-12 & 14 Shri Laxman Das having got issued 16 excess telephones is awaiting instructions from the Department for depositing back the extra issued telephone instruments. Thus, there is no any loss caused to the Govt. due to any act or omission on the part of the undersigned as alleged in the charge memo served on me.

The above proves my innocence to the allegations/Charges levelled against me in the charge memo dated 27.1.92 and your kind honour is requested to dispense with these proceedings to continue still further in the interest of justice.

#### P A R T-IV

#### G.O.I's INSTRUCTIONS AND JUDICIAL PRONOUNCEMENTS RELATING WITH THE SUBJECT

The courts (Different benches of Tribunals and the Supreme Court) in their several recently delivered judgements have laid emphasis on certain issues relating mainly with the principles of natural justice which have now become the basic guiding principles to be followed while dealing with the disciplinary proceedings against the Govt. servants at the level of both the Govt. Departments and the Hon'ble Courts. May I describe the same below for the perusal of your kind honour please-

1. Non-supply of the copies of the relevant documents and the statements of witnesses recorded during the course of preliminary inquiry (in this case held by CBI) constitutes denial of affording reasonable opportunity to the delinquent officer to defend himself adequately at the stage of submission of his written defence. Relying on this view (as also expressed by the supreme Court in its several judgements delivered) the Cuttack Bench of the Tribunal quashing the order of punishment on this ground alone has further held that:

"Even if such report was shown to the petitioner at the time of the inquiry, that would not wash away the prejudice already caused to the petitioner at the stage when he was required to submit his written statement." (Annexure-VII/Part-I refers

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The Govt. of India in its instructions issued vide its O.M.No. F.30/5/61-AVD dated the 25th August, 1961 has also emphasised that the documents initially listed in the charge memo and also the statements of witnesses recorded in the Course of (i) a preliminary enquiry conducted by the department; or (ii) investigation made by the Police, relied upon (the copies thereof) must be supplied to the Govt. Servant before he files his written statement in defence to the charge memo served on him.

2. Inordinate un-explained delay in initiating and getting finalised the disciplinary proceedings against a govt. servants was also taken as a sufficient cause (s) in it-self by different Benches of the Tribunal and also the Supreme Court in quashing the proceedings and also the punishment order(s) if so passed in any such case (Annexure-VII/part-II page nos. 2 to 5 refers). In the second case appearing at page 3 of Annexure-VI (Which is mostly similar to the instant case of mine) the delay of nearly 3 1/2 years only was considered as a sufficient ground for quashing the charge memo (there also the charge memo was served in furtherance of a criminal case earlier registered against the applicant) from the date of FIR. And in my case even 6 years already elapsed the finality to which is even yet remote as the documents are yet to be collected from the court and supplied to me for preparing my defence statement. Further to this, the Supreme Court in the case of State of M.P. vs Bani Singh & Anr.

[ATR 1990 (1) SC 581] has not permitted the departmental enquiry to proceed due to there being no satisfactory explanation to the inordinate delay in issuing the charge memo and in the case of Mansha Ram vs S.P. Pathak [1984 (1) SCC 125] Exercise of power in a reasonable manner inheres the concept of its exercise within a reasonable time has also been stated by the Apex court. Replying on the later judgement of the Supreme court the Principal Bench of the Tribunal has set aside the memorandum of charges against the applicant (Case of K.K. Sood v. V.O.I Annexure-VII/page 5 refers).

3. Inquiry Officer not to be appointed before receipt of written statement of defence from the delinquent officer--In a series of judgements delivered by different Benches of the Tribunal in this regards (Annexure-VII/part-IV page no. 6 & 7 refers) it has been held that appointment of Inquiry Officer before receipt and examination of the written defence statement (the submission of which is feasible only after the delinquent officer is supplied with the documents & statements of witnesses relied upon in the charge memo) of the delinquent officer is indicative of a closed mind of the disciplinary authority besides being in contravention of the provision of Rule 14(5) (a) of the CCS (CCA) Rules, 1965 and is thus legally unsustainable. Relying on these aspects even the

punishment orders passed into the cases of (1) Nilakantha Mishra V.U.O.I and Ors.(2)Clement Dungdung V.U.O.I and ors.(Judgements serialled at Nos. 3 & 4 of PART-IV/Annexure VII refer) were quashed by the Bench of the Hon'ble Tribunals.

4. Above all, the various courts including the Supreme Court in their several judgements have further held "the benefit of declaration of law obtained by an applicant must be extended to all others similarly placed without the need for them to take recourse to court" -- a main guiding factor to be applied to all future cases to come up for considerations before the Govt. departments. The other Benches of the Tribunal at Chandigarh in the case of P.K.Bhargava and Anr.V.U.O.I. and ors [1989 (2) SLJ (CAT) 510 (Chandigarh) I, Calcutta in the case of N.C.Dey V.U.O.I I [1990 (13) ATC 344 (Calcutta) I and Hyderabad in the case of K.Satyanarayana V.U.O.I. and ors. [1989 (3) SLJ (CAT) 582(Hydrabad)] have also expressed the same view. Further to this, the Principal Bench of the Tribunal in the case of A.K. Khanna V.U.O.I(ATR 1988 (2) CAT 518; 1989(1)ATJ 71 [has held that not extending similar benefits to similarly placed person, would amount to discrimination and violative of Articles 14 and 16 of the constitution. In another case of R.Sambandam V.CAG of India [1990 (1) ATJ 466 (Madras); ATR 1990 (1) CAT 253;(1990) 13 ATC 666 I decided by the CAT Bench of Madras the respondents(the department ..) were directed to extend the benefit of the judgement of courts and Tribunals which have become final to all employee similarly placed and not drive each of them such redressal of their grievance before the Tribunal. Reference is also made to Part-III/page 5 to Annexure-VII attached.

The study of my whole case clearly reveals out that above aspects have altogether been overlooked/ignored during the entire course of the disciplinary proceedings held against me and thus infringing the principles of natural justice and violating the constitutional provision too. Your kind honour may also agree that the balance of convenience of the whole case is strongly in my favour including even the merit of the case as CBI could not substantiate the totally false and bogus charges earlier levelled against me in the FIR even during their subsequent investigation proceedings.

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P R A Y E R

To sum up and conclude the above, may I submit to your kind honour that --

Firstly, the non-supply of the relevant documents and the statements of witnesses despite my series of communications with CBI Authorities at Jaipur and vigilance cell of DOT-ND has caused denial of reasonable opportunities to me in defending my case adequately at the show cause stage itself as there were no pre-macie indications of my involvement in the said alleged conspiracy as stated in the FIR, even if existed, as none of the issue/requisition slips prepared and placed before SDOP(N) JP by the said JTO Shri S.N.Singh bear my signatures on which twice/thrice telephone instruments are alleged to have been issued. Even the subsequent CBI investigations could not substantiate the charges of FIR.

Secondly, the CBI authorities (in particular Shri Ramchandra Inspector SPE/CBI JP) have proceeded malafidingly, illegally and with prejudice and strong bias against me as proved in part-II above.

Thirdly, the abnormal delay due to the acts directly attributable to the CBI firstly, in carrying out the investigations and Secondly, the non-supply of documents to enable me in preparing my defence to the charge Memo has caused great injustice to me as I have already passed nearly 6 years under continued mental tension due to highhandedness of CBI the finality of which is even yet remote.

Lastly, there being no patent merit into the case as your kind honour may also agree after perusal of my above detailed submissions I pray your kind honour for giving me justice by withdrawing the aforesaid charge-Memo prepared and based on false and bogus CBI report and served on me so as to relieve me of the undue mental harassment mounting to me since last several years.

With tears in eyes, I once again request your kind honour to consider my case favourably and sympathetically in view of above described facts and circumstances so as to cause justice to me.

Hoping for a judicious favour at the hands of your kind honour.

With regards.

Encls: As per Annexure-I

Dated at ITN; 15.2.95

Sincerely yours,

( AJAY KUMAR SINGH )  
DET Itanagar, APSSA.  
Formerly SDOP(N)JP  
Address:- Office of TDM  
Itanagar(Arunachal Pradesh)  
Tele.No. O- 3333  
(03781) R- 4333

*Attended  
By Shri  
Advocate  
12/1/95*

ANNEXURE-I

List of documents attached

- Annexure-II : II/1 : Representation dated 30.6.89  
II/2 : FIR dated 31.1.89  
II/3 : Detention report of CBI custody period.  
II/4 : Preliminary hearing proceedings held.
- Annexure-III : The said bogus issue/requisition slips on which twice/thrice issue of telephones is alleged.
- Annexure-IV : The copies of the 18 different charge-sheets (bearing numbers 2 to 19) filed in the court against the said JTO-26 Shri S.N.Singh.
- Annexure-V : V/1 : Statement of Shri J.P.Sharma SDOP(N) JP dated 13.10.89 recorded by I.O.Shri Ramchandra.  
V/2 : Statement of Shri V.P.Pahuja SDOP(C)JP dated 6.9.89 recorded by I.O.Shri Ramchandra.
- Annexure-VI : VI/1: DGM(O) office of CGMT/Rajasthan Circle JP letter no.D.O.No.PHN/3-12/90/10 dtd.29/9/90  
VI/2: SDOP (C) JP letter no.JEN/S/Gen. dated 11.6.84 .  
VI/3: SDOP(C) JP No.even dated 31.10.84.  
VI/4: SDOP(C) JP No.even dated 25/4/85.  
VI/5: letter dated 11.6.91 written by Shri Laxman Das JTO to DE Phones (O/D)JP.
- Annexure-VII : Varrious court judgements (decided by different Benches of Tribunals and Supreme Court) page nos. 1 to 7 .
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*B.R.*  
*22/12/96*

To,

The President of India

(The Appointing Authority)

(Through Vigilance Cell of DOT-ND)

Kind Attention : Shri Ujagar Singh, Director (VIG), DOT-ND

Subject: 1. Request for Withdrawing the charge memo. dt. 27.01.92 served on the Applicant.

2. Failure in getting a judicious favour at your hands will be a compulsion on me to move the Hon'ble Court for justice.

Hon'ble Sir,

This is in continuation of my earlier representation dt.15.02.95 for inviting the personal attention of your kind honour to intervene the disciplinary proceedings initiated against me(the undersigned) vide above cited charge memo. My representation, mainly divided under 4 heads (Part I to Part IV) covering different aspects relating to the case, reproduced below for your ready reference

PART I: Background of the case in brief.

PART II: Issues which disclose the biased, illegal and unfair attitude of CBI authorities in carrying out the investigations.

PART III: Merits of the case.

PART IV: GOI's instructions and judicial pronouncements relating with the subject.

elaborately explains as to how the undersigned is made to suffer since last over 61/2 years due to prejudice, biased and unlawful acts on the parts of both CBI Jaipur and also the Department. In this context may, I, A.K. Singh, DE(MARR) Installation O/o C.G.M.T., NE Circle, Shillong be permitted to add a few more lines for your kind and sympathetic considerations and early favourable orders please.

*Submitted*  
*B. K. Singh*  
*Advocate*  
*12/12/95*

1. Illegal and unfair treatment given to me (both by the CBI and the Department) is in contravention of the constitutional provisions to the extent of depriving me of the fundamental right of equality before law. Right since beginning, i.e. starting from my interrogations in CBI police custody (through various communications viz., my detention report dt. 08.06.89, representation dt. 30.06.89 and subsequent representation dt. 15.02.95) I had been pointing out that majority of telephone issue slips, forming the basis of CBI investigations, bear the signatures of other SDOP(N)s namely Shri J.P. Sharma and Shri H.C. Mehta and not of the undersigned, but this very aspect remained altogether ignored/overlooked both by CBI Jaipur and the Department. On 02.02.89, the house search of Shri Dilip Chandra, the then SDOP(S) was also conducted simultaneously with the house search of the undersigned on the same type of complaint of duplicated issue of telephone instruments against OBs already working with telephone instruments.

In the process of these CBI investigations, I am only made a victim of the the circumstances, but the other SDOPs working in Jaipur Telephones that time namely Shri J.P. Sharma, Shri H.C. Mehta and Shri Dilip Chandra (signing the similar telephone issue slips) are said to have signed these slips under some prevailing procedural system and their above act remains unquestioned by both the Department and CBI (the reasons best known to the concerned authorities). Not only this, the CBI (now Presenting Officer) vide letter dt. 10.04.95 (copy enclosed) has dropped 89 such instances of duplicated issue of telephone instruments out of total 117 included in my charge memo.. at the initial stage of supply of documents itself under the plea that those 89 instances bear the signatures of other SDOPs and not of mine, thereby confirming my earlier statement of CBI proceedings suffering with strong bias and prejudice against me which is unlawful and malafide on the part of CBI and was done with ulterior motive of causing an undue harassment/hardship to the undersigned for the fault of others (Shri J.P. Sharma and Shri H.C. Mehta, SDOPs).

These 89 instances (out of a total of 117) were included in my charge memo.. with a biased, unfair, prejudiced and malafide intention of CBI to save the real wrong-doers from being initiated with similar disciplinary proceedings and at the same time harassing me for the cause of others. This very aspect indicates the state of mind of CBI Jaipur / Vigilance Cell of DOT-ND which can certainly be termed nothing other than the unfair and unlawful treatment given to me in gross violation of the constitutional provisions and denying me my legitimate right of equality before law.

*Handwritten signature and date:*  
12/12/95

Dropping 89 (out of total 117) instances of duplicated issue of telephones right at the beginning stage of the inquiry without any questioning from my side further indicates that the CBI has earlier exaggerated its report(s) with the only unlawful aim to get the Rule 14 inquiry commenced against me for the lapses/reasons attributable to others. **The whole proceedings suffer with adopting different yardsticks for different persons in the department and that too for similar alleged misconduct/lapse(s).**

No required application of mind by the disciplinary authority in initiating the proceedings .89 instances of duplicated issue of telephone instruments (out of total 117 included in the charge memo..) forming the basis of Rule 14 charge memo. on the undersigned bear the signatures of other SDOPs and not of the undersigned. **This itself indicates that either the documents forming the basis of the charge memo.. were not seen by the disciplinary authority or there was no proper application of mind by the disciplinary authority in issuing this Rule 14 charge memo.. on me.** Also the charge sheet is signed by an officer who is equal in rank to that of mine (ADGs in DOT and DEs in field are equal in rank). The authority signing the charge sheet to any officer has to be considerably senior in rank to the one being proceeded against. No law can permit or authorise any level officer in any department for initiating disciplinary proceedings against his equivalent counterpart officer even by virtue of any orders (written /implied) and is also unlawful to the extent that the delinquent is unable to know as to at what level the matter was given the required level of thought/application of mind to cause justice to the charged officer. Suspension/Revocation orders are signed by DDG(Vig.) whereas the charge memo. is signed by the ADG(Vig.). **In the instant case it thus remains established beyond any reasonable doubt that the whole issue was not given the proper thought/application of mind by the disciplinary authority which is mandatory under the rules.**

The Hon'ble CAT Bench of Calcutta in the case of P.S.Kundu vs. U.O.I and Ors. has held **"Order appointing Enquiry Officer and charge memo. not passed under appropriate provisions of rules, bad"**. The judgement speaks that the instance described therein clearly bears the testimony to the fact that the respondents have not passed the orders which are quasi-judicial in nature under the appropriate provisions of the CCS(CCA) Rules with proper application of mind. The different orders were passed in a

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*B. S. Kundu*  
*Advocate*  
*12/11/90*

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slipshod manner and hence the disciplinary proceedings cannot stand the test of judicial scrutiny, thereby being liable to be quashed.

The above described detailed submissions bring out the following facts into limelight i.e. **firstly, CBI Jalpur In its report(s) to DOT largely exaggerated the materialistic facts based on false, bogus and illegal issues just to invite the attention of the Department with the only motive to get the Rule 14 Inquiry commenced against me** so that a Damocles' sword hangs on my future for several years (6 1/2 years already elapsed since the FIR was first lodged by the CBI on 31.01.89) and **secondly, there was no application of mind from the disciplinary authority (the competent authority to issue a Rule 14 charge memo.) In verifying the materialistic facts /information(s) on record before deciding/issuing a Rule 14 charge sheet to me.** The power is exercised arbitrarily without any jurisdiction and proper application of mind.

2. FIR and the subsequent CBI investigations suffered with strong bias and malafides against me, making the FIR itself bogus and illegal to be acted upon. None of the issue slips for the said alleged duplicated issue of telephone instruments concerning section 26 (Shri S.N.Singh, JTO's section, the other accused in the FIR) bear my signatures which is now clearly evident from the CBI (now PO) letter dt. 10.04.95 as all the dropped 89 instances belong to Shri S.N.Singh, JTO's section only. This reveals the fact that the FIR, initially registered by the CBI authorities, itself was illegal, unjust and bogus and thus making its operation a further unlawful act. All these issue slips in respect of Shri S.N.Singh, JTO bear the signatures of the other SDOPs (Shri J.P.Sharma and Shri H.C.Mehta) and none by the undersigned. The above aspect confirms that the **CBI has manoeuvred the govt. records for getting a Rule 14 Inquiry commenced against me** while knowing the materialistic facts/information(s) before hand. This very point is elaborately described also under Part II of my earlier representation dt. 15.02.95.

3. Initiation of disciplinary proceedings (the finality to which is even yet remote) after inordinate delay itself causes denial of reasonable opportunity and thus violative of principles of natural justice besides being legally unsustainable due to a promotion meanwhile. Inordinate delay in initiation of disciplinary proceedings itself

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Bharat  
12/1/95



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constitutes denial of reasonable opportunity to the delinquent in defending his case properly and thus is in violation of principles of natural justice. The case relates to the year 1986-87 whereas the chargesheet was served in the year 1992 but listed documents and statements of witnesses forming annexures III and IV of the said charge memo. were not supplied by the Department/CBI upto even April' 95 i.e. in over 9 years delay after the incident took place in the year 1986. In the absence of these required documents the undersigned could not submit his written statement of defence to the disciplinary authority and in turn the case is lingering on since over past 9 years the finality to which is even yet remote. The following instructions issued by DOT itself were not given due weightage so as to cause me reasonable opportunity to defend properly my case right at the stage of preparing my defence statement and its submission to the disciplinary authority.

CVC No. 1 to DSP 3 dt. 19.06.87 and subsequent no. even dt. 23.08.90

**Subject: Supply of documents to the Charged Officer alongwith the chargesheet-  
Amendment of para 21-2 Chapter X of the Vigilance manual Vol .I**

DOT No. 15-8/90-VIG. III dt. 11.10.90 also refers to the same subject.

DOT No. 15-5/87-VIG. III (T) dt. 28.04.88

**Subject: Expeditionous finalisation of disciplinary cases.**

DOT D.O. No. 4-32/91-VIG. I dt. 23.09.91

**Subject: Regarding abnormal delays in the disposal of vigilance and disciplinary cases.**

DOT No. 5/3/91-VM dt. 02.12.92

**Subject: Delay in the disposal of disciplinary cases-Steps to be taken in minimising.**

Some of the CAT judgements (described below) point balance of convenience of the whole case strongly in my favour.

*Amul*  
*B. S. Singh*  
*Advocate*  
*14/12/91*

89 Tribunal can quash disciplinary proceedings even before completion for violation of principles of natural justice. In a Calcutta case, it is observed that there may not be any fixed principle for not entertaining any writ petition before the departmental proceedings are finally concluded. If a delinquent officer can satisfy the writ court that the departmental proceeding is vitiated either for violating the principles of natural justice or for not following the procedure resulting in gross injustice to the petitioner, it will be quite open to the writ court to interfere and quash the departmental proceedings even at the intermediate stage so that a proper proceeding is started and delinquent officer does not suffer unnecessary agony for a prolonged period. In the instant case it is apparent that in the preliminary enquiry, the charge against the applicant has not been established.

In view of the above, the principles of natural justice have been violated in this case, the petitioner having not been given reasonable opportunity to defend himself and there being no evidence to the charge framed against him.

Though normally the Tribunal is reluctant to interfere with the departmental proceedings till it is completed, but in the instant case the findings of the guilt arrived at by the disciplinary authority are not based on any evidence.

In the facts and circumstances of the case, the same is required to be quashed and we accordingly quash and set aside the entire disciplinary proceedings.

(CAT New Delhi Bench Judgement of date 30.8.93 in the O.A. No. 470 of 1990 A.P.Sharma vs.. U.O.I. and Ors. refers)

Administration remaining inactive, indolent on the disciplinary proceedings cannot at its sweet will revive them after long lapse of time to the detriment of promotion and other benefits to the official.

(CAT Calcutta Bench judgement dated 06-04-94 in the O.A. No.1205 of 1989 in the case of Bhagat Singh vs.. U.O.I and Ors. refers)

Courts in their several recent judgements have frowned upon undue delay in initiation and finalisation of departmental proceedings, holding that delay itself constitutes denial of reasonable opportunity and amounts to violation of principles of natural justice. In one case it has been held that a delay of 1 1/2 years must be considered fatal from the point of

allotted  
22/12/93

one case it has been held that a delay of 1 1/2 years must be considered fatal from the point of view of affording reasonable opportunity to the employee to show cause against the charge levelled.

Considering the unexplained abnormal delays, the courts have ordered quashing of the disciplinary proceedings in several other cases (Some more judgements cited under PART-II of Annexure -VII to my earlier representation dated 15.2.95.refer) besides a few cited below.

CAT Bench of Jabalpur in the judgement dated 29.4.94 in the O.A.No. 701 of 1990 in S.L. Johia vs..State of M.P. and Ors..'s case has quashed the impugned order saying

**" Undue delay in the completion of departmental inquiry ,entails promotion from due date with all consequential benefits. "**

CAT Bench of New Delhi in the judgement dated 28.01-92 in the O.A No. 2601 of 1990 in A.K. Basu vs. U.O.I. and Anr.'s case quashed the charge memo. issued to the applicant saying **"Disciplinary proceedings after long delay and after a promotion meanwhile , unjustified."**

4. Appointing Inquiry Officer before receipt and examination of the written statement of defence of the charged officer is in clear contravention of Rule 14(5) (a) of CCS (CCA) Rules. The various CAT Benches in their several recent judgements have quashed the disciplinary proceedings mainly on this ground saying that the disciplinary authority while appointing the I.O. had a closed mind and thus proceedings declared unsustainable in law. Some of the following judgements (cited under PART -IV of Annexure VII to the earlier representation dated 15.2.95)

- (i) Gurucharan Singh vs. Commandant; 259 COY ASC (SUP) Type G, 1990 (2) ATJ 369 (Chandigarh).
- (ii) Ratnakar Behura vs. U.O.I and Ors. ; ATR 1989 (1) CAT 391 (Cuttack)
- (iii) Nilakantha Mishra vs. U.O.I. and Ors.; 1990 (13) ATC 870 (Cuttack)
- (iv) Clement Dungdung vs.. U.O.I and Ors.;1987 (3) SLJ (CAT) 323.

are very much relevant and guiding ones into the instant case of mine.

*Attorney*  
*B. S. Bhatnagar*  
*12/12/95*

91

Non-supply of documents alongwith the charge sheet causes denial of affording reasonable opportunity to defend besides being in clear contravention of the Department/CVC issued guidelines on the subject. The Central Vigilance Commission through its communications bearing Nos. 1 to DSP 3 dated 19.6.87 and even dated 23.8.90 had issued guidelines to all Govt. Departments laying down the procedures on "Supply of documents to the Charged Officer alongwith the charge sheet - Amendment of para 21-2 chapter X of the Vigilance Manual Volume I" and the same instructions/guidelines duly stand conveyed to all the field units from the DOT Vigilance Cell vide its No.15-8/90-Vig.III dated 11.10.90 but of no implementation at all. The GOI's instructions issued vide its M.H.A., O.M. No.F. 30/5/61-AVD dated 25.8.61 also refer on the subject.

CAT Bench of Cuttack in its judgement, ( Jagannath Behera vs U.O.I. and Ors ; 1989 ( 9) ATC 21) stating that even if such report was shown to the petitioner at the time of the inquiry , that would not wash away the prejudice already caused to the petitioner at the stage when he was required to submit his written statement of defence, has held " **Non supply of copies of preliminary inquiry report and statements of witnesses , vitiates inquiry .** " and the whole disciplinary proceedings so instituted against the petitioner were quashed by the Hon'ble Court .

5. Deemed Suspension due to my detention in police custody on 1.6.89 for a period exceeding 48 hours itself was wholly unjustified making me entitled to full pay and allowances for the period of suspension with all consequential benefits as the subsequent CBI/Department investigations lead to no prosecution getting launched against me in the court of law. The various recent court judgements (listed below)

- (i) Suspension in contemplation of disciplinary proceedings for more than six months without issue of charge-sheet, illegal.  
(Mohinder Singh vs.. U.O.I and Ors.; (21-9-92) CAT Bombay)
- (ii) Suspension without confirmation for 45 days by the Central Government, invalid.  
(V.M. Diwakar vs. U.O.I. and Ors. ; (3-8-93) CAT Patna)
- (iii) Continued suspension for long without review , not valid.  
(N. Arumugam vs.. U.O.I. (11-6-93) CAT Madras)

*Amrinder Singh*  
*12/12/95*

- (iv) **Revocation of suspension after long time without initiation of disciplinary proceedings entails payment of full salary for the period of suspension.**  
(M.R.Sundaram vs. U.O.I. (16-9-92) CAT Madras)
- (v) **When suspension is for involvement in criminal case, period of suspension to be treated as duty on no prosecution getting launched in the court of law or on acquittal on technical grounds or otherwise.**  
R.K.Mehta vs. U.O.I (17-9-93) CAT Delhi.

I remained under suspension wef. 1.6.89 till 25.12.89 ( i.e. over 61/2 months ) and was revoked thereafter without initiation of departmental proceedings upto 27.1.92 and the criminal case ended into no prosecution getting launched before the court of law making the suspension as wholly unjustified and the undersigned is thus entitled to full salary for the suspension period with all consequential benefits in the interest of justice.

6. The disciplinary authority is vested with the inherent power to drop the charges after the receipt and examination of the written statement of defence submitted by the accused Govt. servant under Rule 14(4) of the CCS (CCA) Rules, 1965. The G.O.I has issued instructions under its Nos. GI MHA., O.M. No. 11012/2/79-Est. (A) ,dated the 12.03.1981 , and O.M. No. 11012/8/82-Est. (A) dated 8.12.1982. on the issue of **whether charges can be dropped at the stage of initial written statement of defence** relevant extracts reproduced below .

(a) The disciplinary authority has the inherent power to review and modify the articles of charge or drop some of the charges or all the charges after the receipt and examination of the written statement of defence submitted by the accused Government servant under Rule 14(4) of the CCS(CCA) Rules ,1965

(b) The disciplinary authority is not bound to appoint an Inquiry Officer for conducting an inquiry into the charges which are not admitted by the accused official but about which the disciplinary authority is satisfied on the basis of the written statement of defence that there is no further cause to proceed with.

*Alur*  
*B. S. Advoca*  
*21/12/93*

7. <sup>83</sup> To sum up it can be said that

Unexplained inordinate delay in initiation and finalisation of the Disciplinary proceedings has caused denial of reasonable opportunity to me in defending my case so far since its initiation. The listed documents and statements of witnesses in Annexure III and IV of the charge memo, first supplied in three months time (and that too not all) vide CBI Jaipur (now PO) Letter dated 10.04.95 after the preliminary hearing (earlier held on 20.01.95). The remaining listed documents and also the additional ones asked by me vide letter dated 16.05.95 and duly permitted the I.O. vide his letter dated 22.05.95 are still not supplied by the P.O. (4 months already elapsed) causing continued delay in finalisation of proceedings and thus denial of justice. Further, the documents supplied so far cover up only 28 instances bearing my signature and rest 89 dropped instances bear the signatures of other SDOPs (Shri J.P. Sharma and Shri H.C. Mehta).

CBI is delaying the case with the unlawful motive to get my defence documents / witnesses vanished with time causing further denial of reasonable opportunity to defend my case appropriately in gross violations of principles of natural justice. The CBI (now PO) is behaving in a fashion so as to ascertain that the fabricated false, bogus and illegal cooked case against me only remains and my defence documents / witnesses disappear / vanish with the passage of time so as to make impossible for me to bring out the truth of the case before I.O. after a long period (9-10 years after the incident took place as back as 1986-87).

There are severe legal infirmities too in the whole proceedings viz., non supply of listed documents along with the charge sheet, appointing I.O. before receipt and examination of my written statement of defence, the treatment is unfair and unlawful as 89 (out of total 117) instances bear signatures of other SDOPs, a promotion (from JTS to STS grade) meanwhile, suspension erroneous due to no prosecution having launched in the court being a criminal matter etc. etc.

*Handwritten signature and date:*  
21/2/95

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## PRAYER

In the light of my above elaborate submissions I request your kind honour to withdraw the charge memo. dated 27-01-92 served on me, based not only on biased, unfair and prejudiced CBI report but the continuance of the proceedings are unreasonable and unlawful too.

I may also be heard in person, if required, before the final orders are passed in my judicious favour.

I hope this representation of mine will attract your personal attention in providing justice and save me from knocking the door of the Hon'ble CAT for justice.

May I once again request your kind honour for reconsidering my case sympathetically on merits so as to relieve me of these unjustified inquiry proceedings which has caused oppression to me.

With regards.

Dated: 20.10.1995

Place: Ghaziabad.

Yours Sincerely

  
 ( A. K. Singh )

DE ( MARR ) Installation

Office of the C.G.M.T, NE Telecom Circle

Shillong -793001

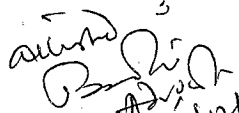
P/c

Copy to:

1. Chairman, U.P.S.C, Dholpur House, New Delhi
2. Chairman, CVC, Bikaner House, New Delhi

3. Shri Amit Cowgish, CBI/CVC, New Delhi

Copy of my earlier representation to V.g. Cell of DOT is enclosed.

  
 12/11/95

Annexure : 9

as

Government of India  
Department of Telecommunications  
Sanchar Bhawan 20 Ashoka Road New Delhi - 110 001  
(STG, III Section)

No. 314-3/95-STG-III

November 10, 1995

ORDER

Subject : Promotions and postings in JAG of ITS Gr. 'A'.

The President is pleased to promote the following officers to JAG of ITS Group-A on ad hoc basis and to post as indicated against each :

Sl. No.	Name & St. No.	Present posting	Posting on transfer	Remarks
1.	AL Patel (8026)	TTC JEE	NEP	Existing vacancy
2.	AK Baspai (8097)	MR	TTC DI	Existing vacancy
3.	Rama Krishna (8111)	TTC DI	Data H. Delhi	Existing vacancy
4.	HC Mehta (8114)	MTNL BY	MR	Existing vacancy
5.	V Raju (8115)	AP	RAJASTHAN	Existing vacancy
6.	IN Y Prasad (8116)	KTK	KTK	Existing vacancy
7.	R. Gridhaaran (8117)	STP BS	NE TF	Existing vacancy
8.	Haq Nizamul (8118)	QA BS	PUNJAB	Existing vacancy
9.	Nannalal G. V.L. (8119)	MTNL BY	MTNL BY	Existing vacancy
10.	S.K. Chaturvedi (8120)	MR	GUJARAT	

2. Charge reports may be furnished to all concerned.

*Handwritten signature and date:*  
Bongle  
12/12/95

*Handwritten signature and stamp:*  
DIRECTOR (CTG)



Copy of the letter no. 5/3/91-W dated 2.12.92 received from K. Nagarajan, Asstt. Director General (W) Government of India, Ministry of Communications, Department of Telecom, New Delhi addressed to All Heads of Telecom Districts etc...

Sub : Delay in the disposal of disciplinary cases - Steps to be taken in minimising.

Sir,

I am directed to say that instructions have been issued from time to time regarding steps to be taken to minimise the delay in the disposal of disciplinary cases. However, a review of the quarterly returns from the field units reveals that the disposal of disciplinary cases is abnormally delayed. Minister of State (C) has expressed grave concern in this regard and has desired that efforts should be made by all concerned to dispose of the disciplinary cases as expeditiously as possible. The purpose of this letter is to reiterate for your information the various steps that will help in reducing the delays in the disposal of disciplinary cases.

- (a) While investigating a complaint the investigating officer should carefully evaluate the evidence and where a prima facie lapse warranting disciplinary action is noticed, a clear mention of the documentary evidence on the basis of which the charges can be established should be made in the investigation report while arriving at his conclusions on the investigation. Apart from the direct documentary evidence pertaining to the lapses noticed, any other material such as files, circulars, codified rules which may have a bearing on the charges should be spelt out in the investigation report and where possible the custodian of such material/records may also be indicated in the investigation report.
- (b) Once the investigating officer arrives at the conclusion that prima facie a case exists against the concerned Government servant warranting disciplinary action, he should indicate his tentative recommendation whether the gravity of the lapse noticed calls for minor or major penalty (specific penalty not to be indicated) and set out to draft the statement of imputations and indicate the documents and witnesses relevant for proving the imputations of misconduct noticed during the investigation.
- (c) The disciplinary authority, if after examination of the investigation report, decides to proceed against the official as a first step, should take custody of all the records, code books of extract of relevant rules alleged to have been violated and finalise the charge sheet, for issue, after suitable modifications where necessary.
- (d) While issuing a charge sheet for major penalty, as far as possible photocopies of the listed documents should be furnished to avoid delay since it is seen in majority of the cases that the charges official comes up with a request to inspect the documents or for copies of the documents before submission of his defence. Where the listed documents are bulky personal inspection by the charged official of the original documents may be permitted, not withstanding that a further opportunity is given to him in this regard at the time of oral inquiry if the charges are denied and should and inquiry becomes necessary.
- (e) While issuing the charge sheet for major penalty the disciplinary authority should foresee the documents (other than listed documents) that may be relevant and have a specific bearing on the charges and as far as possible should take custody of those documents for inspection at a later stage by the charged officer when such documents are allowed by the inquiry officer by way of additional documents. At present, when the inquiry officer allows the additional documents, the disciplinary authority starts procuring them

13-12-92  
12/12/92

for inspection of the charged official and it is seen that in many cases no delays take place in the inspection of additional documents and either the documents are not traceable or are destroyed. While the guidelines permit issue of a non-availability certificate by the custodian, the process takes considerable time resulting in delay of the disciplinary proceedings and in the process prosecution may lose the case for want of documentary evidence. Therefore, adequate care should be taken by disciplinary authorities at all levels to foresee the documents required and take them into custody and where necessary to issue appropriate instructions not to destroy such records till the disciplinary case is finalised.

- (f) When a report of investigation is received by the disciplinary authority, the service particulars of the concerned official should be collected immediately with a view to ascertain the correct disciplinary authority and, more important whether the official is due for retirement. No statutory penalty as specified in Rule 11 of the CCS (CCA) Rules, 1965 can be imposed on a Government servant after retirement and in order to withhold the pension or effect a cut in the pension, the misconduct should be grave enough to warrant such an action. Further, action under Rule 9 of the CCS (Pension) Rules 1972 is not possible for events of more than four years old. Therefore, every effort should be made to collect the service particulars so that the guilty officials are not allowed to go unpunished by default.
- (g) The time gaps in the procedure for processing of disciplinary cases should be effectively utilised. To amplify, at present when a charge sheet for major penalty is issued, action to appoint IO and PO is initiated only after considering the defence statement of the charged official which normally is received after about a fortnight or so after allowing the statutory time limit of 10 days for submission of defence statement. This time gap can be utilised by the disciplinary authority to nominate a suitable IO and PO so that as soon as the defence statement denying the charges is received, orders for appointment of IO and PO can be issued. In cases coming through CBI and CVC, the matter should be taken up with the concerned authority immediately after issue of the charge sheet for nomination of suitable officers.
- (h) Where officers are available to function as IO and PO from within the Department, efforts should be made while submitting the charge sheet to the disciplinary authority for approval to propose the names of IO and PO for appointment in case the charged official denies the charges. This will eliminate the repeated submission of disciplinary file to the concerned authority for approval.
- (i) While submission of any case to the Directorate for disciplinary action, all the relevant records in original duly referenced or flagged along with one set of photo copies (where the documents are not very bulky) should be furnished along with a draft charge sheet.
- (j) The vigilance Training Cell of the Directorate have organised and trained a large number of officers in vigilance/disciplinary procedures. A list of such trained officers should be maintained in each circle and their training experience should be effectively utilised.
- (k) While it is the duty of the presiding officer to procure and enable inspection of additional documents by the charged officer, the Vigilance Officer in each Circle/District should co-ordinate and expedite the inspection of the additional documents.
- (l) Once an officer has been appointed to conduct oral inquiry, he should be asked to work out and furnish a time schedule to the Disciplinary Authority for completion of the inquiry and a range of IO should discourage.
- (m) Where cases are under investigation, there should be pursued by periodical reminders for early completion of the cases and should be taken up in the quarterly co-ordination meetings with the CBI for early completion of

contd.....p/3.....

amended  
Advocate  
12/12/15

.... 3 ....

investigation and finalisation of prosecution cases. Where inordinate delay occurs, such cases should be brought to the notice of the Directorate for following up with Director, CBI.

2. The above instructions may be kept in view while dealing with the disciplinary cases and every effort made to minimise the delays in the disposal of the disciplinary cases.

3. Receipt of this letter may kindly be acknowledged.

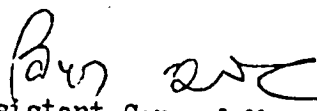
Yours faithfully,


Sd/-  
( K.Nagarajan )  
Asstt. Director General (VI)

No:ATA-27/Disc.Rlg./Estt/45

Dated at Ahmedabad, the 24.2.93

Copy to : All GOs in the district for information and necessary action please.

  
Assistant General Manager (Admn.)  
Ahmedabad Telecom. District.

  
B. S. Advali  
12/12/93

CONFIDENTIAL/Restricted.

COPY of communication No. 4-32/91-Vig.I dated 23rd September, 1991 from Shri M.B. Ramamurthy, Dy. Director General(Vig.), Department of Telecom., New Delhi, addressed to Shri N.K. Dua, Chief General Manager, Gujarat Telecom. Circle, Ahmedabad - 9.

Dear Shri Dia,

The abnormal delays in the disposal of vigilance and disciplinary cases is a matter of great concern to all of us. To facilitate expeditious completion of departmental enquiries under Rule-14 of CCS(CCA) Rules the following instructions will be followed in future:

1. While appointing the Inquiry Officer the disciplinary authority will bring to the notice of the former the time frame of 3 to 6 months within which they are required to complete the enquiries. A specimen copy of a letter to that effect is enclosed (vide annexure). The Enquiry Officer may also be informed that any undue delay will be viewed seriously and prompt completion of the Enquiry on schedule will be appreciated by suitable entry in the ACR.
2. All cooperation should be extended to the Enquiry Officer by way of providing normal facilities required such as provision of accommodation in inspection quarters and stenographic assistance. The Vigilance Officers should personally ensure that the Enquiry Officers do not suffer from any handicap on this account.
3. A major factor causing delay in the completion of enquiries relates to the inspection of documents. It is emphasised that while giving charge-sheets to the Charged Officers, photocopies of all the documents relied upon should accompany the charge-sheet served upon the officer. If these documents are in the form of bulky books etc., relevant extracts should be furnished duly certified. Further, any document demanded by the Charged Officer and considered relevant by the Enquiry Officer should be presented for inspection to the Charged Officer within one month (as the outer limit) of request. The Presenting Officers should be instructed that they shall collect the documents asked for from the officers in whose custody they are available. The Vigilance Officers will personally ensure the procurement of these documents or the furnishing of non-availability certificates. In case of non-cooperation from the officers having custody of the documents, the matter should be brought to the knowledge of the Chief General Manager, who may consider suitable action.

4. Kindly advise all Disciplinary Authorities accordingly.

Member(Services) desires the cooperation of Chief General Manager in implementing the above procedure so that the phenomenon of abnormal delays in Enquiries is tackled effectively.

With regards,

Yours sincerely,

Sd/-

(M.B. RAMAMURTHY)

Endst. No. Vig./Rlg./III

Dtd. at AM the 25<sup>th</sup> October, 199

Forwarded for information and necessary action to:-

1. ✓ Shri S. Rajendran Chief G.M.  
General Manager Telecom. District,  
Ahmedabad/Baroda/Rajkot/Surat.
2. Telecom. District Manager,  
Nadiad/Dalsar/Mehsana/Jamnagar/Bhuj/Bhavnagar/Jinagadh.
3. Area Manager Telecom., Ahmedabad/Baroda.

(Virendra Nath),  
Vigilance Officer,  
Gujarat Telecom. Circle,  
Ahmedabad 380009.

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ANNEXURE

To

All Inquiry Officers

Sub : Timely completion of Departmental Inquiries under Rule 14 of CCS(CCA) Rules.

Your attention is drawn to the time frame-work of 6 months drawn up by the Deptt. of Personnel within which the departmental inquiry conducted under Rule 14 of the CCS(CCA) Rules is required to be completed. In most cases it should be possible to adhere to the same. To enable effective monitoring you may send <sup>2 to</sup> this office the schedule drawn up by you in respect of the Rule 14 enquiry in the case of \_\_\_\_\_ in which you have been appointed as Inquiry Officer vide Order No. \_\_\_\_\_ dated \_\_\_\_\_. The information as prescribed in the proforma below may be furnished within a fortnight positively.

1. Date of receipt of appointment order
2. Date of receipt of other basic documents (a copy of charge-sheet, defence statement, order appointing the Presenting Officer).
3. Date fixed for preliminary bearing.
4. Date by which charged officer has to complete inspection of listed documents.
5. Date for production of additional documents.
6. Date for completion of inspection of additional documents.
7. Date for furnishing copies of statements of witnesses.
8. Date(s) of Regular hearings.
9. Date of submission of report.

*Attested*  
*B. K. Advoca*  
*12/11/95*

Copy of the letter No. 15-5/87-Vig. III(T) dated 28-4-88 received from Mrs. Gargi Mukherjee, Director (DE & VF), Ministry of Communications, Deptt. of Telecom. (Telecom. Board), New Delhi-1 addressed to All General Managers, Telephone Districts etc.

Subject :- Expeditious finalisation of disciplinary cases.

Sir,

With reference to this office letter No. 15-5/87-Vig. III(T) dated 3rd September, 1987 on the subject mentioned above, I am directed to intimate that quarterly pendency reports of Disciplinary cases from the Circles have shown that there is urgent need to make vigorous efforts to clear the long pending disciplinary cases. The Telecom. Board has taken notice of the long pendency of Disciplinary cases and has expressed concern over the fact that cases initiated as far back as the years 78-79 are still pending in some Circles. The reasons for disciplinary proceedings being held up require to be looked into urgently and solutions worked out in each case by the Vigilance Officers and communicated to the concerned authorities periodically. Except in cases where dilatory tactics are resorted to by the charged official, there should be no excuse for not completing a minor penalty proceedings within 3-4 months and major penalty proceedings within a year.

2. To enable you draw up a time schedule for disciplinary proceedings, the following guidelines may be kept in view and responsibility fixed for delay on the part of any of the various authorities responsible for completing disciplinary proceedings. There should also be no delay between the decision to initiate proceedings and the issue of the charge-sheet.

(1) Issue of charge sheet and decision regarding nomination of likely Inquiry Officer/Presenting Officer.

After it is decided to initiate proceedings as for a major penalty against a govt. servant the charge sheet to him should be issued withing a maximum period of one month. Simultaneously a decision may be taken to nominate the likely Inquiry Officer/Presenting Officer in the case in the event of the Suspected public servant denying the charges or submitting no reply to the chargesheet.

(2) Appointment of Inquiry Officer/Presenting Officer

The Inquiry Officer/Presenting Officer should be appointed within a period of 15 days from the date of receipt of the charge-sheet by the suspected public servant notwithstanding the fact that he has failed to submit any reply to the chargesheet within the stipulated period. However, in case of admission of charges by the suspected public servant within the stipulated period but where such an intimation is received after the issue of the order appointing the Inquiry Officer/Presenting Officer such orders need not be acted upon and may be cancelled. Where the suspected public servant has admitted the charges after the expiry of the stipulated period further action in such cases will be taken by the Inquiry Officer.

attached  
B. K. Adhikari  
12/12/88

(3) Delay on the part of the disciplinary authorities

It has come to notice that even after enquiry reports are submitted by the Inquiry Officer holding the Suspected public servant guilty or not guilty of the charge, the disciplinary authorities keep the cases pending with them for unduly long period causing consequent delay in the finalisation of the disciplinary cases. It should be made incumbent on the part of the disciplinary authority to issue final orders on receipt of the enquiry report/ advice of CVC/ advice of UPSC within a period of one month. If in any case this time limit cannot be adhered to, the disciplinary authorities should be asked to submit a report to his immediate superior indicating the reasons for delay in the issue of final orders and the steps taken to obviate this delay.

(4) Delay on the part of the Inquiry Officer/ Presenting Officer.

Normally Inquiry Officers should not be entrusted with duties other than those of holding oral enquiries. They should be appointed as full time Inquiry Officers. In such cases they should submit a minimum of 20 enquiry reports during the first year and a minimum of 30 enquiry reports during the succeeding years. If in any case the Inquiry officer is unable to maintain this time schedule, or he feels that due to certain constraints it is not possible for him to achieve the target fixed, he should immediately submit a detailed report to his immediate superiors/ disciplinary authority indicating the reasons for such shortfall or prospective shortfall. The latter will examine the report of the Inquiry Officer with a view to finding out whether such a delay was really justified and find out ways and means to fulfill the targets laid down.

In cases where the Inquiry Officers have also to attend to their normal duties in addition to the holding of the oral enquiries, the disciplinary authority may fix the time limit for submission of the enquiry report by them taking into account the amount of work-load handled by them. Normally such of the officers as would be able to submit the enquiry report within a period of 3 months should be appointed as enquiry officers. Likewise, it should be obligatory on the part of the disciplinary authority to release the officer appointed as Presenting Officer on the dates fixed for enquiry by the Inquiry officer. Normally there should be no occasion to postpone the enquiry on that account.

(5) Delay due to suspected public servant

In a large number of cases the suspected public servants employ dilatory tactics which make it difficult for the Inquiry Officer to proceed with the enquiry. Their main objection is regarding the non-availability of a particular defence assistant. It is felt that it is for the suspected public servant to arrange for the defence assistant and if he cannot ensure his presence during the oral enquiry, the same cannot be postponed simply because the defence assistant is not available on a particular day. It should be only in very rare cases that the Inquiry Officer may postpone the enquiry due to the non-availability of a defence assistant on the day fixed for the enquiry.

Quite often the suspected public servants seek for the postponement of the enquiry on medical grounds. If such requests are made on more than 2 occasions the suspected public servant may be referred for second medical opinion to Government Medical Officer.

Amr  
Pm  
Ad  
24/2/96



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Also the suspected public servants try to gain time by not inspecting the documents within the stipulated period fixed by the Inquiry Officer or they ask for irrelevant documents for inspection. The time limit need not be extended beyond the permissible limit. Also time limit for allowing request for additional documents should not be extended. These should be clearly pointed out to the suspected public servant. In regard to the question of the suspected public servant demanding irrelevant documents, the Inquiry Officer should strictly follow the rules and permit only such of the documents as are really relevant and discourage him to submit long list of irrelevant documents for inspection.

(6), Delay due to non-availability of documents/evidence and defective chargesheets.

It is observed that the disciplinary authorities generally initiate proceedings as for a major penalty even in cases where the charges against the suspected public servant are not grave warranting imposition of a major penalty and ultimately only a minor penalty is imposed on a government servant either because the charges are not so serious or the evidence is not sufficient to hold the charge against the suspected public servant as proved. It should be incumbent on the disciplinary authorities that major penalty proceedings are initiated only in really justified cases and not as a matter of course. If the disciplinary authorities are circumspect in initiating proceedings it is felt that a large number of cases would not require initiation of proceedings under Rule-14 of the CCS(CCA) Rules, 1965. They should bestow particular care and attention to see that all necessary evidence/documents are available which would hold the suspected public servant guilty of charges warranting imposition of a major penalty. They should also ensure that the charges are specific and well defined so that Inquiry Officer does not face any ambiguity in holding the enquiry.

In cases where minor penalty proceedings are initiated against the suspected public servant the disciplinary authority should ensure that these are finalised within a period of 3 months. They should also ensure that they do not hold the government servants guilty of the charges on the basis of documents or evidence which is not mentioned in the statement of imputations or misconduct or such of the evidence to which the suspected public servant has no access or which the suspected servant had not seen before submitting his explanation.

So far as disciplinary cases pending for more than one year are concerned, each case may be reviewed to locate bottle-necks and suitable action taken to expedite and complete these cases. While sending quarterly reports to the Directorate, reasons for delay in completing disciplinary proceedings as well as action taken to overcome this may be invariably indicated. The urgency of completing disciplinary proceedings expeditiously may be emphasised and disciplinary/Inquiry authorities may be asked to complete the proceedings within the time-frame.

Yours faithfully,  
Sd/-

(Mrs. Gargi Mukherjee)

NO: ATA--27/Disc.Stt/87-88/IV Dated 10-5-88. Director (DE & VI)

Copy to All GO's in the District for information & necessary action.

*amr*  
*B. S. Advait*  
*12/12/85*

Asstt. Engineer (Staff)  
Amended Telecom. District.

श्री एस.एन. सिंह,  
 पुत्र श्री कपीवन्द,  
 जे.टी.ओ. सेक्शन-26,  
 एस.डी.ओ.पी. [उत्तर],  
 कार्यालय जी.एम.टी.,  
 जयपुर [निलम्बित]  
 निवासी-वीरम का वास,  
 धाना - मन्डावा,  
 जिला - जयपुर।

श्री ए.के. सिंह,  
 एस.डी.ओ.पी. उत्तर,  
 कार्यालय जी.एम.टी.,  
 जयपुर।

सुची संलग्न है।

सुची संलग्न।

श्रीमान,

ताराई अभियोग इस प्रकार है  
 कि श्री एस.एन. सिंह ने कार्यालय महा-  
 प्रबन्धक दूरभाष जिला-जयपुर में

"उपमंडल अधिकारी भेन [उत्तर] में कनेक्ट दूरतंत्र अधिकारी के रूप में नियोजित रखे  
 हुए तथा एक ले. से. के रूप में कार्य करते हुए अपने पद का दुरुपयोग कर बेईमानी व  
 व्यर्थ एक बड़ी. के निस्तारण हेतु एक से अधिक दूरभाष फोन प्राप्त किये। ऐसी ओ.बी.  
 जिला निस्तारण स्थिति एस.एन. सिंह द्वारा या किसी अन्य व्यक्ति द्वारा किया जा चुका  
 था, के विस्तार करने हेतु दूरभाष फोन/फोनों को प्राप्त किया तथा उन्हें विभाग में वापस कर  
 जमा नहीं कराया जिसका विवरण निम्न प्रकार है :-

क.सं.	ओ.बी.नं.	सेक्शन	निर्णय पर्वी की	अधिकारी जिसके क्रियान्वयन	क्रियान्वयन
			सं. व दिनांक जिसमें	की तिथि	करने
			स्पष्टरण प्राप्त किया	किया गया	व सेक्शन वाला
18	119 ए	26	68 दि. 9.1.87	एस.एन. सिंह	26/6.1.87 एस.एन. सिंह
2	119 ए	26	71 दि. 12.1.87	-वही-	गलत प्राप्त -वही-
3	120	26	68 दि. 9.1.87	-वही-	3.2.87 -वही-
4	120	26	77 दि. 12.1.87	-वही-	26/गलत प्राप्त -वही-
5	121	26	68 दि. 9.1.87	-वही-	26/13.3.87 -वही-
6	121	26	77 दि. 12.1.87	-वही-	गलत प्राप्त -वही-

Attested  
 Advocate  
 12.12.89

105  
इस तरह श्री ए.एन. सिंह ने उपर्युक्त ओ.बी. के विरुद्ध अतिरिक्त टेलीफोन उपकरणों को छल से प्राप्त कर विभाग को रुपये 2289/- की सदांच हानी एवं स्वयं को सदांच लाभ पहुंचाया । श्री एस.एन. सिंह का यह कृत्य भारतीय दण्ड संहिता की धारा 420 तथा झूठा वार निरोध अधिनियम की धारा 5(2) सप्लि 5(1)(डी) के तहत दण्डनीय है । रक्षक विभागीय अधिकारी से श्री एस.एन. सिंह के विरुद्ध अभियोजन के लिए स्वीकृति प्राप्त की जा चुकी है । अतः मामले की अन्वीक्षा की जाकर अभियुक्त को उचित दण्ड दिया जाये ।

जारीपित आरोपों को सिद्ध करने हेतु अभियुक्त श्री ए.के. सिंह के विरुद्ध पर्याप्त साक्ष्य के अभाव में उनके विरुद्ध आरोप-पत्र प्रेषित नहीं किया जा रहा है ।

= Chiranjilal  
Central Stores Line men  
was stated that telephone  
were issued to Shadhu Ram  
on issue slip No. 68 whereas  
Shadhu Ram has not been  
examined. No stock reg.  
has been produced.  
1/10/71  
Rajmal Das has stated  
to same effect that the  
telephone of issue slip  
No. 71

जयदीप प्रसाद 11/12/72  
निरीक्षक  
के.अ. ब्यूरो/वि.पु.स्थापना/जयपुर

CONFIDENTIAL

No.D4/CDI/AC/296  
Government of India  
Central Vigilance Commission

Block 10, Jamnagar House,  
Akbar Road, New Delhi  
Dated : 12.9.1995

M E M O R A N D U M

Subject : Departmental Inquiry against Shri AK Singh, TDE

.....

It has been intimated by the Charged Officer vide his letter dated 24.8.1995 that he has not heard from the Presenting Officer so far regarding collection/inspection of the additional documents. Presenting Officer is, a therefore, advised to expedite necessary action.

*Amit Cowshish*

(Amit Cowshish)

Commissioner for Departmental Inquiries

1. Shri BL Arora,  
Inspector of Police,  
SPE/CBI,  
1, Tilak Marg,  
'C' Scheme,  
Jaipur 302 005

2. Shri AK Singh,  
122-L, Circular Road,  
Model Town, Rohtak 124 001  
(Haryana)

Copy to Shri AK Singh at the following address also :

✓ Shri AK Singh, DE (MARR) Installation  
Office of the CGM, NE Circle,  
Shillong 793 001

*Amish*  
*Ranbir*  
*Advocate*  
*12.12.95*

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Dated:

To

Shri Amit Cowshish  
Commissioner for Departmental Inquiries,  
Central Vigilance Commission,  
Block 10, Jamnagar House,  
NEW DELHI-110011

Sub.: Departmental inquiry against Shri A.K.  
Singh, TDE.

Ref.: Your letter NO.D4/CDI/AC/296  
dated 12.9.95.

Sir,

I regret for the delay, soon I would advise  
the date for providing inspection of additional  
documents to the C.O.

Yours faithfully,

*Sd/-*

(B.L.ARORA )  
INSPECTOR OF POLICE  
SPE: CBI: JAIPUR  
&  
PRESENTING OFFICER

Endst.NO. 10851 /SPE/JPR

Dated: 29.9.95

Copy to :-

1. Sh.A.K.Singh, 122-L Circular Road, Model  
Town, Rohtak-124001(Haryana. )
2. Shri A.K.Singh, DE(MARR) Installation O/o  
the CGM, NE Circle, Shillong-793001.

*Amended*  
*R. S. Advocate*  
*12.12.95*

*(B.L.ARORA)*  
INSPECTOR OF POLICE  
SPE: CBI: JAIPUR  
&  
PRESENTING OFFICER.



અહમદાબાદ દૂરસંચાર જિલ્લો

વાસના ટેલિફોન એક્ચેન્જ, વાસના,  
અહમદાબાદ-380 007.

D.R. KAMAL

મહાપ્રબંધક (પ્રચાલન-અનુરક્ષણ)

GENERAL MANAGER (OPN & MTCE)  
Tele. No. 421515

AHMEDABAD TELECOM. DISTRICT

Vasna Telephone Exchange Building,  
Vasna, Ahmedabad-380 007.

DO NO.AT/GM(O&M)/STA/9192

25.4.91

My dear Singh,


I am extremely happy to place on record my appreciation for your commendable performance in maintaining 47,48 & 49 exchanges in perfect working condition. It has contributed to a large extent in obtaining a score of 72.4 for the Ahmedabad Telecom District in the recently conducted fifth assessment of OOTS by the administrative staff college of Hyderabad. Thus the Ahmedabad Telecom District has not only been adjudged as best in India but the score it has got is the highest ever achieved by any Telecom District in India.

Please convey my congratulations to your staff for this distinctive achievement.

I hope you will continue to work with the same zeal and would continue leading your staff to greater achievements.

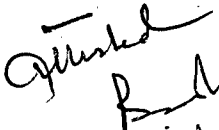
With best wishes,

Yours sincerely,

  
( D.R. KAMAL )

Shri A.K.Singh,  
D.E.(Int.) NARANPURA  
Ahmedabad Telecom District  
Ahmedabad.

Copy to : Area Manager(West)

  
Advocate  
12-12-95



# અહમદાબાદ દૂરસંચાર જિલ્લો

વાસના ટેલીફોન એક્ચેન્જ, વાસના,  
અહમદાબાદ-380 007.

D.R. KAMAL,

મહાપ્રબંધક (પ્રચાલન-અનુરક્ષણ)

GENERAL MANAGER (OPN & MTCE)

Tela. No. 421516

AHMEDABAD TELECOM. DISTRICT

Vasna Telephone Exchange Building,

Vasna, Ahmedabad-380 007.

D.O.No.AT/GM(O&M)/STA-6A/92-93

Dated : 21.05.92

My dear Singh,

It gives me great pleasure to inform you that we have been obtaining the highest QOTS Score ranging between 71-73% during the 5th, 6th & 7th rounds conducted by Indian Market Research Bureau during 1990-91 & 1991-92.

Our sustained and devoted efforts fetched our District the AWARD for the "BEST MAINTAINED SYSTEM in INDIA for 1991-92.

I also feel happy that excellent performance of ours in giving more than targetted new telephone connections, STD PCOs etc. has been appreciated by the Hon'ble Minister of Communications, who has congratulated all the staff of our Circle through his letter. A copy of the letter of the Hon'ble Minister is enclosed.

I congratulate you and all your staff without whose dedicated efforts all this would not have been possible. It is hoped that you will continue to work with the same spirit and zeal in future.

With best wishes,

Your sincerely,

( D.R. Kamal )

TO:

Shri A.K. Singh,  
D.E. (Intl) Naranpura,  
Ahmedabad Telecom District  
AHMEDABAD

Copy to: Area Manager (West)

Attended  
Ranjan  
Advocate  
12.12.91-



RAJESH PILOT

संचार राज्य मंत्री  
भारत  
MINISTER OF STATE  
COMMUNICATIONS  
INDIA

Dear Shri Kulkarni

10 6 APR 1992

I am indeed happy to note that the Department of Telecommunications has been able to exceed the targets set for release of telephone connections, provision of Panchayat telephones and also opening of STD PCOs. As against the target of 7,00,331 telephone connections for the country as a whole, we have been able to provide an all time high 7,32,575 telephone connections during the year 1991-92. Undoubtedly your Circle has contributed greatly towards attainment of this milestone. I am aware that the targets were stiff and have been achieved by sustained and devoted efforts of all the staff and officers under your guidance. Please accept my congratulations and also convey the same to all your workmen and officers who have made this possible.

I am sanguine that the same spirit of team work, dedication coupled with hard work and sense of achievement will allow the Department of Telecommunications to achieve more ambitious targets in future.

My best wishes for all success during the year 1992-93.

Yours sincerely,

(RAJESH PILOT)

Shri M.G. Kulkarni  
Chief General Manager  
Gujarat Telecom Circle  
Ambika Chambers  
Near Gujarat High Court  
Ashram Road  
Ahmedabad-380009

*Attested*  
*Burhan*  
*Advocate*  
*12-12-91*



रमा कान्त गुप्त

*R. K. Gupta*

मुख्य महा प्रबन्धक, हरियाणा दूर संचार परिमण्डल

C.G.M., HARYANA TELECOM CIRCLE

फोन (Telephone) 0-171 कार्यालय (Off.) 20901  
निवास (Resl.) 25300

फैक्स/Fax : 0-171-641040



Annexure: 15C

-87-

मुख्य महा प्रबन्धक

हरियाणा दूर संचार परिमण्डल,

अम्बाला छावनी-133 001

Chief General Manager

Haryana Telecom Circle

AMBALA CANTT.-133 001

112

D. O. No. : Engg/HR/WP-1988

Dated : 8.4.94

My Dear Singh,

It gives me immense pleasure to inform you that Haryana Telecom Circle has achieved all the targets fixed by Telecom Commission for the year 1993-94. Rather, our performance and achievements have been far better than the objectives set for us. This would not have been possible but for your absolute dedication, sincerity and personal commitment to achieve the targets.

I sincerely hope that your cooperation and dedication will be forthcoming in future also so as to shape "Telecom Future" of the country in general and Haryana state in particular.

I wish you all success in your service career and your personal life as well.

A copy of this communication is being kept in your ACR dossier as a token of appreciation of your work and efforts.

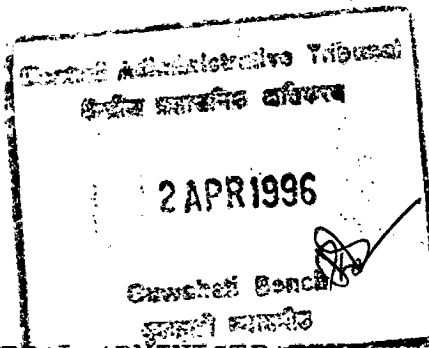
With best wishes,

Yours sincerely

(R. K. Gupta)

Shri A. K. Singh  
Telecom District Engineer  
JIND

*Antished*  
*R. K. Singh*  
*Advocate*  
*12.12.95*



88/13

7/13 by  
Golap Sarma  
(GOV. P. SARMA)  
Asst. Central Govt.  
Standing Counsel  
Central Administrative Tribunal

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

In the matter of :

O.A.No.273/95

Shri A.K.Singh ... Applicant.

-Vs-

Union of India & Ors. ... Respondents.

-AND-

In the matter of :

Written Statement on behalf of

Respondent No. 1 to 4.

I, Shri P.Trivedi, Vigilance Officer, office  
of the Chief General Manager, N.E.Telecom Circle,  
Shillong do hereby solemnly affirm and declare as follows:-

1. That a copy of application alongwith an order passed on 15.12.95 by this Hon'ble Tribunal have been served upon the official respondents and being asked upon, Written Statement is filed which will be a common defence for all the 4 (four) respondents. I categorically state that save and except what is specifically admitted in this written statement, rest may be treated as total

denial.....

Read copy  
Dr. Mahanta  
2-4-96

denial by all the four respondents. Before I go for the para-wise comments of the present application, a back-ground history of the case is incorporated in this written statement and same will constitute a part and parcel of defence.

Back ground history

The applicant alongwith his juniors was considered by the Screening Committee for ad-hoc promotion to the Junior Administrative Grade of Indian Telecommunications Services Group-A (JAG of ITS G-A). Ad-hoc promotions are regulated by Department of Personnel and Training guidelines and are given on seniority-cum-fitness basis. It is an accepted principle that a Government servant against whom disciplinary proceedings are pending cannot be promoted during pendency of such proceedings. The applicant while functioning as SDO(Phones) in Jaipur under CGM Rajasthan Telecom. Circle during 1987-88 has allegedly committed serious irregularities in the issue of telephone instruments. The officer has been charge-sheeted under Rule-14 of CCS(CCA) Rules, 1965 and the same is pending. Therefore, action of the respondents is within the purview of guidelines issued by the Department of Personnel and Training.

2. That with regard to the contents made in paragraphs 1 to 3 of the application, I beg to state that I have nothing to comment.

Contd.....

3. That with regards to the contents made in paragraphs 4.1 to 4.7 of the application, I beg to state that I have nothing to comment being matter of records.

4. That with regard to the contents made in paragraphs 4.8 and 4.9 of the application, I beg to state that these are concerning to the disciplinary proceedings pending against the applicant. Since the applicant has sought no relief regarding the disciplinary proceedings and the Hon'ble Tribunal vide it's interim order dated 15.12.95 also not admitted the relief in this regard, I have nothing to comment.

5. That with regard to the contents made in paragraph 4.10 of the application, I beg to state that the applicant alongwith his juniors was duly considered by the Screening Committee for ad-hoc promotion to JAG of ITS Gr-A on his due seniority. Since disciplinary proceedings are pending against the applicant, he cannot be promoted till the proceedings are concluded. As per Department of Personnel and Training guidelines an officer is not to be promoted in the following circumstances :-

- i) Government servant under suspension.
- ii) Government servant in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending ;

and .....

92/116

and

- iii) Government servants in respect of whom prosecution for a criminal charge is pending.

6. That with regard to the contents made in paragraphs 4.11 to 4.16 of the application, I beg to state that these are concerning to the disciplinary proceedings pending against the applicant. Since the applicant has sought no relief regarding the disciplinary proceedings and the Hon'ble Tribunal vide it's interim order dated 15.12.95 also not admitted the relief in this regard, I have nothing to comment.

7. That with regard to the contents made in paragraph 4.17 of the application, I beg to re-iterate that the applicant alongwith his juniors was duly considered by the Screening Committee for ad-hoc promotion to JAG of ITS Gr-A on his due seniority but could not be promoted due to pendency of the disciplinary proceedings.

8. That with regard to the contents made in paragraphs 4.18 and 4.19 of the application, I beg to re-iterate that averments made in these paragraphs are relating to the disciplinary proceedings pending against the applicant. Since the applicant has sought no relief regarding the disciplinary proceedings and the Hon'ble Tribunal vide it's interim order dated 15.12.95 also not admitted such relief of the applicant, I have nothing to comment on the contentions made by the applicant.

Contd.....

9. That with regard to the contents made in paragraph 4.20 of the application, I beg to state that it is denied that the D.P.C. did not consider the applicant for promotion to JAG grade. In this regard submissions herein in the preceeding paragraphs is reiterated and submitted that the applicant alongwith his juniors was duly considered for ad-hoc promotion in JAG of ITA Gr-A. Since disciplinary proceedings are pending against the applicant the Screening Committee assessed the applicant not yet fit for promotion as JAG officer.

10. That with regard to the contents made in paragraphs 4.21 and 4.22 of the application, I beg to state that the averments made in these paragraphs are concerning to the disciplinary proceedings pending against the applicant. Since the applicant has sought no relief regarding the disciplinary proceedings and the Hon'ble Tribunal vide its interim order dated 15.12.95 also not admitted the relief in this regard, I have nothing to comment.

11. That with regard to the contents made in paragraphs 5.1 to 5.9 of the application, I beg to state that the contentions are concerning to the disciplinary proceedings pending against the applicant. Since the applicant has sought no relief regarding the disciplinary proceedings and the Hon'ble Tribunal vide its interim

order.....

order dated 15.12.95 also not admitted the relief in this regard, I have nothing to comment.

12. That with regard to the contents made in paragraphs 6 and 7 of the application, I beg to state that I have nothing to comment.

13. That with regard to the contents made in paragraphs 8.1 to 8.3 of the application, I beg to state that these are concerning to the disciplinary proceedings pending against the applicant. Since the applicant has sought no relief regarding the disciplinary proceedings and the Hon'ble Tribunal vide its interim order dated 15.12.95 also not admitted the relief in this regard, I have nothing to comment.

14. That with regard to the contents made in paragraph 8.4 of the application, I beg to state that the averments made in the preliminary submissions and preceding paragraphs of this Written Statement are re-iterated. As per Department of Personnel and Training guidelines an officer against whom disciplinary case is pending stands debarred from promotion for the time being till the conclusion of the disciplinary proceedings. Thus, no relief lies to the applicant during the pendency of disciplinary proceedings.

15. That with regard to the contents made in paragraphs 8.5 and 8.6 of the application, I beg to state that.....

94  
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that till the disciplinary proceedings are pending, no relief lies to the applicant.

16. That with regard to the contents made in paragraphs 9.1 to 9.3 of the application, I beg to state that these are concerning to the disciplinary proceedings pending against the applicant. Since the applicant has sought no relief regarding the disciplinary proceedings and the Hon'ble Tribunal vide its interim order dated 15.12.95 also not admitted the relief in this regard, I have nothing to comment.

17. That the present application is without any merit and same is liable to be dismissed.

18. That the present application is pre-matured one and in view of the facts and seriousness of the matter regarding pendency of disciplinary proceedings against the applicant, this Hon'ble may dismiss the case summarily.

19. That the present application is liable to be dismissed also in view of the fact that the applicant has not exhausted all the remedies available to him.

20. That the present application is mis-conceived of law and ill-conceived of fact and as such liable to be rejected outright.

Contd.....



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21. That the present application is not at all maintainable in the present form.
22. That there being no any prima-facie case at all, it is a fit case for summarily dismissal.
23. That the official respondents crave leave of filing additional written statement if the Hon'ble Tribunal so directs.
24. That this Written Statement is filed bonafide and in the interest of justice.

Verification .....

96  
121  
9

VERIFICATION

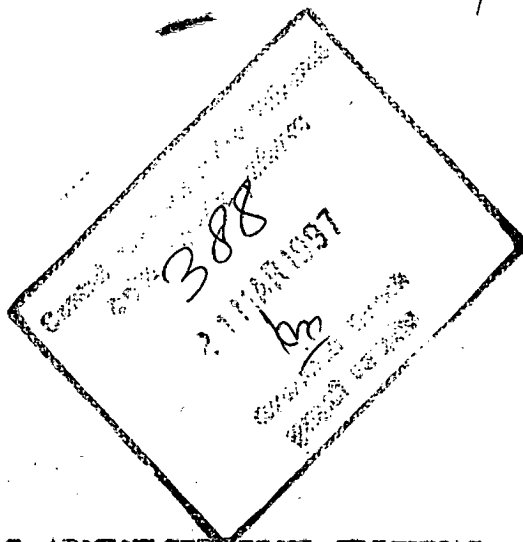
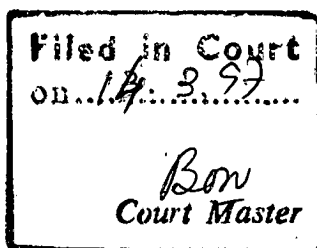
I, Shri P.Trivedi, Vigilance Officer in the Office of the Chief General Manager, North Eastern Telecom. Circle, Shillong do hereby solemnly affirm and declare that the contents made in paragraph 1 of this Written Statement are true to my knowledge and those made from paragraph 2 to 16 including the back ground history of the case are derived from records which I believe to be true and rest are humble submissions before this Hon'ble Tribunal.

AND I sign this Verification on this 28<sup>th</sup> day of March, 1996 at Shillong.

*Prashant Trivedi*

सतकंता अधिनारी  
मुख्य महा प्रवक्ता का कार्यालय  
शिल्लोंग  
Vigilance Officer  
Ojo. C.G.M.T., Shillong

Deponent.



122  
Filed by:  
Siddhanta Sarma  
Advocate.  
14-3-97.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.

IN THE MATTER OF :-

O.A. No. 273 of 1995.

Sri Ajay Kr. Singh ... Applicant.

Vs.

Union of India & Ors. ... Respondents.

AND

IN THE MATTER OF :-

Additional statements of fact and  
prayer for disposal of the case in  
terms of the subsequent developments  
which took place during the pendency  
of the case.

The humble petition on behalf of the  
above-named applicant -

Most Respectfully Sheweth :-

1. That the applicant has filed the above-noted case making a grievance against a prolonged departmental proceedings and for a direction to promote him to Junior Administrative Grade (Group 'A') of I.T.S. w.e.f.

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Recd Gm  
at 1030 AM  
on 24/3/97  
Sarma

the date on which ~~xxx~~ the respondent Nos. 5 to 11 were promoted. Be it stated here that the said respondents are all junior to the applicant and have been promoted to the rank of Junior Administrative Grade of I.T.S. (Group 'A') vide Annexure '9' order dated 10.11.95.

2. That in the written statement filed by the respondents, they have stated that the applicant along with his juniors were duly considered by the screening committee for promotion to JAG of I.T.S. (Group 'A') on his due seniority but since disciplinary proceedings are pending against him he could not be promoted till the proceedings are concluded. Thus, it will be seen that the only ground towards deprivation of promotion to the applicant was a long pending departmental proceedings.

3. That the applicant states that making a grievance against the prolonged departmental proceedings, he had filed O.A. No. 32/96 which was disposed of with the direction to complete the proceedings within a stipulated time. Thereafter extension of time was given to the respondents towards completion of the departmental proceedings. However, finally the Government of India, Ministry of Communications, Deptt. of Tele-comm. by their order No. 8/15/91-Vig.II dated 13.2.97 has dropped the departmental proceedings against the applicant. Thus, the applicant has been fully exonerated from the charged levelled against him.

A copy of the said order dtd 13.2.97 is annexed herewith and marked as ANNEXURE 'A'.

4. That in view of the above factual position, there is no impediment against the promotion of the applicant which was not given to him due to pendency of departmental proceedings. He is entitled to get his due promotion with retrospective effect, i.e. from the date when his juniors were so promoted vide Annexure '9' order dated 10.11.95 with all consequential benefits.

5. That the instant application has been filed to place on record the subsequent developments that has taken place in the case and for disposal of the O.A. with a proper direction towards promotion of the applicant to the grade of J.A.G. (Group 'A') with retrospective effect with all consequential benefit.

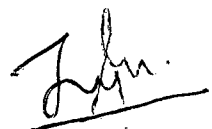
6. That the instnt application has been filed bonafide and for ends of justice.

Verification .....4

VERIFICATION.

I, Shri Ajay Kumar Singh, the applicant in O.A. No. 273/95, son of Shri Ajeet Prasad, presently working as Divisional Engineer (Stores) in the Office of the Chief General Manager (Tele-comm.), N.E. Circle, Shillong, do hereby verify that the statements made in paragraph 1 to 5 are true to my knowledge.

And I sign this Verification on this 13/4 day of March, 1997.



(Ajay Kumar Singh)

(AJAY KUMAR SINGH)

No. 8/15/91-Vig.II  
Government of India  
Ministry of Communications  
Department of Telecom

126/101

West Block-1, Wing-2  
Ground Floor  
R.K. Puram Sector-I  
New Delhi-110066

Dated the 13<sup>th</sup> Feb. 1997

O R D E R

Shri A.K. Singh, formerly SDOP (North), Jaipur Telephones, and presently DE in N.E. Telecom Circle, was proceeded against under Rule 14 of the CCS (CCA) Rules, 1965 vide Memorandum No. 8/15/91-Vig.II dated 27.1.1992 for the following article of charge :-

ARTICLE-I

That the said Shri A.K. Singh while functioning as SDOP (North) under G.M. Telephones, Jaipur Telephones District, Jaipur during the year 1987-88, wilfully ignored the interests of the Department and mechanically passed orders twice/thrice for issue of telephone instruments on the false issue/requisition slips submitted by the JTOs working under him, inspite of the fact that either telephone instruments had already been issued against the respective OBs or the OBs had already been cancelled. He prepared false inspection reports and also failed to take any action against the concerned subscribers on the basis of the inspection reports submitted by the SIT as well as PI working under him. Shri A.K. Singh thus facilitated the fraudulent issue of 74 telephone instruments causing pecuniary loss to the Department of about Rs.56,462/- (at the rate of Rs.763/- for each instrument). Shri A.K. Singh also unauthorisedly sold one telephone instrument each to S/Shri K.C. Gupta and M.J.S. Ahluwalia having telephone connections No. 842433 and 72711, respectively.

Thus, by his above acts, Shri A.K. Singh failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of a Government servant thereby contravening Rule 3(1)(i), (ii) and (iii) of the CCS (Conduct) Rules, 1964.

2. As the charges were not admitted by Shri A.K. Singh, an oral inquiry was ordered to be held by Shri K.K. Kulshrestha, ADG (DI), Deptt. of Telecom, New Delhi, who was appointed as the Inquiring Authority. The Inquiring Authority has submitted its report dated 14.1.1997 (copy enclosed), holding that the charges against Shri A.K. Singh are not proved, on the basis of oral and documentary evidence adduced during the inquiry.

Attest. CO.

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3. The President has carefully considered the records of the inquiry, the findings of Inquiring Authority, and all other facts and circumstances relevant to this case. Considering the circumstances in totality and on an objective assessment of the entire case, the President hereby orders that the charges levelled against Shri A.K. Singh vide Memorandum No. 8/15/91-Vig.II dated 27.1.1992, be dropped.

4. The receipt of this Order shall be acknowledged by Shri A.K. Singh.

By order and in the name of the President,

S. Mathew  
( JOHN MATHEW )  
DESK OFFICER (VIG.II)

Encl. : Copy of Inquiry Report.

✓ Shri A.K. Singh, DE  
Circle Telecom Stores Depot  
N.E. Telecom Circle  
Guwahati

(Through the CGM Telecom, N.E. Telecom Circle, Shillong)



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REPORT

DEPARTMENTAL INQUIRY AGAINST SHRI A.K. SINGH, FORMERLY SDOP,  
JAIPUR TELECOM DISTRICT AND NOW DIVISIONAL ENGINEER (STORES)  
N.E. CIRCLE TELECOM STORES DEPT, GUWAHATI.

Autes.ed.

Advocate

13 MAR 1997

GOVERNMENT OF INDIA  
MINISTRY OF COMMUNICATIONS  
DEPARTMENT OF TELECOMMUNICATIONS

R E P O R T

DEPARTMENTAL INQUIRY AGAINST SHRI A.K. SINGH, FORMERLY  
S.D.O.P., JAIPUR TELECOM DISTRICT AND NOW DIVISIONAL  
ENGINEER (STORES), N.E. CIRCLE TELECOM STORES DEPOT,  
GUWAHATI.

I was appointed Inquiring Authority to enquire into the charges against Shri A.K. Singh, formerly S.D.O.P., Jaipur Telecom District and now Divisional Engineer (Stores), N.E. Circle Telecom Stores Depot, Guwahati vide Department of Telecommunications order No.8/15/91-Vig.II(1) dated 12th September, 1996. Preliminary hearing in this case was held on 20.1.1995 by my predecessor Shri Amit Cowshish, C.D.I., CVC wherein the schedule for inspection of documents was laid down. Regular hearing was held at New Delhi from 9-13 September, 1996. Shri S.P. Rana, Sub Inspector, CBI, Jaipur presented the case in support of the articles of charge. 20 documents produced by Presenting Officer were taken on record and marked Exs. S-1 to S-16, S-19 to S-21 and S-29. Presenting Officer examined ten witnesses SW-1 to SW-10. Statements of witnesses SW-1 to SW-9 recorded during investigation, were taken on record and marked Exs. S-17, S-18 and S-22 to S-28. 11 defence documents were taken on record and marked Exs. D-1 to D-11. Charged Officer examined one defence witness DW-1. Since Charged Officer did not appear as his own witness, he was examined generally on the circumstances appearing against him. Presenting Officer submitted his written brief dated 23.12.1996 and Charged Officer has submitted his defence brief dated 1.1.1997.

2. Shri A.K. Singh has been charge sheeted for the following article of charge vide Department of Telecommunications Memorandum No.8/15/91-Vig.II dated 27.1.1992 :-

"That the said Shri A.K. Singh while functioning as SDOP(North) under G.M. Telephones, Jaipur Telephone

Attested.

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138 District, Jaipur during the year 1987-88, wilfully ignored the interests of the Department and mechanically passed orders twice/thrice for issue of telephone instruments on the false issue/requisition slips submitted by the JTOs working under him, inspite of the fact that either telephone instruments had already been issued against the respective OBs or the OBs had already been cancelled. He prepared false inspection report and also failed to take any action against the concerned subscribers on the basis of the inspection reports submitted by the SIT as well as PI working under him. Shri A.K. Singh thus facilitated the fraudulent issue of 74 telephone instruments causing pecuniary loss to the Department of about ~~Rs.~~ Rs.56,462/- (at the rate of Rs.763/- for each instrument). Shri A.K. Singh also unauthorisedly sold one telephone instrument each to S/Shri K.C. Gupta and M.J.S. Ahluwalia having telephone connections No.842633 and 72711, respectively.

Thus, by his above acts, Shri A.K. Singh failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of a Government servant thereby contravening Rule 3(1)(i), (ii) and (iii) of the CCS(Conduct) Rules, 1964."

3.1 The prosecution case, in brief, is that Charged Officer while functioning as SDOP(North), Jaipur Telecom District during 1987-88, passed orders in a mechanical manner on the issue slips submitted by the JTOs in Section 26 and Section 12 respectively, for issue of telephone instruments. As a result, telephone instruments were requisitioned twice or thrice against the same O.B. in certain cases. Also, Charged Officer passed orders for issue of telephone instruments even against those O.Bs. which were cancelled and against which no instrument was to be issued. The details of such instances are given in the statement of imputations annexed with the chargesheet (Annexure-II). The telephone instruments were issued from the Central Stores. The JTOs neither made an entry in the Stock Register nor deposited the instruments back, but misutilised/misappropriated the same. It is alleged that Charged Officer facilitated the issue of 74 telephone instruments on the fake requisition slips submitted by the concerned JTOs S/Shri S.N. Singh and Laxman Dass thereby causing pecuniary loss to the Department to the extent of Rs.56,462/- (at the rate of Rs.763/- for each instrument).

3.2 It is alleged that Charged Officer prepared false inspection reports and after his transfer, he neither

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submitted the inspection reports to O/O DE, Jaipur nor take any action against the concerned subscribers. It is also alleged that Charged Officer failed to take any action on the inspection reports in respect of telephone Nos. 32668 and 842433 submitted by the SIT/PI working under him.

3.3 It is alleged that Charged Officer unauthorisedly sold one telephone instrument each to Shri K.C. Gupta of Jhotwara having telephone connection No.842433 and Shri M.J.S. Ahluwalia of 65 Gopalwari, Jaipur having telephone No.72711. Those two telephone instruments said to have been sold unauthorisedly, were recovered from the houses of S/Shri K.C. Gupta and M.J.S. Ahluwalia respectively.

#### ASSESSMENT OF EVIDENCE

4.1 It is alleged that Charged Officer passed orders on the issue slips, as detailed below, for issue of telephone instruments :-

Sl. No.	O.B. No.	Section	No. & date of issue slip on which instrument was drawn.	Drawn by	Date of execution
1.	119 (N)	26	68/9.1.87	Sh. S.N. Singh	6.1.87
2.	119 (N)	26	77/12.1.87	-do-	Falsely drawn
3.	120 (N)	26	68/9.1.87	-do-	3.2.87
4.	120 (N)	26	77/12.1.87	-do-	Falsely drawn
5.	121	26	68/9.1.87	-do-	12.3.87
6.	121	26	77/12.1.87	-do-	Falsely drawn
7.	125 (N)	26	68/9.1.87	-do-	4.2.87
8.	125 (N)	26	141/28.1.87	-do-	Falsely drawn
9.	127 (N)	26	68/9.1.87	-do-	31.1.87
10.	127 (N)	26	141/28.2.87	-do-	Falsely drawn
11.	128 (N)	26	68/9.1.87	-do-	OB cancelled
12.	128 (N)	26	141/28.1.87	-do-	OB cancelled.
13.	129 (N)	26	155/29.11.86	Sh. J.N. Khandelwal	28.11.87
14.	129 (N)	26	141/28.1.87	Sh. S.N. Singh	Falsely drawn

**Attested.**

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Advocate.

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15.	138 (N)	24	188/29.12.86	Sh. J.N. Khandelwal	1.12.86
16.	138 (N)	26	141/28.1.87	Sh. S.N. Singh	Falsely drawn
17.	141 (N)	26	141/28.1.87	-do-	10.1.87
18.	141	26	104/18.12.87	-do-	Falsely drawn
19.	143 (N)	26	141/28.1.87	-do-	13.1.87
20.	143 (N)	26	104/dt.18.12.87	-do-	Falsely drawn
21.	524 (N)	12	148/ 21.10.87	Sh. Laxman Dass	21.10.87
22.	524 (N)	26	9/2.11.87	Sh. P.C. Arya	Falsely drawn
23.	526 (N)	25	190/29.10.87	Sh. M.U. Khan	28.10.87
24.	526 (N)	26	60/12.11.87	Sh. S.N. Singh	Falsely drawn
25.	25 (W)	21	209/27.4.87	Sh. K. Singh	8.5.87
26.	25 (W)	26	135/15.6.87	Sh. S.N. Singh	Falsely drawn
27.	13 (W)	21	53/19.2.87	Sh. L.K. Kulshrestha	11.2.87
28.	13 (W)	26	56/9.2.87	Sh. S.N. Singh	Falsely drawn
29.	26 (W)	21	64/8.4.87	Sh. L.K. Kulshrestha	11.4.87
30.	26 (W)	26	135/16.6.87	Sh. S.N. Singh	Falsely drawn
31.	28 (W)	26	109/19.5.87	Sh. B.M. Meena	6.5.87
32.	28 (W)	26	135/16.6.87	Sh. S.N. Singh	Falsely drawn
33.	29 (W)	26	109/19.5.87	Sh. B.M. Meena	5.6.87
34.	29 (W)	26	135/16.6.87	Sh. S.N. Singh	Falsely drawn
35.	30 (W)	26	109/19.5.87	Sh. B.M. Meena	15.5.87
36.	30 (W)	26	135/16.6.87	Sh. S.N. Singh	Falsely drawn
37.	31 (W)	<del>26</del> 26	<del>109/16.6.87</del> 109/16.6.87	Sh. B.M. Meena	20.5.87
38.	31 (W)	26	135/16.6.87	Sh. S.N. Singh	Falsely drawn
39.	32 (W)	26	109/19.5.87	Sh. B.M. Meena	14.5.87
40.	32 (W)	26	135/16.6.87	Sh. S.N. Singh	Falsely drawn
41.	34 (W)	26	109/19.5.87	Sh. B.M. Meena	14.5.87
42.	34 (W)	26	135/16.6.87	Sh. S.N. Singh	Falsely drawn
43.	37 (W)	21	39/4.6.87	Sh. Kamal Singh	28.5.87
44.	37 (W)	26	271/30.6.87	Sh. S.N. Singh	Falsely drawn
45.	39 (W)	21	39/4.6.87	Sh. L.K. Kulshrestha	28.5.87
46.	39 (W)	26	271/30.6.87	Sh. S.N. Singh	Falsely drawn

47.	40 (W)	21	209/27.4.87	Sh. K. Singh	8.5.87
48.	40 (W)	26	271/30.6.87	Sh. S.N. Singh	Falsely drawn
49.	41 (W)	21	209/27.4.87	Sh. K. Singh	8.5.87
50.	41 (W)	26	271/30.6.87	Sh. S.N. Singh	Falsely drawn
51.	42 (W)	21	209/27.4.87	Sh. K. Singh	8.5.87
52.	42 (W)	26	271/30.6.87	Sh. S.N. Singh	Falsely drawn
53.	43 (W)	21	209/27.4.87	Sh. K. Singh	8.5.87
54.	43 (W)	26	271/30.6.87	Sh. S.N. Singh	Falsely drawn
55.	142 (W)	26	67/8.7.87	Sh. P.C. Arya	14.7.87
56.	142 (W)	26	249/28.7.87	Sh. S.N. Singh	Falsely drawn
57.	143 (W)	26	67/8.7.87	Sh. P.C. Arya	19.12.87
58.	143 (W)	26	249/28.7.87	Sh. S.N. Singh	Falsely drawn
59.	144 (W)	26	67/8.7.87	Sh. P.C. Arya	10.7.87
60.	144 (W)	26	249/28.7.87	Sh. S.N. Singh	Falsely drawn
61.	145 (W)	26	67/8.7.87	Sh. P.C. Arya	22.7.87
62.	145 (W)	26	249/28.7.87	Sh. S.N. Singh	Falsely drawn
63.	146 (W)	26	67/8.7.87	Sh. P.C. Arya	5.8.87
64.	146 (W)	26	249/28.7.87	Sh. S.N. Singh	Falsely drawn
65.	147 (W)	26	67/8.7.87	Sh. P.C. Arya	29.7.87
66.	147 (W)	26	249/28.7.87	Sh. S.N. Singh	Falsely drawn
67.	148 (W)	21	83/8.7.87	Sh. L.K. Kulshrotha	4.7.87
68.	148 (W)	26	249/28.7.87	Sh. S.N. Singh	Falsely drawn
69.	12 (W)	26	56/9.2.87	Sh. S.N. Singh	Cancelled
70.	38 (W)	26	271/30.6.87	-do-	Cancelled
71.	44 (W)	26	271/30.6.87	-do-	Cancelled
72.	90 (W)	14	23/4.5.87	Sh. B.M. Meena	Cancelled
73.	134 (W)	26	67/8.7.87	Sh. P.C. Arya	Cancelled.
74.	25 (N)	12	53/4.3.86	Sh. J.S. Sharma	Falsely drawn
75.	25 (N)	12	8/2.8.87	-do-	2.3.87
76.	25 (N)	12	41/6.6.87	Sh. K.M. Srivastava	Falsely drawn
77.	172 (N)	82	8/2.3.87	Sh. J.S. Sharma	2.3.87
78.	172 (N)	12	91/6.5.87	Sh. K.M. Srivastava	Falsely drawn

Attested.

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Advocate.

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79.	210(N)	12	122/21.5.87	Sh.Laxman Dass	Falsely drawn
80.	210(N)	12	132/28.5.87	Sh.L.L. Bangali	28.5.87
81.	219(N)	12	122/21.5.87	Sh.L. Dass	27.5.87
82.	219(N)	12	194/28.5.87	-do-	Falsely drawn
83.	229(N)	12	122/21.5.87	Sh.L.Dass	Cancelled.
84.	229(N)	12	94/14.9.87	-do-	Cancelled.
85.	230(N)	12	122/21.5.87	-do-	Cancelled.
86.	230(N)	12	132/28.5.87	Sh.L.L. Bangali	28.5.87
87.	258(N)	12	122/21.5.87	Sh.Laxman Dass	22.6.87
88.	258(N)	12	94/12.8.87	-do-	Falsely drawn
89.	292(N)	12	87/12.8.87	-do-	1.8.87
90.	292(N)	12	94/14.9.87	-do-	Falsely drawn
91.	336(N)	12	94/14.9.87	-do-	20.8.87
92.	336(N)	12	148/21.10.87	-do-	Falsely drawn
93.	374(N)	22	dt. 3.6.87	-do-	Cancelled
94.	178(N)	14	202/22.6.87	-do-	Cancelled
95.	286(N)	14	184/21.5.87	-do-	Cancelled
96.	317(N)	14	69/21.5.87	-do-	Cancelled
97.	344(N)	14	117/20.5.87	-do-	Cancelled
98.	344(N)	14	202/22.6.87	-do-	8.7.87
99.	483(N)	24	128/15.6.87	Sh.G.L.K.	18.5.87
100.	483(N)	14	217/24.6.87	Sh. Laxman Dass	Falsely drawn
101.	50(N)	26	81/15.12.86	Sh.S.N. Singh	Cancelled
102.	53(N)	26	-do-	-do-	Cancelled
103.	55(N)	26	-do-	-do-	Cancelled
104.	68(N)	26	-do-	-do-	Cancelled
105.	92(N)	26	6/1.1.87	-do-	Cancelled
106.	93(N)	26	-do-	-do-	Cancelled
107.	107(N)	26	77/12.1.87	-do-	Cancelled
108.	118(N)	26	-do-	-do-	Cancelled
109.	126(N)	26	141/28.1.87	-do-	Cancelled
110.	131(N)	26	-do-	-do-	Cancelled
111.	149(N)	26	-do-	-do-	Cancelled.

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112.	150(N)	26	141/28.1.87	Sh.S.N. Singh	Cancelled
113.	164(N)	26	92/12.3.87	Sh. P.C. Arya	Cancelled
114.	602(N)	26	12/6.4.88	Sh. S.N. Singh	Cancelled
115.	629(N)	26	-do-	-do-	Cancelled
116.	635(N)	26	-do-	-do-	Cancelled
117.	636(N)	26	-do-	-do-	Cancelled.

4.2 During inquiry 17 issue slips have been brought on record which are marked Exs.S-3 to S-15, S-20, S-21, S-29 and D-1 against which 113 telephone instruments were issued. SW-1 has identified signature of Charged Officer on Ex.3-4; SW-5 has identified signature of Charged Officer on Exs. S-12 to S-14; SW-6 has identified signature of Charged Officer on Exs. S-5 to S-15 and S-21; SW-7 has identified signature of Charged Officer on Exs. S-4 to S-15; and SW-8 has identified signature of Charged Officer on Exs.S-4 to S-11, S-13 to S-15, S-20 and D-1. In his cross-examination as SW-10, Shri Ram Chandra, the Investigating officer of this case, has deposed that the issue slips marked Exs. S-3 to S-15 S-20, S-21 and D-1 were sent to G.E.Q.D. for comparison of signature of Charged Officer. The expert opinion of G.E.Q.D. about Charged Officer's signature has neither been listed in the list of documents by which the charges are to be sustained nor it has been produced during inquiry by the Presenting Officer. However, Charged Officer has not disputed his signature on the issue slips. A close examination of these issue slips shows that double instruments had been issued against O.B. Nos.25, 172, 210, 219, 230, 258, 292, 336, 344, 463, 524 and 526 (twelve only)

4.3 SW-1 has deposed, "Normally JTO is supposed to get the telephone instruments issued. In the absence of JTO, an instrument could be issued on my (P.I.'s) slip, only if specifically ordered by higher officers e.g. SDOP or DEP, verbally." SW-4, who was working as P.I.(OB) during the relevant period, has stated that no telephone instrument could be issued against a cancelled O.B.; that if the JTO has taken an instrument against a cancelled O.B., he has to deposit back the same. As regards issue of telephone instruments, the witness has stated that

Attested.

contd....8..

Advocate, 3 MAR 1997



9c when the O.B. reaches the R.M. or any other staff, he prepares a requisition slip which is signed by J.T.O. and counter-signed by SDOP; that the requisition slip is sent to Central Stores in Sansar Villa; that the person carrying the issue slip draws the instruments from Central Stores and takes directly to the J.T.O. With regard to O.Bs., the witness has stated that O.Bs. are issued area wise with their own serial numbers and as such there could be more than one O.B. with the same serial number but will be distinguished by their area. SW-5 has deposed, "After preparing issue slip, I used to go to J.T.O. who while signing the slip was affixing his rubber stamp himself. Thereafter I was taking the slip to SDOP for his signature. During the period I worked as DRM/RM with different SDOs, none of them sent me to any of his subordinate for getting the O.B. numbers verified. I was drawing the instruments from store of SDOP(Central) and used to bring them to JTO's office. I was not taking any receipt from J.T.O. while handing over the instrument to him. I never had any occasion to take the instrument to SDOP. The instruments were kept in personal custody of J.T.O." DW-1, who also worked as SDOP in Jaipur Telecom District from January, 1987 to August, 1987, has deposed about the procedure for issue of telephone instruments. He has stated, "As per procedure prevalent at that time the O.B. was being received in O/O SDOP who in turn was sending it to J.T.O. concerned after making an entry in the register. J.T.O. used to submit a requisition slip duly signed and indicating NTC O.Bs. for which the material was required. I used to sign the requisition slip and send the same to SDOP(C) for arranging issue of material. The person getting issued the material was taking it directly to the J.T.O. and was never bringing the same to me. Since the material was being taken to J.T.O., he was accountable for the same. .... There is always a time lag between issue of O.B. and its cancellation. If J.T.O. has already drawn an instrument against such an O.B., he is required to deposit back the same."

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4.4 No instructions/guidelines issued by the Department/G.M.T.D., Jaipur for issue of telephone instruments against NTC O.Bs. have been produced during inquiry. As gathered from the deposition of various witnesses, the procedure prevalent at that time in Jaipur Telephone District was that on instruction from J.T.O., one of his subordinate used to prepare a requisition slip indicating therein the number of telephone instruments/telephone directories required and also indicate the NTC O.Bs. for which the new telephone instruments were required. The slip was being signed by the concerned J.T.O. and counter-signed by SDOP and then sent to SDOP(Central) for arranging issue of the instruments. Usually, the slip was being carried by the line staff personally to O/O SDOP (Central) and was taking delivery of the same. The instruments were being kept in personal custody of JTO. As such JTO or/and SDOP(Central) were accountable for the instruments. Since only one copy of requisition slip was being prepared, Charged Officer hardly had any instrument to verify the fact whether the concerned J.T.O. had earlier drawn telephone instrument against a particular NTC O.B. As against 25 issue slips mentioned in the list of documents annexed with the charge-sheet, only 16 issue slips have been produced during inquiry. Had other issue slips mentioned in Annexure II of the charge sheet but purported to have not been signed by Charged Officer (Ex.D-7), been produced during inquiry, the procedure outlined above could have been confirmed. As such Charged Officer cannot be held responsible for issue of telephone instruments twice against the same O.B. No incident in which telephone instrument had been issued more than twice against the same O.B., has been noticed.

4.5 As regards issue of telephone instruments against cancelled O.Bs., no evidence has been lead during inquiry to show that the telephone instruments were got issued by the concerned J.T.O. after a particular O.B. had been cancelled. Also no efforts appear to have been made to find out if an instrument got issued against an O.B. which was later on cancelled, was returned to the SDOP (Central) by the J.T.O. concerned or not. It is a well

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established principle of departmental inquiry that onus to prove the charges lie squarely on the prosecution.

5.1 It is alleged that Charged Officer prepared false inspection reports and after his transfer, he neither submitted the inspection reports to the O/O DEP, Jaipur nor take any action against the concerned subscriber. It is further alleged that Charged Officer failed to take any action on the inspection reports of telephone Nos. 82668 and 842433 submitted by S.I.T./P.I. working under him. Presenting Officer has miserably failed to adduce any evidence to show as to which of the inspection reports prepared by the Charged Officer are false. SW-10, who was the Investigating Officer of this case, has stated in his cross-examination that he does not remember if any false inspection report of Charged Officer were noticed during investigation. In his written brief, Presenting Officer has stated -

"The charge regarding CO's failure to take any action against the concerned subscriber on the basis of the inspection reports submitted by his subordinates is proved by the evidence of Shri P.C. Arya, P.I. who has also identified the signature of CO on the inspection report at various pages of Ex.S-16, that is the documents found during the search of CO's house. Also in his pre-recorded statement i.e. Ex.S-17, the witness has confirmed that Sh. S.N. Singh JTO did not take any action on the inspection report of unauthorised facility dated 26.8.87 for telephone No. 842433 submitted by him in his signature to Sh. S.N. Singh. The fact that this report at page 41 of Ex.S-16 and dated 26.8.87 was recovered from the house of C.O. as late as during his house search on 2.2.89 confirms the charges of not taking action by CO and also his connivance with S.N. Singh.

Also the inspection report of unauthorised facility dated 10.3.88 at page 40 of same Ex.S-16 found from CO's house, confirms inaction of CO as it was found as late as on 2.2.89 from his house. This report is proved by SW-10 Sh. Ram Chandra, Dy. S.P., the then investigating officer of this case, who also proved Ex.S-16 i.e. search list dated 2.2.89 and enclosures. Another witness Sh. B.L. Sharma P.I. has also proved that the reports at various pages of Ex.S-16 (Found from the house of CO) were submitted by him to Sh. S.N. Singh JTO who in turn was submitting the same to SDOP. That these reports of unauthorised facility dated 27.10.87 were found from the house of CO as late as on 2.2.89 during his house search, proves that no action was taken by him there on due to malafide intention and also proves his connivance with Sh.

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S.N. Singh JTO. Similarly, the evidence of other witness Sh. L.L. Bangali PI (SW-9) also proved the same charge of inaction of CO as inspection sheets/reports for unauthorised facility prepared by him and other reports of unauthorised facility bearing the signature of CO, were recovered through Ex.S-16 from the house of CO. The fact that the report of March, 1988 prepared by this witness and the reports of January 1988 bearing signature of CO at various pages of Ex.S-16 were found from the house of CO as late as on 2.2.89 proves the charges of not taking action on the reports by the CO. The evidence of Sh.L.L. Bangali in his pre recorded statement S-28 that he used to send his report to Sh.Laxman Das JTO and Sh. Laxman Das without signing the same, sent them to Sh. A.K. Singh SDOP(North) and also his inspection reports at various pages of Ex.S-16 proves the connivance of CO and Laxman Das. One defence witness DW-1 Sh. H.C. Mehta during his cross examination has also admitted that he would not have retained an inspection report for long which are submitted by subordinate and the disposal of such report (about unauthorised facility) can be done as soon as possible."

In his defence brief, Charged Officer has pleaded as follows :-

"The PO has harped on the inspection reports. Most of the reports are of late March '88 while I made over charge on 2.4.88. It was not possible to deal with them in the short period. Analysis shows that these inspection reports are basically of 2 different types viz. subscriber inspection card and inspection form of unauthorised facilities. The break up shows-

29 Subscriber Inspection Cards. These were attended by JTO and forwarded for information only. Many of those were not even signed and thus did not need my attention.

26 Unauthorised Inspection Reports. 2 reports of P.I. Shri P.C. Arya (SW-1) are no reports at all. They do not indicate what they were for. Though he was a prosecution witness (SW-1) he could not explain why the reports were made. The report on 842433 (Page 40 of S-16) does not have signature of any inspecting officer. Balance of reports were sent for action but perhaps were returned later after my relinquishing charge with some query which my successor could not explain. He got the file to discuss and that was how the CBI during its raid got the file. They (CBI/PO) did not put the successor, the DET or the AO(TR) to show that no action was taken. Subsequently also the PIs were required to inspect every half yearly all the subscribers falling within their respective jurisdictions. There is nothing in evidence that subsequent inspections also showed any unauthorised use or perpetuation thereof. It was upto the PO to prove his case and the burden of proof can't

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be thrown to the defence. They had all the opportunity and full 8 years of time and records to prove that the unauthorised use continued. After these inspections of 87-88 till 95-96, 8 long years have passed with atleast 16 inspection cycles following. Any subsequent report is not produced to show that the unauthorised use continued thereby only confirming that due action was taken and no unauthorised use existed.

Much seems to have been made of the search of my house and finding of office papers. As an officer of the Department I was authorised to work at my residence and for that some furniture was also sanctioned to me under Rule 160 of P&T Manual Volume II (Ex.D-2). The CBI foolishly seized my departmental A/C papers called ACE-2 accounts, bills and vouchers. I had to approach the Court to get the papers to complete my imprest accounts/temporary advance accounts. This happened because of the ignorance of the investigating officer.

..... the PO has argued of some connivance with JTO S.N. Singh. This was neither in the allegations nor was it an element of charge. This may have to be ignored by the Inquiry Officer.

..... The witness PI Shri B.B. Sharma (SW-2) however has not confirmed that on his subsequent inspection he found any unauthorised use of the telephones as reported in his earlier inspections. The same applies to the testimony of PI Shri Bengali (SW-9). The reports were of March '88 while I made over charge on 2.4.88. Follow-up action was required to be taken by my successor. The fact that my house was searched on 2.2.89 at least 2 complete cycles of inspection would have been completed.

These inspection reports are suppressed/not produced. The file did not connect any papers as incriminating to prove any criminal case against me. And there is no law by which the CBI, and investigating agency to investigate crimes could use any of the documents seized or any statements recorded for the purpose of the case could use them for any other purpose/case. If Shri Laxman Das has not signed the reports they are not required to be considered at all. The JTO is the incharge of the section and before forwarding he has to authenticate and confirm the reports. Those reports were not even worth the papers on which they were written hence insignificant and did not warrant any attention or action on my part. Here again the PO has argued of connivance with Shri Laxman Dass. The argument of connivance with Shri Laxman Dass is useless as it is neither alleged nor charged that I in any way acted in connivance with Shri Laxman Das."

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5.2 SW-1 has deposed that P.I. inspects premises of the subscriber and submits his inspection report to Sectional J.T.O., who inspects the said premises and submits the report to SDOP; that the SDOP is expected to forward the report to Commercial Officer for necessary action. In his cross-examination, the witness has stated that as per rules, inspection has to be carried out half-yearly but this was not being done. The witness has deposed that inspection report at pages 42 and 43 of Ex.S-16 do not specify the unauthorised facility being availed by the subscriber; that the reports at Pages 42 and 43 are incomplete; that in the inspection report at page 41, the fact that unauthorised facility was removed or not, is not mentioned. The inspection reports at pages 78 to 83 of Ex.S-16 have been prepared by Shri B.B. Sharma, P.I. who appeared as SW-2. In his statement marked Ex.S-18 Shri Sharma has stated that during his inspection of telephone Nos. 832700/4, 832675 and 832358, telephone instruments were found to have been installed in parallel. He has stated that these reports are entered at Sl. No.23 of JTOs register. The said register of J.T.O. has not been produced during inquiry. In his deposition as SW-2, the witness admitted contents of his statement. In his cross-examination the witness has stated that the report at page 79 is nothing but duplicate copy of the report at page 78, having more or less the same contents, but on different proforma. I am not relying on the evidence of this witness for the reason that he is not able to understand the difference between the routine inspection report and the inspection report in respect of unauthorised facility. In his cross-examination SW-9 has stated that he had sent his inspection reports alongwith a covering letter. This covering letter dated 11.3.1988 has been referred to by the witness in his statement Ex.S-20 recorded by the investigating officer. However, during inquiry no such covering letter has been produced alongwith Ex.S-16.

5.3 Ex.S-16 does not contain any inspection report in respect of telephone No.82668. An inspection report of unauthorised facility in respect of telephone No. 842433 submitted by P.I. is available at page 41. In

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this report against the column 'Unauthorised facility found working', the P.I. has recorded L-26 which means that a 20 meter long cord was used with the instrument. SW-1 has identified this report having been submitted by him. In his cross-examination, the witness has stated that this report (as also other reports) were submitted by him to the J.T.O.. On the inspection report at page 41 of Ex.S-16, there is no indication if J.T.O. had seen the report and marked to SDOP. Also it is not signed by the J.T.O.

5.4 Ex.S-16 is Search List of the documents seized by the C.B.I. in the presence of independent witnesses. None of the signatories of this search list have been produced during inquiry and as such Charged Officer was denied reasonable opportunity to cross-examine them. Also only some photocopies of "Inspection Reports" have been produced during inquiry which are said to be the copies of inspection reports seized during search of the residence of Charged Officer. Presenting Officer has conveniently withheld other documents seized during search. In his report Ex.D-5, Charged Officer has levelled certain serious allegations against the investigating Officer. The Charged Officer has alleged that he was taken to CBI Office while he was on his way from office to residence. At the same time the Search List Ex.S-16 bears his signature.

5.5 It is pertinent to note that Charged Officer relinquished charge of the post of SDOP(North) on 2.4.1988 (Ex.D-11) and search at his residence was conducted by CBI on 2.2.1989 (Ex.S-16). It is difficult to believe that Charged Officer retained the inspection reports with him with some mala fide intention. In view of the analysis of the evidences discussed in preceding paras, this allegation is held not proved.

6. It is alleged that Charged Officer unauthorisedly sold one telephone instrument each to Shri K.C. Gupta of Jhotwara having telephone connection No.842433 and Shri M.J.S. Ahluwalia of 65, Gopalwari, Jaipur having telephone connection No.72711. It is stated that those telephone instruments were recovered from the houses

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of S/Shri K.C. Gupta and M.J.S. Ahluwalia respectively. Shri K.C. Gupta did not appear to tender his evidence during inquiry. Shri M.J.S. Ahluwalia appeared as SW-3. In his statement Ex.S-22 recorded by the investigating officer as also in his deposition as SW-3, Shri M.J.S. Ahluwalia has nowhere stated that he had purchased an extra telephone instrument from Charged Officer. He no doubt admitted recovery of an extra instrument from his premises. Prosecution has not produced any evidence in support of the charge that Charged Officer had sold two telephone instruments. Even the recovery Memo/Seizure Memo for seizure of extra telephone instruments from the premises of Shri K.C. Gupta and Shri M.J.S. Ahluwalia, in the presence of some independent witnesses, have not been produced during inquiry. In the absence of any supporting evidence, this allegation is also not proved.

7. It is stated that Charged Officer worked as SDOP(North) from 29.12.1986 to 2.4.1988 (Exs. D-9 and D-11). The CBI, Jaipur have filed final reports stating that no charge sheet was being filed against Shri A.K. Singh for want of sufficient evidence. Copies of these reports are marked collectively as Ex.D-3.

#### FINDINGS

8. On the basis of oral and documentary evidences adduced before me during inquiry and in view of the reasons given hereinbefore, my findings are that the charges against Shri A.K. Singh are NOT PROVED.

No.181/96/ADG(DI)

Dated at New Delhi, the  
15th January, 1997.

(K.K. Kulshrestha)  
Inquiring Authority

Assistant Director General (DI)

Attested.

Advocate.

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